

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
June 20, 2023

The meeting was called to order by Vice-Chair Lynn Kelly at 6:55pm at the Coolbaugh Township Municipal Center located at 5520 Municipal Drive, Tobyhanna, PA.

Board Members present:

Lynn Kelly, Alma I. Ruiz-Smith, Cara Rogan (via phone) and Clare Colgan

Board Members absent:

William Weimer

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:

Ms. Kelly 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**

- Ms. Kelly read a letter submitted by Ms. Sonia Fonseca in support of Ms. Ruiz-Smith and her stance on being in favor of the warehouses coming to the township.
- Ms. Kelly read a letter submitted by Ms. Samantha Lisk regarding her opposition to the warehouses.

2. **Approval of minutes / notes:**

- June 6, 2023 Regular Meeting Minutes

Ms. Ruiz-Smith made a motion second by Ms. Colgan to approve the minutes of the June 6 meeting as presented.

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

3. **Monthly/Quarterly Reports**

- Pocono Mountain Regional Police Commission- Presented by T. Fox.
- Pocono Mountain Regional EMS- Presented by T. Fox.

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 processing of the applications.

- **Discussion:** None

5. **E-911 Report**

Presented by Mr. Oddy.

- **Discussion:** None

6. **DPW Update/Programs**

Nothing was heard.

7. **Planning Commission Recommendation of Conditional Approval for the Imperial Realty Property Group, LLC.
Land Development Plan (1180 Corporate Center Dr. East)**

Attorney Rob Lewis from Kaplan, Stewart Law Firm was in attendance and stated that the applicant submitted revised plans and received a revised review letter for the Land Development Plan as well as a revised review letter for the retaining wall plans. He stated that the letters are clean and that his client also attended the Planning Commission meeting where they unanimously voted to recommend conditional approval. He stated that the remaining items are signatures on the plans, agreements and financial security and outside agency approvals. The applicant also agreed to the amount that was proposed in the Township Engineer's review letter dated December 19, 2022 relating to the frontage road improvements at the cost of \$91,424.85 for Corporate Center Drive East and \$13,318.80 for improvements to Kolb Court. Attorney Lewis stated that the improvements would be completed within the 18 months allotted for the completion of improvements following construction.

Ms. Ruiz-Smith made a motion second by Ms. Colgan to grant conditional approval of the Preliminary/Final Land Development Plan for Imperial Realty Property Group, LLC. Land Development Plan conditioned on Satisfying all comments in Township Engineer, Greg Haas's review letter #6, dated June 8, 2023, satisfying all comments in Township Engineer, Greg Haas's retaining wall review letter #2, dated June 9, 2023, securing all outside agency approvals, completing the road frontage improvements as agreed, posting all financial security as required and complying with any and all applicable SALDO and Zoning requirements in a manner and form acceptable to the Township.

- **Discussion:** Ms. Kelly asked the status of the remediation from the previous spill and being advised that there will be one more test in the next 30 days for the close out. Ms. Kelly stated that she has the following concerns with granting conditional approval of this project at this time: The agreements have not been finalized and the Board may not see them when complete, stating that she would like to review the hours of concrete being poured and construction hours; she has questions on the sewage flows and number of employees that will be in the building as we are still not sure what the site will be operating as or who the tenant will be; she would like a provision to allow the township or an agent of the township to have access to the property to inspect the water quality of the wetlands and Red Run and she would like to know if the applicant would agree to posting or encouraging the direction of the truck traffic when entering and exiting the warehouse. Attorney Lewis stated that the agreements are standard and dictated based on the statutes outlined in the MPC. Solicitor Armstrong stated that no plans will be signed or filed at the county courthouse until all conditions have been met, agreements are in place and financial security provided to the township. The sewage flows and number of employees allowed are recorded on the plan and will be filed at the county. Attorney Lewis stated that it is up to the applicant to follow the rules that are in place, or they will be in violation of their permit. Solicitor Armstrong stated that enforcement would be up to the township and stated that the Township SEO reviewed the Sanitary Sewer O&M Agreement. Solicitor Armstrong stated that there is a blanket easement on the plan for the township to complete inspections relating to stormwater and stated that if the applicant has no issue with is, a provision can be included for the township to be able to inspect the wetlands and Red Run with relation to the stormwater. Attorney Lewis stated that is not an issue as it would be an inspection relating specifically to the stormwater and there would already be an easement for that. Relating to the request to manage the flow of traffic, Attorney Lewis stated that they can advise the direction of travel to take but stated that they have no jurisdiction or enforcement abilities on a state or federal roadway. Solicitor Armstrong stated that they could request that the applicant encourage truck traffic to take a certain direction of travel. P. Williams stated that no approval should be granted until all outside agency approvals are received with K. Colasante and S. Vashlishan agreeing. Solicitor Armstrong stated that the Board of Supervisors only has a certain period of time to act on a plan, stating that if there is no action and no extension provided by the applicant, this plan would receive a deemed approval on Friday. He stated that denying a plan with only outside agency approvals outstanding is not a reason to deny a plan. Mr.

