

**COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REORGANIZATION AND REGULAR MEETING
MONDAY, JANUARY 6, 2014
MINUTES**

The meeting was called to order by Chairman Juan A. Adams at 7:01pm in the meeting room of the Coolbaugh Township Municipal Center, 5520 Municipal Drive, Tobyhanna, PA.

Mr. Adams led those present in the Pledge of Allegiance.

Board Members present:

Juan A. Adams, Robert M. Zito, Lynn Kelly, Fred Pope and Bill Weimer.

Staff present:

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

- **Announcement:**

Mr. Adams announced that the public would be given an opportunity to speak on each agenda matter and that public input would be considered at the end of the meeting for other issues.

1. **Organization of the Board of Supervisors**

- **Election of the Board of Supervisors Chairman**

Mr. Weimer made a motion, seconded by Mr. Zito, to elect Lynn Kelly Chairman of the Board of Supervisors for 2014.

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

At this point Mr. Adams passed the gavel over to Ms. Kelly and Chairman Kelly took control of the Meeting.

- **Election of the Board of Supervisors Vice-Chairman**

Ms. Kelly made a motion, seconded by Mr. Zito, to elect Juan A. Adams Vice-Chairman of the Board of Supervisors for 2014.

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

2. Appointment or Reappointment of Other Township Officials

- Township Secretary

Ms. Kelly made a motion to appoint Robert M. Zito Township Secretary at the hourly rate set by the Township Auditors for 10 hours per week and to appoint Linda Frutchey as Associate Township Secretary at the hourly rate of \$32.05 for 30 hours per week with benefits allowable for part time employees per the township personnel manual and the Affordable Care Act. The motion died for lack of a second.

- Township Treasurer

Ms. Kelly made a motion, seconded by Mr. Weimer, to appoint Patricia Eden Township Treasurer for 2014.

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

- Assistant Township Treasurer

Ms. Kelly made a motion, seconded by Mr. Adams, to appoint Fred Pope Assistant Township Treasurer for 2014.

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

- Roadmaster

Ms. Kelly made a motion, seconded by Mr. Zito, to appoint Bill Weimer Roadmaster for 2014, with no remuneration, and that this position will be a liaison to the Department of Public Works

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

3. Appointment of Reappointment of Solicitors

- Township Solicitor

Mr. Zito made a motion, seconded by Mr. Adams, to appoint Jerry Hanna Township Solicitor for 2014, at the rates detailed in Mr. Hanna's letter of October 8, 2013.

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

- Planning Commission Solicitor

Ms. Kelly made a motion, seconded by Mr. Pope, to appoint H. Clark Connor Planning Commission Solicitor for 2014, at the rate detailed in Mr. Connor's letter of October 16, 2013.

- Discussion: None
- Vote: All in Favor. Motion Passed.
- Zoning Hearing Board Solicitor

Ms. Adams made a motion, seconded by Mr. Weimer, to appoint H. Clark Connor Zoning Hearing Board Solicitor for 2014, at the rate detailed in Mr. Connor's letter of October 16, 2013.

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

4. Appointment of Township Engineer and Sewage Enforcement Officers

- Township Engineer

Ms. Adams made a motion, seconded by Ms. Kelly, to appoint Russ Kresge of Gilmore & Associates Township Engineer for 2014, at the rates detailed in Mr. Kresge's letter of November 1, 2013.

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

- Sewage Enforcement Officers

Mr. Zito made a motion, seconded by Mr. Adams, to appoint Jacob A. Schray, Scott J. Brown, Austin A. Young and Jeffrey T. Huff of Hanover Engineering Sewage Enforcement Officers for 2014, at the rates detailed in Mr. Brown's letter of December 12, 2013.

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

5. Township Resolution Number 01-2014 – Re: Depositories of Township Funds

In this resolution, the Board of Supervisors considered Penn Security Bank, N.A. (now Peoples Security Bank), First Keystone Community Bank, PLGIT, PLGIT/ARM and Principal Financial Group for depositories of Township funds for the year 2014.

