

**Coolbaugh Township
Board of Supervisors
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The Coolbaugh Township Board of Supervisors September 15, 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 September 1, 2009 Meeting Minutes

Ms. Kelly moved to approve the September 1, 2009 Meeting Minutes as presented and dispense with the reading. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

Gas line installation at the Municipal Center

Discussion followed with Scott Koch from UGI regarding the Supervisors intentions to convert the boilers to dual fuel (natural gas and oil), etc. Mr. Koch said UGI would run the line if the Board made a verbal agreement to use natural gas for at least two years, which would allow UGI to recoup the cost of running the line.

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Mr. Frutchey moved to contract with UGI for a period of two years for a gas line installation at the Municipal Center and retain the existing oil tank and lines for a back-up heating system. Seconded by Mr. Hutchins. Discussion followed about the possibility of the connection work being started in approximately 2 weeks. The motion carried 5-0.

Lowe's Home Centers, Inc. - Land Development Plan

Michael Gavin of Gavin Law LLC and Dave Koerner, Senior Site Development Manager for Lowe's were present on behalf of the Land Development Plan for Lowe's Home Centers, Inc. Discussion followed about a different placement for the building on the property, grading and stormwater issues, no development of the out parcels being planned at this time, etc.

Ms. Kelly moved to waive the Land Development process for Lowe's Home Centers, Inc. provided the applicant comes back with the Final Land Development Plan approved by the Boro of Mount Pocono and with a stormwater management plan that complies with the Coolbaugh Township Code of Ordinances. Seconded by Mr. Zito. Discussion - Mr. Frutchey asked if an easement across the property could be granted to the Township for the purposes of installing a fire hydrant at Sutton Place. Mr. Gavin and Mr. Koerner both replied that they had no problem with the request and the matter would be looked into. The motion carried 5-0. Investigated

Coolbaugh Realty Partners - Tractor Supply & STS Tire Center

Tim Townes of J. Loew & Associates, Inc. was present to represent the Coolbaugh Realty Partners - Tractor Supply & STS Tire Center.

Stormwater Management Facilities Agreement: PennDOT Structure - Facilities

Mr. Frutchey moved to approve the Stormwater Management Facilities Maintenance Agreement / PennDOT structures and facilities, Tax Code 3-5B-1-65 between Coolbaugh Realty Partners / Tractor Supply and Coolbaugh Township with the condition that the owner agrees to follow the items outlined as 1 through 5. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Stormwater Management Facilities Maintenance Agreement

Mr. Hutchins moved to approve the Stormwater Management Facilities Maintenance Agreement between Coolbaugh Realty Partners / Tractor Supply, Tax Code 3-5B-1-65 and Coolbaugh Township. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Township Improvements Agreement

Mr. Hutchins moved to approve the Township Improvements Agreement between Coolbaugh Realty Partners / Tractor Supply and Coolbaugh Township with the required improvements for this project being secured in the amount of \$1,026,870.68. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

Improvement Escrow Agreement

Mr. Hutchins moved to approve the Improvements Escrow Agreement between Coolbaugh Realty Partners / Tractor Supply and Coolbaugh Township and First National Bank of Chester County (Escrow Agent) with the required improvements for this project being secured in the amount of \$1,026,870.68. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Proposed Road Dedication - Industrial Park Drive North - Arcadia North Business Park

Shawn Langen of Arcadia Properties, LLC was present on behalf of the project referenced above. Mr. Langen said he had addressed most of the conditions listed in Township Engineer Russ Kresge's, September 15, 2009 letter. Mr. Langen said an email was sent to the Township Solicitor and Township Secretary with a Road Adoption resolution and Deed of Dedication, and the memo also stated that guide rails would be installed. Discussion followed.

Mr. Frutchey moved to accept the road known as Industrial Park Drive North at the Arcadia North Business Park with the following conditions: 1) receipt of a road adoption resolution prepared by Arcadia's Attorney; 2) receipt of a Deed of Dedication and plan; 3) receipt of an easement agreement between PMI and Coolbaugh Township for the use of that portion of the temporary turnaround which is outside the road right-of-way;

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4) resolution of the guide rail issue. All documents must meet the approval of Solicitor Hanna and Township Engineer Russ Kresge; the Resolution and Deed are to be recorded at the Monroe County Court House and returned to the Secretary so they can be sent to PennDOT prior to September 30, 2009 in order not to jeopardize the liquid fuels funds. Solicitor Hanna asked that the motion include the Petition for Adoption. Mr. Frutchey moved to amend the motion to accept the Petition For Adoption for Industrial Park Drive North. Seconded by Mr. Hutchins. Discussion - Mr. Langen was asked if a new access road could be secured from Industrial Park Drive North to the Pocono Mountain Municipal Airport. Mr. Langen agreed that the matter would be looked into. Public Input was heard from Gratz Washenik. The motion carried 5-0.

