

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
November 16, 2021

The meeting was called to order by Chairman William Weimer at 6:29pm at the Coolbaugh Township Municipal Center meeting room located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

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

Board Members absent:

Anthony Lamantia

Staff present:

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

Announcements:

Mr. Weimer announced the following:

- In order to ensure 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

P. Williams thanked DPW for getting the lights up in the front of the Municipal Center, stating that they will look great when they are lit.

2. Approval of minutes / notes:

- November 1, 2021- Regular Meeting Minutes

Ms. Kelly made a motion second by Ms. Colgan to approve the November 1, 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 stated that the public needs to be aware that we appear to be the highest due to the number of officers that we have in Coolbaugh Township.
- Pocono Mountain Regional EMS- Presented by Ms. Colgan.
- Coolbaugh Township VFD- Presented by Mr. Keane. Ms. Ruiz-Smith asked if there have been multiple medivac landings over the past couple weeks, being advised that there have been.
- Gouldsboro VFD- Presented by Mr. Weimer.
- Thornhurst Fire & Rescue Ambulance- Presented by Mr. Weimer.
- Tobyhanna Township VFD- Presented by Mr. Weimer.

- Pocono Mountain Public Library- Presented by Ms. Kelly. She stated that there are a lot of in person programs that are starting back up again with a new youth librarian on staff. She stated that the newsletters are available online at www.poconolibrary.com.
- Codes Enforcement and Zoning Report- Presented by Mr. Keane.

4. Dangerous Structure Report

Presented by Mr. Keane. He asked if it would be possible to have the assistance of Solicitor Armstrong to provide guidance on moving forward with problem properties that have been on this list for a while and have not been able to be resolved. The Board agreed that would be fine to move forward with the assistance of Solicitor Armstrong.

5. E-911 Readdressing Report

Presented by Mr. Rohan

6. Short Term Rental Report

Presented by Mr. Rohan. Ms. Kelly stated that someone that she spoke with has called the police on a short-term rental that is located next to her home and stated that the police will pull into her driveway before going to the STR regarding the issue. She stated that those actions have now deterred this individual from calling with complaints when there are issues. Mr. Weimer asked that Mr. Rohan get the property address from Ms. Kelly to make sure that we are aware of the issues with this property as it may go against the three strikes process that is in the ordinance.

7. Redevelopment Authority of Monroe County Request for Letter of Support for the Monroe County Landbank for a Grant in the Amount of \$150,000

Ms. Ruiz-Smith made a motion second by Ms. Colgan to Authorize sending a letter of Support for the Monroe County Landbank for a Grant in the Amount of \$150,000

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

8. Resolution #13-2021: Acceptance and Approval of the Monroe County Hazard Mitigation Plan

Mr. Weimer made a motion second by Ms. Colgan to Approve Resolution #13-2021: Acceptance and Approval of the Monroe County Hazard Mitigation Plan

- **Discussion:** Mr. Weimer thanked Ms. Masker and Mr. Keane for their work on the hazard mitigation plan.
- **Vote:** All in favor, motion passes.

9. Review and Authorization to Advertise Proposed Ordinance #146-2021: An Ordinance Amending Chapter 350 Of The Code Of Ordinances of Coolbaugh Township by Prohibiting Improvements and/or Personal Property from Being Placed Within the Public Right-of-Way; and Amending Chapter 375 of the Code of Ordinances of Coolbaugh Township by Authorizing the Issuance of Citation for Violations of Chapter 375, Adding to and Updating the Snow Emergency Route Designations, and Adding Additional Locations Where Parking is Prohibited

Ms. Ruiz-Smith made a motion second by Mr. Weimer to Authorize the Advertisement for a Public Hearing to be held on Tuesday, December 7, 2021 at 7:00pm for the Proposed Ordinance #146-2021: An Ordinance Amending Chapter 350 Of The Code Of Ordinances of Coolbaugh Township by Prohibiting Improvements and/or Personal Property from Being Placed Within the Public Right-of-Way; and Amending Chapter 375 of the Code of Ordinances of Coolbaugh Township by Authorizing the Issuance of Citation for Violations of Chapter 375, Adding to and Updating the Snow Emergency Route Designations, and Adding Additional Locations Where Parking is Prohibited.

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

10. Awarding of the Sludge Hauling Bid for the Period of January 1, 2022- December 31, 2023

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Award the Sludge Hauling Bid for January 1, 2022 – December 31, 2023, to Environmental Services Corporation of PA at the rate of 0.0794¢ per gallon.

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

11. Authorization to Advertise Notice of Intent to appoint a Certified Public Accountant at the Board of Supervisors Re-Organizational Meeting

Mr. Weimer made a motion second by Ms. Colgan to Authorize the Advertising of the Notice of Intent to appoint a Certified Public Accountant at the Board of Supervisors Re-Organizational Meeting

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

12. Authorization to Advertise Public Inspection of the 2022 Proposed Budget to be published on November 30, 2021

Ms. Colgan made a motion second by Ms. Ruiz-Smith to Authorize the Advertisement of Public Inspection of the 2022 Proposed Budget to be published on November 30, 2021

- **Discussion:** Ms. Ruiz-Smith stated that the Board will be holding their final budget work session on Saturday, November 20, 2021 at 9:00am.
- **Vote:** All in favor, motion passes.

