

**Coolbaugh Township  
Board of Supervisors  
December 16, 2008 Meeting  
Page 1**

The Coolbaugh Township Board of Supervisors December 16, 2008 Meeting was held in the Township Municipal Center, in building #3, at 5550 Memorial Boulevard, Tobyhanna, Pennsylvania.

**Call To Order**

Vice Chairman Lynn Kelly called the meeting to order at approximately 7:00 p.m. and announced that Chairman Joe O'Boyle might arrive late. She then led those in attendance in the recitation of the Pledge of Allegiance to the Flag.

**Roll Call**

Supervisors present for the meeting included: Ms. Lynn Kelly, Mr. James H. Frutchey, Jr., Mr. Robert B. Hutchins and Mr. Robert M. Zito. Mr. Joseph O'Boyle was absent. Also present were Township Solicitor Jerry F. Hanna and Township Secretary Linda Frutchey.

**Statement on the Agenda:** Ms. Kelly announced that the Public will be given an opportunity to speak on each agenda matter. Public Input is considered at the end of the meeting for other issues.

**Approval of December 2, 2008 Meeting Minutes**

Mr. Hutchins moved to approve the December 2, 2008 Meeting Minutes as presented and dispense with the reading. Seconded by Mr. Frutchey. Discussion - none. The motion carried 4-0.

**Change in the Order of the Agenda**

Ms. Kelly moved to agenda item #6, Monthly Reports, for the Coolbaugh Township Volunteer Fire Company report. Kevin Ambrogio was present on behalf of the CTVFC and announced that there were a total of 367 calls year to date. He thanked the Supervisors for their recent letter regarding a donation to the fire company in 2009 and added that he looks forward to discussing a new contract in August 2009.

**Board of Supervisors  
December 16, 2008 Meeting  
Page 2**

**Request for a reduction in Stand By Letter of Credit - Arcadia North Business Park - South Phase Section 1**

Attorney James Preston, representing Arcadia Properties, LLC, Andy Baldo and Shawn Langen of Arcadia Properties, LLC and August Antol of Liberty Engineering, Inc. were present on behalf of the above referenced request.

Attorney George Asimos was present on behalf of Arcadia North Land, LLC (an affiliate of Higgins Development Partners) which owns Lot 2 in the Arcadia North Subdivision. Mr. Asimos explained that the completion of the work at this site is critical to the project, etc.

A lengthy discussion followed relating to the following: the Supervisors approval (August 19, 2008 meeting) of the temporary construction of the cul-de-sac at the second curve on Industrial Park Drive (Arcadia North Business Park South Phase Section 1) conditioned upon Arcadia Properties providing bonding for future milling/removal, reconstruction and completion of the roadway project per the approved Subdivision Plan. The Amendment to the Original Improvements Agreement which includes cost estimates for: 1) the Emergency Access Road and 2) the milling/overlay of Tegawitha Road and 3) the work remaining to be completed at Arcadia North Business Park. A meeting was held earlier on this date with Mr. Langan and Kevin Ambrogio Fire Chief (also in the audience) where endorsement was given for the 12' road width, their preference of only having gates at the entrance and exit, as gates at the bridge would slow the emergency response time, etc.

It was the consensus that Arcadia Properties Original Letter of Credit could be replaced with the posting of the Performance Bond and Maintenance Bond.

Attorney Preston confirmed that Arcadia Properties would show the 12' width on the plan, where possible would provide a 20' width and agree to add pull-offs at the discretion of the Board provided it does not encroach on the wetland buffer and/or conflict with the PADEP Permit and will provide security (maintenance bond) for the full 20' width for the entire length of the access road.

The dates in the Amendment to the Improvements Agreement would be as follows: July 1, 2009 to complete the secondary access to the subject property; August 1, 2009 to mill and overlay the entire width of Tegawitha Road.

Mr. Hutchins moved to approve the following: The reduction of the Stand By Letter of Credit for Arcadia North Business Park, South Phase, Section 1; The Addendum to the

**Board of Supervisors  
December 16, 2008 Meeting  
Page 3**

Original Improvements Agreement with the condition that the emergency access road, where permitted, will be at a width going from 12' to 20', including pull-offs where allowed and so as to not encroach on the wetland buffer area or conflict with the PADEP Permit; The Letter of Credit being adjusted accordingly; The Cost Estimate for the Emergency Access Road being revised to support the 20' width; The Cost Estimate for Tegawitha Road being revised to include the milling/overlay of the road. Seconded by Mr. Zito. Discussion - none. The motion carried 4-0.

**Minor Subdivision Plan and Preliminary/Final Land Development Plan  
Civic Center for Pocono Farms East Association, Inc.**

Sarah-Bue Morris, PE of Bue-Morris Associates, Inc. was present on behalf of the plans referenced above.

Mr. Frutchey moved to approve the Minor Subdivision Plan - Civic Center for Pocono Farms East Association, Inc. Seconded by Mr. Hutchins. Discussion - Mr. Zito asked Solicitor Hanna if he should abstain. Mr. Hanna said it would be best if he did. The motion carried 3-0-1 (Mr. Zito abstained).

