

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
November 5, 2020

The meeting was called to order by Chairman William Weimer at 6:26pm 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 (via Zoom)

Board Members absent:

None

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary (via Zoom), Meredith Thompson, Business Manager and Darren Dixon, Controller

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 asked if there is any update from PennDot on the incomplete line painting in town, being advised that there is no update at this point.
- H. Smith asked that the Board consider putting lights at the monument, stating it was very nice this evening with it lit up. Mr. Weimer asked that H. Smith speak with the DPW Foreman to get pricing and get the information back to the Board.

2. Approval of minutes / notes:

- October 20, 2020- Regular Meeting Minutes
- October 22, 2020- Budget Work Session Minutes

Ms. Ruiz-Smith made a motion second by Mr. Lamantia to approve the October 20, 2020 regular meeting minutes and the October 22, 2020 budget work session minutes as presented.

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

3. WWTP Influent Flow Meter Replacement

Ms. Thompson stated that she received an email from Ken Fulford on September 22nd requesting that Moyer Instruments re-evaluate the influent flow meter at the WWTP and following the evaluation, he advised her that it needed to be replaced. The quote provided to the Board is for that recommended replacement.

Mr. Weimer made a motion second by Ms. Ruiz-Smith to authorize the replacement of the Endress Hauser Magnetic Flow Meter at the WWTP in the amount of \$4,159.00 as per the quote provided by Moyer Instruments dated 10/20/2020.

- **Discussion:** Ms. Ruiz-Smith asked for a breakdown of the expenses incurred in purchases and repairs at the WWTP over the past 24 months.
- **Vote:** All in favor, motion passes.

4. Authorization to Execute PFM Engagement Letter

Ms. Thompson stated that she and Solicitor Armstrong reviewed the contract and they have determined that there are some services that are included in the quote that have already been completed and stated that there is room to negotiate the terms of the contract. Solicitor Armstrong stated that there are items in phase 2 that have already been completed that will not require PFM to fulfill. Ms. Ruiz-Smith asked if these prices have been provided previously for phase 2 and 3 as she doesn't recall seeing them, with Ms. Thompson stating that this is the first time they are being presented in the contract format and that the amounts listed are the cap amounts for each phase. She stated that depending on what has already been completed and what is still required, will determine the amount that will be charged, but stated that the cost will not exceed those listed in the contract. Discussion ensued about the progress that has already been made on the items listed in the contract and Mr. Weimer asked that Solicitor Armstrong and Ms. Thompson try to work on the numbers and bring this back to the Board at the next meeting.

Ms. Kelly made a motion second by Ms. Ruiz-Smith to table agenda item #4: Authorization to Execute PFM Engagement letter until the November 17, 2020.

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

5. Authorization to Participate in the Cigarette Litter Prevention Program

Ms. Kelly made a motion second by Ms. Ruiz-Smith to authorize participating in the Cigarette Litter Prevention Program.

- **Discussion:** Ms. Ruiz-Smith asked if this is being offered to area businesses and employers to offer cigarette receptacles at their establishments for customers and employees. Ms. Thompson stated that the Township was approached by the Waste Authority as this program is funded by a grant that they received which will replace the current receptacles. Mr. Weimer stated that it would be up to the Waste Authority to offer it to them.
- **Vote:** All in favor, motion passes.

6. Authorization to Advertise Public Hearing for the Zoning Change Request

Mr. Weimer made a motion second by Ms. Colgan to authorize advertising the public hearing for the zoning change request to be held on Tuesday, December 1, 2020 at 6:00pm with the work session to follow.

- **Discussion:** Solicitor Armstrong stated that this is the request for the four properties that are located on Corporate Center Drive East which are proposed to be changed from C2-C1.
- **Vote:** All in favor, motion passes.

7. Authorization to Advertise the following:

- Notice of vacancies on various boards, commissions and council
- Notice to Residents- Any vehicle left on Township Right of Way during periods of ice or snow removal will be towed at owner's expense.

Ms. Colgan made a motion second by Ms. Ruiz-Smith to authorize the advertisements as presented.

- **Discussion:** Mr. Weimer reviewed the positions that are open that will be advertised.
- **Vote:** All in favor, motion passes.

8. Conditional Approval of Minor Subdivision joining lots 1 & 2, Pobar Estates, Property Owner(s) Gary R. & Mary P. Beehler Conditioned on addressing the outstanding comments in Township Engineer Russell Kresge's email dated September 1, 2020

Mr. Lamantia made a motion second by Ms. Colgan to grant Conditional Approval of the Minor Subdivision joining lots 1 & 2, Pobar Estates, Property Owner(s) Gary R. & Mary P. Beehler Conditioned on addressing the outstanding comments in Township Engineer Russell Kresge's email dated September 1, 2020.

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

9. Request for Waiver of Procedural Time Requirements for the Minor Subdivision of Linda Silva until March 30, 2021

Ms. Colgan made a motion second by Ms. Ruiz-Smith to approve the Request for Waiver of Procedural Time Requirements for the Minor Subdivision of Linda Silva until March 30, 2021

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

10. Current obligations

• General Fund	\$ 529,347.09
• State Liquid Fuels	\$ 444,373.79
• Sewer Fund	<u>\$ 33,187.88</u>
Total Disbursements	\$ 1,006,908.76

Ms. Colgan made a motion second by Mr. Weimer to pay the current obligations in the amount of \$1,006,908.76.

- **Discussion:** Ms. Ruiz-Smith discussed checks #7024 and #7029.
- **Vote:** All in favor, motion passes.

11. Solicitor Armstrong Comments/Updates

Solicitor Armstrong asked for a brief executive session for Legal and Real Estate following the meeting this evening.

