

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
January 15, 2019

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

Board Members present:

William Weimer, Anthony Lamantia, Lynn Kelly, Alma I. Ruiz-Smith and Clare Colgan

Board Members absent:

None

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Maureen Mills, Business Manager/Controller, Meredith Thompson, Assistant Business Manager and Tomas Keane, Code Enforcement/Zoning Officer

Staff absent:

None

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, please remember to state your name and city before speaking.

1. Public Input

- D. Pope stated that there is a lot of garbage on the roads in Coolbaugh Township stating that there is a mattress on Laurel Drive and 611
- D. Pope asked how the beast is as he was told that it is broke down.

2. Approval of minutes / notes : January 7, 2019 Meeting

Ms. Ruiz-Smith made a motion second by Ms. Kelly to approve the meeting minutes of January 7, 2019 as written.

- **Discussion:** None
- **Vote:** All in favor, motion passes

3. Monthly Reports

- **Pocono Mountain Regional Police Department-** Presented by Ms. Kelly. Ms. Kelly reviewed the new officer hire list stating that anyone that is hired after January will have to attend the police academy in July, stating that after the new hires that are currently budgeted between 2018 and 2019 there are 37 officers on the force.
 - **Discussion:** D. Pope asked if there are still officers in the schools and asked if the school pays their salary, being advised that the school pays their salary for full time during the months that school is in session.
- **Pocono Mountain Regional EMS-**Presented by B. Weimer. Ms. Ruiz-Smith asked when Ms. Onsted's term is up on the board.
- **Coolbaugh Township VFC-** Presented by T. Keane stating that the upcoming predicted snow storms, the fire company has an incentive program in which residents can post a before picture on social media of fire hydrants following a snow storm in which they shovel out and then post an after picture of it completed. In the spring they will host a pizza party to thank all of those that participated and got involved in the community. Mr. Keane stated that last year this brought in two new volunteers.

- **Discussion:** D. Pope asked if the fire at the house on Gaige Road was a complete loss being advised that the house was but the garage is still standing.
- **Gouldsboro VFD-** Presented by B. Weimer.
- **Thornhurst Fire & Rescue Ambulance-** Presented by D. Wagner.
- **Tobyhanna Township VFC-** Presented by B. Weimer.
- **Pocono Mountain Public Library-** Presented by A. Shincovich stating that there are no visit stats as their gate counter is broken.

4. Municipal Center Basement Space for Lease

Ms. Kelly made a motion second by Ms. Ruiz-Smith to approve the lease for Mindbridge Group, LLC. beginning February 1, 2019 to January 31, 2020 at \$1400.00 a month.

- **Discussion:** Ms. Ruiz-Smith stated her concerns regarding the facility capabilities and the security of the building which is still being addressed through ongoing repairs. Ms. Ruiz-Smith stated that there will be many people in and out of the building during the regular 9am to 5pm work day when our staff is working. Ms. Kelly stated that she does not have a concern with renting the property to the potential tenant. Ms. Kelly stated that the tenant believes that the facility will be adequate for their use stating that the safety precautions are coming from the Township and not the potential tenant. The Board wanted to know about the tenant's requests for renovations/revisions to the space to be rented. Ms. Mills reviewed the list of requested renovations that were received. Discussion ensued with Ms. Colgan stating that we should not be putting any money into renovating the space. Ms. Ruiz-Smith stated that the only change we should be making is moving emergency management out of the basement. M. Fairservice stated that the Township should not be in the business of renting space on a municipal complex. Mr. Weimer stated that based on his experience with renting space, he is not in favor of renting the property or making renovations. Mr. Weimer indicated that renting property often requires additional work and headaches for the Township staff and that he is not in favor of that.
- **Vote:** 1-4-0, motion failed. (Ms. Kelly voted in favor)

5. One Living Hope Community Church – Lease Renewal

Ms. Ruiz-Smith made a motion second Ms. Colgan to approve the lease agreement for One Living Hope Community Church from February 1, 2019 to January 31, 2020.

