

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
TUESDAY, OCTOBER 7, 2014
MINUTES

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

Ms. Kelly led those present in the Pledge of Allegiance.

Board Members present:

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

Board Members absent:

Bill Weimer

Staff present:

Doug Hein, Business Manager / Controller, Jerry Hanna, Solicitor and Tomas Keane, Compliance Officer.

Announcements:

Ms. Kelly announced the following:

- Public Input will be considered at the beginning of the meeting for non-agenda items. The public would be given an opportunity to speak on each agenda matter.
- The meeting is being recorded to aid in the preparation of the minutes.

1. **Public Input**

- **Mr. George Bernadin:** Recommended that the meeting minutes be done by a third party as he feels negative items do not make the minutes and they are not objective.
- **Mr. Antony Lamantia:** Asked about the hours for Halloween and if a curfew would be put in place.
- **Mr. Bernardin:** Stated that as per agreement the municipality who pulled out of Pocono Mountain Regional Police would bear all costs relating to the separation. Ms. Kelly stated that the Supervisors were aware of that document.
- **Mr. Dan Broxmeier:** Stated he had no problem with the way the Township takes minutes and that Mr. Zito does a good job with them.

- **Ms. Rachel Moyer:** Informed the Supervisors of AED training she gave to 14 local residents and said she was grateful for the support the Supervisors have given.

2. **Approval of Minutes / Notes**

- September 2, 2014 Regular Meeting Minutes
- September 2, 2014 Work Session Notes

The minutes of September 2, 2014 were reviewed and considered for approval.

Mr. Adams made a motion, seconded by Mr. F. Pope to approve the minutes of September 2, 2014 as presented.

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

Work Session Notes / Public Hearing Notes

The notes for the work session held on September 2, 2014 were presented for review. It was agreed by consensus that these documents would be published for public viewing on the Township website.

3. **Blue Ridge Cable Franchise Agreement**

- **Authorization to advertise Notice on intent to adopt an Ordinance re: Cable Franchise Agreement**
- **Blue Ridge Cable Franchise Renewal Agreement**

Ms. Kelly highlighted the terms of the proposed agreement.

Mr. Adams made a motion, seconded by Mr. F. Pope to authorize advertising a Notice on intent to adopt an Ordinance re: Blue Ridge Cable Franchise Agreement.

- **Discussion:** Proposed dates for the adaption of the ordinance were discussed. It was agreed that this item would be on the October 21, 2014 Regular Meeting.
- **Vote: All in Favor. Motion Passed.**

At this point Ms. Kelly brought forth two items that the Supervisors still needed to agree on – the term of the agreement and the franchise fee to be charged.

After discussion, the consensus of the Board was to accept the ten year term and since the Township would retain the right to change the fee during the term of the agreement, the fee should remain at 3% with the commencement of the agreement.

Mr. Zito made a motion, seconded by Ms. Kelly to accept the terms of the BRC Franchise Agreement drafted by the Cohen Law Group (agreement term of ten years with the franchise fee initially being set at 3% with the Township retaining the right to change the fee with 60 days notice).

- **Discussion:** Comments were heard from the Supervisors regarding the entities who would be entitled to free services from BRC. No public comment was forthcoming.
- **Vote: Three in Favor. One Opposed (Mr. Adams). Motion Passed.**

4. **Request from Environmental Advisory Council**

- **For approval of the following names for the three Open Space Properties: Wiley Preserve; The Tannery; Hemlock Sanctuary**
- **Vacancy appointment**

Mr. Zito made a motion, seconded by Mr. Adams to name the three Township Open Space properties Wiley Preserve, The Tannery and Hemlock Sanctuary, respectively, as recommended by EAC.

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

Mr. F. Pope made a motion, seconded by Mr. Adams to name Mr. William Hawkins to fill the vacancy on the Environmental Advisory Council.

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

Mr. Hawkins was then “welcomed aboard” by Mr. F. Pope.

5. **Update - Dangerous Structures**

Ms. Kelly gave a quarterly update on dangerous or blighted properties. In summary, 16 properties we discussed – 12 properties had been legally served a notice of violation, seven properties were now considered "closed", three properties were secured, (although one had new windows broken again) one fire damaged property was rebuilt and one demolition permit was obtained by the property owner.

