

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
October 19, 2021

The meeting was called to order by Chairman William Weimer at 6:48pm at the Coolbaugh Township Municipal Center meeting room located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

William Weimer, Anthony Lamantia, Alma I. Ruiz-Smith, Clare Colgan and Lynn Kelly

Board Members absent:

None

Staff present:

Patrick Armstrong, Solicitor, Erin Masker, Township Secretary, Meredith Thompson, Business Manager, Darren Dixon, Controller and Tomas Keane Director of Codes and Zoning

Announcements:

Mr. Weimer announced the following:

- In order to insure the safety of everyone in attendance, masks are required to be worn by everyone and we ask that you follow the applicable CDC guidelines.
- Public Input will be considered at the beginning of the meeting for non-agenda items. The public will be given an opportunity to speak on each agenda matter.
- The meeting is being recorded to aid in the preparation of the minutes, please remember to state your name and community or city you reside in before speaking.

1. Public input

- D. Pope asked if there was anyone around Summit Lakes stating that there was a board pulled out of the dam. Mr. Weimer stated that is correct and that it was by directive of PA DEP. Mr. Pope stated that the residents should have been informed.
- D. Pope stated that he tried to contact Mr. Weimer regarding burning at 1189 Pope Road. He also stated that as per the Township SEO, he received an email regarding a possible waiver for the well isolation distance that may be coming before the Board for consideration. Solicitor Armstrong stated that there is nothing before the Board at this time. Discussion ensued.

2. Approval of minutes / notes:

- October 5, 2021- Regular Meeting Minutes

Mr. Lamantia made a motion second by Ms. Colgan to approve the October 5, 2021 Regular Meeting Minutes as presented.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

3. Monthly reports

- Pocono Mountain Regional Police Department- Presented by Mr. Weimer. Ms. Ruiz-Smith asked that Mr. Weimer let the public know the outcome of the Bayshore case, being advised that there has not been a press release on that as of yet, and he would rather wait until that happens.
- Pocono Mountain Regional EMS- Presented by Ms. Colgan.
- Coolbaugh Township VFD- Presented by Mr. Keane.

- Gouldsboro VFD- Presented by Mr. Weimer.
- Thornhurst Fire & Rescue Ambulance- No report was provided.
- Tobyhanna Township VFD- Presented by Mr. Weimer.
- Codes Enforcement and Zoning Report- Presented by Mr. Keane.

4. **Request for Release of Financial Security for Monadnock Non-Wovens Land Development Plan in the amount of \$83,100.00**

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Authorize the Release of the Financial Security for Monadnock Non-Wovens Land Development Plan in the amount of \$83,100.00.

- **Discussion:** Mr. Haywood was in attendance and thanked the Board for their consideration stating that the building is used for their normal manufacturing and stated that over the past months it has been used to manufacture face masks. He stated that they made over five billion masks and were the largest manufacturing facility in America. Ms. Ruiz-Smith stated that she toured the facility when it opened and stated that they are the best, responsible neighbors. Ms. Hughes thanked Mr. Haywood and his company, stating that when she worked for Careerlink they hired within the community.
- **Vote:** All in favor, motion passes.

5. **Planning Commission Recommendation to Approve the Requested Modification of Permitted Stormwater Discharge Rates for PA American Water-Pocono Farms East Land Development Plan**

Connor Borque, Rich Dudeck and Jennifer Wonder were in attendance from PA American Water Co. stating that they are bringing two wells back online that haven't been run in years and are building a new split phase cmu treatment building. Mr. Borque stated that they are requesting a waiver of the permitted stormwater discharge rates as they will be able to get the runoff rate to below the current rate but are not able to meet those of the 100 year and 50 year requirements stating that those are only possible with larger lots. He stated that they have worked through this with the Township Engineer, Russell Kresge to make sure that the impact is minimal as possible. Mr. Dudek stated that they have worked with the Whispering Glen HOA which is where the project is located.

Mr. Weimer made a motion second by Ms. Colgan to Approve the Requested Modification of Permitted Stormwater Discharge Rates for PA American Water-Pocono Farms East Land Development Plan.

- **Discussion:** Solicitor Armstrong stated that it should be noted that they do not exceed pre-development rates and address with the Township Engineer in a manner consistent with the Township Ordinance.

Mr. Weimer amended his motion and Ms. Colgan her second to Approve the Requested Modification of Permitted Stormwater Discharge Rates for PA American Water-Pocono Farms East Land Development Plan as long as they do not exceed pre-development rates and as long as the Township Engineer is consulted to ensure this is in a manner consistent with the Township Ordinance.