- **Discussion:** Ms. Kelly asked if the church is up to date on their rent being advised by Ms. Mills that they are not and that they have been behind on their payments for the last 4 or 5 months. Ms. Kelly asked if there is a stipulation in the new lease for penalties for late payments being advised by Solicitor Armstrong that there are. Mr. Lamantia asked if DPW is still being called over to make repairs to the space being advised by Mr. Weimer that they have gotten better. Ms. Ruiz-Smith stated that DPW did work over at the space that they were approved to do and stated that the budget that was given to the church for expenses and repairs was more than sufficient as they did not spend it all. Mr. Weimer stated that he received a complaint about the heat in the space stating that the heat has been excessive which is an added expense to the township as we pay the electric bill. Ms. Kelly suggested putting a cover over the thermostat to eliminate the issue. Mr. Weimer stated that they can put a cover over it but that DPW would have to change the temperature as needed which could require paying overtime if they need to come in on the weekend to change the temperature.

Ms. Ruiz-Smith amended her motion and Ms. Colgan her second to include installing a lock box on the thermostat.

- **Discussion:** M. Fairservice asked what the monthly rent is on the space being advise \$1,000.00. Ms. Ruiz-Smith stated that the tax collector is in 3-5 days per week and has access to the thermostat and pays 200.00 a month. M. Fairservice asked what the law is for separation of church and state and the

effects of renting to a church on a municipal complex that is owned by the township and paid for with taxpayer dollars and was advised by Solicitor Armstrong that he would look into it. Solicitor Armstrong stated that he will review the current lease and see what the terms are as far as a month to month option until the research can be completed prior to renewing the lease.

Ms. Ruiz-Smith rescinded her motion and amendment and Ms. Colgan her motion and amendment until the terms of the current lease can be confirmed.

6. Barry Isett Invasive Building Envelope Investigation Proposal- Building #2

Ms. Ruiz-Smith stated that the Board did not budget for Building #2 this year as the money was transferred to the Municipal Complex security project and the smoke detectors so this item should not even be discussed.

Ms. Mills stated that this proposal was requested prior to the discussion of transferring the money but stating that we received \$108,000.00 in building permit fees that were not budgeted from Clarius Partners which could assist in funding building number 2. Ms. Ruiz-Smith stated that we do not know how much all of the security measures that we have discussed are going to cost and therefore we should not spend that money until that is determined stating that other things could come up as well. Mr. Lamantia stated that just because we received that money does not mean that we have to spend it, stating that it is the beginning of the year and we should stick to our budget. Mr. Weimer asked Ms. Mills to speak with Barry Isett and Associates and ask that they re-quote this later in the year at which point the board can discuss it.

Ms. Kelly made a motion second by Mr. Weimer to table and move the Barry Isett and Associates quote for Building Number 2 Invasive Envelope Investigation to a meeting in June 2019.

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

7. Northeast Site- Change Order #06-2019 (Unforeseen Subgrade Conditions)

Ms. Kelly made a motion second by Mr. Weimer to approve the Northeast Site Change Order #06-2019 in the amount of \$18,666.88 with the correction of the "ready for final payment" date being changed from August 1, 2019 to July 1, 2019.

- **Discussion:** Ms. Ruiz-Smith asked if this has to do with the winter maintenance agreement, being advised by Mr. Weimer that it does not. Mr. Weimer stated that it is a problem with the dirt under the ground. Mr. Lamantia stated that the engineer should have done testing before starting the project. Ms. Kelly stated that it was a section of the roadway where the dirt would not compact.
- **Vote:** 4-1-0, motion passes. (Mr. Lamantia opposed)

8. Dangerous Structure Report

Ms. Kelly stated that the Dangerous Structure report was passed on to Mr. Keane, Code Enforcement/Zoning Officer and stated that he completed the report. Ms. Kelly thanked Mr. Keane and read the report in his absence.

- **Discussion:** P. Williams asked how many of the closed cases had buildings that were taken down by Coolbaugh Township being advised none of them.

9. Planning Commission Recommendation of Approval for Waiver of Procedural Time Requirements for the Minor Subdivision of Americo Volpe

Ms. Colgan made a motion second by Ms. Ruiz-Smith to approve the waiver of procedural time requirements for the minor subdivision of Americo Volpe until March 30, 2019.