- **Discussion:** Tobyhanna Township Fire Chief Mr. Troy Counterman asked if he should notify the Township on the condition of fire damaged property his company responds to. Ms. Kelly thanked him for doing so. Mr. Bryan Sanford asked about the status of 1418 Belgravia Drive. Mr. Zito asked Mr. Hanna about the feasibility of public notice in lieu of direct or constable service. The legalities of rights and obligations of the repository sale process were discussed.

6. **Authorization to re-advertise Public Hearing- request for a Zoning District Change - Worthington & Spinieo Pocono Holdings LLC**

Mr. Zito made a motion, seconded by Mr. F. Pope to re-advertise a Public Hearing-request for a Zoning District Change - Worthington & Spinieo Pocono Holdings LLC for Monday, November 3, 2014 at 6:00pm, and that the Supervisors Work Session scheduled for that time be cancelled.

- **Discussion:** Mr. D. Pope asked about the location of the property in question.
- **Vote: All in Favor. Motion Passed.**

7. **Authorization to advertise Budget Work Sessions**

After a long discussion the following motion was made:

Ms. Kelly made a motion, seconded by Mr. Adams to advertise the following dates for Budget Work Sessions, all starting at 7:00pm – October 28th, October 30th, November 6th, November 13th and December 4th.

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

8. **Minimum Municipal Obligations (MMO) for 2015**

- **Coolbaugh Township Non-uniform Pension -\$ 57,555.36**
- **Pocono Mountain Regional Police Pension -\$252,843.13**
- **Pocono Mountain Regional Police Non-uniform Pension - \$3,393.**

Mr. Adams made a motion, seconded by Ms. Kelly to approve the Minimum Municipal Obligations (MMO) for 2015 as presented.

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

9. **A Pocono Country Place Property Owners Association request for the use of the Township's Leaf Vac**

Ms. Kelly read APCP's request to use the Township's Leaf Vac from October 13th – November 21st. A Certificate of Insurance naming the Township as additional insured was supplied.

Mr. F. Pope made a motion, seconded by Mr. Adams to approve A Pocono Country Place Property Owners Association's request for the use of the Township's Leaf Vac from October 13th – November 21st.

After discussion the following amended motion was made:

Mr. F. Pope made a motion, seconded by Mr. Adams to approve A Pocono Country Place Property Owners Association's request for the use of the Township's Leaf Vac from October 13th – November 21st, providing it does conflict with Township DPW's obligations.

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

10. **Right-of-way construction easement relating to a bridge replacement project - north side of SR 611 at the stream**

Ms. Hein told those present that this construction easement would be for the use of storing construction equipment on Township property during construction, with a compensation figure of \$500.00.

Mr. Adams made a motion, seconded by Mr. F. Pope to approve Right-of-way construction easement relating to a bridge replacement project - north side of SR 611 at the stream, with a compensation figure of \$500.00 as agreed to by PennDot and Arrow Land Solutions, LLC.

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

11. Release & Indemnification Agreement / Mutual Agreement Midland Asphalt Materials, Inc. - 2013 Fiber Reinforced Seal Coat Project

Ms. Kelly made a motion, seconded by Mr. Adams to Release & Indemnification Agreement / Mutual Agreement Midland Asphalt Materials, Inc. - 2013 Fiber Reinforced Seal Coat Project

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

12. Proclamation in support of Women's Resources of Monroe County in recognizing October as Domestic Violence Awareness Month

Ms. Kelly read the proposed proclamation and stated that the annual "Candlelight Vigil on the Mountain" would be held at the Municipal Center on October 14th.

Mr. Adams made a motion, seconded by Mr. F. Pope to recognize October as Domestic Violence Awareness Month in support of Women's Resources of Monroe County.

After discussion the following amended motion was made:

Mr. Adams made a motion, seconded by Mr. F. Pope to recognize October as Domestic Violence Awareness Month in support of Women's Resources of Monroe County and grant Women's Resources the use of the Municipal Complex on the evening of October 14th.

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

13. Northeast Signal & Electric Company – Estimate – Annual Preventative Maintenance

Mr. Hein summarized the proposed agreement.

Ms. Kelly made a motion, seconded by Mr. F. Pope to approve the Northeast Signal & Electric Company Annual Preventative Maintenance agreement, at a cost of \$7,731.29, and to submit a grant application to PennDot for LED lights.

- **Discussion:** Mr. F. Pope asked if the contract included replacement of bulbs if they failed. Mr. Hein thought that there would be an additional charge for that service. Comment was also heard from Ms. Denise Doremus.