Miller agreed with his fellow citizens and cited some concerns from the MCPC review letter relating to traffic counts and FAA approvals. Ms. Rogan stated that this is a frustrating process as we are bound as a Board by the Commonwealth of PA, and we have our hands tied. She stated that she will be voting no on this project. She stated that she would like to see a hospital which would provide more jobs and is much needed in the community. J. Smith-Hughes thanked the Board for their hard work and asked about the timeline for acting on plans, stating that this seems to be rushed through the Planning Commission onto the Board of Supervisors. T. Skeans from IRPG, LC. Stated that this same plan has been before the township and the planning commission for the past two years that they have been working hand and hand with the township on , so it hasn't been a quick process.

The Board took a brief recess from 8:14pm-8:21pm for Supervisor Kelly and Supervisor Colgan to have a brief discussion regarding privileged legal communication with Solicitor Armstrong.

Upon calling the meeting back to order at 8:21pm, Ms. Kelly asked the applicant and Attorney Lewis to grant a waiver of procedural time requirement until our next Board meeting on Wednesday, July 5, 2023 so that there will be a full board in attendance for the vote. The applicant and Attorney agreed and provided Solicitor Armstrong with the waiver.

Ms. Kelly made a motion second by Ms. Rogan to Table the current motion on the floor for conditional approval of the Preliminary/Final Land Development Plan for Imperial Realty Property Group, LLC.

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

8. Ray Price Jeep- Request for Reduction #2 of Financial Security

Ms. Ruiz-Smith made a motion second by Ms. Rogan to Approve the requested reduction #2 for Ray Price Jeep in accordance with the Township Engineer's review letter dated June 16, 2023 in the amount of \$120,313.23 leaving a balance in the escrow account of \$168,957.76 to be retained for the remainder of the maintenance period and to require an indemnification agreement be executed relating to the relocation of the internal driveway.

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

9. Approval of the Final Plan, Lot Joinder of Lands of A Pocono Country Place Property Owners Association

Ms. Ruiz-Smith made a motion second by Ms. Colgan to Approve the Final Plan, Lot Joinder of Lands of A Pocono Country Place Property Owners.

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

10. Conditional Approval of Minor Subdivision Joining Lots 307 & 308, Section D, Stillwater Lake Estates, Property Owner(s) Anthony & Jennifer Banfich

Ms. Ruiz-Smith made a motion second by Ms. Colgan to grant conditional approval of the Minor Subdivision Joining Lots 307 & 308, Section D, Stillwater Lake Estates, Property Owner(s) Anthony & Jennifer Banfich conditioned on addressing the comments in Township Engineer, Russ Kresge's review letter dated June 16th which includes addressing MCPC Comments #1 & #4 and providing the draft joinder deed.

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

11. Set and Authorize Advertisement of 2024 Budget Work Session Dates

Ms. Colgan made a motion second by Ms. Kelly to authorize advertising the following budget work session dates: Thursday(s) 8/3, 8/24, 9/14, 9/28, 10/12, 10/26, 11/9/23 all beginning at 6:30pm and Sunday, 11/19/23 at 10am.

- **Discussion:** None

- **Vote:** 3-0-0, motion passes.

Ms. Rogan’s call was lost at 8:47pm and therefore she did not participate in the remainder of the meeting.

12. **Controller Report**

Presented by Mr. Dixon.

13. **Current obligations**

• General Fund	\$ 127,396.44
• Escrow Fund	\$ 10,808.51
• Sewer Fund	<u>\$ 13,533.98</u>
Total Disbursements	\$ 151,738.93

Ms. Colgan made a motion second by Ms. Kelly to pay the current obligations in the amount of \$151,738.93 as presented.

- **Discussion:** Ms. Ruiz-Smith asked for clarification on checks# 9839 & 9850.
- **Vote:** 3-0-0, motion passes.

14. **Business Manager Comments/Updates**

- Ms. Thompson stated that she and Mr. Keane started the phone screening for the codes position today and stated that they hope to have a list of recommended applicants next week for the Board to begin interviews.
- Ms. Thompson stated that she sent an email to the Board earlier in the day with the update on the WWTP membrane tank #2 repairs stating that it will need a professional evaluation, she and Mr. Kavitski are working with Suez on it and will let the Board know the next steps as the information becomes available.
- Ms. Thompson requested a brief executive for legal.

15. **Solicitor Armstrong Comments/Updates**

Nothing to report. Solicitor Armstrong confirmed with the Board that there is nothing that he needs to begin doing with the ordinance that was discussed during the work session, being advised that there is not.

16. **Board of Supervisors Executive Sessions**

- Tuesday, June 20, 2023 from 9:01pm-9:09pm Re: Legal

17. **Adjournment**

Ms. Colgan made a motion second by Ms. Ruiz-Smith to adjourn at 8:59pm.

NEXT WORK SESSION/ REGULAR BOARD MEETING:

- Regular Meeting Wednesday, July 5, 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: _____
Lynn Kelly, Vice-Chair