

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
December 7, 2021

The meeting was called to order by Chairman William Weimer at 6:41pm 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 and Tomas Keane, Director of Codes and Zoning

Announcements:

Mr. Weimer announced the following:

- In order to insure the safety of everyone in attendance, everyone is required to wear a mask and 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

Nothing was heard.

2. Approval of minutes / notes:

- November 16, 2021- Regular Meeting Minutes

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the November 16, 2021 regular meeting minutes as presented.

- **Discussion:** None
- **Vote:** 4-0-1, motion passes. (Mr. Lamantia abstained as he was absent from the meeting)

3. Planning Commission Recommendation of Requested Waivers for Pocono Corporate Center Warehouse (1901 Corporate Center Drive, Tobyhanna)

Rik Longacre from Schlouch Incorporated was in attendance representing Pocono Mountain Corporate Center Warehouse located at 1901 Corporate Center Drive. Mr. Longacre stated that this is a 400,000 sq. ft. warehouse which will be located on the corner of Green Road and Route 196. He reviewed the outstanding items which included outside agency approval from PennDot, DEP and the NPDES permit. Mr. Longacre reviewed the waiver requests as recommended by the Coolbaugh Township Planning Commission in their letter dated November 8, 2021 as well as the requested waiver of the luminaire mounting heights which would be changed from 20' to 25'. The requested waivers are as follows:

- Section §355-59.C- Lighting- Automatic Control of Luminaires- A waiver of the requirement to detail automatic control / security lighting. He stated that He reviewed the lighting requirements in the ordinance stating that they are old fashioned and that the lighting that is available and used today is much more controlled as far as the direction and the fact that there is no glare from the lights.

- Section §355-72.A.8- Preliminary Building Plans: A waiver to the requirement to provide preliminary building plans. Mr. Longacre stated that these building plans will be provided based on the tenant needs and wants. They will be provided for the building permitting process.
- Sections §355-72.A.9- Site Sign: Size, Height and Orientation: A waiver to the requirement to specify the site sign size, height and orientation. He stated that this is also driven by the tenant stating that there are multiple locations that would be ideal for signage at the site and stated that the tenant will decide where they would like there signage which will be in accordance with the township zoning ordinance.
- Sections §355-57.b, C.2.a, C.2.d, C.2.f, C.3, E.3, F, H, and I: Waiver of the requirements of certain sections of the landscaping and buffer planting requirements for Pocono Mountain Corporate Center Warehouse Land Development Plan. (Recommended at the October 5th meeting, still outstanding). Mr. Longacre reviewed the trees types and placement stating that there are also trees that are already in place which will not be removed. He stated that since this plan was submitted, the township revised their landscaping ordinance therefore some of these items that are being waived are in fact in compliance with the revised ordinance requirements. The overflow parking shown on the plan will be graded, stating that it may or may not be constructed depending on the tenant.
- §355-58 & 59. The illumination intensities indicated on the exterior lighting plan are acceptable, but they are based on luminaire mounting heights of 25' rather than the 20' maximum height permitted by the Ordinance He reviewed the lighting requirements in the ordinance stating that they are old fashioned and that the lighting that is available and used today is much more controlled as far as the direction and the fact that there is no glare from the lights.
 - **Discussion:** Ms. Ruiz-Smith stated that she has concerns with waiving the requirements for the signage, stating that the sign at a gas station became an issue in the past and our hands were tied. Mr. Keane stated that the waiver will not relieve the developer from having to meet the township zoning ordinance, they will still need to comply and this will be reviewed before any permits are issued. He stated that this happens a lot as the tenant is not determined when the development is taking place. Solicitor Oettinger stated that this is a waiver of the SALDO relating to showing the sign on the plan and does not affect the zoning ordinance. Ms. Kelly asked about the lighting ordinance waiver request, asking if the lights that are on the Route 196 side of the building will leave the site and interfere with or distract the drivers on Route 196. Mr. Longacre stated that the lighting will not leave the site stating that there is also quite a distance between the building and Route 196. The closest corner is 150' from Route 196 and the other corner is approximately 200' back from Route 196. Ms. Kelly asked about the wetlands that are located on the property being advised that there is a small pocket that holds water runoff from the Green Road, he reviewed the runoff rates and water quality requirements, stating that they included this in their DEP permit and after it was reviewed it was determined that it was so miniscule that it should be removed from the permit. Ms. Kelly asked about the comment that references the runoff to a neighboring property being advised that the water runs off to a stream and stated that the additional information was provided to the Conservation District at which point it was determined that there was no impact to the neighboring property. Ms. Kelly asked if there will be additional signage on Route 196 for trucks that are misled by their GPS and end up on Route 196, being advised that the traffic study was completed and determined that there were no safety concerns and that no signage was required on Route 196.

