

**COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES**

October 4, 2016

The meeting was called to order by Vice-Chairman Juan Adams at 7:05 pm in the meeting room of the Coolbaugh Township Municipal Office, 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

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

Board Members absent:

William Weimer

Staff present:

Jerry Hanna, Solicitor, Erin Masker, Recording Secretary, Maureen Mills, Controller, and Tomas Keane, Code Enforcement Officer

Staff absent:

None

Announcements:

Mr. Adams 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.

1. Public Input

- P. Williams thanked the Board for the work that DPW did on the Wills Mansion, stating that they did a great job.

2. Approval of minutes / notes : September 20, 2016

Ms. Ruiz-Smith made a motion, seconded by Mr. Lamantia to approve the regular meeting minutes of September 20, 2016 as presented.

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

3. Pocono Services for Families and Children Director Tim Lee

Mr. Lee was in attendance to thank the Board for the good partnership with the facility in the complex, stating that it is hard to believe that it has been ten years since he became the director of the head start and that it has been great working with the Township. He stated that they have now purchased the old CEC building which is now the Mountain Community Center which is home to the Head Start as well as other organizations such as a food pantry, habitat for humanity, the Tobyhanna Athletic Association and other organizations that are currently in the works of moving in. Mr. Lee stated that he is very excited about the Center and the partnerships that they are making to bring all of the resources that are needed in the community to our Township for easy access to our residents, stating that he has also had conversation with the Pocono Pony as they have a prime area for the bus to turn around and they will now be running routes to the center for easy drop off and pick up of the residents. Mr. Lee also stated that they are currently working with Pocono Medical Center to bring services into the Center as well as trails and exercise routes for the community to utilize. Mr. Lee also stated that they are working with adults in the spacious kitchen that the facility has in order to teach them about nutrition for their children.

- **Discussion:** Ms. Ruiz-Smith stated that she took Ms. Mills with her to the center to tour last week and she was very impressed with the head start facility. Ms. Ruiz-Smith is excited to be working in the facility as an employee of Habitat for Humanity. Mr. Adams thanked Mr. Lee for all his hard work, stating that he and the center have his support 100%.

4. Pat McGoldrick- 2015 Audit Review and Acceptance

Mr. McGoldrick from Frey & Co. stated that he has past history with the Township and experience with the Township software which allowed for an easy transition. Mr. McGoldrick stated that he was hired to audit the 2015 financials which were prepared by Ms. Mills. He stated that in his issuance of an unqualified opinion, the Township is financially sound and that there are no deficiencies detected in the financial report. He stated that the revenues generated provide for all the expenses with 80% of the revenue being collected from the tax base. Mr. McGoldrick stated that items are being depreciated from month to month and that the Township has addressed its financial obligations.

- **Discussion:** Ms. Ruiz-Smith asked if this data is being backed up with Ms. Mills stating yes and it will be available on the Township website.

Ms. Kelly made a motion second by Mr. Adams to approve the 2015 audit as presented.

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

****Mr. Adams announced the following upcoming events in our community:**

- Coolbaugh Township Free Shred Event on Saturday October 8, 2016 from 7:30am-3:00pm at the Recycling Center at 549 Laurel Drive in Tobyhanna.
- Coolbaugh Township Parks and Recreation commission Ghoulbough event at the Municipal Park on October 29, 2016 from 1pm-4pm. There will be trick or treating, pumpkin picking and community organizations and events for children.

5. Awarding of the Route 196 Turning Lane Project

Ms. Kelly made a motion second by Mr. Adams to award the Route 196 Turning Lane Project to Northeast Site Contractors at the recommendation of Engineer Joe Carlin of Gilmore and Associates in the amount of \$721,000.00.

- **Discussion:** Mr. Lamantia asked where the additional money is coming from due to the overage from engineering fees incurred to date. V. Massaro of APCP asked who would be doing traffic control for the project. H> Smith asked if there will be a time limit on project completion, as well as a change order clause to avoid unforeseen expenditures from occurring. B. Sandford asked if there are sufficient funds available in the rainy day fund to cover any additional expenses incurred.

6. Minimum Municipal Obligation for 2017

- **PMRP Union MMO- \$164,809.00**
- **PMRP Non-Union- \$2,953.00**
- **Coolbaugh Township MMO- \$66,749.49**

Ms. Kelly made a motion second by Mr. Adams to accept the Minimum Municipal Obligations as presented for 2017.

