

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
September 17, 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, Alma I. Ruiz-Smith and Lynn Kelly

**Board Members absent:**

Anthony Lamantia and Clare Colgan

**Staff present:**

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Maureen Mills, Business Manager/ Controller and Tomas Keane, Director of Codes/Zoning

**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 community or city you reside in before speaking.

1. **Public input**

- M. Fairservice thanked DPW for the great job they did to the parking lot by the softball field.
- D. Pope asked the status of the sign at Stars and Stripes with regard to the Township Ordinance stating that it is hand painted.
- D. Pope stated that the weeds are getting high at the intersection of Laurel and Main.
- D. Pope stated that he received a letter regarding septic pumping and stated that he is one person and his septic doesn't need to be pumped once every five years asking what the fine is for non-compliance.

2. **Approval of minutes / notes:**

- August 29, 2019- Budget Meeting Minutes
- September 3, 2019- Public Hearing Minutes
- September 3, 2019- Meeting Minutes

*Ms. Ruiz-Smith made a motion second by Ms. Kelly to approve the budget meeting minutes from August 29, 2019, public hearing minutes of September 3, 2019 and the regular meeting minutes of September 3, 2019 as presented.*

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

3. **Monthly reports**

- Pocono Mountain Regional Police Department- Presented by Ms. Kelly. Mr. Weimer reviewed the traffic report that was provided for the speed device that was set up on Route 611 by Hemlock. Ms. Ruiz-Smith stated that she attended the Ray Price fundraiser for PMRPD and stated that it was a great fundraiser and that everyone was happy to see representation from Coolbaugh Township.

- Pocono Mountain Regional EMS- Presented by Mr. Weimer. Ms. Ruiz-Smith stated that she is surprised about the amount of the grant for the PMREMS remodeling project stating that they could have purchased the Charter School on Route 196 for a little bit more than the grant amount. Ms. Ruiz-Smith stated that although the zoning allows for the proposed use, Bureau Veritas should be consulted as well to ensure that there are no other requirements that would not allow the project to move forward should the grant funding be awarded.
- Coolbaugh Township VFD- Presented by T. Keane, also stating that he attended a class on recruitment and retention and have begun implementing some of the ideas that were discussed which included going live on Facebook with trainings that the fire company volunteers are having. Mr. Keane stated that they have a group of volunteers that are currently doing vehicle rescue training which will be completed in a few weeks, thanking Ed's Towing for their continued support of their training exercises. Mr. Keane thanked DPW and Tunkhannock DPW for the great job they did paving their fire station located on Wildflower.
- Gouldsboro VFD- Presented by B. Weimer.
- Thornhurst Fire & Rescue Ambulance- Presented by D. Wagner.
- Tobyhanna Township VFD- Presented by T. Counterman, also stating that he had a great time working with the Coolbaugh Township DPW on the parking lot paving at the fire station stating that they are a great group to work with.
- Pocono Mountain Public Library- Presented by B. Weimer.
- Code Enforcement Officer Report- Presented by Mr. Keane.

#### 4. Request to Extend KOZ Districts

Chuck Leonard of Pocono Mountain Economic Development Corporation was in attendance and discussed the request to extend the KOZ district to the eligible properties that are vacant stating that this KOZ benefit would not apply to the businesses that are already in place, only to any new businesses that would develop on the properties moving forward.

- **Discussion:** Ms. Ruiz-Smith asked Mr. Leonard if there are any companies that are paying the full amount of taxes that previously received the benefit of the KOZ being advised that everyone should be paying the full amount of taxes at this point. Mr. Leonard stated that they are asking for the extension in order to be able to make these properties competitive in the market to other areas. Solicitor Armstrong stated that he has a couple minor revisions which would include wording that was included in previous resolutions that were passed which require an agreement between the business and the Township as well as the addition of the date that the extension expires which would be December 31, 2029.

*Ms. Kelly made a motion second by Mr. Weimer to approve Resolution #08-2019 to extend the KOZ districts for ten years from January 1, 2020 to December 31, 2029 with the condition that our Township Solicitor adds the necessary language to complete the resolution.*

- **Discussion:** Ms. Ruiz-Smith stated that the Board needs to review the resolution once the revisions have been made. Solicitor Armstrong stated that he will make the revisions and send it to the Board.
- **Vote:** All in favor, motion passes.