Mr. Zito made a motion, seconded by Mr. Adams, to adopt Penn Security Bank, N.A. (now Peoples Security Bank), First Keystone Community Bank, PLGIT, PLGIT/ARM and Principal Financial Group as depositories for Township funds for the year 2014.

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

6. **Establish the Amount of the Treasurer's Bond - \$500,000.00**

Mr. Weimer made a motion, seconded by Mr. Pope, to establish the Treasurer's Bond for the year 2014 at the amount of \$500,000.00.

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

7. **Appointment of Municipal Representative and Alternate Municipal Representative to serve on the Monroe County Tax Collection Committee**

Ms. Kelly told those present that currently Mr. Hein serves as the Township Representative and Mr. Zito serves as Alternate Township Representative. Mr. Zito stated that he was not interested in reappointment.

Ms. Kelly made a motion, seconded by Mr. Zito, to appoint Doug Hein as Municipal Representative to serve on the Monroe County Tax Collection Committee for the year 2014.

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

8. **One appointment of to the Environmental Advisory Council (EAC) – term ending December 31, 2017**

Ms. Kelly reviewed the letters of interest submitted to the Township for this position.

Mr. Zito made a motion, seconded by Mr. Pope, to appoint Joseph Oboyle to the Environmental Advisory Council (EAC) – term ending December 31, 2017.

- Discussion: None
- Vote: All in Favor. Motion Passed.
- **Board of Supervisors appointment of Chairman to the EAC**

Ms. Kelly made a motion, seconded by Mr. Adams, to appoint Karen Green as Chairman of the EAC for the year 2014.

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

9. **Two (2) appointments of to the Parks and Recreation Commission – terms ending December 31, 2017 and December 31, 2018**

Ms. Kelly reviewed the letters of interest submitted to the Township for these positions

Mr. Pope made a motion, seconded by Mr. Adams, to appoint Keith Hudson (term ending 12/31/2017) and Joseph Oboyle (term ending 12/31/2018) to the Parks and Recreation Commission.

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

- **Appointment of Board Liaison to the Parks and Recreation Commission**

Ms. Kelly expressed interest in remaining as Parks and Recreation Liaison.

Mr. Zito made a motion, seconded by Mr. Weimer, to appoint Lynn Kelly as Board Liaison to the Parks and Recreation Commission for the year 2014.

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

10. **One appointment to the Planning Commission – term ending December 31, 2017**

Ms. Kelly reviewed the letters of interest submitted to the Township for this position.

Mr. Weimer made a motion, seconded by Mr. Adams, to appoint Kevin Ambrogio to the Planning Commission – term ending December 31, 2017.

- **Discussion:** Mr. Zito stated that while he respected Mr. Ambrogio, he felt that Mr. Andrew Sterner has served the Township and Planning Commission with distinction for many years, most recently as PC Chairman, and that he felt Mr. Sterner deserved reappointment. He stated, therefore, that he would be opposing the motion.
- **Vote: Four YES, One OPPOSED (Mr. Zito). Motion Passed.**

11. **One appointment to the Pocono Mountain Public Library Board of Trustees – term ending December 31, 2016**

Prior to the consideration of any motion, Ms. Kelly stated that as an employee of PMPL, she would be abstaining from this vote. She then reviewed the letters of interest submitted to the Township for this position.

Mr. Pope made a motion, seconded by Mr. Adams, to appoint Phyllis Williams to the Pocono Mountain Public Library Board of Trustees for a term ending December 31, 2016

- **Discussion: None**
- **Vote: Four YES, One ABSTAIN (Ms. Kelly). Motion Passed.**

12. **Appointment of Board Liaison to the Pocono Mountain Emergency Medical Services**

Mr. Zito made a motion, seconded by Mr. Weimer, to appoint Fred Pope as Board Liaison to the Pocono Mountain Emergency Services for the year 2014.