12. Other business

- Coolbaugh Township Volunteer Fire Company Fundraising Sales Event: Saturday, November 7th from 12:00pm-6:00pm and Sunday, November 8th from 12:00pm-4:00pm.

Mr. Weimer made a motion second by Mr. Lamantia to authorize the advertisement of the proposed litter ordinance to be held on Tuesday, December 15, 2020 at 6pm with the work session to follow.

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

- Mr. Weimer stated that there is an issue with trucks parking along Corporate Center Drive East & West, Kolb Ct., Bill Leonard Drive and Community Drive. He stated that in order to have police enforcement, signs would need to be installed every 250' in order to be in compliance, which would cost \$5,913.00 for the proposed 81 signs that would be needed. He would like the Board to consider this and asked Mr. Dixon to look at the budget and see if there is any funding available to start this project, stating that we can budget money for next year if needed to complete the project. Mr. Lamantia asked about the legality of just installing signs and asked Solicitor Armstrong if there is an ordinance needed. Solicitor Armstrong stated that he will look at the current ordinance to be sure it is addressed.
- Mr. Weimer stated that the Board should consider the replacement of the backhoe, stating that it is in worse shape than he thought it was. He stated that the DPW Foreman has been reviewing his budget items and has

been able to move some funds around and stated that there may be a need to budget for the difference in the 2021 budget for the purchase. Ms. Ruiz-Smith stated that it had been discussed before and she would like to request again that a running list be maintained on maintenance and repair expenses incurred on all vehicles and equipment.

- Ms. Thompson discussed the Membrane Tank Repair contract that is before the Board stating that it is in the lump sum of \$62,682.00 which was discussed at the last meeting. This is the Suez contract for the repair and replacement of the damaged membrane tank which includes the first three years of maintenance. She stated that the maintenance following the three years would be at the cost of \$4,736.00 per year which will also be increased by 5% to account for time. Solicitor Armstrong stated that he reviewed the contract and has the following concerns: the terms for auto enrollment in the maintenance contract without a 90 day notice prior to the renewal, he stated that he would prefer that the terms be changed to reflect that the Township has to agree to the maintenance contract annually, stating that even if you were to give a 60 day notice, the Township would have to wait an entire year to cancel. Secondly, he would like the jurisdiction determined as this company is not located with the state of PA, so he would like the terms of jurisdiction further defined. Ms. Ruiz-Smith requested that it be determined if Suez and the company listed as Utility Service Co. on the contract are one and the same.

Ms. Colgan made the motion second by Mr. Lamantia to approve entering into the master services agreement and the scope of work agreement in the amount of \$62,682.00 with Utility Service Co. subject to them agreeing to the changes to the termination and jurisdiction provisions in a manner satisfactory to the Township and confirming that Utility Service Co. and Suez are one in the same.

- **Discussion:** Ms. Ruiz-Smith stated that she is not in favor of approving this contract as it was not provided prior to the meeting for review by the Board. Mr. Lamantia stated that if the Solicitor has reviewed it and is ok with it, he is ok with it as well because the repairs need to be made. Solicitor Armstrong stated that this information was provided previously and that this is just in contract form. Ms. Ruiz-Smith wants to be sure that Suez and Utility Service Co. are one in the same.
- **Vote:** All in favor, motion passes.

Ms. Kelly made a motion second by Ms. Ruiz-Smith to enter into a settlement agreement with Walmart with the release and a settlement in the amount of \$84,082.65 paid to Coolbaugh Township.

- **Discussion:** Ms. Ruiz-Smith stated she is happy with the settlement agreement.
- **Vote:** 4-0-1, motion passes. (Mr. Weimer abstained due to his employment with Walmart)

- Ms. Ruiz-Smith asked that the staff create a tracking system on developers coming to the area, listing where their proposed development is located to include an address instead of pin numbers or tax ID numbers.
- Ms. Colgan thanked Parks and Recreation as well as the organizations that participated in Ghoulbough and stated that they handed out approximately 160 goody bags and pumpkins. She stated that it went very well. Ms. Kelly thanked them as well stating the event was well organized.
- Mr. Lamantia thanked Solicitor Armstrong for getting back to Ms. Dunn regarding the sign at APCP and asked what the status of the HOP's are associated with the Route 196 project. Solicitor Armstrong stated that the plans were submitted back to PennDot after the approval by both property owners was obtained. He stated that he will follow up with Joe Carlin and provide an update to the Board. Mr. Lamantia stated that he would like an update provided monthly of any outstanding projects as they are currently only receiving updates when asked. Ms. Kelly stated that if the plans were submitted to PennDot they could be in the review phase which as we have learned is a back and forth process.

- Mr. Weimer thanked everyone that participated in the Veterans Ceremony stating that it was beautiful and much better than doing it inside. He stated that the ambience to what we did was very enlightening and humbled by where we were at. He stated the weather worked in our favor and the ceremony and monument truly represents Coolbaugh Township. He will be looking into a PA system for future events.
- Mr. Weimer stated that on election day there was a major issue with parking and stated that moving forward there will be procedures put in place for the control of traffic as he wants to be sure people are not parking on the grass and that there is safety in place for the Township employees and parking areas available for them.
- Mr. Weimer thanked the Coolbaugh Township Volunteer Fire company volunteers for fogging the library and firehouse following the election.
- The Coolbaugh Township VFC is within a little bit of a closer range with the design of the new fire station. They are going with Conestoga Buildings which will do the engineering and building, stating there is a preliminary design in place. They are working with an outside engineering company to obtain the HOP. Mr. Weimer stated that the fundraisers are going to continue to pay for the engineering costs as they are not cheap.

Board of Supervisors Executive Session

- **After:** Tuesday, November 5, 2020 from 7:23pm-7:31pm 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 7:21pm.

NEXT REGULAR BOARD MEETING: Tuesday, November 17, 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: _____