- **Discussion:** Ms. Hughes asked that the developers let Pocono Farms East know of repairs and projects in the community. She asked where the project is located being advised on Robert David Drive in Whispering Glen and that the wells will serve Pocono Farms East.
- **Vote:** All in favor, motion passes.

6. **Planning Commission Recommendation of Conditional Approval for PA American Water- Pocono Farms East Land Development Plan**

Conor Borque stated that comments #1-3 have been addressed and that items 4 & 5 are currently being worked on which are shown in Township Engineer, Russell Kresge's letter dated October 6, 2021. He stated that the plan has been revised to include the landscaping that was suggested and stated that they are proposing arborvitae trees. Ms. Ruiz-Smith stated that she would prefer something that the deer will not eat like hemlocks or evergreens. They will

make that correction to plant a tree that is acceptable to the Township. They will resolve the encroachment agreement and the development agreement and financial security so that the plans are ready to be signed and recorded. He thanked the Board for their consideration.

Ms. Kelly made a motion second by Mr. Weimer to grant Conditional Approval for PA American Water- Pocono Farms East Land Development Plan conditioned on addressing all comments in Township Engineer, Russell Kresge's letter dated October 6, 2021.

- **Discussion:** Mr. Weimer stated that the Township recently piped 10 hydrants in Pocono Farms East and stated that he is unable to use the one at Rob Roy and King's Way as the pipe is too small. He asked if this will assist him in being able to use these hydrants, being advised that this will not change that situation, but Mr. Dudek stated that he will look into it.
- **Vote:** All in favor, motion passes.

7. Planning Commission Recommendation of Requested Waiver of Procedural Time Requirement for RCI Properties until April 19, 2022

Mr. Lamantia made a motion second by Ms. Colgan to Approve the Requested Waiver of Procedural Time Requirement for RCI Properties until April 19, 2022

- **Discussion:** None
- **Vote:** All in favor, motion passes.

8. Planning Commission Recommendation of Requested Waiver of Procedural Time Requirement for Pocono Mountain Corporate Center Warehouse until December 21, 2021

Mr. Lamantia made a motion second by Ms. Colgan to Approve the Requested Waiver of Procedural Time Requirement for Pocono Mountain Corporate Center Warehouse until December 21, 2021.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

9. Parks and Recreation Request for DPW Employees to Pick up Pumpkins and Work at the Ghoulbough Event on Saturday, October 30, 2021 from 12:00pm to 4:00pm

Mr. Weimer made a motion second by Ms. Ruiz-Smith to authorize three DPW Employees to Pick up Pumpkins and Work at the Ghoulbough Event on Saturday, October 30, 2021 from 12:00pm to 4:00pm

- **Discussion:** None
- **Vote:** All in favor, motion passes.

10. Authorization for Solicitor Armstrong to Attend and Take a Position at the Zoning Hearing Board Hearing regarding the Special Exception Request from 1900 Corporate Center Drive, Applicant Mt. Pocono Transport

Ms. Colgan made a motion second by Ms. Ruiz-Smith to authorize Solicitor Armstrong to attend and take a position on behalf of the Township at the Zoning Hearing Board Hearing regarding the Special Exception Request from 1900 Corporate Center Drive, Applicant Mt. Pocono Transport.

- **Discussion:** Solicitor Armstrong stated that he will review the documents submitted for the hearing and he will speak with the Board at the next meeting and at that time the Board can determine that position that he would like to take with reference to this request. Mr. Keane stated that he is requesting Solicitor Armstrong to attend as it is a complex case and there is an attorney for the applicant involved, stating that this relates to the use which he believes could be a contractor yard. Ms. Ruiz-Smith stated that she wants Bureau Veritas involved to make sure that it is structurally sound and stated that there are no bay doors for the repairs that are being discussed. Mr. Keane stated that he believes that they are going to modify the doors. Ms. Kelly asked if trucks are stored there being

advised by Mr. Keane that they are not. Mr. Keane stated that he is proposing to only repair his own trucks stating that the concerns are that there is no turnaround area, which means that they are now backing in off of Industrial Park Drive. Mr. Keane stated that he suggested the contractor yard use, stating that if that is not the use, they would have to pick up and move as there would be no use that would allow them to be there. He stated that because all the vehicles are registered to him, a contractor yard would be the most appropriate use, stating that the applicant's attorney has a different opinion. Discussion ensued about the date of the hearing with Solicitor Armstrong stating that the current proposed date will not work for him and he asked Ms. Masker to see if the Zoning Hearing Board would consider changing the date, if not he could have someone else from his firm attend. Solicitor Armstrong will review the documents and will be prepared to discuss this application with the Board at the November 1, 2021.

