

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
January 19, 2021

The meeting was called to order by Chairman William Weimer at 6:28pm via the Zoom Virtual Meeting App.

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 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 via the Zoom virtual media app.
- 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. Public input will be accepted via email to emasker@coolbaughtwp.org and in the chat box of the Zoom app.
- 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

Nothing was heard.

2. Approval of minutes / notes:

- January 4, 2021- Regular Meeting Minutes

Ms. Ruiz-Smith made a motion second by Mr. Lamantia to approve the January 4, 2021 Regular Meeting Minutes as presented.

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

3. Monthly reports

- Pocono Mountain Regional Police Department- Presented by Mr. Lamantia
- Pocono Mountain Regional EMS- Presented by Ms. Colgan
- Coolbaugh Township VFD- Presented by Mr. Weimer. Ms. Ruiz-Smith asked if the RFP has been advertised for the fire hall renovation being advised by Mr. Weimer that it has, stating that there was a pre-bid construction meeting held.
- Gouldsboro VFD- Presented by Mr. Weimer
- Thornhurst Fire & Rescue Ambulance- Presented by Mr. Weimer
- Tobyhanna Township VFD- Presented by Mr. Weimer
- Pocono Mountain Public Library- Presented by Ms. Kelly

4. Planning Commission Recommendation of Requested Waivers for Monadnock Non-Wovens

Ms. Kelly made a motion second by Ms. Ruiz-Smith to approve the requested waivers as per the Planning Commission recommendation dated December 15, 2020 and as outlined in Township Engineer Russell Kresge's review letter dated January 13, 2021.

- **Discussion:** Ms. Ruiz-Smith stated that the waivers would need to have conditional approval until it is determined if the correct word is now or not as they are not the same in the PC recommendation letter and the review letter from our Township Engineer. She stated that she is sure it was a typo, but stated that we need clarification before granting the approval. Ms. Masker stated that it was a typo, but that she would get clarification.

Ms. Kelly amended her motion and Ms. Ruiz-Smith her second to grant conditional approval of the recommended waivers (§344.2.E&F, §344.24, §355-26, 27 & 30, and §355-57 & §355-72.B.4) by the Planning Commission dated December 15, 2020 and in accordance with Township Engineer Russell Kresge's review letter dated January 13, 2021 conditioned on the correct word being determined for the requested waiver §344.2.1.E&F, now or not.

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

5. Planning Commission Recommendation of Conditional Approval for Monadnock Non-Wovens Land Development Plan

Ms. Ruiz-Smith made a motion second by Ms. Kelly to grant conditional approval as recommended by the Coolbaugh Township Planning Commission in their memo dated December 15, 2020 to Monadnock Non-Wovens Land Development Plan.

- **Discussion:** Chuck Niclaus, Barry Isett and Associates stated that he has received a waiver from DEP with regards to the state regulated waters, stating that there is no flood plain or flood way that will affect the project. Mr. Niclaus also asked Solicitor Armstrong if there was a template for the development agreement or how he would like to proceed, being advised that if he provides the name of the financial institution that the line of credit will come from he will be able to draft the agreement. Mr. Niclaus stated that he will get that information to Ms. Masker. Ms. Kelly asked that the motion be amended to include reference to Township Engineer, Russell Kresge's review dated January 13, 2021.

Ms. Ruiz-Smith amended her motion and Ms. Kelly her second to grant conditional approval as recommended by the Coolbaugh Township Planning Commission in their memo dated December 15, 2020 to Monadnock Non-Wovens Land Development Plan conditioned on all comments in Township Engineer Russell Kresge's review letter dated January 13, 2021.

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

6. Appointment of Mia Woolley to the Environmental Advisory Council with a Term Ending on December 31, 2023

Mr. Weimer made a motion second by Ms. Kelly to appoint Mia Woolley to the Environmental Advisory Council with a term ending December 31, 2023.

- **Discussion:** Ms. Colgan asked where she lives, being advised by Ms. Masker that she confirmed her address in Pocono Summit is in Coolbaugh Township.
- **Vote:** All in favor, motion passes.

