

**Coolbaugh Township  
Board of Supervisors  
March 18, 2008 Meeting  
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The Coolbaugh Township Board of Supervisors March 18, 2008 Meeting was held in the Township Municipal Center, in building #3, at 5550 Memorial Boulevard, Tobyhanna, Pennsylvania.

**Public Hearing - Request made by RGM Holdings, LLC for a change in the Township's Official Zoning Map currently listed as Rural Residential (R-1) to Convenience Commercial (C-1)**

On March 18, 2008 a Public Hearing was held at 5:00 p.m. at the Coolbaugh Township Municipal Center, in building #3, at 5550 Memorial Boulevard, Tobyhanna, Pennsylvania to consider public comment on a request made by RGM Holdings, LLC for a change in the Township's Official Zoning Map currently listed as Rural Residential (R-1) to Convenience Commercial (C).

**Proposed Amendment to Coolbaugh Township Code of Ordinances #97, Chapter 27, Zoning - re: request made by Kamal Ebeid for a change in the Official Zoning Map currently listed as Industrial (I) Zone to Office Park (C-2) Zone**

On March 18, 2008 a Public Hearing was held at 6:00 p.m. at the Coolbaugh Township Municipal Center, in building #3, at 5550 Memorial Boulevard, Tobyhanna, Pennsylvania to consider public comment on a request made by Kamal Ebeid for a change in the Township's Official Zoning Map currently listed as Rural Residential (R-1) to Convenience Commercial (C-1).

**Call To Order**

Mr. 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 include: Mr. Joseph O'Boyle, Ms. Lynn Kelly, Mr. James H. Frutchey, Jr., Mr. Robert B. Hutchins and Mr. Robert M. Zito. Also in attendance were Township Solicitor Jerry Hanna and Township Secretary Linda Frutchey.

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**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 March 4, 2008 Meeting Minutes**

Mr. Hutchins moved to approve the March 4, 2008 Meeting Minutes as presented and dispense with the reading. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

**Enactment of Ordinance #105 re: authorizing and securing the issuance of the General Obligation Bonds, Series of 2008 in the amount of \$2,690,000.00**

Jens Damgaard, Esq. of Rhodes Sinon and Henry Sallusti of RBC Capital Markets were present on behalf of the above referenced matter and gave an overview of relevant information, interest rates, payment timetable, etc. Discussion ensued.

Mr. Frutchey requested that the Supervisors go into an Executive Session. With no objections heard, an Executive Session began at 7:06 p.m. The meeting re-convened at 7:40 p.m.

Mr. Zito made a motion to enact Ordinance #105 to authorize and secure the issuance of the General Obligation Bonds, Series of 2008 in the amount of \$2,675,000.00. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

**\* Cooperation and Funding Procedures Agreement**

Mr. Damgaard went on to discuss the PennWorks/PennVest Agreement relating to the Township's WWTP upgrade, stressing that funds are needed as soon as possible and action was contingent upon approval of a cooperation and funding procedures agreement with Pocono Mountains Industrial Park Authority. Discussion followed regarding a draft agreement.

Mr. Hutchins made a motion to approve the Cooperation and Funding Procedures Agreement to Construct Certain Coolbaugh Township Sanitary Sewer System Improvements contingent upon Attorney Hanna's review and subsequent review by the

Board of Supervisors. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

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**\* Township Resolution #07-2008**

Mr. Damgaard explained that there are approximately 60 days left before the funds are available to the Township. He went on to discuss timing of the temporary loan pay off, the ESSA Tax and Revenue Anticipation Note, and Resolution #07-2008 for another Tax and Revenue Anticipation Note in the amount of \$2,100,000.00. Discussion ensued about drawing these funds on an as needed basis, etc.

Mr. Frutchey moved to adopt Resolution #07-2008 authorizing and securing a tax and revenue anticipation note of this township pursuant to the Pennsylvania Local Government Unit Debt Act. Seconded by Mr. O'Boyle. Discussion - Mr. Hutchins said he would abstain from voting, due to a relative of his working with ESSA. The motion passed 4-0-1 (Mr. Hutchins abstained). Ms. Kelly asked what bank held the GOB, and Mr. Sallusti responded that the bank is The Bank of New York.

**Proposed Amendment to Coolbaugh Township Code of Ordinances #97, Chapter 27, Zoning - re: request made by RGM Holdings, LLC for a change in the Official Zoning Map currently listed as Rural Residential (R-1) to Convenience Commercial (C-1) Zone**

No one was present on behalf of the above referenced request for a Zone Change Amendment.

Mr. Hutchins moved to deny the Proposed Amendment to Coolbaugh Township Code of Ordinances #97, Chapter 27, Zoning - re: request made by RGM Holdings, LLC for a change in the Official Zoning Map currently listed as Rural Residential (R-1) to Convenience Commercial (C-1) Zone. Seconded by Mr. O'Boyle. Discussion followed in which Mr. Hutchins explained that his motion was based on recommendations from the Monroe County Planning Commission and the Township Planning Commission, that this property encompasses Dresser Run, wetlands and flood plains, etc. Mr. Zito said he was reluctant to give a denial at this time without giving the applicant the opportunity to present his plans and ideas. Public comment was heard from John Eden, Veronica Hettler, Eleanor Massaro, Vincent Massaro. The motion was called and carried 3-2-0 (Ms. Kelly and Mr. Zito opposed).

