

**Coolbaugh Township
Board of Supervisors
July 21, 2009 - Page 1**

The Coolbaugh Township Board of Supervisors July 21, 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., Mr. Robert B. Hutchins and Mr. Robert M. Zito. Also present were Township Solicitor Jerry F. Hanna, Douglas Hein, Business Manager/Controller 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.

Approval of July 7, 2009 Meeting Minutes

Mr. Zito moved to approve the July 7, 2009 Meeting Minutes as presented and dispense with the reading. Seconded by Mr. Hutchins. The motion carried 5-0.

Arcadia North Business Park, North Phase, Section 1, Lot 1 - Subdivision and Land Development Plan - request for a waiver of the Township Code of Ordinances, #97, Chapter 26, Part 2, Stormwater Management - Appendix E, Section 2.3.A.6 and Section 2.3.B(1)

Mr. Frutchey moved to grant the Arcadia North Business Park, North Phase, Section 1, Lot 1 - Subdivision and Land Development Plan request for a waiver of the Township Code of Ordinances, #97, Chapter 26, Part 2, Stormwater Management - Appendix E, Section 2.3.A.6 and Section 2.3.B(1) as per the Planning Commission's recommendation . Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

Minor Subdivision to join lots 771 and 809, Section K, A Pocono Country Place - Property Owners - Ian & Pamela Cohen

Ms. Kelly moved to approve the Minor Subdivision to join lots 771 and 809, Section K, A Pocono Country Place for Ian & Pamela Cohen. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Minor Subdivision to join lots 701 and 702, Section K, A Pocono Country Place - Property Owner - Debra Diamantos

Mr. Hutchins moved to approve the Minor Subdivision to join lots 701 and 702, Section K, A Pocono Country Place for Debra Diamantos. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Apache Summit, Pocono Farms, Section N - Final Minor Subdivision Plan

Barry Tompkins, PLS of BTT Associates was present on behalf of the above referenced request. Discussion followed about the number of extension requests that have been granted, the meeting with Max Tabat, Barry Tompkins, Township Engineer Russ Kresge and Mr. Frutchey concerning stormwater from a culvert under Apache Trail flowing onto and standing on the property, never receiving written approval from Pocono Farms Community Association to discharge stormwater onto their property, Mr. Tabat being out of the country and hard to locate, etc.

Break in the meeting from 7:22 p.m. to 7:27 p.m. to allow the Secretary to copy the Township Engineer's May 8, 2008 review letter.

Discussion followed on the number of items needing to be addressed. Mr. Zito suggested granting a three month extension listing certain conditions outlined in the letter that must be met, etc. Further discussion followed.

Mr. Hutchins moved to deny the Apache Summit - Pocono Farms, Section N Final Minor Subdivision Plan request for an extension based on the following:

- 1) The Township Planning Commission's recommendation to deny in a letter dated July 14, 2009;

2) Township Engineer Russ Kresge's May 8, 2008 letter outlining comments needing to be addressed in the Township Code of Ordinances in Chapter 27 - Zoning, Chapter 22 - Subdivision and Land Development, Chapter 26, Part 2 - Stormwater Management and Earth Disturbance, Chapter 9 - Natural Features Conservation, Chapter 21, Part 2 - Driveway Regulations; and

3) Township Engineer Russ Kresge's April 21, 2009 memo regarding the April 21, 2009 meeting over the drainage/ stormwater matter. Seconded by Ms. Kelly.

Discussion - Mr. Zito said that this is an usual matter, and he did not remember being put in this position during the six years he has been on the Board. He understood the Board did not want to block out the line in the sand that was drawn, but he felt he put forth a compromise that would be beneficial to the applicant, and even if Mr. Tabat could not accomplish all of this, at least it would send a message that the Supervisors were not being unduly punitive with him. Mr. Zito went on to say that while in concept he did not disagree with denying the plan, he would oppose the motion as presented.

Mr. Hutchins said that since he has served on the Board, he has only seen two recommendations from the Planning Commission to deny; at the last meeting the Supervisors went against the PC recommendation, and he felt the Board should send a message of support to the PC for their good service. He also added that this motion should not be considered a reflection on Mr. Tompkin's level of work either. Mr. Zito agreed and reiterated that he did not want the Board of Supervisors to be viewed as unduly punitive with Mr. Tabat. Mr. Frutchey commented that during the meeting with the applicant regarding the stormwater issues, Mr. Tabat was supposed to do four things, and he did none of them, indicating no forward movement on the plan from someone who was also hard to find. The motion was called and carried 4-1-0 (Mr. Zito opposed).

2009 Monthly Reports

Coolbaugh Township Volunteer Fire Company

Fire Chief John Zwally was present and gave the May and June 2009 CTVFC reports, noting that there were 20 calls logged in May for 146.68 staff hours and 30 calls logged in June for 339.41 staff hours.

Pocono Mountain Regional Emergency Medical Services

No report was available for the PMREMS.