#### 5. Written Decision on Messer, LLC.- Conditional Use Application

Solicitor Armstrong reviewed the conditions listed in the Messer Cylinder Filling Station conditional use decision that was presented. Ms. Ruiz-Smith stated that she would like a condition added that they could operate 24 hours a day, seven days a week for 12 months a year. Solicitor Armstrong stated that the current revision has the hours of operation removed that were presented at the hearing, which would take care of

this concern as they are not locked into any specific hours of operation. Discussion ensued and it was agreed that it would be added to fact finding #35 to include the wording that the hours of operation could be extended.

*Mr. Weimer made a motion second by Ms. Ruiz-Smith to approve the conditional use written decision for Messer Cylinder Filling Station from the hearing held on September 5, 2019 at 6:30pm with the addition of language in fact finding #35 to include the understanding that hours of operations could be extended.*

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

#### 6. Planning Commission Recommendation of Conditional Approval for the Minor Subdivision of Messer, LLC.

Nate Oiler, Engineer from RKR Hess was in attendance along with Attorney McManus, Mr. Mattingly- Messer, LLC. and Mr. Haverin- Messer, LLC. Mr. Oiler discussed the minor subdivision plan as well as the easements that are being requested to have extinguished which included easements for a walking trail, draining and utilities which are located at various locations on the properties and would impose on the development and security of the project.

*Ms. Kelly made a motion second by Mr. Weimer to grant conditional approval of the minor subdivision for Messer, LLC. based upon all comments in the Township Engineer's review letter dated August 30, 2019 being satisfied and to allow the extinguishing of the requested easements with legal review from our Township Solicitor.*

- **Discussion:** Ms. Ruiz-Smith asked for clarification as to where the front of the building would face.
- **Vote:** All in favor, motion passes.

#### 7. Planning Commission Recommendation of Waivers for Messer, LLC.

- SALDO §355-44 Four Step Design Process for Conservation Design Subdivisions and Land Developments Requested for the Messer, LLC. Land Development Plan
- SALDO §355-57 Landscape Requirements; trees and vegetation for the Messer, LLC. Land Development Plan

*Ms. Kelly made a motion second by Mr. Weimer to grant a waiver to Messer, LLC. of SALDO §355-44, the requirement of a four step design process for all NPDES land developments.*

- **Discussion:** Ms. Kelly stated that this requirement can be waived as it was already completed in the corporate business park.
- **Vote:** All in favor, motion passes.

*Ms. Kelly made a motion second by Mr. Weimer to grant a waiver to Messer, LLC. of SALDO §355-57.d, f & h for landscaping requirements based on the applicants agreement to work with the Township to meet the intent of the ordinance and further subject to the conditions set forth in the conditional use approval.*

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

#### 8. Planning Commission Recommendation of Conditional Approval for the Land Development Plan of Messer, LLC

*Ms. Kelly made a motion second by Ms. Ruiz-Smith to grant conditional approval of the Messer, LLC. Land Development Plan subject to the applicant complying with the Township Engineer's review letter dated*

*August 30, 2019, further pursuant to the requirements set forth in the conditional use approval and with the minimum lighting standard as required by Homeland Security to be reviewed by the Township Engineer.*

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

9. **Planning Commission Recommendation of Waiver of Procedural Time Requirement for Tobyhanna Self Storage until December 17, 2019**

*Mr. Weimer made a motion second by Ms. Ruiz-Smith to grant a waiver of procedural time requirement to Tobyhanna Self Storage until December 17, 2019.*

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

10. **Planning Commission Recommendation of Waiver of Procedural Time Requirement for LPC Pocono I, LLC. until December 17, 2019**

*Ms. Ruiz-Smith made a motion second by Ms. Kelly to grant a waiver of procedural time requirement to LPC Pocono I, LLC. until December 17, 2019.*

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

11. **St. Luke's Hospital Request for LSA Letter of Support**

*Mr. Weimer made a motion second by Ms. Ruiz-Smith to approve the request for a letter of support for the LSA grant submission of St. Luke's Hospital.*

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

12. **Change Order #01-2019: Road Paving Project**

*Mr. Weimer made a motion second by Ms. Ruiz-Smith to approve change order #01-2019 for the 2019 road paving project in the amount of \$21,299.25.*

- **Discussion:** Ms. Ruiz-Smith asked what created the overage in cost from the bid received, being advised by Mr. Weimer that it was due to the increase in materials. H. Smith questioned the contract amount as opposed to the overage.
- **Vote:** All in favor, motion passes.