Mr. Hutchins moved to approve the Preliminary/Final Land Development Plan - Civic Center for Pocono Farms East Association, Inc., per the Planning Commission's recommendation, with the modification of the requirement for 18" pipe under Hamlet Drive to allow the reduction to a squash pipe, grant a waiver of the 1% minimum requirement for the detention basin bottom slope and upon the favorable review of the septic system by the SEO, per Township Engineer Russ Kresge's comment. Seconded by Mr. Frutchey. Discussion - none. The motion carried 3-0-1 (Mr. Zito abstained).

**Minor Subdivision Plans - Lands of Pennsylvania-American Water Company &  
Lands of Pocono Country Place POA, Inc.**

Marv Walton of Niclaus Engineering was present on behalf of the plans referenced above. Before the Board was a Memo from the Planning Commission recommending approval of both plans.

Mr. Frutchey moved to approve the Minor Subdivision Plans - Lands of Pennsylvania-American Water Company & Lands of Pocono Country Place POA, Inc., per the Planning Commission's recommendation. Seconded by Mr. Hutchins. Discussion - none. The motion carried 4-0. Werner Frank, present in the audience, commented that they had been waiting eight years for this.

**Extension request - Final Land Development Plan - Monadnock Non-Wovens Warehouse Addition**

Before the Board was a Memo from the Planning Commission recommending that the Supervisors approve an extension on the project referenced above until March 17, 2009.

Mr. Zito made a motion to approve the extension request for the Final Land Development Plan - Monadnock Non-Wovens Warehouse Addition until March 17, 2009, per the Planning Commission's recommendation. Seconded by Mr. Hutchins. Discussion - none. The motion passed 4-0.

**2008 Monthly Reports**

**Coolbaugh Township Volunteer Fire Company**

This report was given by Kevin Ambrogio at the beginning of the meeting.

**Pocono Mountain Regional Emergency Medical Services**

No report was made, as Mr. O'Boyle was absent.

**Pocono Mountain Regional Police**

Mr. Hutchins presented the November 2008 PMRPD Monthly Report as follows: 1189 complaints, 79 accidents, 111 criminal arrests, 303 traffic arrests, 183 traffic warnings and 16 ordinance arrests for a total of 1268 calls within the area covered by the regional police, which includes Tobyhanna, Tunkhannock and Coolbaugh Townships and the Borough of Mount Pocono. He said Coolbaugh Township is currently running 215 hours over in patrol and court hours. Other points of interest mentioned were a Lions Club donation to the Bike Patrol, the top two ranking candidates on the new officer testing were offered positions and the first Community Education program will be held on the subject of identity theft. Mr. Hutchins also noted that there was belt-tightening in the PMRPD Budget process and there are plans to hire four additional officers and greatly reduce overtime.

**Authorization to advertise - Notice of vacancies on various Boards, Commissions, etc.**

Mr. Hutchins moved to authorize the Township Secretary to advertise the Notice of vacancies on various Boards, Commissions, etc. Seconded by Mr. Frutchey. Discussion - none. The motion carried 4-0.

**Board of Supervisors  
December 16, 2008 Meeting  
Page 5**

**Authorization to advertise - Notice of Organizational Meeting for various Boards, Commissions, etc.**

Mr. Frutchey made a motion to authorize the Township Secretary to advertise the Notice of the Organizational Meeting for various Boards, Commissions, etc. Seconded by Mr. Zito. Discussion - none. The motion passed 4-0.

**Proposal for a condemned property on Mill Street, Tobyhanna, PA**

Before the Board was a proposal from Justin G. Smith of the Works of Life charity to take care of a condemned property donated to their organization. Dave Pope, present in the audience asked where it is located. Discussion followed regarding the details of the memo from Mr. Smith, that this was the same memo submitted six months ago, etc. It was the consensus of the Supervisors to proceed with the action taken at their December 2, 2008 regular meeting, which involves working with Solicitor Hanna and the Zoning Officer on handling dangerous structures and researching the approximate cost to raze the structure with its asbestos problem. No further action was taken.

**Cathleen & Thomas Panconi - Timber Trails - request for a refund relating to Onlot Sewage Disposal System Permit Application**

Before the Board was an email from SEO Jake Schray dated December 10, 2008 regarding options for action on the matter referenced above.

Mr. Hutchins moved to refund \$84.50 to Cathleen & Thomas Panconi in response to their request relating to an Onlot Sewage Disposal System Permit Application. Seconded by Mr. Zito. Discussion - Ms. Kelly said she preferred to refund \$167.25, as the applicant was not aware of the incomplete application and may not have submitted the check. Another option discussed was to suggest to the Panconis that they decline a refund in favor of a \$250.00 credit for future use in obtaining a Sewage Disposal System Permit, provided the application is submitted within a three (3) year period.

Mr. Hutchins amended his motion to give Cathleen & Thomas Panconi the option to take the \$84.50 refund or accept a credit in the amount of \$250.00 for future use in obtaining a Sewage Disposal System Permit, provided the application is submitted within a three (3) year period. The amended motion was seconded by Mr. Zito. Discussion - none. The motion carried 4-0.

