

**Coolbaugh Township
Board of Supervisors
January 20, 2009 Meeting
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The Coolbaugh Township Board of Supervisors January 20, 2009 Meeting was held in the Township Municipal Center, in building #3, at 5550 Memorial Boulevard, Tobyhanna, Pennsylvania.

Call To Order

Chairman Joseph O'Boyle called the meeting to order at approximately 7:00 p.m. and led those in attendance in the recitation of the Pledge of Allegiance to the Flag.

Roll Call

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

Statement on the Agenda: Mr. O'Boyle 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.

Mr. O'Boyle also noted that Supervisor Bob Hutchins was absent, as he was attending the Pocono Mountain Regional Police Commission meeting, which had been rescheduled and posed a conflict with the regular meeting of the Board of Supervisors.

Approval of January 5, 2009 Re-organizational Meeting Minutes

Mr. Zito moved to approve the January 5, 2009 Re-organizational Meeting Minutes as presented and dispense with the reading. Seconded by Mr. O'Boyle.

A brief discussion followed in which Ms. Kelly said she would not vote on the Minutes, because she was unable to be present at the meeting. The motion carried 3-0-1 (Ms. Kelly abstained).

Change in the Agenda - Coolbaugh Township Volunteer Fire Company Monthly Report

Paul Denico, Captain for the CTVFC was present to give the fire company report for December 2008, pointing out that there were forty (40) calls during the month of December. The Supervisors complimented the fire company on their Installation Dinner held at Pocono Manor on Saturday, January 17th.

Status report on the State Route 196 & Seven Nations Drive/Kings Way Traffic Signal Project

Jim Milot of Hanover Engineering presented an update on information regarding the project referenced above and handed out 11"x17" copies of the plan for review. Discussion followed about a revised drainage layout, ADA requirements per PennDOT, construction time frame, a bus stop shelter, battery backup and a generator connection, lighting at Kings Way and on Seven Nations Drive, that the adjacent property owner will be notified of the pending project, etc. He said the Township could go out to bid by April and will probably receive very good price quotes due to the poor economy. Discussion followed about having Township Engineer Russ Kresge involved with the specifications and bidding process.

Natural Features Conservation Plan - Arrowhead Lakes, Lot 39, Block A-64, Section 11 - Property Owner - Segundo Fernandez - request for a waiver of Chapter 9, Part 1, Section 104.2.(4).(a)

Brian Courtright, PLS was present on behalf of the plan referenced above. Mr. Courtright gave an overview of the plan to build a single family dwelling on a 0.387 acre lot in Arrowhead Lakes. He pointed out that the proposed construction phase will temporarily encroach into the wetlands, for which the applicant, Segundo Fernandez, has secured a permit from PADEP. Mr. Segundo is also requesting a waiver of Chapter 9, Part 1, Section 104.2. (4). (a) of the Township Code of Ordinances, Chapter 27, Zoning, allowing him to build within the wetland buffer area.

Mr. O'Boyle summarized a Memo from the Planning Commission, recommending approval of the waiver. Mr. Zito moved to grant a waiver of Chapter 9, Part 1, Section 104.2. (4). (a) of the Township Code of Ordinances, Chapter 27, Zoning for applicant Segundo Fernandez. Seconded by Ms. Kelly. Discussion - none. The motion carried 4-0.

Final Land Development Plan - Monadnock Non-Wovens Warehouse Addition

Ann Wingert, PE of Niclaus Engineering was present on behalf of the plan referenced above, gave a summary of the project and showed the Supervisors the plan.

Mr. Frutchey made a motion to approve, per the recommendation of the Planning Commission, the Final Land Development Plan - Monadnock Non-Wovens Warehouse Addition provided all outstanding issues noted in the Planning Commission's Memo dated January 14, 2009 are satisfactorily addressed. Seconded by Ms. Kelly. A brief discussion followed. The motion carried 4-0.

Arcadia North Business Park, Lot 2 - Preliminary Land Development Plan

George Asimos, Attorney for Arcadia North Land, LLC (an affiliate of Higgins Development Partners), Paul Szewczak of Liberty Engineering and Shawn Langen of Arcadia Properties, LLC were present on behalf of the plan referenced above. Mr. Asimos confirmed that the applicant will get all outside agency approvals prior to submitting a final plan.

Mr. Zito moved to approve the Arcadia North Business Park, Lot 2 - Preliminary Land Development Plan. Mr. Frutchey said he would second the motion with the condition that all outstanding Escrow Account fees are paid in full (Mr. Zito agreed). With no further discussion, the motion passed 4-0.

Summerall Estates - (Arcadia Properties, LLC) Subdivision Plan/ Land Development Plan - Request for Extension

Shawn Langen was present on behalf of the project referenced above. Mr. Frutchey moved to grant the extension for the Summerall Estates - (Arcadia Properties, LLC) Subdivision Plan/ Land Development Plan until March 20, 2009, as the applicant waives the benefit of deemed decision through that date. Seconded by Ms. Kelly.