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

7. Pennsylvania Gaming Local Share Account- Requests for Support

- **Pocono Mountain Regional Police-**

Ms. Ruiz-Smith made a motion second by Ms. Kelly to provide a letter of support to the PMRPD.

- **Discussion:** Ms. Ruiz-Smith stated that she would like to include the amount that they are requesting.

Ms. Ruiz-Smith amended her motion and Ms. Kelly amended her second to include that the letter should include that the funding being requested is in the amount of \$150,000.00

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

- **Waste Not Technologies-**

Mr. Adams made a motion second by Ms. Ruiz-Smith to provide a letter of support to Waste Not Technologies.

- **Discussion:** Ms. Ruiz-Smith commended Mr. Kelley on the success of his business in a short period of time as well as the fact that he is hiring people and helping with economic development in the community. M. Fairservice asked how much they are requesting being advised \$1,188,863.00. V. Massaro asked if that amount will also be included in their letter of support.

Mr. Adams amended his motion and Ms. Ruiz-Smith her second to include the amount of funding requested.

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

- **Pocono Mountain Municipal Airport-**

Ms. Kelly made a motion second by Mr. Adams to provide a letter of support to the Pocono Mountain Municipal Airport.

- **Discussion:** Ms. Ruiz-Smith asked how much they are requesting as it is not included in their letter.

Ms. Kelly amended her motion and Mr. Adams his second to include the amount in the letter if we are able to obtain it.

- **Discussion:** Ms. Ruiz-Smith stated that she will make a call and obtain the information so that it can be included in the letter.
- **Vote:** All in favor, motion passes.

- **Pocono Summit Dam- Preservation Alliance for Dam and Lake Environment "PADLE"**

Ms. Ruiz-Smith made a motion to deny issuing a letter of support to PADLE for the Pocono Summit Dam

Motion dies due to lack of second.

Ms. Kelly made a motion second by Mr. Adams to provide a letter of support to PADLE for their request for \$50,000.00 for repairs to the Pocono Summit Dam.

- **Discussion:** Ms. Ruiz-Smith stated that she provided documents in the Board packet indicating that the Dam is owned by the Railroad Authority provided by DEP. We were not presented with any documentation that PADLE is a PA 501(c)(3). Ms. Ruiz-Smith stated that the packet includes information claiming that Pocono Summit Lake Property Owner Association is not a valid association, and that the lake is owned by PSLPOA which the dam is holding back water on a private entity. Ms. Ruiz-Smith stated that the Board members of PADLE own lakefront property and would solely benefit from the repairs. Ms. Ruiz-Smith also stated that there is a copy of a newspaper article in the packets that show that if the dam is publicly owned there is funding available for the repairs and that state funds should not be used to benefit a private entity. Ms. Ruiz-Smith also stated that it is not even known if the signers are even still board members of PSLPOA. Ms. Ruiz-Smith stated that this request does not bring economic development to the area as the LSA grants are intended for. M. Fairservice stated that the language of the LSA will need to be changed or it will no longer be available in four months due to being unconstitutional according to the State Supreme Court. Mr. Lamantia stated that if what Ms. Ruiz-Smith stated is true the group will be denied by LSA when applying and this is not for us to approve or deny their application we would only be issuing a letter of support which does not hold us legally bound to anything as Solicitor Hanna stated earlier. Ms. Kelly stated that it is obvious that some board members are ok with issuing the letter and some are not, but what she is more concerned with is the safety as stated in the letter submitted, when the Dam #1 which has already received funding for repair is emptied, Dam #2 which funding is currently being applied for will stand a great chance of failing. Ms. Ruiz-Smith stated that she has walked the Dam with many people in the past and has been reassured that the dam is not in danger of failing. T. Skladany, Secretary of PADLE stated that she would never make representation that is not true, stating that the original request made to Ms. Bisbing of the EDC was in the amount of \$50,000.00, but they have since been made aware that there are additional flag fees needed in the amount of \$7,000.00, therefore they would like to request that the letter show the amount of request as \$57,000.00. T. Skladany stated that the engineer used for dam 1 is the same engineer that they are working with on dam 2 and he has stated that there is absolutely going to be an issue with the dam when the other dam is emptied for repairs. PADLE and its Board have been working on this project for 10-14 years and there is no proof that the Railroad Authority owns the Dam. Ms. Ruiz-Smith asked where it is indicated that Stillwater Lake Property Owner Association members are still alive, being advised that there has been communication with them. Mr. Lamantia asked Solicitor Hanna if this discussion has anything to do with what they are requesting being advised that it does not.

