

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
April 18, 2023

The meeting was called to order by Chairman Weimer at 6:58pm at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

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

Board Members absent:

None

Staff present:

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

Announcements:

Mr. Weimer announced the following:

- 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

- M. Woods presented the Board with a book that was made by the Coolbaugh Township Historical Association which contains pictures that were included in the annual calendar that was presented at a previous meeting. She stated that they are for sale for \$5.00 for members and \$10.00 for non-members.
- D. Pope asked if there was any answer received on the potholes on Main Street. Mr. Weimer stated that he is going to go out with the DPW Foreman and see if there is anything that they can do as he has not received any information from PennDOT.

2. Approval of minutes / notes:

- April 4, 2023 Regular Meeting Minutes

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the minutes of the April 4, 2023 meeting as presented.

- **Discussion:** None.
- **Vote:** 4-0-1, motion passes. (Ms. Rogan abstained)

3. Monthly/Quarterly Reports

- Pocono Mountain Regional Police Commission- Presented by Mr. Weimer
- Pocono Mountain Regional EMS- Presented by Ms. Colgan
- Coolbaugh Township Volunteer Fire Company- Presented by Mr. Keane stating that we are in a burn ban.
- Gouldsboro Volunteer Fire Company- Presented by K. Schmidt stating that they are also in a burn ban. Mr. Weimer thanked them for their hard work with the fires in their municipality over the weekend.
- Pocono Summit Volunteer Fire Company- Presented by T. Rispoli stated that Pocono Summit is also in a burn ban. Mr. Weimer thanked them for their work on the big brush fire over the weekend.
- Thornhurst Volunteer Fire Company- Presented by Mr. Weimer
- Pocono Mountain Public Library- Presented by Ms. Kelly

4. Codes/ Zoning/ Short Term Rental Report

Report presented by Mr. Keane, stating that he only runs the reports for the STR's and that Mr. Oddy does the inspections and handling the applications.

5. E-911 Report

Presented by Mr. Oddy

6. Conditional Approval of Pocono Mountain Corporate Center North Warehouse Land Development Plan (566 Memorial Blvd.)

Attorney Marc Kaplan reviewed the plan comments from the April 13, 2023 review letter provided by Keystone Consulting Engineers stating that this is a clean review letter and asked that the Board consider granting conditional approval this evening. Ms. Ruiz-Smith stated that there was a Notice of Violation issued by MCCD for testing that was occurring at the site and stated that the concerns were addressed in a timely manner and the site was restored to the previous condition. Attorney Kaplan stated that they had asked the hydrogeologist to visit the site with some equipment to do further testing as he was made aware that there was concerns by the residents and stated that he wanted to be sure that there was nothing endangering the wetlands on the property. Ms. Kelly stated that there are still outstanding comments and requested that the applicant consider a waiver of procedural time requirements. Discussion took place regarding the comments in the MCCD Notice of Violation. Ms. Kelly also stated that she would like time to review the draft agreements that were provided stating that this will be disrupting the lives of our residents and she wants to ensure that the hours of construction are between 7am to 7pm, Monday through Friday to allow for the residents to enjoy their weekends without the sound of construction in their backyards. Ms. Ruiz-Smith stated that she would like to have an executive session prior to making a motion to discuss the item with the Township Solicitor. S. Vashlishan stated that the testing that was completed when the NOV was issued should be disregarding and should be retested as they were completed when the weather was very dry. J. Miller discussed the MCCD NOV and stated that they ignored the rules of the township by bringing machinery to lot 1 in a destructive manner stating that they heard the trees falling from their homes. He discussed the permitting requirements and stated that the township cannot issue permits prior to NPDES permitting. He asked that the Board follow the guidelines provided by the MCCD and not issue permits without attaching conditions including but not limited to those relating to noise, lighting/glare, hours of operation and construction hours, ensure quality of life for residents and ensure that the operations at the location are in line with that of a warehouse as expressed. He stated that he would request that the residents are able to review the development agreement and stormwater agreement with their professionals. A. Jones, Penn Future stated that they would like to ensure that the headwaters and exceptional value waterways are protected, stating that she understands the timeline that the township is faced with thanking the Board for their consideration this evening. She asked that the Board consider conditioning the approval of final issuance of the NPDES permit following the appeal timeframe after the decision is made. Attorney Kaplan stated that he agrees with not issuing permits or final approval until the NPDES Permit is issued stating that they agree that no construction will begin until that step has been completed. He stated that we can work through the development agreement and be sure that all concerns are addressed in the agreements prior to breaking ground.