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**Proposed Amendment to Coolbaugh Township Code of Ordinances #97, Chapter 27, Zoning - re: request made by Kamal Ebeid for a change in the Official Zoning Map currently listed as Industrial (I) Zone to Office Park (C-2) Zone**

Mr. Kamal Ebeid was present on behalf of the above referenced request for a Zone Change.

Mr. Frutchey moved to table discussion of the Proposed Amendment to Coolbaugh Township Code of Ordinances #97, Chapter 27, Zoning - re: request made by Kamal Ebeid for a change in the Official Zoning Map currently listed as Industrial (I) Zone to Office Park (C-2) Zone. Seconded by Mr. Zito. Discussion followed about the Pocono Community Church's lengthy and detailed presentation of the plans for their church and zone change, etc. It was the consensus of the Supervisors that they would like a better understanding of the proposed plan. Mr. Ebeid said he will bring in someone from Niclaus Engineering to talk to the Board.

**Minor Subdivision to join lots 2 & 3, Block 1407, Section 14 - Arrowhead North - Property Owners - Stephen & Susan Scotto**

Mr. Frutchey moved to approve the Minor Subdivision to join lots 2 & 3, Block 1407, Section 14 in Arrowhead North for Property Owners Stephen & Susan Scotto. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

**Summerall Estates - (Arcadia Properties, LLC) Subdivision Plan / Final Land Development Plan - Request for an Extension until July 15, 2008**

Mr. O'Boyle summarized the request for an extension until July 15, 2008 for the Summerall Estates Final Land Development Plan.

Ms. Kelly moved to approve the request for an extension until July 15, 2008 for the Summerall Estates Final Land Development Plan, as the applicants waive the benefit of deemed decision through that date. Seconded by Mr. Hutchins. Discussion - none. The motion passed 5-0.

**Coolbaugh Realty Partners, LP - Land Development Plan - Request for an**

## **Extension until July 31, 2008**

Mr. O'Boyle summarized the request for an extension until July 31, 2008 for the Coolbaugh Realty Partners, LP - Land Development Plan.

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Mr. Frutchey moved to approve the request for an extension until July 31, 2008 for the Coolbaugh Realty Partners, LP - Land Development Plan, as the applicants waive the benefit of deemed decision through that date. Seconded by Ms. Kelly. Discussion - none. The motion passed 5-0.

## **2008 Monthly Reports**

### **Coolbaugh Township Volunteer Fire Company**

Paul Denico, a Lieutenant with the CTVFC read off the summary of activities for the Fire Company during the month of February. The Supervisors had the January report in their books for review.

### **Monroe County Road Task Force**

Mr. Frutchey reported that the MC Road Task Force met on Thursday, March 6, 2008, but state representatives were not able to attend as hoped.

### **Pocono Mountain Regional Emergency Medical Services**

Mr. O'Boyle said the PMREMS did not meet, so there was no report this evening.

### **Pocono Mountain Regional Police**

Ms. Kelly presented the January 2008 PMRPD Monthly Report as follows: 1248 complaints, 107 accidents, 134 criminal arrests, 348 traffic arrests, 212 traffic warnings, and 18 ordinance arrests for a total of 1355 calls within the area covered by the regional police, which includes Tobyhanna, Tunkhannock and Coolbaugh Townships and the Borough of Mount Pocono. She also presented the February 2008 Monthly Report as follows: 1274 complaints, 117 accidents, 113 criminal arrests, 220 traffic arrests, 112 traffic warnings, and 34 ordinance arrests for a total of 1274 calls. Ms. Kelly also noted that Harry Lewis was doing a good job as the new Chief, commented on the Target Enforcement Program being in force, etc. Mr. Hutchins said two new officers were sworn in. Public comment was heard from John Eden and Veronica Hettler.

## **Confirmation of members that serve on the Coolbaugh Township Volunteer Fire Company's Fire Police Unit**

Mr. O'Boyle read the names of the Coolbaugh Township Volunteer Fire Company's Fire Police Unit for confirmation by the Board of Supervisors, as listed in a letter of request

from the CTVFC dated March 3, 2008.

Mr. Zito moved to confirm the CTVFC's Fire Police Unit as presented in their letter dated March 3, 2008. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

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### **Appeal of Zoning Officers Decision re: digital sign at the Shawnee Tabernacle Property**

Ms. Kelly moved to appoint Solicitor Hanna to represent the Township Zoning Office at the ZHB meeting on March 26, 2008. Seconded by Mr. Hutchins. Discussion - public comment

was heard from Veronica Hettler and Eleanor Massaro regarding the sign in question. The motion carried 5-0.

