

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
October 6, 2020

The meeting was called to order by Chairman William Weimer at 6:31pm at the Pocono Mountain Public Library located at 5500 Municipal Drive, Tobyhanna, PA.

Board Members present:

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

Board Members absent:

None

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Meredith Thompson, Business Manager, Darren Dixon, Controller and Thomas Rohan, Code Enforcement/ Zoning Officer

Announcements:

Mr. Weimer announced the following:

- In order to insure the public safety and to comply with the CDC social distancing guidelines during the COVID-19 crisis, this meeting is being held at the Pocono Mountain Public Library.
- 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

- D. Pope stated that there are cars turning around and parking at the end of Pope Road. He stated that there is activity at a residence at all hours of the night and 10-12 cars parked in the driveway. He stated that the house has an apartment in the garage and requested no parking signs be added along the street. Mr. Lamantia stated that he will notify Chief Wagner and Mr. Weimer stated that he will speak with the Township Zoning Department.
- M. Fairservice stated that she is on the Parks and Recreation Commission and asked if she is able to reach out to engineering companies regarding quotes for the park engineering budget for 2021. Mr. Weimer advised that she can as she is not entering into a contract with anyone, just getting prices for budgeting purposes.
- D. Pope asked if the state will be finishing the line painting on Main Street.
- Ms. Ruiz-Smith asked if there is an update available on St. Ann's Church being advised by P. Williams that she is not at liberty to discuss that and as soon as everything is finalized, she will provide the Board with an update.

2. Approval of minutes / notes:

- September 15, 2020- Regular Meeting Minutes
- September 24, 2020- Budget Work Session Minutes

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the September 15, 2020 regular meeting minutes as presented.

- **Discussion:** None
- **Vote:** 4-0-1, motion passes. (Mr. Lamantia abstained due to his absence at that meeting)

Ms. Colgan made a motion second by Ms. Ruiz-Smith to approve the September 24, 2020 budget work session minutes as presented.

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

3. Messer, LLC. Addendum to Development Agreement

Solicitor Armstrong stated that this is the first addendum to the development agreement and stated that it is only before the Board to make them aware of the provision that was requested to be added by Messer that they may choose not proceed with Phase 2 of the land development plan. Attorney Andrew Wolf was in attendance on behalf of Messer and stated that phase two is separate and distinct from the primary facility. Ms. Ruiz-Smith asked if there is a financial security on file for the entire project or just one phase, being advised that the security on file is for both phases.

- **Discussion:** Mr. Weimer asked if it is foreseen that the project will not be seen through phase one and two, being advised by Messer representative Mr. Mattingly that they anticipate completing the entire project, but that due to 2020 and all the uncertainties they requested that this provision be added in case we are unable to complete phase two. Mr. Weimer asked if it becomes an issue with completion of phase two by the 2025 date, is there a way to extend the agreement being advised by Solicitor Armstrong that there is. Solicitor Armstrong also stated that should they not decide to move forward with phase 2, a letter of withdrawal would need to be submitted to the Board. Mr. Mattingly from Messer stated that all improvements for the land development plan will be completed in phase one of the project. Ms. Ruiz-Smith asked Mr. Mattingly from Messer for a business card as she was approached by the news and wants to be sure that she provides them with the accurate contact information.
- **Vote:** All in favor, motion passes.

4. Planning Commission Recommendation to Grant Approval of the Waivers for Food Express Convenience/ Dunkin Donuts Drive Thru as follows:

- §355-26.C- Existing Resources and Site Analysis
- §355-54.F- An area Reserved for parking to the 85th percentile showing in the Parking Demand Table

Ms. Kelly made a motion second by Mr. Weimer to approve the recommended waivers of §355-26.C- Existing Resources and Site Analysis and §355-54.F- An area Reserved for parking to the 85th percentile showing in the Parking Demand Table for Food Express Convenience/ Dunkin Donuts Drive Thru.

- **Discussion:** D. Pope asked where the project is being advised the Food Express gas station on Rt. 196
- **Vote:** All in favor, motion passes.