**The Board recessed from 6:51pm-7:36pm for a Legal Executive Session. **

Solicitor Armstrong stated that as per his conversation with the applicant and his counsel, they are agreeable and amenable to changing the title on the plan from preliminary/final land development plan to a preliminary plan in which case the plan will come back to the Board of Supervisors for approval once the NPDES permit is issued and that any changes to the plan would then be reflected on the final plan submission at that time. He stated that when the final plan is submitted for consideration, it would go before the Planning Commission and the timeframe would begin again in accordance with the MPC. Ms. Kelly confirmed that the timeframe would be a 90-day timeclock when

the final plan would be submitted, being advised that is correct with Attorney Kaplan stating that in the meantime we can begin working on the agreements.

Ms. Ruiz-Smith made a motion second by Ms. Rogan to grant conditional preliminary plan approval based upon the applicant readdressing the plan as a preliminary plan, subject to satisfactorily addressing the comments in the Township Engineer review letter dated April 13, 2023 from Keystone Consulting Engineers, including satisfaction and securing the appropriate outside agency approvals, further confirming that the applicant understands that no construction or additional work or improvements may begin until all outside agency and township permits are secured and final plans are recorded, satisfaction of any and other applicable SALDO and Zoning Ordinances requirements of Coolbaugh Township, further confirming that the applicant will add a note to the plan that it is a warehouse use as expressed in the application and plan and further subject to applicant agreeing to a development agreement, stormwater management agreement and any other agreements that are required in a manner consistent and acceptable to the Township with the understanding that the applicant will be submitting for final plan approval in the future when they feel they are ready.

- **Discussion:** Ms. Rogan stated that this is a no-win situation, and that the Township is faced with laws and timeframes in which they must act on a plan, therefore this is the best option at this time to ensure that the plan will be before us again in the future. She recommended that the public contact the State Representatives and State Senators expressing that you would like to see the municipalities have more authority over what is allowed to be built and to expand their powers with these situations. She stated that she hears the concerns of the residents in this room and understands the issue with vacant warehouses. She stated that this county needs more hospital beds than warehouses but stated that this is the best outcome at this point and that she will support it at this time. J. Smith-Hughes thanked the Board for their hard work and asked about the escrow requirement, being advised by Solicitor Armstrong that it is included in the April 13, 2023 letter which will require over six million dollars prior to recording the plan. She stated that she understands that we are entitled to our opinion on these projects as residents in the community and asked what happens if this project is sold, what happens with the escrow funds, being advised that those funds are specific to the project and ensuring that the improvements are completed. M. Bozzone stated that he had the pleasure of seeing a warehouse built in Gouldsboro, expressing his concerns with the concrete dust, asking how those contaminants will be contained to keep them from entering the wetlands. He also asked about the future potential of building a road and asked about the salt that will be put down to maintain the roads. He also asked about the wildlife that will be affected by these decisions. D. Bleauskas asked about the salt that will be put down and what will happen when they pollute the wells in the area. J. Miller thanked the Board for their time and respect for listening to the concerns of the citizens and thanked the Board for the compromise that was able to be met with the developer and attorney. He is hopeful that this will be in good spirit to allow the residents to review the agreements and be active in the decisions that are made that will affect their lives. He stated that he agrees with Ms. Rogan that this is a no-win situation and stated that they will continue their fight by attending the DEP hearing next week to voice their concerns.
- **Vote:** All in favor, motion passes.

