

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 7, 2023

The meeting was called to order by Chairman Weimer at 6:39pm at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

William Weimer, Clare Colgan, Lynn Kelly, Alma I. Ruiz-Smith and Cara Rogan

Board Members absent:

None

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Meredith Thompson, Business Manager and Tomas Keane, Director of Codes and 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

- D. Pope asked if anyone has moved in the J&J building yet, being advised not as of yet. Ms. Colgan stated that she heard that there was a company interested but that they are looking to put in more docks.
- D. Pope followed up on his question from last month asking about the timeframe allowed to put in a septic system once the homeowner receives permission from the township, being advised that Ms. Thompson will get an answer and provide it to him once it is received.

2. Approval of minutes / notes:

- January 17, 2023 Regular Meeting Minutes

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the meeting minutes of January 17, 2023 as presented.

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

3. Messer Request for Reduction of Financial Security

Nate Oiler, RKR Hess and Joe Havelin, Messer, LLC. were in attendance to discuss the financial security reduction request. Mr. Oiler stated that they are requesting that the amount required to be retained be reduced to \$925,389.30 stating that the work was verified by Township Engineer, Russell Kresge in the provided review letter.

Ms. Kelly made a motion second by Ms. Ruiz-Smith to reduce the financial security for Messer, LLC. to a remaining balance of \$925,389.30 in accordance with the recommendation from Township Engineer, Russell Kresge dated January 25, 2023.

- **Discussion:** Ms. Ruiz-Smith asked if they are ahead of schedule, being advised that they seem to be right on schedule.
- **Vote:** All in favor, motion passes.

4. **Adoption of Resolution #06-2023: Tolani Plaza, LLC. Sewage Planning Module and Authorization for the Township Secretary to Execute It (970 Route 196, Tobyhanna, PA)**

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Adopt Resolution #06-2023 and Authorize the Township Secretary to Execute the Sewage Planning Module for Tolani Plaza, LLC.

- **Discussion:** Casey Cawley from Reilly Associates was in attendance to review the Sewage Planning Module stating that they will be tying into the PA American Water Line. He reviewed the requested waiver which is to allow parking in front of the building which is currently a revision that is proposed in the parking and sign ordinance. He also stated that the land development plan proposes a convenience store, gas station and two bay car wash. He stated that the current strip mall will remain and that the landlord is allowing the leases to expire and is working to bring in tenants; the bus service will be discontinued in the near future as the project gets underway. C. Cawley stated that they have their NPDES permit in hand, HOP permit only requires financial security and they will not be waiting for the sewage planning module to be approved once the Board acts on it. The property will be served by public water and sewer. They are currently working on obtaining easements for utilities as identified as a new comment in the township engineer letter. Ms. Ruiz-Smith stated that he requested waiver is essentially reverting back to the old ordinance prior to this one and will also coincide with the proposed ordinance that is being worked on. She asked if there will be a fence installed at the rear of the property for security purposes, being advised that there is not one proposed.
- **Vote:** All in favor, motion passes.

5. **Planning Commission Recommendation of Waiver for Tolani Plaza, LLC. to Allow Parking Between the Principal Structure and Roadway (970 Route 196)**

Ms. Ruiz-Smith made a motion second by Mr. Weimer to Approve the Waiver of \$355-54.E for Tolani Plaza, LLC. to Allow Parking Between the Principal Structure and Roadway (970 Route 196).

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

6. **Planning Commission Recommendation of Conditional Approval for Tolani Plaza, LLC. Land Development Plan (970 Route 196)**

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Grant Conditional Approval of the Tolani Plaza, LLC. Land Development Plan conditioned on all comments in Township Engineer, Greg Haas's review letter dated February 3, 2023.

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

7. **Resolution #07-2023: Updated Township Fee Schedule**

Mr. Weimer made a motion second by Ms. Rogan to Adopt Resolution #07-2023: Updated Coolbaugh Township Fee Schedule.

- **Discussion:** Ms. Ruiz-Smith stated that we recently passed the fee schedule and asked what changed being advised by Ms. Thompson that the cost per square foot for structures over 200 sq. ft. increased from .30¢ to .50¢.
- **Vote:** All in favor, motion passes.