5. Planning Commission Recommendation of Conditional Approval of the Land Development Plan for Food Express Convenience/ Dunkin Donuts Drive Thru

Ms. Ruiz-Smith made a motion second by Mr. Weimer to grant conditional approval of the Land Development Plan for Food Express Convenience/ Dunkin Donuts Drive Thru based on the Planning Commission recommendation dated September 14, 2020 with the following conditions; §355-51: Any approval of the plan should be conditioned upon verification that the comments of the Sewage Enforcement Officer regarding the sewage disposal system, as set forth in the Hanover Engineering letter dated January 3, 2020, have been satisfactorily addressed(Comment #1) and §355-27.C.14: A development agreement, improvements construction cost estimate, financial security, etc. must be provided prior to final approval by the Board of Supervisors(Comment #5).

- **Discussion:** Mr. Argot commented to the Board that Ms. Masker was a pleasure to work with on this project.
- **Vote:** All in favor, motion passes.

6. **Planning Commission Recommendation of Waiver of Procedural Time Requirements until October 20, 2020 for RCI Properties (Pocono), LLC. Land Development Plan**

Ms. Kelly made a motion second by Ms. Ruiz-Smith to approve the waiver of procedural time requirements until October 20, 2020 for RCI Properties (Pocono), LLC. Land Development Plan.

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

7. **Planning Commission Recommendation of Waiver of Procedural Time Requirements until December 21, 2020 for the Land Development Plan and Minor Subdivision Plan of Center Rock Realty/Ray Price Mount Pocono Jeep**

Ms. Colgan made a motion second by Mr. Lamantia to approve the waiver of procedural time requirements until December 21, 2020 for the Land Development Plan and Minor Subdivision Plan of Center Rock Realty/Ray Price Mount Pocono Jeep.

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

8. **Resolution #12-2020: A Resolution of the Governing Body of Coolbaugh Township, Pennsylvania, Authorizing, Empowering and Directing the Proper Officers of the Governing Body to Appoint a Liaison between It and Berkheimer, the Duly Appointed Collector of Local Taxes for the District, for the Express Purpose of Sharing Confidential Tax Information with the District for Official Purposes.**

Ms. Kelly made a motion second by Mr. Weimer to approve Resolution 12-2020 appointing Darren Dixon, Township Controller as the authorized representative for Coolbaugh Township to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for Coolbaugh Township.

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

9. **Resolution #13-2020: Resolution Authorizing the Board of Supervisors of Coolbaugh Township to Select and Appropriate Either Amicably or by Eminent Domain Certain Real Estate in Coolbaugh Township, Monroe County, Pennsylvania, in Fee Simple to be Used for Authorized Public Uses; Authorizing the Institution of Eminent Domain Proceedings for the Acquisition Thereof; Providing for the Furnishing of Security for the Payment of Damages in Accordance with the Law; and Authorizing Certain Officers of Coolbaugh Township to Act for it in All Procedures and Actions Required by Eminent Domain Code.**

Ms. Kelly made a motion second by Ms. Colgan to approve resolution #13-2020: Resolution Authorizing the Board of Supervisors of Coolbaugh Township to Select and Appropriate Either Amicably or by Eminent Domain Certain Real Estate in Coolbaugh Township, Monroe County, Pennsylvania, in Fee Simple to be Used for Authorized Public Uses; Authorizing the Institution of Eminent Domain Proceedings for the Acquisition Thereof; Providing for the Furnishing of Security for the Payment of Damages in Accordance with the Law; and Authorizing Certain Officers of Coolbaugh Township to Act for it in All Procedures and Actions Required by Eminent Domain Code.

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

10. **Resolution #14-2020: Resolution Authorizing the Board of Supervisors of Coolbaugh Township to Select and Appropriate Either Amicably or by Eminent Domain Certain Real Estate in Coolbaugh Township, Monroe County, Pennsylvania, in Fee Simple to be Used for Authorized Public Uses; Authorizing the Institution of Eminent Domain Proceedings for the Acquisition Thereof; Providing for the Furnishing of Security for the Payment of Damages in Accordance with the Law; and Authorizing Certain Officers of Coolbaugh Township to Act for it in All Procedures and Actions Required by Eminent Domain Code.**

Ms. Colgan made a motion second by Mr. Weimer to approve Resolution #14-2020: Resolution Authorizing the Board of Supervisors of Coolbaugh Township to Select and Appropriate Either Amicably or by Eminent Domain Certain Real Estate in Coolbaugh Township, Monroe County, Pennsylvania, in Fee Simple to be Used for Authorized Public Uses; Authorizing the Institution of Eminent Domain Proceedings for the Acquisition Thereof; Providing for the Furnishing of Security for the Payment of Damages in Accordance with the Law; and Authorizing Certain Officers of Coolbaugh Township to Act for it in All Procedures and Actions Required by Eminent Domain Code.