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

10. Request for Waiver of Procedural Time Requirements for Ali El-Kherdi Minor Subdivision Plan

Ms. Kelly made a motion second by Ms. Colgan to approve the waiver of procedural time requirements for the minor subdivision of Ali El-Kherdi until March 30, 2019.

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

11. Request for Waiver of Procedural Time Requirements for Linda Silva Minor Subdivision Plan

Ms. Ruiz-Smith made a motion second by Ms. Kelly to approve the waiver of procedural time requirements for the minor subdivision of Linda Silva until March 30, 2019.

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

12. Request for Waiver of Procedural Time Requirements for Dawn Rau Minor Subdivision Plan

Ms. Kelly made a motion second by Ms. Ruiz-Smith to approve the waiver of procedural time requirements for the minor subdivision of Dawn Rau until March 30, 2019.

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

13. Request for Waiver of Procedural Time Requirements for Robert Yoka Minor Subdivision Plan

Ms. Kelly made a motion second by Mr. Lamantia to approve the waiver of procedural time requirements for the minor subdivision of Robert Yoka until March 30, 2019.

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

14. Controller Report

Report presented by Ms. Mills as of December 31, 2018.

- **Discussion:** Ms. Ruiz-Smith asked about the listing of grants as income on the report.

15. Current obligations

• General Fund	\$	74,526.32
• Sewer Fund	\$	<u>2,628.66</u>
Total Disbursements	\$	77,154.98

Ms. Kelly made a motion second by Ms. Colgan to pay the current obligations in the amount of \$ 77,154.98.

- **Discussion:** D. Pope asked for clarification on check #4997

16. Solicitor Armstrong Comments/Updates

- ❖ Solicitor Armstrong requested a brief executive session at the end of the meeting.
- ❖ Solicitor Armstrong stated with respect to Agenda Item #5-One Living Hope Community Church –Lease Renewal that there is no month to month option, but the Board can make a motion to extend the existing lease for thirty days to allow for the solicitor to review the lease. Solicitor Armstrong also stated that the use and sole occupancy listed in the lease is for the purpose of public charity and uses and purposes related thereto.

Ms. Kelly made a motion second by Ms. Ruiz-Smith to extend the lease for One Living Hope Community Church until February 28, 2019 until the Township has time to review the lease.

- **Discussion:** Ms. Ruiz-Smith asked about the charges for arrears in the current lease with Solicitor Armstrong stating that there is no late penalty imposed in the current lease, but there is a clause that if the arrears are past 15 days the Township can terminate the lease. Mr. Weimer asked when they became late on their payments and asked why this is the first time he is hearing about it.
- **Vote:** All in favor, motion passes.

17. Other Business

- ❖ Mr. Weimer stated that Tobyhanna Mill Pond Ice Harvest will be held on Saturday, January 26, 2019. The ice harvest hotline number is 570-894-8205. P. Williams stated that the VFW Post 509 will also be having breakfast that morning and the Mansion will be open for hot chocolate.
- ❖ Mr. Weimer stated that there are two storms that are coming and stated that there will be a declaration that vehicles must be removed from the roads and Township Right of Ways or they will be towed.
- ❖ Mr. Weimer stated that there is an upcoming meeting being held at the fire house on January 23, 2019 regarding the P25 which is the transition from analog radios to digital radios. Mr. Weimer stated that Ms. Thompson will be attending on behalf of the Township, stating that this transition will be a huge expense for the fire company, Township, Ems and Police as all radios will need to be switched. Mr. Weimer stated that a radio that now costs 1100.00 will be in excess of \$2,000.00-\$3,000.00. There is no set date for this transition to take place but the Township needs to be prepared.
 - **Discussion:** Ms. Ruiz-Smith stated that this is one reason not to spend the money from the excess building permit income line as this is much more crucial to fund than the building number 2 engineering expense at this time. Mr. Lamantia asked who is pushing this with Mr. Weimer stating that it is federal. Mr. Lamantia stated that if the state is going to enforce it, then our state representatives should be helping to fund the expense.