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

13. **Three (3) annual appointments to the Pocono Mountain Regional Police Commission**

Ms. Kelly reviewed the letters of interest submitted to the Township for this position.

Mr. Zito made a motion, seconded by Mr. Weimer, to appoint Lynn Kelly, Juan A. Adams and Jim Frutchey, Jr. to the PMRP Commission for the year 2014.

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

14. **Annual appointment of Vacancy Board Chairman**

Ms. Kelly reviewed the letter of interest submitted to the Township for this position.

Ms. Kelly made a motion, seconded by Mr. Weimer, to appoint Gratz Washenik as Vacancy Board Chairman for the year 2014.

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

15. **Selection of Municipal Representative and Alternate Representative to attend Council of Government Meetings**

Ms. Kelly made a motion, seconded by Mr. Pope, to appoint Juan A. Adams as Municipal Representative for COG for the year 2014.

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

Ms. Kelly made a motion, seconded by Mr. Adams, to appoint Bill Weimer as Alternate Representative for COG for the year 2014.

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

16. Authorization to advertise Board of Supervisors Meetings / Work Sessions for 2014

This advertisement, if approved, would appear in the Pocono Record on Sunday, January 12, 2014. Work sessions would be held at 6:00pm the first and third Tuesdays of each month, with the exception of November 25th and December 23rd. Regular meetings would be held at 7:00pm the first and third Tuesdays of each month, with the exception of April 15th. On that day, both the work session and regular meeting would be cancelled due to the Pennsylvania State Association of Township Supervisors (PSATS) Convention in Hershey, PA.

Mr. Pope made a motion, seconded by Mr. Adams to authorize advertising Board of Supervisors Meetings / Work Sessions for 2014.

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

17. Establish Holidays for Township Employees 2014

Ms. Kelly read a list of proposed Township holidays for 2014. They are as follows: Martin Luther King. Jr. Day (1/20), Presidents' Day (2/17), Good Friday (4/18), Memorial Day (5/26), July 4th (7/4), Labor Day (9/1), Veterans Day (11/11), Thanksgiving (11/27, 11/28), Christmas (12/24, 12/25) and New Year's (12/31, 1/1).

Mr. Adams made a motion, seconded by Mr. Weimer to establish holidays for Township employees as presented.

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

At this point in the meeting Mr. Pope asked the Chair if we could revisit agenda item #2, specifically the appointment of Township Secretary, at this time.

Mr. Pope asked for further clarification on the earlier motion with regards to the proposed employment of Mrs. Frutchey. He asked for specifics regarding benefits and paid time off.

Ms. Kelly made a motion to appoint Robert M. Zito Township Secretary at the hourly rate set by the Township Auditors for 10 hours per week and to appoint Linda Frutchey as Associate Township Secretary at the hourly rate of \$32.05 for 30 hours per week with benefits allowable for part time employees per the township personnel manual and the Affordable Care Act. Health benefits and paid holidays would remain as is, and paid time off (vacation, sick and personal) would be pro-rated to 75% of the full time rates. Mr. Pope seconded the motion

- **Discussion:** None
- **Vote:** The initial vote taken was not clear, as all members of the Board did not appear to cast a vote. Several members of the public suggested that a roll call vote be taken. Ms. Kelly called the roll.
 - Ms. Kelly – YES
 - Mr. Pope – YES
 - Mr. Weimer – NO
 - Mr. Adams – YES, with reluctance
 - Mr. Zito – ABSTAIN

The motion passed 3-1-1.

At this point Ms. Kelly stated that the reorganizational portion of the meeting had been concluded, and the regular business meeting would begin.

18. **December 17, 2013 Minutes**

The minutes of December 17, 2013 were reviewed and considered for approval.

Mr. Pope made a motion, seconded by Mr. Adams to approve the minutes of December 17, 2013 as presented.

- **Discussion:** Mr. Zito noted that on page 3 “Discussion of Accumulated Sick Time”, line one, “may” should read “made”. All were in agreement.
- **Vote:** All in Favor. Motion Passed.