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

11. **Parks and Recreation Recommendation to Purchase Two Flagpoles for a Total Cost not to Exceed \$3,500.00**

Mr. Weimer made a motion second by Ms. Colgan to approve the Parks and Recreation request to purchase two flagpoles at a total cost not to exceed \$3,500.00.

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

12. **Parks and Recreation Request for DPW Employees to pick up pumpkins and work at the Ghoulbaugh Event on Saturday, October 31, 2020**

Ms. Colgan made a motion second by Mr. Weimer to approve the Parks and Recreation request for DPW to pick up the pumpkins from Selig's on Friday, October 30th and for three DPW employees to work overtime on Saturday, October 31st from 12:00pm-4:00pm.

- **Discussion:** Ms. Colgan stated that DPW will assist with setting up tables and directing traffic stating that the cars will enter the park by the bathrooms and exit behind the concession stand.
- **Vote:** All in favor, motion passes.

13. **Authorization to Advertise Halloween Trick or Treat Times**

Ms. Ruiz-Smith made a motion second by Ms. Kelly to advertise Coolbaugh Township trick or treat for Saturday, October 31st from 4:00pm-7:00pm.

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

14. **Coolbaugh Township Minimum Municipal Obligation for 2021: Township Non-Uniform Pension**

Ms. Kelly made a motion second by Mr. Weimer to approve the Coolbaugh Township Minimum Municipal Obligation (MMO) for 2021 for Township Non Uniform Pension in the amount of \$80,106.84.

- **Discussion:** Ms. Ruiz-Smith asked if this is for Police or Township Employees with Ms. Kelly stating it is for the Township Employees.
- **Vote:** All in favor, motion passes.

15. **Authorization to Release Remaining Contributions**

Mr. Weimer made a motion second by Ms. Colgan to release the remaining contributions in the amount of \$23,750.00 as follows: VFW 3448-\$2,500.00, VFW 509-\$2,500.00, Valor- \$2,500.00, Donations split between the VFW's-\$750.00,

Monroe County Waste Authority-\$2,000.00, Tobyhanna Conservation Club- \$3,500.00, Coolbaugh Township Historical Society-\$5,000.00 and Pocono Rail Historical Society- \$5,000.00.

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

16. Proclamation of October as National Domestic Violence Awareness Month

Mr. Weimer made a motion second by Ms. Kelly to declare October as National Domestic Violence Awareness Month.

- **Discussion:** Ms. Masker stated that the vigil will be held in Courthouse Square this year on October 20th if any Board members would like to read the proclamation aloud. The Board stated that because it was a meeting night they would be unable to attend and requested that the proclamation be sent in the mail.
- **Vote:** All in favor, motion passes.

17. Current obligations

• General Fund	\$ 450,908.86
• Coolbaugh Twp. VFC	\$ 323,500.00
• Escrow Fund	\$ 899.50
• Sewer Fund	<u>\$ 17,975.74</u>
Total Disbursements	\$ 793,284.10

Ms. Ruiz-Smith made a motion second by Ms. Colgan to pay the current obligations in the amount of \$793,284.10.

- **Discussion:** Ms. Ruiz-Smith asked for clarification on checks 6849, 6852 and 6867
- **Vote:** All in favor, motion passes.