7. **Conditional Approval of Minor Subdivision joining Lots 1 & 2, Block A-86, Section 13, Arrowhead Lake for Daniel and Tiffany Kiker**

Mr. Weimer made a motion second by Ms. Kelly to grant conditional approval of the Minor Subdivision joining Lots 1 & 2, Block A-86, Section 13, Arrowhead Lake for Daniel and Tiffany Kiker conditioned on all comments in Township Engineer, Russell Kresge's review dated January 12, 2021.

- **Discussion:** Ms. Ruiz-Smith stated that the MCCD review letter states that there is a non-conformity for the shed and/or deck, she asked if we know which one it is and confirmed that it would not be an issue that would come back to create a zoning issue in the future by approving that plan. Solicitor Armstrong stated that he is not sure which one it is but stated that it would not create a zoning issue as they are recommending approval. He stated that many times the joining of the lots helps resolve the non-conforming issue depending on where on the property it is located.
- **Vote:** All in favor, motion passes.

8. **Request for Waiver of Use Permit Fee- God's Temple of Praise & Worship 540 Route 196, Suites 11-13, Tobyhanna**

Ms. Kelly made a motion second by Ms. Ruiz-Smith to waive the use permit fee in the amount of \$50.00 for God's Temple Praise & Worship located at 540 Route 196, Suites 11-13, Tobyhanna.

- **Discussion:** MS. Ruiz-Smith asked if the building is zoned for a church, stating that we should have the input of our zoning officer. Solicitor Armstrong stated that the board is not waiving anything to do with the zoning of the space, simply waiving the use permit application fee. Ms. Kelly stated she believes that there was already a church in that strip mall.
- **Vote:** All in favor, motion passes.

9. **Authorization to Purchase 2022 Model Year Western Star 4700SB Cab & Chassis with Dump Body, Plow , Spreader and Lights Package in the amount of \$211,564.00 (Sherwood Trucks \$125,170.00 & Triad Truck Equipment \$86,394.00)**

Ms. Kelly made a motion second by Mr. Weimer to authorize the purchase of the 2022 Model Year Western Star 4700SB Cab & Chassis with Dump Body, Plow, Spreader and Lights Package in the amount of \$211,564.00.

- **Discussion:** Ms. Ruiz-Smith asked if this was budgeted for and was advised that it was as well as the John Deere backhoe. Mr. Weimer stated that funds from the truck come from liquid fuels funding and the John Deere is being purchased with funds that were carried over from the 2020 budget that were not spent.
- **Vote:** All in favor, motion passes.

10. **Authorization to Purchase a John Deere 410L Backhoe Loader in the amount of \$123,059.68 from John Deere**

Mr. Weimer made a motion second by Mr. Lamantia to authorize the purchase of a John Deere 410L Backhoe Loader in the amount of \$123,059.68 from John Deere

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

11. **Coolbaugh Township Sewer Authority Appointments**

Ms. Kelly made a motion second by Ms. Colgan to approve Resolution #03-2021: A Resolution of the Coolbaugh Township Board of Supervisors appointing five (5) New Members to the Coolbaugh Township Municipal Authority in Accordance with the Pennsylvania Municipal Authorities Act and the Coolbaugh Township Municipal Authority's Bylaws.

- **Discussion:** Mr. Weimer stated that the members and term expirations are as follows: Mr. Weimer-2025, Ms. Colgan- 2024, Ms. Kelly-2023, Mr. Lamantia-2022 and Ms. Ruiz-Smith- 2021. Ms. Ruiz-Smith stated that the dates do not coincide with the term expiration dates for the current Supervisor terms. Solicitor Armstrong stated that he put the draft together with the terms as close to Board terms as possible but stated that it is a

separate board and that the terms can be different from the supervisor terms. Solicitor Armstrong stated that there will need to be an authorization to advertise the first meeting of the authority for first official action.

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

12. Families First Coronavirus Response Act: Employee Paid Leave Voluntary Extension

Ms. Thompson stated that this is a voluntary extension of the federal mandate that was not extended following the December 31, 2020 expiration. She stated that this would extend the 10 day leave for anyone that has COVID or is affected by COVID that is unable to work from home. Mr. Weimer stated that there is also a provision for anyone that travels for any reason outside of traveling for work that would be required to quarantine. This would allow the board to determine the protocol on a case by case basis.