19. **Adoption of Township Resolution Number 02-2014 – Appointment of Certified Public Accountant**

Mr. Adams made a motion, seconded by Mr. Pope to appoint Todd J. Bushta of Gneiding, DeSanctis Blizard & Company, LLC as an independent auditor for the fiscal year of 2013 at a compensation not to exceed \$8,000.00.

- **Discussion:** Mr. Dave Pope asked if the motion should read “2014”. The Supervisors commented that the audit would be done on the preceding year.
- **Vote:** All in Favor. Motion Passed.

20. **Certify Delegates and appoint one (1) Delegate to serve as the Voting Delegate to the PSATS Annual Convention**

Ms. Kelly made a motion, seconded by Mr. Adams to certify all five Supervisors to attend the PSATS convention April 13-16, 2014 and appoint Bill Weimer to serve as Voting Delegate.

- **Discussion:** Mr. Zito stated that in recent years, due to fiscal constraints, we limited attendance to the conference and that since our financial

position is good he would like to extend an invitation to the Township Associate Secretary, Business Manager / Controller and Treasurer to attend the convention if they chose to. After further discussion, it was also decided that Road Foreman Steve Weber should also be able to attend if he wanted. Mr. Dave Pope questioned this expenditure. Mr. Zito said he felt it was a good educational and networking opportunity for both staff and Supervisors. Mr. Dave Pope asked how much each attendee would cost the Township. Mr. Zito estimated that with hotel and meals the cost per attendee would be approximately \$750.00 - \$1,000.00. Mr. Dave Pope said he did not agree with this potential expenditure.

The original motion and second were amended as follows:

Ms. Kelly made a motion, seconded by Mr. Adams to certify all five Supervisors, Associate Secretary, Business Manager / Controller, Treasurer and Road Foreman to attend the PSATS convention April 13-16, 2014 and appoint Bill Weimer to serve as Voting Delegate.

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

21. **Authorization to BCM Engineers to prepare Municipal Wasteload Management (Chapter 94) Report for calendar year 2013**

Mr. Pope made a motion, seconded by Mr. Adams to authorize BCM Engineering to prepare Municipal Wasteload Management (Chapter 94) Report for calendar year 2013

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

22. **Award of Bid – Packaged Terminal Heat Pumps**

Mr. Hein summarized the bids received on Friday, January 3, 2014. The low bidder was L.H. Reed & Sons, Inc., with a bid of \$20,699.00. He also said that Engineer Russ Kresge stated, in writing, that they were qualified, and that he recommended their bid be accepted.

Mr. Adams made a motion, seconded by Mr. Weimer to award the Packaged Terminal Heat Pump bid to L.H. Reed, Inc., at a cost of \$20,699.00.

- **Discussion:** Mr. Hein was asked where L.H. Reed & Sons, Inc. was located. He replied that they were located in Honesdale, PA.
- **Vote: All in Favor. Motion Passed.**

23. **Update on the Electric Power Distribution Problem**

Mr. Hein updated the Supervisors on the power problems at the Municipal Building. There were several repair options presented to the Supervisors. Both

options included labor from Vincent Piacente Electrical and the Coolbaugh Township DPW, and materials purchased by the Township. The first option was a full replacement of the damaged line, at an approximate total cost of \$48,627.00. The second option was a repair and splicing of the line, at an approximate total cost of \$19,100.00.

- **Discussion:** A lengthy discussion followed. Both Mr. Fred Pope and Mr. Dave Pope questioned the wisdom of splicing and repairing the damaged wire and felt it would be much better, in the long run to replace the entire run of wire when the ground was open.

Mr. Pope made a motion, seconded by Mr. Zito to go with "Option 1" to correct the electrical power distribution problem at the Municipal Center, at a cost not to exceed \$50,000.00.

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

24. Business Manager / Controller Financial Report

Mr. Hein gave a brief summary of his written financial report, covering the period through November 30, 2013.