18. Solicitor Armstrong Comments/Updates

Solicitor Armstrong asked for a brief executive session for Legal and Real Estate

19. Other business

- Ghoulbaugh will be held as a drive thru event on Saturday, October 31, 2020 from 1-3pm at the Coolbaugh Township Municipal Park
- Mr. Lamantia commended the Coolbaugh Township Volunteer Fire Company on their work at the home explosion in APCP over the weekend. Mr. Weimer stated that he will pass it along and stated that they were also contacted by the daughter of the property owners to thank the volunteers for their excellent customer service stating that they retrieved and helped open a fire proof safe as well as saved a new car that was in the garage.
- Mr. Lamantia asked if there has been any update on the APCP sign relating to the Route 196 project being advised by Solicitor Armstrong that as of the end of September he was told by Mr. Carlin of Gilmore and Associates that the mason was 5-6 weeks from getting to the site. Mr. Weimer asked that Solicitor Armstrong stay on top of them so it can be finished.
- Ms. Colgan stated that the PMREMS is having their annual Drive For Your Community Event on Saturday, October 10th from 9am-2pm. J. Hofbauer stated that it can be a virtual or in person test drive and you can register online at pmrems.org. She stated that for every test drive, \$20.00 is donated to the EMS. Ms. Colgan stated that the t-shirt fundraiser for breast cancer awareness raised close to \$1,800.00.

Ms. Kelly made a motion second by Ms. Colgan to approve the request for a \$250.00 donation for the APCP Neighborhood Crime Watch.

- **Discussion:** Ms. Kelly stated that it would come from the crime watch donation budget line item.
- **Vote:** All in favor, motion passes.

- Ms. Kelly stated that the Board received an email from the Rail Historical Society regarding participating in the Ghoulbough event by having a stop at the train station to hand out candy. She asked that Parks and Recreation reach out to them about the event. Ms. Colgan stated that she will call them.
- Ms. Ruiz-Smith stated that she would like verbiage added to the litter ordinance section 245-3 to include furniture and other furnishings stating that there are mattresses found along the roads on a regular basis.
- Ms. Ruiz-Smith referenced an email string that was back and forth regarding the short term rental on lot septic pumping requirements. She stated that she would like to have the Township staff look into the requirements for pumping stating that there are many households with a single person or an elderly person living in them that should not be required to pump every five years. Discussion ensued and Mr. Weimer asked the staff to speak with the Township SEO about the DEP regulations pertaining to pumping requirements.
- Ms. Ruiz-Smith stated that she met with the Veterans Committee yesterday and that she provided letters of interest stating that there are currently four gentlemen interested in the committee and one other that has to submit his letter. Ms. Ruiz-Smith asked Ms. Masker to reach out to VFW post 3448 regarding a veteran that may be interested in joining the committee stating that if they do not have one, she will have the other gentleman put in a letter of interest. Once the other letter is received, the Board will appoint the interested parties to the committee. Solicitor Armstrong will review the resolution and the makeup of the committee prior to the appointments being made.
- Mr. Weimer stated that the blighted property on Mohawk Trail will be coming down soon stating that PPL has secured the electric and the dumpsters have been ordered.
- Mr. Weimer asked the Board if they are ok with himself, Mr. Lamantia and Mr. Keane conducting the first round of interviews for the codes position as in the past, being advised that they agree.
- Mr. Weimer commended the DPW workers for their rapid response to the issue at the WWTP stating that they moved with a purpose and were prepared. He stated that they exceeded the expectations of DEP with the cleanup. He stated that the backhoe broke down twice during the cleanup, but other than that they did a phenomenal job. He thanked the office staff for working together as a team to assist with the cleanup and coverage where needed.
- Mr. Weimer stated that he would like to stick to tradition with having the Veterans Ceremony for the first meeting of November, stating that due to the election we will not be able to have our meeting at the library which is scheduled for Monday, November 2, 2020. The Board discussed the options of having the ceremony at the Veterans Monument or in the parking lot at the municipal center. P. Williams stated that the Tobyhanna Methodist Church has a space that the Board could use for the ceremony and the meeting. Ms. Masker will send a letter to request use of the space.

Board of Supervisors Executive Session

- **After:** Tuesday, October 6, 2020 from 8:10pm to 8:35pm Re: Real Estate and Legal

Adjournment

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

Meeting adjourned at 7:55pm.

NEXT REGULAR BOARD MEETING: Tuesday, October 20, 2020, at the Pocono Mountain Public Library located at 5500 Municipal Drive, Tobyhanna, PA.

- Work Session/ Business Meeting – 6:00pm

Submitted by: _____
Erin Masker, Recording Secretary

Witnessed by: _____
William Weimer, Chairman

Date: _____