Meeting was recessed at 7:00pm in order to hold the public hearing. Meeting was called back to order at 7:06pm

Ms. Kelly asked about the comment on the guiderails, being advised that there will be guiderails which will be in the site triangle, he stated that Mr. Kresge had wanted to see guiderails installed farther down due to the slope, but it is

currently awaiting review and determination by PennDOT. Mr. Weimer asked if he will be putting guidrails in anyway and was advised that he will be and showed the location. T. Fox asked if there is a tenant in place and asked why a warehouse would be built with no tenant committed and stated that there are empty warehouses now. Ms. Ruiz-Smith stated that this is a 2-3 year process and stated that once the warehouse is built the tenants will come in and commit to the location and then provide directive as to how they want the building subdivided and set up. Ms. Kelly asked if there is a tenant in the Lot 28 warehouse being advised that there is. He stated that it is a company associated with IKEA-Sweden and furniture related. Ms. Kelly asked if this is also a LERTA property, being advised that it is as is Lot 28. Mr. Longacre stated that if anyone would like to tour the building at lot 28, he can set it up. Ms. Ruiz-Smith stated she would like to. Mr. Longacre stated that it would also be beneficial for the fire department and EMS to tour the building in case they are ever called there, they would be familiar with the setup.

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the Planning Commission recommendation of waivers dated November 8, 2021 for Pocono Mountain Corporate Center Warehouse located at 1901 Corporate Center Drive, Tobyhanna to include the waiver of the landscaping requirements from the previous recommendation dated September 14, 2021.

- **Discussion:** Ms. Masker asked if the list of approved waivers should include the waiver for the luminary height from 20' to 25' as the Planning Commission did not have any objections to this and it is something that the Board would need to consider.

Motion was amended to include the waiver of the luminary height requirement allowing the increase from 20' to 25' as outlined in Township Engineer, Russell Kresge's letter dated November 1, 2021 as comment number 5.

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

4. Planning Commission Recommendation of Conditional Approval of Pocono Mountain Corporate Center Warehouse (1901 Corporate Center Drive, Tobyhanna)

The Board reviewed the comments listed in Township Engineer, Russell Kresge's review letter dated November 1, 2021 with Mr. Longacre stating that some of the comments will be addressed with the new submission that was provided since this letter as well as the fact that they are still working through the outside agency approvals and the comments about the approval of waivers from the township have now been addressed this evening through the Board's approvals. Ms. Kelly stated that the Board could require a developer to do a community impact study and suggested that the Board start requiring these in the future. Mr. Longacre stated that he came to the Board with a sketch plan to determine what waivers would be required and to get comments from the Board. He stated that should the Board require a community impact study, the guidelines for that study would need to be set and provided to the developers in advance. He stated that the submission to the MCCD and DEP are the same as the studies that you are looking to require and are much more detailed. Ms. Kelly stated that she would like the Board to consider making the community environmental impact study a requirement moving forward. Mr. Weimer asked Solicitor Oettinger to speak with Solicitor Armstrong about discussing this with our Township Engineer, Russell Kresge to come up with a list of requirements.

Ms. Kelly made a motion second by Ms. Colgan to grant conditional approval to the Land Development Plan for Pocono Mountain Corporate Center Warehouse conditioned on addressing all comments in Township Engineer, Russell Kresge's review letter dated November 1, 2021, obtaining all outside agency approvals, approval of all waivers requested and providing all agreements and financial security as required.

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

5. Request for Release of Financial Security for Pocono Transcrete, Inc. Land Development Plan in the Amount of \$19,614.00 (Belmont Avenue)

Ms. Kelly made a motion second by Mr. Weimer to Authorize the Release of Financial Security for Pocono Transcrete, Inc. Land Development Plan in the Amount of \$19,614.00 (Belmont Avenue)

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

6. Adoption of 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

Mr. Weimer made a motion second by Ms. Ruiz-Smith to Adopt 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.

7. Discussion on Possible Conflict of Interest: Attorney Nick Haros Representation of Center Rock Realty in Preparation of a Stormwater Maintenance Agreement (Ray Price)

Solicitor Oettinger stated that in his opinion this would not be a conflict of interest stating that Attorney Haros represents the Township in matters relating to the Wastewater Treatment Plant and will now be representing a client that is preparing a Stormwater Maintenance Agreement for a property in the Township.

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Waive the Appearance of a Conflict of Interest for Attorney Nick Haros in the preparation of the Stormwater Maintenance Agreement for Center Rock Realty (Ray Price).

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

8. Authorization to Purchase an Emergency Management Trailer in Amount of \$8,067.47

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Authorize the Purchase of the Emergency Management Trailer in the Amount of \$8,067.47 from Trailer Corner in Taylor, PA as per their quote dated December 2, 2021.

- **Discussion:** Ms. Masker asked the Board to consider amending their motion to include who is authorized to sign the documents on behalf of the township and who will be picking it up as this information needs to be provided to the company in advance.

Ms. Kelly amended her motion and Ms. Ruiz-Smith her second to Authorize Tomas Keane to sign any documents relating to this purchase on behalf of the Township and to pickup the trailer.