Extension Requests:

Arcadia North Business Park, North Phase, Section 1, Lot #1

Ms. Kelly moved to grant a time extension for the Arcadia North Business Park, North Phase, Section 1, Lot #1 project until December 15, 2009, as the applicant waives the benefit of deemed decision through that date. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Summerall Estates Final Land Development Plan

Shawn Langen of Arcadia Properties, LLC was present to discuss the Summerall Estates Final Land Development Plan. Mr. Langen explained that he went before the Planning Commission members to ask for a preliminary approval as he agreed to address all outstanding comments in a letter dated July 30, 2009 from Township Engineer Russ Kresge and that all approvals from outside agencies would be addressed between preliminary plan approval and final plan approval. Discussion followed regarding the PC meeting, the need for an extension, etc.

Mr. Hutchins moved to grant a time extension for the project known as Summerall Estates until October 20, 2009 as per the request of the applicant. Seconded by Mr. Zito. Discussion - none. The motion carried 5-0.

The Cross Inc. Preliminary Land Development Plan

Mr. Frutchey made a motion to grant the Cross, Inc. a time extension for their Preliminary Land Development Plan until December 15, 2009, as the applicant waives the benefit of deemed decision through that date. Seconded by Mr. Hutchins. Discussion - none. The motion passed 5-0.

2009 Monthly Reports

Coolbaugh Township Volunteer Fire Company

Mr. Frutchey gave a summary of the CTVFC Report for August 2009, noting that there were 26 calls with staff hours of 193.72. Mr. O'Boyle reported that the recent Poker Run was a successful fund-raiser.

Pocono Mountain Regional Emergency Medical Services

Mr. O'Boyle gave the PMREMS report, giving the amount of miles on each of the ambulances, gave the call volume for each municipality, etc.

Pocono Mountain Regional Police

Ms. Kelly presented the August 2009 PMRPD Monthly Report as follows: 1405 complaints, 81 accidents, 166 criminal arrests, 390 traffic arrests, 297 traffic warnings and 21 ordinance arrests for a total of 1486 calls within the area covered by the regional police, which includes Tobyhanna, Tunkhannock and Coolbaugh Townships and the Borough of Mount Pocono.

Ms. Kelly also reported Coolbaugh is doing well with hours; a new officer was hired; they are moving forward with building repairs, looking into grant funding through gaming money, holding fund-raisers, including a recent car wash, to help purchase two new dogs, which are approximately \$10,000 each.

Letter of Support for PMRPD re: DCED Grant - Local Shares Monroe Program

Mr. O'Boyle read a draft Letter of Support for the PMRPD grant application. Mr. Hutchins moved to approve the draft letter and send it. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0.

Minimum Municipal Obligation for 2010

Coolbaugh Township Non-uniform Pension Plan - \$75,690.00

Pocono Mountain Regional Police Non-uniform Pension Plan - \$3,685.62

Pocono Mountain Regional Police Pension Plan - \$181,091.00

Ms. Kelly made a motion to approve the MMO for 2010 as follows: Coolbaugh Township Non-uniform Pension Plan in the amount of \$75,690.00; Pocono Mountain Regional Police Non-uniform Pension Plan in the amount of \$3,685.62 ; Pocono Mountain Regional Police Pension Plan in the amount of \$181,091.00. Seconded by Mr. Hutchins. Discussion - Mr. Zito asked about clarifying how the numbers are determined. The motion passed 5-0.

Bid - Sale of 1999 Volvo Autocar Tandem Dump Truck

No bids were received for the 1999 Volvo Autocar Tandem Dump Truck. Mr. Frutchey moved to re-advertise this vehicle with the spreader included. Seconded by Mr. Hutchins. Discussion followed about cleaning up the truck and putting it out on the Municipal Center lawn with a For Sale sign. The motion passed 5-0.

Current Obligations

General Fund	\$98,098.99
Escrow Account Fund	\$ 129.60
Sewer System Fund	\$ 5,553.65
Total Disbursements	\$103,782.24

Mr. Hutchins moved to pay the Current Obligations in the amount of \$103,782.24. Seconded by Mr. Frutchey. A brief discussion followed about the following invoices needing to be processed: The Bank of New York in the amount of \$43,585.00 out of the Capital Projects and Five Star Equipment in the amount of \$77,936.00 to be taken out of the Emergency Services Fund. The motion carried 5-0.