- General Fund revenues – 89% of budget.
- Real Estate tax collections are over \$300,000.00 more than in 2012.
- General Fund expenses – 77% of budget.
- Debt service payment being made as scheduled.
- Sewer revenues – 94% of budget.
- Sewer expenses – 93% of budget.
- Capital project moving forward as planned.

25. Current Obligations

Before them, the Supervisors had details of the Township's current obligations totaling \$382,184.96. The monthly expenditure to Pocono Mountain Regional Police of \$179,594.51 (check # 2258) was the largest expenditure to be approved.

Mr. Adams made a motion, seconded by Ms. Kelly to pay current obligations in the amount of \$382,184.96.

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

26. Other Business

Ms. Kelly spoke of the holiday event held by the Pocono Mountains Municipal Airport. In response to questions raised by the public at the preceding Township meeting, she stated that she was told that the reception was paid for by private

citizens, that the police officers who attended were on their lunch hour and that the Chief did use a PMRP vehicle to attend the event.

Mr. Hein told the Supervisors that the current rental lease between the Township and Magisterial Judge Fluegel's office was signed by the County and was awaiting signatures by the Township.

Ms. Kelly announced the following upcoming meetings:

- Board of Auditors – 1/7 @ 4:00PM
- Planning Commission – 1/13 @ 7PM
- EAC, followed by Parks & Recreation – 1/28 @ 7PM

27. Public Input

Mr. Dave Pope – Felt that the hourly wage the Supervisors approved for the Associate Secretary's position was extravagant.

Ms. Michelle Fairservice – Relating to the Associate Township Secretary's position, approving holiday pay for a part time job was now setting a precedent and that she felt all part time and seasonal employees should now get holiday pay.

Ms. Williams – Asked about how work would be divided between the Township Secretary and the Associate Secretary. Mr. Zito stated the responsibility of delegating work would be his, and that he would take responsibility for all work getting done. He said that while technically Mrs. Frutchey would be working "for" him, in reality he viewed her as working "with" him.

Mr. Dave Pope – Asked about the status of the new light pole on Laurel Drive. Mr. Weimer said that he would look into it.

Ms. Fairservice – Stated that she did not agree that the Airport's party was a "community event", since it was by invitation only. She then asked that since it had been previously stated that Chief Lewis had used a PMRP vehicle to attend the function and that his daughter attended the event with him, riding in that same vehicle, if there was a policy in place to prohibit this, due to the potential of the Chief being called away on an emergency, and liability grounds. She said that police are public servants who need to set a proper example of conduct. She further questioned the need for PMRP to go to an outside vendor to maintain its website, as there should be qualified personnel within the department to handle it internally, as we have done at the Township. Ms. Kelly said she would ask the Police Commission about the process by which this outside vendor was chosen. Ms. Fairservice asked about the 2014 PMRP Budget. Ms. Kelly said that the 2014 PMRP budget was approved by the Police Commission on December 30th. Ms. Fairservice said that it should have been sent to the Township earlier to allow for proper review.

Ms. Clare Colgan – Asked the Supervisors if they realized that with the appointments made tonight, no Planning Commission member was now seated on the EAC, as has been customary in the past. Mr. Kelly will look into what, if anything, needs to be done in this case.

28. Board of Supervisors Executive Sessions

Ms. Kelly announced that the Board of Supervisors held Executive Sessions:

- December 17, 2013 @ 6:30PM – Personnel
- January 6, 2014 @ 6:30PM – Legal

And that the following would be held:

- At the conclusion of this meeting for Personnel, and that the regular meeting did not need to stay open

29. Adjournment

There being no further business, a motion was made by Mr. Adams, seconded by Mr. Weimer, to adjourn the meeting. All in favor. Motion passed. Meeting adjourned at 8:23PM.

NEXT REGULAR BOARD MEETING: January 21, 2014

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

Submitted by: _____
Robert M. Zito, Township Secretary

Witnessed by: _____
Lynn Kelly, Chairman

Date: _____