- **Discussion:** Ms. Ruiz-Smith asked if Mr. Keane will be picking the trailer up with his personal vehicle being advised that he will be picking it up with a township truck.
- **Vote:** All in favor, motion passes.

9. Joseph Rogan- Inclusion in Group Health, Dental and Vision Insurance Coverage

Mr. Weimer read the statement provided by incoming Supervisor Joseph Rogan that he will be included on the Township Health, Dental and Vision Insurance. No other action was necessary.

10. Request for Release of Tax Funds in the Amount of \$20,000.00 for the Coolbaugh Township Volunteer Fire Company for the Kitchen Remodeling Project

Ms. Colgan made a motion second by Ms. Kelly to Authorize the Request of Tax Funds in the Amount of \$20,000.00 for the Coolbaugh Township Kitchen Remodeling Project to Purchase Appliances.

- **Discussion:** Ms. Ruiz-Smith stated that when we did our budget, we were able to allocate money for 2022 which is also for the kitchen remodeling project, will this money now be left over. Mr. Keane sated that we will still need to complete the remodeling project which would include the electrical, sheetrock and other items, this money is simply for the purchase of appliances. Ms. Colgan made Mr. Keane aware that there is a three-bay sink with one part as a dishwasher that may be a good option. She will provide the information to Mr. Keane.
- **Vote:** 4-0-1, motion passes. (Mr. Weimer abstained as he is the Chief of the Fire Company)

11. Authorization for Ms. Thompson and Mr. Weimer to Spec out a Diesel Tahoe for Emergency Management Vehicle and Order the Vehicle within the Amount Budgeted (\$46,000.00 Truck Purchase+\$11,000.00 for Upfitting)

Ms. Colgan made a motion second by Ms. Ruiz-Smith to Authorize Ms. Thompson and Mr. Weimer to Spec out a Diesel Tahoe for Emergency Management Vehicle and Order the Vehicle within the Amount Budgeted.

- **Discussion:** Mr. Weimer stated that this was budgeted to be purchased this year, but there was a shortage of vehicles and advised the Board that this will likely take 6-8 months to come in. He stated that should the cost of the vehicle be more than what was budgeted, he will bring it back to the Board for approval before ordering it. D. Pope asked what is wrong with current the truck with Mr. Weimer stating that the truck does not meet the requirements that it was tasked for and stated that DPW has been using it and it will go to them when it is replaced.
- **Vote:** All in favor, motion passes.

12. Business Manager Comments/Updates

Ms. Thompson updated the Board on the DEP 904 grant stating that the process has been a little slower this year than it has in the past. The land appraisal for the offset of the cost of the match is still on track. Ms. Thompson will provide updates to the Board as they become available.

Ms. Thompson stated that we received a request from Benchmark Civil Engineers on behalf of Jaindl Equities and Lance Mirkin requesting a will serve letter for public sewer at the properties near the Township. She stated that at this point we are unable to service these locations without rerate and expansion of the WWTP facility. She stated that Mr. Kavitski was able to expedite a meeting with the DEP which will be held on Monday and stated that he believes that having the interested developer may work in favor of our request for the rerate. She stated that at this point she will respond to the developer that we are unable to provide the service at this time but leave the door open for conversation moving forward.

13. Solicitor Oettinger Comments/Updates

Solicitor Oettinger requested a brief executive session following the meeting for litigation.

14. Current obligations

General Fund	\$ 361,065.46
Escrow	\$ 1,397.00
Sewer Fund	<u>\$ 7,735.01</u>
Total Disbursements	\$ 370,197.47

Ms. Colgan made a motion second by Ms. Ruiz-Smith to pay the current obligations in the amount of \$370,197.47.

Discussion: None

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

15. Resolution #14-2021: Pocono Mountain Regional Police- COPS Grant

Mr. Weimer stated that Tobyhanna Township applied for and was awarded the COPS grant which will cover the cost of the 40 hours per week for the additional officer for Coolbaugh Township as well as the 40 hours a week for an officer for Tobyhanna Township and Mount Pocono which they split the cost of for three years. All three municipalities need to pass a resolution that accepts the grant as well as commit to keeping the officer in the township the fourth year following the grant. Mr. Weimer stated that after speaking with Tobyhanna Township, they spoke with the chief and it is believed that the retirees will be worked into the rotation and that there will be no additional fee for the officer for the fourth year. He stated that the resolution will be prepared and provided to the township for approval at the next meeting. No further action was necessary.

16. Board of Supervisors Executive Session

- After: Tuesday, December 7, 2021 from 8:20pm-8:37pm for Litigation and Legal

17. Adjournment

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

Meeting adjourned at 8:16pm.

NEXT REGULAR BOARD MEETING: Tuesday, December 21, 2021 at the Coolbaugh Township Municipal Center meeting room located at 5520 Municipal Drive, Tobyhanna

- Work Session/ Business Meeting – 6:00pm

Submitted by: _____
Erin Masker, Recording Secretary

Witnessed by: _____
William Weimer, Chairman

Date: _____