Mr. Weimer made a motion second by Ms. Kelly to approve the Families First Coronavirus Response Act: Employee Paid Leave Voluntary Extension until March 25, 2021.

- **Discussion:** Ms. Kelly requested that the motion be amended to be extended until June 30, 2021 to allow time for vaccines to be given to a larger number of individuals. Solicitor Armstrong stated that this can be extended again in March if needed. Solicitor Armstrong asked if this has been presented to the union representative for review and was advised that it has not, but that it will be once approved.

Mr. Weimer amended his motion and Ms. Kelly her second to extend the Families First Coronavirus Response Act: Employee Paid Leave Voluntary Extension until June 30, 2021.

- **Discussion:** Ms. Ruiz-Smith stated that the employee would need to be required to work from home. Ms. Thompson stated that this would only be for an employee that is not able to work during this time, stating that they would be covered. She stated that the expectation is that an employee will work from home. Mr. Weimer asked how this would affect DPW as they are unable to work from home. Ms. Ruiz-Smith stated that we should hold off on voting until the union has time to review it. Ms. Kelly stated that if we start asking the union to weigh in we will not have it passed for a few meetings as there will be back and forth. She stated that she would rather deal with it as a management decision. Solicitor Armstrong stated it is not a bargaining item, it is a benefit that is being offered. Mr. Weimer stated that we are extending the act in good faith.
- **Vote:** All in favor, motion passes.

13. Authorization for Solicitor Armstrong to attend Tax Exemption hearing for the Coolbaugh Township Volunteer Fire Company

Ms. Ruiz-Smith made a motion second by Mr. Lamantia to authorize Solicitor Armstrong to attend the tax exemption hearing for the Coolbaugh Township Volunteer Fire Company.

- **Discussion:** None
- **Vote:** 4-0-1, motion passes. (Mr. Weimer abstained)

14. Controller Report

Presented by D. Dixon as of December 31, 2020

15. Current obligations

• General Fund	\$ 321,597.22
• Escrow	\$ 2,368.87
• Sewer Fund	<u>\$ 21,363.14</u>
Total Disbursements	\$ 345,329.23

Ms. Ruiz-Smith made a motion second by Ms. Colgan to pay the current obligations in the amount of \$345,329.23.

- **Discussion:** Ms. Colgan asked for clarification on check #7198.
- **Vote:** All in favor, motion passes.

16. Solicitor Armstrong Comments/Updates

- Solicitor Armstrong stated that he received an email requesting that he meet with the library board solicitor in order to move the library tax forward. He stated that he needs the Board's authorization should they want him to do so.

Ms. Ruiz-Smith made a motion second by Mr. Weimer to authorize Solicitor Armstrong to meet with the Pocono Mountain Public Library Board Solicitor regarding the library tax.

- **Discussion:** None
 - **Vote:** 4-0-1, motion passes. (Ms. Kelly abstained due to her employment)
- Solicitor Armstrong stated that he is working on amending an Open Space Deed for the Hoodak property and asked if any of the Supervisors have contact information for anyone in the Hoodak family, namely Margaret Hoodak that they can provide it to him as he has some questions regarding the property.
 - Solicitor Armstrong stated that he followed up with Joe Carlin from Gilmore and Associates re: the Route 196 project and stated that there is no definite date for the completion of the APCP sign at this time and that the HOP for Battisto is being finalized for submission. He stated that he sent another copy of the plans to Mr. Hatosy as they were never received stating that he will follow up with him again.
 - Solicitor Armstrong stated that Pocono Transcrete has recently reached out to the Township to request the release of their financial security as they are preparing to sell the property. He stated that we are working on this request as there will need to be a formal request that will need to be filed at the county courthouse to withdrawal the land development plan. He stated that this request will be before the board in the future. Ms. Ruiz-Smith stated that she received an email relating to this project that she will forward on to Solicitor Armstrong as it could directly impact this request legally.
 - Solicitor Armstrong requested a brief executive session re: Real Estate and Legal following the meeting.