Mr. Weimer made a motion second by Ms. Ruiz-Smith to authorize the water system purchase and installation for DPW garage as per the quote by Water Medic dated January 10, 2019 in the amount of \$ 8,743.00

- **Discussion:** Ms. Kelly asked if there were any other prices available and was advised by Mr. Weimer that the cost from Culligan was \$12,000.00-\$13,000.00 and it wasn't apples to apples and wouldn't resolve the complete issue.
- **Vote:** All in favor, motion passes.

Mr. Weimer made a motion second by Ms. Colgan to authorize the quote received from Anderson Equipment Company in the amount of \$5,959.15 for the parts and labor to fix the Beast.

- **Discussion:** Mr. Weimer read the quote which included labor, parts mileage/travel time and technical support.
- **Vote:** All in favor, motion passes.
- ❖ Mr. Weimer read the email from the Assistant DPW Foreman regarding the proposed roads for the 2019 paving contract and asked Ms. Masker to email the list to the Board for review stating that it will be on the next meeting agenda.
 - **Discussion:** Ms. Ruiz-Smith stated that there is a section of road from Lexington Avenue to the lake that was part of the UGI line work that was completed and stated that the road needs to be repaved.

- ❖ Mr. Weimer stated that DPW will be cutting back the shoulders and cleaning up storm damage that is in the right of way, also stating that DPW suggested possible trading services with some of the contractors that purchase permits for the recycling center to allow them to bring in their brush, in exchange for them cutting back shoulders on some of the roads. Ms. Kelly stated that we would have to have a legal agreement with the contractor to make sure that the work is completed as agreed. Solicitor Armstrong stated that he will look into the option.
- ❖ Mr. Weimer discussed the zoning map amendment from C1 and C2 to Industrial for the Pocono Mountain Municipal Airport Authority stating that they would like to park trucks on the lot as previously discussed and wanted to know if there is anything that the Board can do to assist them so that they do not have to put up a building and bathroom facilities just to park trucks.
 - **Discussion:** Ms. Ruiz-Smith stated that the Board told the gentleman that came to the meeting from the airport that they would have to put a building with a bathroom on the property in order to park the trucks and they were fine with it. Solicitor Armstrong stated that this Board would not be able to make any decisions on allowing them to park trucks on this property without the zoning ordinance being followed which requires the building and restroom facilities to be in place on the property, the applicant could request a variance through the Zoning Hearing Board and the Board of Supervisors could write a letter with their position on the issue as to whether they have any objections to the request or not. The Board could also let the minutes reflect their position for the future Zoning Hearing Board meeting, but the ultimate decision is made by the members of the Zoning Hearing Board. Ms. Ruiz-Smith stated that we should let the PMMA take the steps for their request and we as a Board should not lead them along. M. Fairservice stated that this is almost the same as the gas station and their sign stating that the PMMAA is making money on the parking of the trailers and now 611 will be an eye sore. Ms. Ruiz-Smith stated that she is working with multiple developers that are looking to develop the 611 corridor and will bring in many more tractor trailers. M. Fairservice stated that this Board is bending over backwards to accommodate the airport with Solicitor Armstrong stating that this Board is not bending over backwards as they are not able to act on a variance request stating they can only make their position as a Board known for consideration at the hearing.

18. Board of Supervisors Executive Sessions

- **Prior:** Tuesday, January 15, 2019 from 8:55 pm- 9:10pm Re: Legal

19. Adjournment

There being no further business, a motion was made by Ms. Ruiz-Smith second by Ms. Colgan to adjourn.

- **Vote:** All in favor, motion passed.

Meeting adjourned at 8:53pm.

NEXT REGULAR BOARD MEETING: Tuesday, February 5, 2019 at the Coolbaugh Township Municipal Office meeting room.

- Work Session- 6:00 pm
- Public Hearing- 6:30 pm
- Business Meeting – 7:00 pm

Submitted by: _____
Erin Masker, Recording Secretary

Witnessed by: _____
William Weimer, Chairman

Date: _____