Pocono Mountain Regional Police

Mr. Hutchins presented the June 2009 PMRPD Monthly Report as follows: 1386 complaints, 83 accidents, 184 criminal arrests, 416 traffic arrests, 330 traffic warnings and 6 ordinance arrests for a total of 1469 calls within the area covered by the regional police, which includes Tobyhanna, Tunkhannock and Coolbaugh Townships and the Borough of Mount Pocono. Mr. Hutchins also reported the following: three new officers will be sworn in at the next meeting; more interviews are going on this evening for 2010 hiring, and they are down to the top ten finalists; 5000 extra miles will be put on each cruiser before trading them in; the white lines widely used to clock speeding have been very successful; and an extra patrol will be in Coolbaugh Township during the day.

GE - On Point Service Agreement for Coolbaugh Township Wastewater Treatment Plant

Mr. Frutchey moved to approve the GE - On Point Service Agreement from Zenon for the Township's Wastewater Treatment Plant for the emergency telephone technical support 24/7. Seconded by Mr. Hutchins. Discussion followed about ZenoTrac providing automated process support . Mr. Frutchey amended the motion to include the automated process support along with the emergency telephone technical support 24/7 in the total annual amount of \$4,910.00. Mr. Hutchins seconded the amended motion. Discussion - none. The motion carried 5-0.

Current Obligations

General Fund	\$ 111,246.67
Capital Projects Fund	\$ 7,143.66
Sewer System Fund	\$ 12,503.64
Total Disbursements	\$ 130,893.97

Mr. Frutchey moved to approve paying the Current Obligations in the amount of \$130,893.97. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

Other Business

Signal Modifications - Echo Lake Road and SR 196 - Dennis and Grisel Bloom

Ms. Kelly moved to table the matter until August 4, 2009. Seconded by Mr. Zito. Discussion followed about the need to move forward with the Signal Modifications to accommodate Dennis and Grisel Bloom's private driveway, etc. Ms. Kelly amended the motion to extend the deadline to the August 18, 2009 meeting to receive a copy of the contractor's proposal to do the signalization process. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

Resolution #15-2009 - re: Authorizing the adoption of a Premium Only Plan

Mr. Hein explained that our healthcare TPA, Benecon notified him that we need to have the resolution in place because we allow our employees to opt out of the health insurance and receive payment for it.

Mr. Hutchins moved to adopt Township Resolution #15-2009 . Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

NEPA Alliance - Traffic Signal Conversion Program - Letter committing to budgeting of matching funds

Discussion followed about the Township committing \$19,800 in matching funds to participate in NEPA's Traffic Signal Conversion Program that will assist the Township with converting nine (9) existing incandescent traffic signal bulbs to Light Emitting Diodes (LEDs).

Mr. Hutchins moved to forward the letter to the Northeastern Pennsylvania Alliance confirming \$19,800 in matching funds. Seconded by Mr. Frutchey. Discussion - Mr. Frutchey said he would check with John Davis at PennDOT to see if the funds can be paid out of Liquid Fuels. The motion carried 5-0.

ACT 32 - EIT Tax Collection - Appointment of delegate to attend meetings

Discussion followed about the Pocono Mountains Council of Governments wanting the Township to appoint a delegate to attend a meeting on August 31, 2009 to discuss the importance of the passage of the ACT 32 (SB 1063 P.N. 2099: July 2, 2008) which consolidates earned income tax collection into county wide collection districts, etc.

Mr. Hutchins moved to appoint Doug Hein, Business Manager/Controller and Mr. Zito as the alternate member to attend meetings to discuss the EIT Tax Collection. Seconded by Mr. O'Boyle. Discussion - none. The motion carried 5-0.

Service Request - 24-2009

John Stefanic was present to discuss a situation he faces everyday, and went on to explain that approximately 6 years ago the nearby property owner tore down his house and put up several foundations, but never gets any further. This situation has caused water run-off onto his property; there are high weeds all over; and the unfinished foundations create an eyesore reducing the value of his property. Mr. Stefanic asked that the Township consider amending the Zoning Ordinance to limit the number of zoning permits a citizen can have, etc. Discussion - Mr. Hein read a memo from Joe Brady, Temporary Zoning Officer regarding his visit to the site. Discussion followed about having the SEO go out to the site to see about the septic, whether there are other violations at the site, whether the runoff may in violation of our stormwater management ordinance, etc. Mr. Stefanic informed the Supervisors that Todd Schollhammer has a file on the homeowner with a number of violations.

December 31, 2008 Financial Statements and Auditor's Report

Mr. Zito moved to approve the Financial Statements and Auditor's Report for year ending December 31, 2008 as prepared by the Township's CPA Todd J. Bushta. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Public Input

Werner Frank - informed the Supervisors that Pennsylvania American Water Company is having a Public Hearing relating to a rate increase on Monday, July 27, 2009 in Wilkes-Barre.

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Board of Supervisors Executive Sessions

Mr. O'Boyle announced that an Executive Session was held on Tuesday, June 16, 2009 at 8:29 p.m. re: Legal Issues. Ms. Kelly requested an Executive Session for Personnel following this meeting. Mr. O'Boyle announced that there would be an Executive Session at 5:30 p.m. on Tuesday, July 28, 2009.

Adjournment

With no further business before the Board, Mr. Zito moved to adjourn the meeting. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0. The meeting adjourned at approximately 8:24 p.m.

Respectfully submitted:

Linda Frutchey
Township Secretary

Joseph O'Boyle
Board Chairman