17. Board of Supervisors Executive Sessions

- After: Tuesday, January 19, 2021 from 7:58pm-8:25pm Re: Real Estate and Legal

18. Other Business

Mr. Lamantia stated that there will be additional police presence at the municipal centers over the next couple of days, stating that there are no threats, just being cautious.

Mr. Weimer stated that we will keep the Modified Covid-19 Schedule at this point and will revisit this at the second meeting in February. The Board agreed.

Mr. Weimer stated that he received an email from the Mount Pocono Borough Mayor stating that their tax collector is resigning and requesting that we consider a joint tax collector agreement until the election when another tax collector can be elected. Solicitor Armstrong stated that the local tax law allows for a municipality with a vacancy to enter into an agreement with another municipality until the next election, the municipality could enter into an agreement with the county to utilize the county tax collector until the next election or two municipalities could enter into a joint tax collector agreement ongoing. He stated that should the township want to enter into an agreement until the next election, it would require a resolution and an ordinance with an agreement with the tax collector. Ms. Kelly stated that if the tax collector is ok with it that she is also ok with it as he will be the one doing the work. Ms. Ruiz-Smith stated that she is against it. Mr. Lamantia stated that he is ok with it as long as there is no additional cost or inconvenience

to our residents. Ms. Colgan stated that she is ok with it as long as Gratz Washenik is ok with it and ensured that he would be compensated by the Borough. Mr. Weimer asked Ms. Thompson to speak with Mr. Washenik to confirm that he is ok with this and asked that she ensure that there would be no issues with the bonding for the tax collector. Mr. Lamantia stated that it should be a separate bond than the one for Coolbaugh Township. Mr. Weimer stated that he thinks they should utilize the county tax collector stating that their tax collector resigning tomorrow isn't much notice to put something in place. Ms. Kelly stated that we should be a friendly neighbor when we have the chance. Ms. Thompson will follow up with Mr. Washenik and then work with Solicitor Armstrong to have this on the next meeting agenda. Mr. Weimer will speak with the Mayor of the Borough and see how their meeting went this evening. Ms. Colgan stated that they may have discussed it and decided to go in a different direction which makes this a moot conversation.

Mr. Weimer stated that DPW was out on Monday evening due to the weather and stated that they were not sent to areas with heavy police presence but stated that they went out at 3:00am to be sure that the roads were cleared before school buses needed to be on the roads. He stated that if there are any complaints, please explain that there were extenuating circumstances.

Mr. Weimer stated that he had a conversation with Maryellen Keegan re: an alert that was sent out. He stated that the Savvy alerts that went out were sent by the Pocono Mountain Regional Police Department and not by anyone at the Township. Ms. Kelly stated that Mayor Penn from Mount Pocono Borough shared information received from the Police Chief, on Facebook as well.

Ms. Ruiz-Smith advised Solicitor Armstrong that there was a mail package sent out on December 11, 2020 from Ms. Masker that included multiple reassessment notices for PAWC properties that have significant decreases in values and asked that he look at them. He stated that Ms. Masker sent them to him and he will review them and be sure that they are on the school or the county's radar and will let the Board know. Ms. Ruiz-Smith stated that one of the properties goes from \$680,000.00 to \$6,800.00 which is a big difference.

The Board went into executive session for Legal and Real Estate from 7:58pm-8:25pm.

Mr. Weimer stated that the county is taking extra precautions with the upcoming inauguration. He stated that there are no current threats but stated that if something changes he will make sure that the Board is aware. He stated if anyone notices anything suspicious they are to notify him immediately. He also stated that if anyone is contacted by the news media they are to be directed to him as well.

Adjournment

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

Meeting adjourned at 8:29pm.

NEXT REGULAR BOARD MEETING: Tuesday, February 2, 2021, via the Zoom Virtual App.

- **Business Meeting – 6:00pm**

Submitted by: _____
Erin Masker, Recording Secretary

Witnessed by: _____
William Weimer, Chairman

Date: _____