### **Appointment to the Parks and Recreation Commission**

Mr. O'Boyle read a letter of interest from Keith Hudson and an email from Micky Denig expressing their desire to serve on the Parks and Recreation Commission.

Mr. Frutchey moved to appoint Micky Denig to serve on the Parks and Recreation Commission. Seconded by Ms. Kelly. Discussion followed in which Mr. Zito said Keith Hudson has volunteered with the Township over the years and is well known for his service. Discussion followed about a lot of the same people serving on the various boards and commissions, including Mr. Hudson, noting it would be good to get a new person on board. The motion passed 4-0-1 (Mr. Zito opposed).

### **Requests to use the Township Municipal Park baseball fields**

Before the Board were requests for use of the fields at the Township Park. A lengthy discussion followed and no decision was made regarding approving the requests. However, it was determined that such requests would not come before the Supervisors, but be handled by Parks and Rec, Wayne Regan and the Township Secretary.

### **Project Support Form - Faith Outreach Ministry**

Ms. Kelly went over a Project Support Form submitted by the Faith Outreach Ministry to bring a service to the Township which will provide free clothing at the Food Pantry (Pocono Mountain Ecumenical Hunger Ministry).

Ms. Kelly moved to allow the Faith Outreach Ministry to have space at the Food Pantry

for a trial period of six months. Mr. Zito seconded the motion for purposes of discussion.

He said he would prefer a three month trial period to get feedback, evaluation and comment from the Pocono Mountain Ecumenical Hunger Ministry. Ms. Kelly amended her motion to make the trial period three months instead of six. The amended motion was

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seconded by Mr. Zito. Discussion followed in which Mr. Hutchins asked about insurance. Ms. Kelly amended her motion to include the requirement of a Certificate of Insurance. Mr. Zito seconded the amended motion. The motion carried 5-0.

**Great Pennsylvania Cleanup Program**

Mr. O'Boyle summarized an announcement from Irene Reed, Monroe County Adopt-a-Highway Coordinator regarding the 2008 Great Pennsylvania Cleanup Program, which will be held on April 19, 2008.

**Raymond & Kathrynann Bradley's request for a waiver of the penalty and interest portion of tax bill for 2007 - Property Tax ID# 03/20A/1/37**

Before the Board was a letter dated March 3, 2008 from Raymond & Kathrynann Bradley, presenting their case for a waiver of the penalty and interest portion of a 2007 tax bill.

Ms. Kelly moved to deny the request by Raymond & Kathrynann Bradley for a waiver of the penalty and interest portion of tax bill for 2007 - Property Tax ID# 03/20A. Seconded by Mr. Zito. Discussion followed in which Mr. Hutchins pointed out that they presented their case well and maybe they did not receive their tax bill. Further discussion ensued. The motion was called and passed 4-1-0 (Mr. Hutchins opposed).

**Current Obligations**

General Fund	\$164,157.66
Sewer System Fund	\$ 5,242.42
	<hr/>
	Total Disbursements
	\$169,400.08

Mr. Zito moved to pay the Current Obligations in the amount of \$169,400.08. Seconded

by Ms. Kelly. Discussion - none. The motion carried 4-1-0 (Mr. Hutchins opposed).

## **Other Business**

### **Motion to Put a Freeze on Township Spending**

Mr. Hutchins moved to put a freeze on all expenditures not vital to the day-to-day operation of the Township and move discussion of discretionary spending to the

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2009 Budget Work Sessions. Seconded by Mr. Frutchey. Discussion followed in which Mr. Hutchins expressed concerns about spending taxpayers' money on certain projects and activities, until the Sewage Treatment Plant project is finished and we have a firm grasp on our finances, loans are paid off, etc. He gave examples of projects that could be postponed, such as Building #2 renovations, garage addition, library land purchase, the hiring of a Controller/Business Manager, upgraded telephone system, park drainage and shed. He said he would not include the Coolbaugh Celebration because of the motion to go forward with it. Public comment was heard from John Eden. The motion did not carry 2-3-0 (Mr. O'Boyle, Ms. Kelly and Mr. Zito opposed).

### **Hiring of Seasonal Help**

Mr. Frutchey moved to start two of our seasonal employees the first week of April to help on Saturdays at the Year Round Drop Off Center at 16 hours per each month with a \$0.25 per hour raise in pay. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

## **Public Input**

**Carl Moritz** - expressed concerns about snow plow damage to his mailbox and lamp post during his 50 years of residence in Pocono Summit Lakes.

**John Eden** - asked about the location of the new library building.

## **Board of Supervisors Executive Sessions**

Mr. O'Boyle announced that the Board of Supervisors held Executive Sessions on Monday, February 11, 2008 at 4:00 p.m. regarding Pending Litigation and one is scheduled for this evening after the meeting, Tuesday, March 18, 2008 re: Personnel.

## **Adjournment**

With no further business before the Board, Mr. Frutchet moved to adjourn the meeting. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0. The meeting adjourned at approximately 9:03 p.m.

Respectfully submitted:

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Linda Frutchet  
Township Secretary

Joseph O'Boyle  
Board Chairman