13. Authorization to Advertise the 2022 Re-Organizational Meeting Scheduled for Monday, January 3, 2022 at 6:00pm

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Authorize Advertising the 2022 Re-Organizational Meeting Scheduled for Monday, January 3, 2022 at 6:00pm

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

13B. *Ms. Kelly made a motion to add to the Agenda Item #14B to Authorize Dave Kavitski from Atlas to Begin a Special Study or Full Study for the Act 537 Plan.*

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

14. Authorization to Execute Suez Contract for Repairs to Membrane Tank #1 at the Wastewater Treatment Plant

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Authorize the Execution of the Suez Contract for Repairs to Membrane Tank #2 in the amount of \$80,154.00 over three years.

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

14B. Discussion on Atlas Beginning a Special Study or Full study for the Act 537 Plan

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Authorize Dave Kavitski of Atlas to Prepare a Scope of Work and Quote for the a Special Study to increase the WWTP from 52,000 gallons per day to 104,000 gallons per day and a Quote for Full Study for the Act 537 to include the Rerate as well as contacting DEP and DRBC to discuss the options conditional on the ability to use the ARP funding for the project.

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

15. **Authorization to Execute the Emergency Access Easement Agreement for Industrial Park Drive, Property Owner Pocono Mountains Industrial Park Authority**

Solicitor Armstrong stated that at a previous meeting the Board was presented with the draft Emergency Access Agreement and stated that this agreement is before the Board for consideration and stated that the PMI will be signing the agreement this evening and providing a copy when it is available. He stated that he confirmed with Dennis Noonan that PMI is in agreement with the terms and that they are ok with the Township putting in stone when doing the work.

Ms. Ruiz-Smith made a motion second by Ms. Colgan to execute the Emergency Access Agreement for Industrial Park Drive, Property Owner Pocono Mountains Industrial Park Authority for access into and onto Broadway in Pocono Summit Lake Estates.

- **Discussion:** Solicitor Armstrong stated that once the agreement is signed by both parties and the Township is ready to begin the work, he would like a member of the township staff to contact Dennis Noonan to confirm that the work is starting and confirm that there is still no issue with the stonework being done. Ms. Ruiz-Smith thanked the Board for their consideration to her request for this project and stated that it will ensure the safety and well-being of the residents that live in the back of the community if ever faced with an emergency.
- **Vote:** All in favor, motion passes.

16. **Authorization for Township Controller, Darren Dixon and Newly Elected Supervisor Joseph Rogan to attend the PSATS Boot Camp Event in Lackawanna County on December 14, 2021, February 19 and February 26, 2022**

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Authorize Township Controller, Darren Dixon and Newly Elected Supervisor Joseph Rogan to attend the PSATS Boot Camp Event in Lackawanna County on December 14, 2021, February 19 and February 26, 2022 to include the cost of the seminar and travel.

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

17. **Request for Re-Affirmation of the Approval of the Minor Subdivision Plan for Cramer's Cashway located on Summit Avenue, Pocono Summit for Purposes of Filing at the County Courthouse after the 90 Day Timeframe**

Ms. Colgan made a motion second by Ms. Ruiz-Smith to Re-Affirm the Approval of the Minor Subdivision Plan for Cramer's Cashway located on Summit Avenue, Pocono Summit for Purposes of Filing at the County Courthouse after the 90 Day Timeframe and to Authorize Re-Signing of the Plans if Necessary.

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

18. **Controller Report**

Presented by Mr. Dixon

19. **Current obligations**

• General Fund	\$ 74,861.67
• Escrow Fund	\$ 1,898.25
• Sewer Fund	<u>\$ 5,806.22</u>
Total Disbursements	\$ 82,566.14

Ms. Ruiz-Smith made a motion second by Ms. Colgan to pay the current obligations in the amount of \$82,566.14.

- **Discussion:** H. Smith asked for clarification on Check #8114
- **Vote:** All in favor, motion passes.

20. Solicitor Armstrong Comments/Updates

Solicitor Armstrong requested a brief executive session following the meeting re: Litigation. Ms. Ruiz-Smith also requested an executive session re: Legal

21. Board of Supervisors Executive Sessions

- Tuesday, November 16, 2021 from 8:43pm- 9:24pm Re: Litigation and Legal

22. Other Business

Ms. Ruiz-Smith stated that four weeks ago storms went through the Township affecting the area of Summit Lakes, stating that she was made aware that the Township removed boards from the dam without any notice to the Homeowners Association which is the owner of the lake and the dam. She stated that she was at a meeting with DEP and the Attorney for her Homeowners Association and stated that there was an emergency directive given to the Township by DEP and stated that there was no discussion as a Board regarding this directive or the actions that should be taken to mitigate the issue. Ms. Ruiz-Smith stated that she has concerns with the fact that not only were these modifications made without any discussion as a Board, stating she now has concerns about the liability of the actions taken moving forward. She stated that there are homeowners in attendance that are now having flooding issues due to the changes that have been made to the dam as well as due to stormwater issues in the community that are not being addressed. Discussion ensued about this item not being included on the agenda for discussion with Solicitor Armstrong stating that the Board can motion to add it to this evening's agenda or add it to the agenda for the next meeting. Ms. Ruiz-Smith stated that she would like to allow the homeowners in attendance the opportunity to speak as they have taken the time to attend this evening's meeting.