13. **Awarding of the DPW Roof Replacement Contract**

*Mr. Weimer made a motion second by Ms. Ruiz-Smith to award the DPW Roof Replacement contract to Charles W. Grimm Construction, Inc. in the amount of \$52,821.00 per the bid that was opened on September 12, 2019 at 2:00pm.*

- **Discussion:** Ms. Ruiz-Smith asked when the contractor plans on starting being advised by Ms. Mills that he has reached out regarding the status of the bid and was advised that Ms. Masker will contact him once the contract was awarded.
- **Vote:** All in favor, motion passes.

14. **Authorization to Advertise Sludge Hauling Bid for January 1, 2020-December 31, 2021**

Solicitor Armstrong stated that he read the bid document and suggested inserting language to allow for early termination should the plant be sold during the contract period.

*Ms. Kelly made a motion second by Ms. Ruiz-Smith to authorize the advertisement of the sludge hauling bid for the contract period of January 1, 2020 through December 31, 2021 with the added verbiage being included that would allow for early termination of the contract.*

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

#### 15. Security Project for the Admin Building

Ms. Mills stated that the original motion made on May 10, 2019 allowed the staff to work with Barry Isset & Associates for the security project at the admin building. After starting the process it was determined that Barry Isset and Associates do not do structural plans and would have to subcontract it out to another firm for the architectural part of the project. Ms. Mills stated that they would like to be able to do further research of other companies that may be able to do the entire project as opposed to having to work with multiple companies on the same project.

*Ms. Kelly made a motion second by Ms. Ruiz-Smith to allow the staff to investigate architectural firms to prepare plans for Building #1 security upgrades.*

- **Discussion:** Ms. Ruiz-Smith stated that we should keep Barry Isset in the loop. Ms. Kelly stated that Barry Isset did the smoke detectors and will be coming back. Solicitor Armstrong asked if there will be an RFP sent out for the project. Ms. Ruiz-Smith suggested that the staff work with the Township Engineer who will have the resources and the criteria for architectural firms professionally that will be able to do the work.

*Ms. Kelly amended her motion and Ms. Ruiz-Smith her second to include allowing staff to consult with Township Engineer, Russell Kresge to help them layout a narrative and a plan to move forward.*

- **Discussion:** Solicitor Armstrong stated that after speaking to the Township Engineer, the narrative may end of up being the RFP for the project.
- **Vote:** All in favor, motion passes.

#### 16. Halloween- Trick or Treat Times/ Authorization to Advertise

*Ms. Ruiz-Smith made a motion second by Mr. Weimer to authorize advertising Trick or Treat in Coolbaugh Township to be held on Thursday, October 31, 2019 from 5:00pm- 8:00pm.*

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

#### 17. Controller Report

Report was presented by Ms. Mills as of August 31, 2019

- **Discussion:** None

#### 18. Current obligations

• General Fund	\$	75,435.96
• Sewer Fund	\$	<u>9,571.78</u>
Total Disbursements	\$	85,007.74

*Ms. Ruiz-Smith made a motion second by Mr. Weimer to pay the current obligations in the amount of \$85,0007.74.*

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

19. Solicitor Armstrong Comments/Updates

Solicitor Armstrong stated that he circulated an assessment appeal that he received and advised the Board that they do not have to do anything with it should they choose not to, stating that in many instances, the school will take action as they receive a higher percentage of the taxes. Ms. Ruiz-Smith stated that we receive those appeals in the mail all the time from the county and that we do not act on them. Mr. Weimer advised Solicitor Armstrong to keep them up to speed on it if there is anything they need to do moving forward.

20. Other business

Mr. Weimer stated that he will not be at the next regular scheduled meeting stating that Ms. Colgan may not be either.

21. Executive Session

- Prior: Tuesday, September 17, 2019 from 6:36 pm- 7:02 pm Re: Legal

22. Adjournment

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

Meeting adjourned at 8:32 pm.

NEXT REGULAR BOARD MEETING: Tuesday, October 1, 2019, at the Coolbaugh Township Municipal Office meeting room.

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

Submitted by: \_\_\_\_\_  
Erin Masker, Recording Secretary

Witnessed by: \_\_\_\_\_  
William Weimer, Chairman

Date: \_\_\_\_\_