8. **Appointment of James P. Haklar (04081) as an Additional Township SEO for Hanover Engineering for 2023**

Ms. Ruiz-Smith made a motion second by Ms. Kelly to Appoint James P. Haklar (04081) as an Additional Township SEO for Hanover Engineering for 2023.

- **Discussion:** Mr. Pope asked about a property that is installing a new septic and there were issues with the measurements for the location of the bed, and now the homeowner has to continue to pay for

pumping the system out until the work can be completed. Mr. Weimer stated that he spoke with the homeowner and that he is researching the concerns.

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

9. Appointment to the Pocono Mountain Public Library Board with a Term Expiring December 31, 2025

Ms. Rogan made a motion second by Ms. Colgan to Appoint Ann Kolodzey to the Pocono Mountain Public Library Board with a Term Ending December 31, 2025.

- **Discussion:** None
- **Vote:** 4-0-1, motion passes. (Ms. Kelly abstained due to her employment at the library)

10. Parks and Recreation Recommendation of TAA Field Usage Request: Monday through Friday 5pm-9pm and Saturdays 9am-9pm, April 1st – October 20th, 2023 for Armed Forces Field, Freedom Field, and Volunteer Field

Mr. Weimer made a motion second by Ms. Colgan to Approve the Field Usage Request for TAA, Monday through Friday 5pm-9pm and Saturdays 9am-9pm, April 1st – October 20th, 2023 for Armed Forces Field, Freedom Field, and Volunteer Field

- **Discussion:** Mr. Weimer stated that TAA is working with Parks on the Agreement that is being proposed. Solicitor Armstrong stated that the agreement that is before the Board is specific to TAA and the field usage. The Board agreed that this agreement is not ready to be considered as the agreement for anyone has not been approved by the Board. Ms. Ruiz-Smith asked when Youth Infusion bike trailer will be on the agenda, with Mr. Weimer asking Ms. Masker to add it to the March 7th meeting agenda.
- **Vote:** All in favor, motion passes.

11. Authorization to Advertise for Seasonal Park Position(s)

Mr. Weimer made a motion second by Ms. Colgan to Authorize Advertising the Seasonal Park Position(s) for up to 28 hours per week at the rate of \$16.00 per hour.

- **Discussion:** Ms. Ruiz-Smith asked about the specifics of what is required, as using different equipment is not listed as a requirement. Ms. Thompspon stated that the DPW Foreman would rather have his employees do the mowing at the park. She stated that this position would be for painting opening the pavilions and weed whacking and stated that the hours in the ad are vague to allow the opportunity to get applicants and come up with applicants/schedules that will work for what is needed. M. Peterson asked if the position would be open to college students when they are on break, being advised that it is.
- **Vote:** All in favor, motion passes.

12. Authorize Sending Proposed Parking & Sign Ordinance and SALDO to the MCPC for Review

Ms. Kelly made a motion second by Ms. Rogan to Authorize Sending the Proposed Parking and Sign Ordinance and SALDO to the MCPC for Review.

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

13. Authorization to Advertise the Request for Proposal for WWTP Operator/Contractor

Mr. Weimer made a motion second by Ms. Colgan to Authorize to Advertise the Request for Proposal for WWTP Operator/Contractor.

- **Discussion:** Ms. Ruiz-Smith stated that she has concerns with small companies applying that are unable to staff the plant when necessary. Solicitor Armstrong stated that Ms. Thompson will speak with Mr. Kavitski to see what the number would be for the minimum that is going to be listed in the RFP and then the Board can interview the company to choose who they want.
- **Vote:** All in favor, motion passes.

14. Authorization to Advertise Meeting Schedules for Boards, Committees and Councils for 2023

Ms. Colgan made a motion second by Ms. Rogan to Authorize Advertising the Meeting Schedules for Boards, Committees and Councils for 2023.

- **Discussion:** Ms. Colgan asked Ms. Kelly if EAC was going to switch meeting space with Parks and Rec moving forward being advised that hasn't been determined yet and that if they do, the location change can post the door.
- **Vote:** All in favor, motion passes.

15. Authorization to Execute and Record the Coolbaugh Township Joinder Deed for DPW Property (549,561 & 565 Laurel Drive)

Ms. Colgan made a motion second by Ms. Rogan to Authorize the Execution and Recording of the Coolbaugh Township Joinder Deed for DPW Property (549,561 & 565 Laurel Drive)

- **Discussion:** Mr. Weimer asked if the address for the DPW garage will remain the same with Mr. Keane stating that it will.
- **Vote:** All in favor, motion passes.