- **Vote:** All in favor, motion passes.

11. Coolbaugh Township Minimum Municipal Obligation for 2022: Township Non-Uniform Pension

Mr. Weimer made a motion second by Ms. Colgan to Approve the Coolbaugh Township Minimum Municipal Obligation for 2022: Township Non-Uniform Pension in the amount of 87,985.60.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

12. Pocono Mountain Regional Police Minimum Municipal Obligation for 2022

- **PMRP Uniform Pension-\$148,626.00**
- **PMRP Non-Uniform-\$3,833.00**

Mr. Weimer made a motion second by Ms. Kelly to Approve the Pocono Mountain Regional Police Minimum Municipal Obligation Uniform Pension for 2022 in the amount of \$148,626.00.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

Mr. Weimer made a motion second by Ms. Colgan to Approve the Pocono Mountain Regional Police Minimum Municipal Obligation Non-Uniform Pension for 2022 in the amount of \$3,833.00.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

13. Resolution # 12- 2021: Approval of the 2022 Budget for Pocono Mountain Regional Police

Ms. Kelly made a motion to Approve the First Draft (1.1) of the Pocono Mountain Regional Police Budget in the amount of \$2,428,814.19 for Coolbaugh Township.

No second was heard, the motion failed.

Mr. Weimer made a motion second by Ms. Colgan to Approve Resolution #12-2021 for the 2022 Pocono Mountain Police Budget Draft 2+3, in the amount of \$2,542,148.01 for Coolbaugh Township's portion which will include an additional 40 hours.

- **Discussion:** Mr. Lamantia stated that we will be adding more officers to the road in our township to ensure the safety of our residents, stating that the reports show the need. Ms. Kelly asked why Tobyhanna Township did not have the same increase being advised by Mr. Weimer that the COPS grant did not come through and therefore Tobyhanna Township is splitting hours with Mount Pocono Borough. Ms. Kelly stated that we never discussed the additional 40 hour option at the budget work session and stated that is a big increase for us. Ms. Ruiz-Smith stated that Chief Weimer stated that there is a need for the increase and that is what we need to do to protect our residents. Ms. Kelly

stated that she understands that, stating that every year there is money left over in the budget. Ms. Kelly stated that the Police Commission needs to work on producing a leaner budget instead of increasing the money that is being charged to the municipalities every year. She stated that Tunkhannock and Barrett costs are decreasing and Coolbaugh Township is taking the biggest hit, stating that the extra hours should be spread equally.

- **Vote:** 4-1-0, motion passes. (Ms. Kelly opposed)

14. **Authorization to Hire a Professional Land Surveyor for the Minor Subdivision of the Township Properties located at 549, 561 and 565 Laurel Drive, Tobyhanna**

Ms. Ruiz-Smith made a motion second by Mr. Weimer to Authorize Jonathan Shupp, PLS to complete the Minor Subdivision of the Township Properties located at 549, 561 and 565 Laurel Drive, Tobyhanna at the cost of \$3,500.00 - \$4,000.00 per his quote dated July 19, 2021.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

15. **Correspondence from Counsel for Library**

Solicitor Armstrong stated that there was a matter before the Board a few months ago regarding the Pocono Mountain Public Library Referenda and stated that the correspondence from the county was consistent with the determination that he had provided to the Board at that time. He stated that it is the library's position that one mill is still one mill and stated that the Board will need to decide what their end result will be. Solicitor Armstrong stated that there is no action required by the Board at this time, he just wanted to follow up now that the determination was received from the County.

16. **Authorization to Release Remaining Contributions**

Ms. Kelly made a motion second by Ms. Ruiz-Smith to release the remaining contributions in the amount of \$84,000.00 budgeted for 2021.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

17. **Authorization to Re-Advertise the Code Enforcement Position**

Ms. Ruiz-Smith made a motion second by Mr. Weimer to Authorize Re-Advertising of the Code Enforcement Position.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

18. **Controller Report**

Presented by Mr. Dixon.

19. **Current obligations**

• General Fund	\$	81,786.30
• Escrow Fund	\$	4,464.36
• Clarius Partners	\$	342,384.10
• PM Regional EMS	\$	190,000.00
• Sewer Fund	\$	<u>67,828.91</u>
Total Disbursements	\$	686,463.67

Ms. Ruiz-Smith made a motion second by Mr. Lamantia to pay the current obligations in the amount of \$686,463.67.

- **Discussion:** None
- **Vote:** All in favor, motion passes.