Ms. Ruiz-Smith made a motion second by Mr. Weimer to add to this evening's agenda Item #22B- Discussion on Pocono Summit Lake Estates Draw Down of the Lake.

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

22B. Discussion on Pocono Summit Lake Estates Draw Down of the Lake

Ms. Ruiz-Smith stated that there are homeowners in attendance that have been affected by the stormwater issues and the draw down of the dam and she would like them to speak to the Board regarding their issues and concerns with what has happened.

- Steve Wantz of Lakeshore Drive stated that he lived on the lake and stated that the boards were taken out without them knowing which has now exposed rocks in the area of the docks and he would like to know why this was done. He stated that the spillway is now damaged and if another storm comes through it will wash out. He stated that he and Mr. Cook took 1000lbs of sand out and built a coffer dam to shore it up and stated that it is in such bad shape it will give way. He would like to know if the Board is going to fix this for us if something happens. S. Wantz stated that the bigger issue from the draw down is that excess water from Route 940 is coming across in larger increments than in the past.
- Steve Gazza, resident in the community and attorney for the HOA stated that he would like to know why this was done, asking if there was a meeting to make this happen. Mr. Weimer stated that it was done at the directive of DEP. Ms. Ruiz-Smith asked how DEP got involved, stating that this is private property, and they did not go through the proper channels. Solicitor Armstrong stated that he will need to look into this further stating that he is not prepared to discuss this at this time. Ms. Ruiz-Smith stated that Ms. McGuire is also in attendance and stated that she has flooding issues in her basement and on her property due to a culvert pipe installed years ago by the township and she is unable to get anyone to come and assist her with fixing the issue. Ms. McGuire stated that she allowed the township access over 11 years ago to install the culvert and stated that they have never been back to clean it out and fix the issues that are occurring because of it. She

stated that her property is now sinking due to the flooding. S. Wantz stated that all of the culverts are clogged. Ms. McGuire has a pit well and she has to put in sump pumps to protect the electric. Mr. Gazza stated that a resident complains, and something is done right away, and then there are other residents that have issues and no one responds to help them.

- Jim Wilson stated that DEP acts on the complaint of one individual stated that he has had issues with this same individual for years and would like to know why DEP listens to this. He stated that this property owner was aware that her property was in a low-lying area when she purchased it and was aware of the issues with the location being advised that she would be responsible for any issues in the future. Mr. Gazza stated that the issues pre-date her ownership. Discussion ensued about the stormwater runoff from Walmart and Lowes with Mr. Weimer asking Solicitor Armstrong if this is something that our township Engineer could look into regarding any possible drainage issues that we are not aware of. Ms. Ruiz-Smith stated that Lowe's mitigated for themselves and Walmart when they were doing their stormwater in their land development plan.
- Pat Santoro stated that now that someone pulled the board from the dam, we have a weakened system asking what will happen when it collapses. Mr. Weimer asked Ms. Masker to look into possible grants through the county for flood mitigation that may be available in the future.

This item will be on a future work session for further discussion.

Ms. Ruiz-Smith stated that she was reviewing email of incoming mail that was received that has assessment reports in them, asking Solicitor Armstrong if he has seen them stating that we are losing out on a couple million dollars based on the assessments that were received for just three properties in the township. She asked if anyone on staff is monitoring these notices, being advised by Ms. Thompson that these notices are received and sent out and reviewed at the Board's discretion. We are in line with last year's tax base. Stating if the Board would like us to change the course as far as the review process, we can do so. Solicitor Armstrong stated that the county and the school district usually stand to lose much more than the Township therefore they will generally take part in the appeals.

Ms. Ruiz-Smith stated that the Board received the email that the Planning Commission has reviewed and discussed the height ordinance and is not in favor of changing the ordinance at this time. She stated that she would like a work session with them to discuss the concerns and options.

Ms. Ruiz-Smith stated that LPC Pocono was granted a LERTA tax break over a 10 year period asking Solicitor Armstrong if they sell before the end of the 10 years will they need to pay back the tax abatement that they were granted. Solicitor Armstrong stated that he believes that the LERTA goes with the property and not based on the owner but stated that he will look into it.

Mr. Weimer stated that the snow has started to fall advising residents to drive careful.

23. Adjournment

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

Meeting adjourned at 8:10pm.

NEXT REGULAR BOARD MEETING: Monday, December 7, 2021, at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA

- Work Session/Regular Meeting – 6:00pm
- Public Hearing- 7:00pm

Submitted by: _____
Erin Masker, Recording Secretary

Witnessed by: _____
William Weimer, Chairman

Date: _____