7. Planning Commission Recommendation of Karl Pope Subdivision Plan Waivers

Ms. Ruiz-Smith stated that she is not comfortable with granting a waiver of the wetland delineation that is being requested as one parcel of land is in R-2 zoning district and could be built on in the future. Solicitor Armstrong stated that the Board could consider a deferment as opposed to a waiver which would be recorded at the county courthouse against the property if the owner agrees to it. He stated that in looking at the plan, development may be restricted due to natural resources on the property. Mr. Weimer asked if they are planning on developing the land. D. Pope stated that the land will not be developed. Ms. Ruiz-Smith stated that she would like to ensure that there will not be any development in the future and doesn't want anyone to think that they can develop it due to the waiver requested being issued.

Ms. Ruiz-Smith made a motion second by Ms. Rogan to Approve deferment of the requirements of Sections §355-28.A.19 and §355-60 relating to the wetland delineation requirements and, Sections §355-28.C(1) and §355.53.A relating to the requirement for a sewage planning module subject to the applicant executing and recording a declaration of covenants against the property stating that the deferred requirements will be required if considering development of the property in the future.

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

8. Planning Commission Recommendation of Conditional Approval for the Karl Pope Subdivision Plan

Ms. Ruiz-Smith made a motion second by Ms. Rogan to conditionally approve the subdivision plan of Karl Pope subject to compliance and satisfaction of the comments set forth in the review letter of the Township Engineer dated February 27, 2023 with the clarification that the requested waivers are deferments subject to the applicant agreeing to executing and recording the declaration of covenants associated with them.

- **Discussion:** Ms. Ruiz-Smith suggested that the definition of the deferment be provided to the Planning Commission so that they are aware that is an option.
- **Vote:** All in favor, motion passes.

9. Resolution #10-2023: A Resolution of Coolbaugh Township, Monroe County, Pennsylvania, Authorizing the Reallocation of Fire Tax Funds from the Tobyhanna Township Volunteer Fire Company to the Coolbaugh Township Volunteer Fire Company

Ms. Rogan made a motion second by Ms. Ruiz-Smith to Adopt Resolution #10-2023: A Resolution of Coolbaugh Township, Monroe County, Pennsylvania, Authorizing the Reallocation of Fire Tax Funds from the Tobyhanna Township Volunteer Fire Company to the Coolbaugh Township Volunteer Fire Company.

- **Discussion:** Ms. Ruiz-Smith confirmed that the funds that are being approved to be transferred with the adoption of this resolution will be reallocated back to the Tobyhanna Township VFC should they be reinstated, being advised that is correct.
- **Vote:** 4-0-1, motion passes. (Mr. Weimer abstained)

10. Coolbaugh Township Volunteer Fire Company Request for Release of Stipend in the Amount of \$150,000.00

Ms. Kelly made a motion second by Ms. Colgan to Authorize the Release of the Stipend in the Amount of \$150,000.00 to the Coolbaugh Township Volunteer Fire Company per their request.

- **Discussion:** None
- **Vote:** 4-0-1, motion passes. (Mr. Weimer abstained)

11. Authorization to Advertise the 2023 Road Paving Bid

Mr. Weimer made a motion second by Ms. Rogan to Authorize the Advertisement of the 2023 Road Paving Bid.

- **Discussion:** Mr. Weimer reviewed the list of roads on the 2023 paving bid as follows: Romeo Road, Coolbaugh Road, Essex Road (Part 1), Essex Road (Part 2), Gordon Lane, Falstaff Drive, Rob Roy Drive, Hamlet Drive, Kings Way and Sharbaugh Road. If there are any additional funds available the additional roads for consideration would be: Graham Lane, Greenwood Court, Maple Street (West Sections), Maple Street (East Section), Pine Valley Drive and Goose Pond Road.
- **Vote:** All in favor, motion passes.

12. Awarding of the 2023- 2025 Trash Hauling Bid(s)

Solicitor Armstrong asked the Board if we would consider all bids as responsive. Ms. Masker stated that one bid was received without providing pricing for a tire dumpster or a bid bond/check. The Board agreed that bid would not be considered as responsive.

Ms. Kelly made a motion second by Mr. Weimer to Award Trash Hauling Bid #1 for the contract term of June 18, 2023 to June 17, 2025 to National Waste Disposal in the quoted amounts as outlined in their bid.