20. Route 196 Change Order- APCP Sign

Ms. Kelly made a motion second by Ms. Ruiz-Smith to approve Change Order #13 for the A Pocono Country Place sign relating to the Route 196 Turning Lane Project conditioned on APCP agreeing to take on the work to complete the sign, making sure that there are no legal issues with the agreement and determining the amount that will be charged by the APCP contractor to complete the work.

- **Discussion:** Solicitor Armstrong will draft an acknowledgement and agreement and circulate it to the Board for consideration. He stated that he would like to have the amount before completing the agreement. Ms. Kelly asked if we can add a maximum amount for the completion of the work. Mr. Lamantia stated that it is simply to raise the height, not to tear it down and rebuild it. He stated that it should be the amount of the change order which would be the amount that would have been charged to complete the sign. Discussion ensued regarding whether there was an agreement signed in the beginning of the project, stating that Ms. Masker forwarded him a copy of the minutes where APCP agreed to the dollar amount which has carried throughout this project and it is his understanding that the amount has not been paid as of yet. Mr. Lamantia stated that if there was anything else that was needed, Solicitor Armstrong could reach out to Community Manager, Ms. Dunn.
- **Vote:** All in favor, motion passes.

21. Solicitor Armstrong Comments/Updates

Solicitor Armstrong stated that he sent a draft agreement to Pocono Mountain Industrial Authority for the Industrial Park Drive/ Broadway emergency egress. He stated that there were a couple concerns from their attorney and stated that as long as there are no other changes and he receives a confirmation from PMI's attorney, this should be ready for the Board to act on at the next meeting.

Solicitor Armstrong stated that in the meeting packet there is a tracked change agreement for LPC Pocono with regard to the traffic signal at Market Way. He stated that they want to provide a cash security for the traffic signal as opposed to the original financial security that was provided. Ms. Ruiz-Smith stated that she has concerns with the cost of the security deposit with the increasing material costs that we are seeing. Mr. Weimer asked if we are agreeing to the costs as they are now being advised that is correct for a two year term as outlined in #6. Solicitor Armstrong stated that once the traffic count is determined based on the tenant, the future tenants could be limited to the same by recording a declaration against the property. Ms. Ruiz-Smith stated that the original conversation for the need of a traffic signal and bypass road was to alleviate traffic on Route 196 and at the five points intersection in Mount Pocono, now they are saying that it will be for employees. Mr. Lamantia stated that he would like some verbiage included that would be along the lines of; at the time of installation they would be responsible for the entire cost, to keep the township off the hook. Solicitor Armstrong stated that there is no action required by the Board this evening.

Solicitor Armstrong stated that through a Real Estate agent, the ownership and maintenance responsibility of a community on lot septic tank has come into question. He stated that if there is no legitimate owner determined that the issue may evolve. He stated that he wanted to make the Board aware in case this issue escalates and wanted to make sure that the Board is ok with spending money on a title search to begin the research necessary. Ms. Ruiz-Smith asked where the property is, being advised it is in Carriage Estates. Ms. Thompson stated that SEO, Jake Schray discovered that there was one person that was responsible for the system, maintenance, upkeep and permitting stating that the individual has since passed away. The Board was in favor of the title search.

22. Board of Supervisors Executive Sessions

- After: October 19, 2021 from 8:45pm-9:00pm Re: Legal and Personnel
- After: October 21, 2021 from 6:00pm-6:15pm Re: Personnel

- After: October 21, 2021 from 8:35pm-8:43pm Re: Personnel

23. Other Business

- Ghoulbaugh will be held on Saturday, October 30, 2021 from 1-3pm at the Coolbaugh Township Municipal Park located at 1770 Church Street, Tobyhanna
- Trick or Treat will be held on October 31, 2021 from 4:00pm-7:00pm
- Next Regular Meeting of the Board of Supervisors will be held on Monday, November 1, 2021 due to the election.

Mr. Weimer commended DPW for their work on making plow plates for the hitch on the trucks stating that it was previously approved by the Board to spend over \$17,000.00 on purchasing the parts to hook up the plows, which DPW has now saved the Township that money by doing the work themselves.

24. Adjournment

There being no further business, a motion was made by Ms. Ruiz-Smith second by Ms. Colgan to adjourn.

Meeting adjourned at 8:24pm.

NEXT REGULAR BOARD MEETING: Monday, November 1, 2021 at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA

- Work Session/Regular Meeting – 6:00pm

Submitted by: _____
Erin Masker, Recording Secretary

Witnessed by: _____
William Weimer, Chairman

Date: _____