**Request for Loan Proposal - Coolbaugh Township Tax and Revenue Anticipation Note, Series of 2009**

Before the Supervisors were proposals for Coolbaugh Township Tax and Revenue Anticipation Note, Series of 2009.

Mr. Zito moved to accept the proposal from Pocono Community Bank for a \$1.5 million Tax and Revenue Anticipation Note, Series 2009, at a fixed rate of 3.95% for the entire term of the note. Seconded by Mr. Frutchey. Discussion - Township Secretary Linda Frutchey advised the Board that the Resolution was for the variable rate loan option and was preferred by Business Manager/Controller Doug Hein. The Supervisors expressed opinions about going with variable rates on loans. Mr. Zito amended his motion to adopt, as per Resolution #18-2008, Pocono Community Bank's proposal for a Tax and Revenue Anticipation Note, Series 2009 in the amount \$1.5 million at a variable rate equal to LIBOR plus 229 basis points, with a maximum rate of 11.0%. The amended motion was seconded by Mr. Frutchey. Discussion - none. The motion carried 4-0.

**Creditech - Agreement for Collection Services  
Township Resolution #17-2008 - Assignment of Delinquent User Fee Accounts**

Mr. Zito moved to adopt Township Resolution #17-2008 and sign the agreement with Creditech for collection services on delinquent sewer user fee accounts. Seconded by Mr. Frutchey. Discussion - none. The motion carried 4-0.

**Adoption of Coolbaugh Township's 2009 Municipal Budgets**

Mr. Zito made a motion to adopt Coolbaugh Township's 2009 Municipal Budgets as follows: General Fund in the amount of \$7,932,381.95, Sewer System Fund in the amount of \$477,426.00, the Liquid Fuels/State Fund in the amount of \$351,017.93 and the Emergency Services Fund in the amount of \$2000.00. Seconded by Mr. Hutchins. Discussion - Mr. Frutchey said this was the worst budget he has ever experienced, but he would support it with the exception of abstaining from line items 405.120 and 430.140, as they represent wages associated with Linda and James Frutchey, III). Mr. Hutchins commented that these are the worst economic times we have experienced. Mr. Zito said the Supervisors came to the best solutions they could in light of the difficult times and he was proud of the Board's work. Dave Pope, present in the audience asked for a copy of the Budget. He also mentioned a bad STOP sign at Echo Lake and Laurel Drives and asked about registering a complaint with the State about the Mill Street Bridge not being repaired with stone. Mr. Frutchey brought up the Budget amount of \$2000.00 for the Emergency Services Fund and asked where the rest of the money was. Following a brief discussion, it was the consensus of the Supervisors to bring this issue up again at the Board's Special

**Board of Supervisors  
December 16, 2008 Meeting  
Page 7**

Meeting on Monday, December 22, 2008 at 8:00 a.m. The motion was called and carried 4-0, with Ms. Kelly pointing out Mr. Frutchey's abstentions on line items 405.120 and 430.140.

**Current Obligations**

General Fund	\$114,202.80
Capital Projects	\$ 1,165.08
Sewer System Fund	\$ 1,476.90
Total Disbursements	<u>\$116,844.78</u>

Mr. Zito moved to pay the Current Obligations in the amount of \$116,844.78. Seconded by Mr. Frutchey. Discussion - none. The motion carried 4-0.

**Other Business**

**Sewage Issue - Kenneth Plank**

It was determined that this matter will be discussed at the January 20, 2009 regular meeting.

**Township Municipal Offices - closed on Friday, December 26, 2008**

Mr. Zito moved to close the municipal offices on Friday, December 26, 2008 for the holiday season, with no leave time to be deducted. Seconded by Mr. Hutchins. Discussion - none. The motion passed 4-0.

**Coolbaugh Township Senior Citizen Winnie Jenning recognized for achievement**

Mr. Zito announced that he saw a news clip on CNN about former local resident Winnie Jennings. She is the oldest person to graduate from Metropolitan State College of Denver. Ms. Jennings received her bachelor's degree in behavioral science at the age of 85. Mr. Hutchins moved to send a Proclamation of Congratulations from the Board of Supervisors to Winnie Jennings. Seconded by Mr. Zito. Discussion - none. The motion passed 4-0.

**Announcement regarding the Township Recycling Center**

It was announced that the Recycling Center will be not be opened on the first weekend in January, due to the New Year holiday.

**Public Input** - none.

**Board of Supervisors Executive Sessions**

Ms. Kelly announced that the Board of Supervisors held Executive Sessions on Tuesday, December 2, 2008 at 6:00 p.m. and at 8:15 p.m. re: Personnel and this evening, Tuesday, December 16, 2008, at 6:00 p.m. re: Personnel.

**Adjournment**

With no further business before the Board, Mr. Hutchins moved to adjourn the meeting. Seconded by Mr. Zito. Discussion - none. The motion carried 4-0. The meeting adjourned at approximately 8:55 p.m.

Respectfully submitted:

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Linda Frutchey  
Township Secretary

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Lynn Kelly  
Board Vice Chairman