Other Business

Authorization to send letter to Walmart re: sewer related problems

Mr. Frutchey moved to authorize Nick Haros to send Walmart a letter requesting that Coolbaugh Township be notified when they are having any sewer related problems. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Proposed Food Distribution Center - request for a meeting re: fire code regulations

Discussion ensued over an email from Dennis Noonan of PMEDC regarding a request from Project Tea Cup and Ryan Companies to meet on September 24, 2009 with local authorities to discuss specific code enforcement interpretations for the proposed 400,000 square foot Food Distribution Center proposed for the Mid-Atlantic region. It was the consensus that a representative from Bureau Veritas (former Guardian Inspection Services) should attend the meeting, and if there is a charge, it is up to them to make arrangements for payment.

Traffic Signal Modification - S.R. 196 & Echo Lake Road - Dennis and Gricel Bloom Private Driveway

Mrs. Frutchey talked with Mr. Bloom earlier today and was informed that a vendor had not been selected for the traffic signal modification work and there was not a time frame listed in the advertisement for vendors to submit a proposal, etc. Discussion ensued over whether another extension should be given to get the work done, the number of letters that have already been sent to Mr. and Mrs. Bloom, the safety concerns and liabilities at the site, etc.

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Mr. Zito moved to authorize Township Engineer Russ Kresge to prepare bid specifications and an advertisement for the traffic signal modification at S.R. 196 and Echo Lake Road and all costs associated with the engineer's time, cost of the advertisement, etc. are to be charged to Mr. and Mrs. Bloom. Seconded by Mr. Frutchey. Discussion - none. The motion carried 5-0.

Notice to Proceed - S.R. 196 / Kings Way Traffic Signalization Project

Mr. Zito moved to authorize that Muschlitz Excavating be issued a "Notice To Proceed" on the S.R. 196 / Kings Way Traffic Signalization Project. Seconded by Mr. Hutchins. Discussion - none. The motion carried 5-0.

Public Input

Barbara Schlegel - asked who assigned the address of 725A Gordon Lane, as her address is 725 Gordon Lane and now there is a 725A, which has been causing long running confusion, and she wants it changed. It was suggested she contact the Post Office, and Mr. Zito also gave her his cell phone number in an offer to help.

Dave Pope - asked questions relating to the work that is going on near the site of Frank's Franks on SR 611. Discussion followed about PAWC doing water line work along the roadway.

Mr. Pope asked if we found out why the speed limit was changed from 55 mph to 50 mph on SR 611. Ms. Frutchey was asked to contact PennDOT about the matter.

Mr. Pope went on to explain the problem he was having with too many cats living at the house next door to him, and said the Township should look into an ordinance to license and/or leash cats, etc.

Mr. Pope also asked about Township policy regarding paying employees who go to fires, that he disagreed as these employees are volunteers and should use their own time and not be paid, etc. It was pointed out that their Union Contract allows the employees to go.

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Calvin Lane - asked for relief in getting mulch from the Township and wanted to be able to bring in his own backhoe and load his vehicle. He offered to come back with a proposal and donate his time. The Supervisors explained the new swipe card system and said that loads of mulch could be considered along with drop off loads, noting that the matter will be discussed at a Work Session.

Harry Smith - asked if the Tobyhanna and Tunkhannock Township and the Boro of Mount Pocono pay anything for the drop off of trees, branches, leaves, etc. He was informed that there is an Intermunicipal Agreement and they are sent an invoice each year in accordance with the agreement.

Gratz Washenik - expressed concern over piles of millings on Open Space (formerly Hoodak) property off of King's Way and SR 196. Mr. Frutchey explained that the millings were from the road paving project and were being temporarily stored there for the purpose of improving the road and building a parking lot. Discussion followed.

Board of Supervisors Executive Sessions

Mr. O'Boyle said that the Board of Supervisors held Executive Sessions on Tuesday, September 1, 2009 at 9:02 p.m. re: Personnel Issues and this evening at 6:50 p.m. re: Personnel and Legal Issues.

At 9:23 p.m. Mr. O'Boyle announced that the meeting would remain open while the Board went into an Executive Session re: Personnel. The meeting resumed at 9:46 p.m.

Appointment of an Assistant Road Foreman - Stephen Weber

Mr. Hutchins made a motion to appoint Stephen Weber as Acting Road Foreman, with a differential of \$.75 per hour to be accrued only when Wayne Regan is not at work. Seconded by Mr. Zito. Discussion - Ms. Frutchey pointed out that Don DeRoo was given the title of Assistant Road Foreman in 2002. Discussion followed.

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Mr. Hutchins amended the motion to include any other previous positions will be negated by this motion and the union contract. Mr. Zito seconded the amended motion. Discussion - none. The motion carried 5-0.

Adjournment

With no further business before the Board, Mr. Frutchey moved to adjourn the meeting. Seconded by Ms. Kelly. Discussion - none. The motion carried 5-0. The meeting adjourned at approximately 9:55 p.m.

Respectfully submitted:

Linda Frutchey
Township Secretary

Joseph O'Boyle
Board Chairman