16. Current obligations

• General Fund	\$ 436,234.14
• Escrow Fund	\$ 12,417.77
• Sewer Fund	<u>\$ 19,889.28</u>
Total Disbursements	\$ 468,541.19

Ms. Ruiz-Smith made a motion second by Ms. Kelly to authorize paying the current obligations in the amount of \$468,541.19.

- **Discussion:** Ms. Ruiz-Smith asked for clarification on check number(s) 9401 & 9427.
- **Vote:** All in favor, motion passes.

17. Business Manager Comments/Updates

Ms. Thompson requested a brief executive session for legal and personnel.

Ms. Thompson stated that the Tobyhanna Township Manager reached out and asked if the Board would consider an intermunicipal agreement for the tax collector to cover Tobyhanna Township as well, their tax collector resigned. The Board agreed that they would consider it like they did with Mount Pocono Borough, but they had questions for Gratz Washenik, Tax Collector before agreeing to it. They asked that he attend the next meeting.

18. Solicitor Armstrong Comments/Updates

Solicitor Armstrong requested a brief executive session for legal following the meeting.

Solicitor Armstrong stated that he was contacted by the Mount Pocono Borough Solicitor regarding the split for taxes with regard to the LPC Pocono warehouse on Market Way. He is going to ask that the Township Engineer review the square footage that is in Coolbaugh Township to make sure that the documents are accurate before the Board consider them.

Mr. Weimer asked Solicitor Armstrong if the Board created a committee which would include Supervisors and members of the fire company to have discussions, would it require a resolution. It would be in reference to fire service and would require meeting with Tobyhanna Township and/or other municipalities regarding regionalization of the fire company. Ms. Kelly asked if the group would be required to follow the sunshine act, being advised that they would. Discussion continued and Solicitor Armstrong stated that he would need more information in order to make a

determination as to what the best way to move forward would be and what would be required. Ms. Kelly stated that if there is going to be a long-term investigative process, she would prefer that there is a formal committee formed and that they would be required to follow the sunshine act. Mr. Weimer stated that there are many questions and concerns that need to be explored, intentions, resources and paid crew. He stated that this would be an informational meeting and then the representatives would come back to the Board of Supervisors with the information. Ms. Ruiz-Smith stated that we need to follow the strategic plan and should also be speaking with the county commissioners. Discussion continued with Solicitor Armstrong stating that once you create a committee that meets regularly to bring back information, you are required to follow the sunshine act. More information will be coming in the forward regarding this discussion.

Gratz Washenik, Tax Collector arrived, and the Board spoke with him about the request from Tobyhanna Township for him to take care of their taxes until the next election when the position is filled. Mr. Weimer stated that we provide a high level of service to the residents of the Township and wants to be sure that the service provided will not change due to taking over another township. He stated that Tobyhanna Township is a much bigger undertaking than it was with Mount Pocono Borough. Mr. Washenik stated that he will be hiring help and adding hours, he stated that he will be operating out of the Coolbaugh Township office solely and they will need to come to this location to pay bills in person. All bills will also include the Coolbaugh Township address. Discussion took place as to the way that the cost of supplies is split between Coolbaugh and Tobyhanna Township being advised that it would be outlined in the agreement as a percentage the same way that it was in the Mount Pocono Agreement. After some discussion, the Board agreed that they would consider entering into the agreement at their upcoming meeting when the draft agreement will be made available. Mr. Weimer stated if Mr. Washenik is confident and comfortable with taking this on , he would be okay with it, as long as the service provided to our residents doesn't change. The Board thanked Mr. Washenik for attending to answer their questions and for the service he provides.

19. Board of Supervisors Executive Sessions

- Tuesday, January 17, 2023 from 8:28pm-8:46pm Re: Legal and Personnel

20. Adjournment

Ms. Kelly made a motion second by Ms. Rogan to adjourn at 8:20pm.

NEXT WORK SESSION/ REGULAR BOARD MEETING:

Regular Meeting Tuesday, February 21, 2023, at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

- Work Session/Regular Meeting – 6:00pm

Submitted by: _____ Date: _____
Erin Masker, Township Secretary

Witnessed by: _____ Date: _____
William Weimer, Chairman