Ms. Kelly amended her motion and Mr. Adams his second to reflect the amount requested is \$57,000.00.

- **Discussion:** Mr. Piraino stated that he has been watching the dam erode for the last fifty years, stating it needs to be replaced before it breaks. J. Wilson, President of PSLPOA for the past fourteen years, stated that this issue has been discussed for longer than he has been the Board President. J. Wilson stated that he too has walked the Dam with previous Supervisors of the Township as well as FEMA and the Railroad Authority, stating that there have been periodic repairs made to the Dam over the years. J. Wilson stated that it is a low impact dam, and that the dam is owned by the RR authority as they pay the taxes on the property. J. Wilson stated that there has been a fund that was set up many years ago and that property owner dues were raised in order to fund the project which solely benefits those that live on the lake. Mr. Lamantia stated that we do not make the decision to grant or deny the funding we can only issue a letter of support, stating that we should consider the environmental issues.
- **Vote:** 3-1-0, motion passes (Ms. Ruiz-Smith opposed.)

8. Release of 2016 Remaining Donations

Ms. Ruiz-Smith made a motion not release the list of donations presented as she was made aware that the deliberations that took place at the budget work session were unlawful according to the PSATS lawyer at the training she recently attended.

There was no second the motion dies.

Ms. Kelly made a motion second by Mr. Lamantia to authorize the release of the remaining 2016 donations with the exception of Thornhurst as their requested financial documents have not yet been received.

- **Discussion:** Discussion ensued about the legality of deliberations during a budget work session with even though it is an advertised public meeting, as Ms. Ruiz-Smith stated it is her understanding that these deliberations and decisions are to be held in a regularly scheduled open public meeting. Ms. Mills stated that her understanding from the seminar was a question as to whether minutes needed to be taken at budget work sessions because they are open public meetings. Solicitor Hanna stated that there is no such thing as a budget meeting, it is an advertised public meeting and you can deliberate all you want to discuss what donations are being made. Mr. Lamantia stated that these are 2016 donations which have already been budgeted, and that the deliberations were on future 2017 donations.
- **Vote:** 3-0-1, motion passes. (Ms. Ruiz-Smith abstained)

9. Controller Report

Ms. Mills, Township Controller gave the report as of end date August 31, 2016.

10. Current obligations

• General Fund	\$	296,860.38
• Sewer Fund	\$	4,464.30
• Escrow Fund	\$	<u>20,184.30</u>
Total Disbursements	\$	321,508.98

Ms. Kelly made a motion second by Mr. Adams to pay the current obligations in the amount of \$321,508.98

- **Discussion:** Ms. Mills stated that there was an issue with a check that carried over from a fire company payout in the amount of \$19,950.00 and therefore the general fund amount should be \$276,910.38, and the total balance of all payouts should be \$301,558.98.M. Fairservice questioned ck. # 6514.
- **Vote:** All in favor, motion passes.

11. Other Business

- **FYI- Tobyhanna Army Depot & American Red Cross- Strengthen Disaster Relief Memo**

Ms. Kelly stated that there is a press release from the Tobyhanna Army Depot regarding their work with the American Red Cross to strengthen the disaster relief. Ms. Kelly thanked the Army Depot for all their hard work and for being a good neighbor.

- Ms. Ruiz-Smith stated that a couple of items came up at the PSATS seminar for inclusion on the list of opening statements of the meeting which include the following:
 - Asking attendees to announce their name and city or community that they are from before speaking
 - A statement saying that it is at the will of the Board as to whether an audience member that is not from Coolbaugh Township will be acknowledged to take the floor to speak. (On a case by case basis.)

Ms. Kelly stated that Mr. Weimer does ask anyone that speaks to state their name for the record. Mr. Lamantia stated that he does not agree with picking and choosing who will be heard from the public at a meeting, we should be listening to everyone.

- Ms. Ruiz-Smith also stated that because it is a public meeting that anyone that wishes to record with audio or visual equipment should be asked to sit in the back of the room so as not to impede on the meeting.

Ms. Kelly stated that these would be Board policy and should be put on a future work session for discussion.

12. Board of Supervisors Executive Sessions

Prior: Tuesday, September 27, 2016 from 7:03pm-8:42pm Re: Legal

Prior: Tuesday, October 4, 2016 from 6:38pm-7:05pm Re: Legal

13. Adjournment

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

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

Meeting adjourned at 8:31pm.

NEXT REGULAR BOARD MEETING: Tuesday, October 18, 2016 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: _____
Juan Adams, Vice-Chairman

Date: _____