After discussion Ms. Kelly withdrew her motion.

Ms. Kelly made a motion, seconded by Mr. F. Pope to table consideration of the Northeast Signal & Electric Company Annual Preventative Maintenance agreement to October 21st.

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

14. PA Game Commission request to use Township Property for a Bear Check-in Station during hunting season

Mr. Adams made a motion, seconded by Ms. Kelly to approve the request of the PA Game Commission to use Township Property for a Bear Check-in Station during hunting season.

- **Discussion:** Ms. Kelly stated that the Game Commission needed space due to construction on their facility on State Route 423. Discussion took place.

After discussion the motion was amended.

Mr. Adams made a motion, seconded by Ms. Kelly to approve the request of the PA Game Commission to use Township Property for a Bear Check-in Station during hunting season, coordinating a location with Mr. Hein, preferably the Township Park.

- **Discussion:** Ms. Michelle Fairservice asked why the Game Commission was not using the State Shed (PennDot) on Route 423.
- **Vote: All in Favor. Motion Passed.**

15. **MunicBid - sale of fuel tank**

Ms. F. Pope made a motion, seconded by Mr. Adams to accept the high bid from Kenneth Gordon in the amount of \$1,105.00 for the fuel tank.

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

16. **Release of 2014 Allocated Donations**

Mr. Zito made a motion, seconded by Mr. F. Pope to release 2014 Allocated Donations as budgeted.

- **Discussion:** Mr. Counterman asked if this motion included the Fire Tax.
- **Vote:** All in Favor. Motion Passed.

17. **Business Manager / Controller's Financial Report**

Mr. Hein gave a brief report as of the end of August 2014:

General Fund revenues – \$5,565,721.00.
General Fund expenses – \$4,459,482.00
Sewer Fund revenues – \$230,719.00
Sewer Fund expenses – \$272,320.00

18. **Current Obligations**

Before them, the Supervisors had details of the Township's current obligations totaling \$382,566.78. Also, due to the cancelled 9/16/2014 Regular Meeting details of "Paid Since" invoices of \$78,779.47 were presented.

Mr. Adams made a motion, seconded by Mr. F. Pope to pay current obligations in the amount of \$382,566.78, and "Paid Since" obligations in the amount of \$78,779.47.

- **Discussion:** Mr. F. Pope questioned if we checked to make sure taxes were paid before we authorized refunds to property owners.
- **All in Favor. Motion Passed.**

19. Other Business

Halloween

Mr. Zito made a motion, seconded by Mr. F. Pope to designate Halloween on October 31st from 5:00pm – 8:00pm.

- **Discussion:** Comment was heard from Ms. Fairservice.
- **All in Favor. Motion Passed.**

Letter of Thanks to Walmart

Ms. Kelly asked that a letter of thanks be sent to Walmart for cooperating with us, affording us a discount and adding to the contribution of supplies we made to the Barrett Township Volunteer Fire Company for the personnel working on the manhunt in that area.

Zoning Course for Tomas Keane

Ms. Kelly made a motion, seconded by Mr. Adams to authorize Tomas Keane to attend Zoning training October 22nd, 29th and November 5th at a cost of \$100.00.

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

E-911 Signs

Ms. Kelly stated that the Coolbaugh Fire Company had E-911 signs that were ordered and paid for by residents but never picked up. She suggested that they be brought over to the Township for distribution upon request.

20. Board of Supervisors Executive Sessions

- Ms. Kelly announced that the Board of Supervisors held Executive Sessions:
 - Tuesday, September 2, 2014 @ 6:33pm – Personnel.
 - Tuesday, September 2, 2014 @ 8:27pm – Legal.
 - Tuesday, September 23, 2014 @ 7:00pm – Personnel.
 - Tuesday, October 7, 2014 @ 6:57pm – Legal.

Ms. Kelly announced that the Executive Session scheduled for September 16th was not held, and that an Executive Session would be held after this meeting for Personnel.

21. **Adjournment**

There being no further business, a motion was made by Mr. Zito, seconded by Mr. F. Pope, to adjourn the meeting. All in favor. Motion passed. Meeting adjourned at 8:47pm.

NEXT REGULAR BOARD MEETING: October 21, 2014

- Work Session – 6:00pm
- Business Meeting – 7:00pm

Submitted by: _____
Robert M. Zito, Township Secretary

Witnessed by: _____
Lynn Kelly, Chairman

Date: _____