Discussion followed in which Mr. Langen gave an update on Arcadia's meetings with the adjacent property owner, the Tobyhanna Army Depot, about issues with the proposed land development plan. The motion carried 4-0.

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Revocation of Sewage Permit Z 028839 - Lot 5724 - Pocono Farms - Kenneth E. Plank

Ms. Kelly moved to reinstate Sewage Permit Z 028839 for Lot 5724 in Pocono Farms for Kenneth E. Plank and went on to explain that based on the evidence presented at a Hearing held on September 30, 2008, and upon further review and analysis of the various Legal Memoranda submitted by both the Appellant and the Township SEO, the Board of Supervisors rules as follows: 1. The Township SEO properly revoked Permit Z-028839 by his letter dated August 22, 2008. 2. The Appellant, however, under the guidelines established in Department of Environmental Resources v. Flynn, PA Commonwealth, 344 A.2d 720 (1975) established a vested right in Permit Z-028839 and therefore has the right to have the Permit reinstated. Seconded by Mr. O'Boyle. Discussion - none. The motion carried 3-1-0 (Mr. Zito opposed).

Roy and Vera Roper Zoning Enforcement

Mr. Frutchey moved to table and discuss the matter in an Executive Session with Solicitor Hanna, leave the meeting open, and if necessary, bring the matter back before the Board. Seconded by Ms. Kelly. Discussion - it was the consensus to go through the rest of the agenda items and hold an Executive Session at the end of the meeting. The motion carried 4-0.

Two (2) appointments to the Coolbaugh Township Community Partnership Commission - terms ending on December 31, 2009

Mr. O'Boyle summarized communications from Pat Nadeau and Keith Hudson, requesting appointments to the CTCPC.

Mr. Zito moved to accept with regret the resignation of Jacqueline Irizarry from the CTCPC. Seconded by Ms. Kelly. Discussion - none. The motion passed 4-0.

Mr. Zito made a motion to appoint Pat Nadeau and Keith Hudson to the CTCPC, with their terms to be determined at the next meeting. Seconded by Ms. Kelly. Discussion - none. The motion carried 4-0. Mr. Zito noted that they would like to get two more agencies involved now that they have seven members on the CTCPC Board.

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

Discussion ensued about letters exchanged between the Township and Cathleen and Thomas Panconi regarding their request for a refund of an onlot sewage disposal system permit application fee.

Mr. Frutchey moved to grant a refund of the \$250.00 permit fee minus a 20% administrative fee. Seconded by Ms. Kelly with the condition that the option offered by the Board in a letter dated December 18, 2008 to keep the permit application open no longer applies. The motion carried 3-1-0 (Mr. Zito opposed).

Problem with bagging unit at the WWTP

Discussion followed about the problem with the bagging unit at the WWTP and the need for shelter, heat, an overhead garage door that could cost approximately \$4000.00 if done by Township employees, etc. It was the consensus of the Supervisors that Mr. Frutchey and Wayne Regan should meet regarding details of the cost of the project and bring the information back to the Board.

Current Obligations

General Fund	\$281,588.10
Capital Projects Fund	\$ 4,598.90
Escrow Fund	\$ 7,651.50
Sewer System Fund	\$ 2,061.80
Total Disbursements	\$295,900.30

Ms. Kelly moved to approve the Current Obligations in the amount of \$295,900.00. Seconded by Mr. Frutchey. Discussion - none. The motion carried 4-0.

Other Business

Mr. Frutchey - reported that the Road Sweeper has to go in for work, as it cannot catch basins and properly sweep.

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Mr. Zito - commented on the Inauguration of our new President today and expressed hope, whether we are Democrats or Republicans, for better times for this country. Everyone agreed.

Mr. O'Boyle - brought up the subject of registration for the PSATS Convention. The Township Secretary noted that during Budget Work Sessions, the Board did not fund the convention or seminars for the Supervisors, due to financial constraints.

Public Input - None.

Board of Supervisors Executive Sessions

Mr. O'Boyle announced that the Board of Supervisors held an Executive Session on Tuesday, December 16, 2008 at 6:00 p.m regarding Personnel and one will be held this evening.

A subsequent Executive Session will be held on Wednesday, January 28, 2009 at 6:00 p.m. regarding Legal Issues.

Break for an Executive Session from 7:49 p.m. to 8:23 p.m.

Adjournment

With no further business before the Board, Mr. Frutchey moved to adjourn the meeting. Seconded by Mr. Zito. Discussion - none. The motion carried 4-0. The meeting adjourned at approximately 8:25 p.m.

Respectfully submitted:

Linda Frutchey
Township Secretary

Joseph O'Boyle
Board Chairman