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

Ms. Kelly made a motion second by Ms. Ruiz-Smith to Award Trash Hauling Bid #2 for the contract term of June 18, 2023 to June 17, 2025 to CCI Waste and Recycling in the quoted amounts as outlined in their bid.

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

13. Authorization for DPW to work on Saturday, May 27, 2023 for the Memorial Day Ceremony

Mr. Weimer made a motion second by Ms. Colgan to Authorize Two DPW Workers to work overtime for the Memorial Day Ceremony on the Municipal Center Complex Saturday, May 27, 2023 from 1pm-5pm.

- **Discussion:** Ms. Ruiz-Smith stated that the event will begin at 3pm with catering being provided by the VFW at \$5.00 per person.
- **Vote:** All in favor, motion passes.

14. Controller Report

Presented by Mr. Dixon; he also reviewed the capital purchases that have been made so far this year as well as future expenditures that are anticipated.

- **Discussion:** Ms. Ruiz-Smith asked about the transfer tax received from the Route 196/Green Road warehouse if it was already sold. Mr. Dixon will follow up via email with the Board to provide any information on that. J. Smith-Hughes asked if these funds are like a resale certificate, being advised by Ms. Ruiz-Smith that these funds are provided to the township when businesses are sold, the county gets 1% and the municipality gets 1%.

15. Current obligations

• General Fund	\$ 99,223.34
• Coolbaugh Township VFC Fire Tax	\$ 73,500.00
• Escrow Fund	\$ 15,503.02
• Sewer Fund	<u>\$ 10,802.79</u>
Total Disbursements	\$ 199,029.15

Ms. Colgan made a motion second by Ms. Kelly to Authorize Paying the Current Obligations in the Amount of \$199,029.15.

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

16. Business Manager Comments/Updates

- Ms. Thompson stated that Mr. Keane provided the Board with an updated picture as to where the administrative vehicle storage pole barn will be located now that the gas line location has been identified. Mr. Keane reviewed the new location stating that it will be 1' farther onto the pavement than the previously discussed location. He stated that this area has been reviewed by himself, Ms. Thompson and the DPW Foreman and Assistant Foreman and it is believed to be the best location. He stated that with it being on the blacktop area, it will also cut down the cost for pavement that was previously anticipated. Ms. Ruiz-Smith asked if the location is definitely on Township property as the gazebo is located on PAWC property, being advised that it is on township property.

- Ms. Thompson stated that the lease drafted by Solicitor Armstrong for Youth Infusions to use the downstairs space in building two is being presented for signatures tonight unless there are any concerns. The Board agreed that it is good to go. Ms. Ruiz-Smith thanked the Board and stated that Elika from Youth Infusions is excited about the space and will have a group of volunteers in to begin work on it.
- Ms. Thomspon stated that she, Mr. Keane, Ms. Masker and Mr. Dixon attended a PSATS training on financial project planning and they will be working on ideas to bring to the Board in the future. She stated that she and Mr. Keane also attended the bus tour provided by the county, stating that it was informative.
- Ms. Thompson stated that US Water is on the May 1st work session and Ken Fulford is on the May 18th work session to discuss their proposals sent in for the RFP. She asked if the Board has any specific questions that they be provided to her, and she will forward them on prior to the respective work sessions.
- She requested executive for personnel following the meeting.

17. **Solicitor Armstrong Comments/Updates**

Nothing to report, stating that he may have a brief executive for litigation.

18. **Board of Supervisors Executive Sessions**

- Tuesday, April 18, 2023- from 6:51[pm-7:36pm Re: Legal
- Tuesday, April 18, 2023 from 8:40pm-9:00pm Re: Legal and Personnel

19. **Adjournment**

Ms. Colgan made a motion second by Ms. Ruiz-Smith to adjourn at 8:27pm.

NEXT WORK SESSION/ REGULAR BOARD MEETING:

- Short Term Rental Work Session- Saturday, April 29, 2023 at 2:00pm at the Pocono Mountain Public Library
- Regular Meeting Tuesday, May 2, 2023, at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.
 - Work Session/Regular Meeting – 6:00pm

Submitted by: _____ Date: _____
Erin Masker, Township Secretary

Witnessed by: _____ Date: _____
William Weimer, Chairman