

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
AUGUST 14, 2017

The August 2017 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on August 14th at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present were Supervisors Anne Lamberton, John Holahan, III (who arrived at 7:41PM), Heidi A. Pickard, Brendon Carroll, John Kerrick, Solicitor Jonathan J. Reiss, Esquire, and Township Manager John Jablowski Jr.

1. Chair Anne Lamberton calls the meeting to order at 7:04PM. It is determined that a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. An executive session to discuss personnel matters was held from 6:00PM to 7:03PM earlier today.
4. Minutes
 - a. Brendon Carroll motions to accept the meeting minutes for the June 15, 2017 Special Meeting. Discussion is tabled pending a paper copy of the revisions.
 - b. Heidi Pickard motions to accept the meeting minutes for the July 3, 2017 Work Session. Brendon Carroll seconds. Vote: All in favor; minutes accepted.
 - c. Heidi Pickard motions to accept the meeting minutes for the July 10, 2017 Regular Business Meeting. Brendon Carroll seconds. Vote: All in favor; minutes accepted.
 - d. Brendon Carroll motions to accept the meeting minutes for the July 17, 2017 Special Meeting. John Kerrick seconds. Vote: Three in favor, Heidi Pickard abstains; minutes accepted.
5. Treasurer's Report - \$880,874.37
 - a. Difference for the bill pack is \$755,352.42
 - b. Heidi Pickard motions to approve the Treasurer's Report. Brendon Carroll seconded. Vote: All in favor, motion carries.

- c. Discussion on the balance of the bill pack is tabled until later in the meeting, when John Holahan III is present.

6. Solicitor's Report

- a. Jonathan Reiss states that there are two public hearings for tonight. Both public hearings were advertised by township staff and sent to Monroe County Law Library for review. They have also both been sent to the Township Planning Commission and County Planning Commission for review and comment. Both commissions recommended approval for both ordinances.

- b. First hearing - Zoning ordinance amendment. This ordinance is a land development waiver for commercial and industrial development up to 3,000 sq. ft., which meets certain guidelines. The Monroe County Planning Commission issued comments, but we didn't receive them until after the hearing. This amendment addresses the comments they had.

Heidi Pickard motions to close the hearing. Brendon Carroll seconds. Vote: All in favor; motion carries.

Heidi Pickard motions to approve Ordinance 535. Brendon Carroll seconds. Vote: All in favor; motion carries.

- c. Second Hearing - Subdivision Land Development (SALDO) Amendment. This ordinance is the result of the SALDO amendment the board adopted a couple months ago. The comments from Monroe County Planning Commission (MCPC) were received late, this amendment addresses concerns and comments the MCPC gave the board regarding the SALDO amendment for waiver of land development for new improvements, commercial and industrial, for up to 3,000 sq. ft. in size that meet the design criteria for the design guidelines, which are attached to the ordinance.

Heidi Pickard motions to close the hearing. Brendon Carroll seconds. Vote: All in favor; motion carries.

Heidi Pickard motions to approve Ordinance 536, Brendon Carroll seconds. Vote: all in favor, motion carries.

- d. Jonathan Reiss reminds the board about the status conference in September. The judges requests that a member of the Board of Supervisors be present. Heidi Pickard recommends Anne Lamberton to go as a township representative. Anne Lamberton will attend the meeting.

- e. 451 Panther Lane. The resolution concerning 451 Panther Lane will be prepared in-house.

7. Old Business

- a. Pocono Pines Concept Plan. The discussion is tabled until later in the meeting.
- b. Pocono Park Boulevard Concept Plan. The discussion is tabled until later in the meeting.

8. New Business

- a. RKR Hess – Pocono Summit West Water Supply Study Proposal, revised August 8, 2017. John Jablowski states this is Phase II of the Pocono Summit Water Study, and will cost \$84,800.00. Once the system is up and running, the township plans to sell the system and recoup this cost. The timetable for a fully operational system is 2021-2. The sewer and water plans are running concurrently, and preliminary conversations with the DEP indicate that the plan is moving on or ahead of schedule. Brendon Carroll motions to approve a release of \$84,800.00 to RKR Hess so they can complete the study. John Kerrick seconds. Mr. Kerrick asks that the board concentrate on that area, because we are spending a good amount of money on this. Vote: All in favor; motion carries.
- b. RKR Hess – Blakeslee Area Water Supply Desktop Study Proposal, revised August 8, 2017. John Jablowski states that the purpose of this plan is to look at existing services in Blakeslee and reinvest back into Blakeslee. John Kerrick mentions that a study was previously completed for Keswick Pointe, and that work should not be done twice. John Jablowski replies that any projects in the Blakeslee area that are on file will be researched by RKR Hess. The study costs \$9,800.00. Heidi Pickard motions to approve, Brendon Carroll seconds. Vote: all in favor; motion carries.
- c. Resolution 2017-014 – Support Citizens Commission for Redistricting. John Jablowski states that several communities throughout the Commonwealth passed resolutions in support of a change in the way legislative districts are apportioned, to move to a citizen’s-based commission instead of a legislatively appointed commission. This resolution offers our consideration and encouragement to look at the concept of adding a citizen’s commission to our legislative and judicial redistricting. It is the pleasure of the board to table this discussion until Stanley Menking can provide more information.
- d. Resolution 2017-015 – Adjusting Budget Re-appropriations/Appropriations. Johnathan Reiss suggests renaming this resolution “2017-014” because the original “2017-014” was not adopted. The board agrees. Heidi Pickard explains that this is transferring unencumbered monies from one account to another. Much of the appropriation is for the sewer fund, some of it is to reimburse the general fund for Ken Calemmo, and some of it is for new personnel. Heidi Pickard

motions to approve Resolution 2017-014. Brendon Carroll seconds. Vote: all in favor; motion carries.

Heidi Pickard motions to create a Public Improvement Fund (PIF). Brendon Carroll asks for an explanation of this. The PIF will create a fund for economic development, Hike & Bike, sewer, and water; Resolution 2017-016 will appropriate money to this fund. John Kerrick seconds. Vote: all in favor; motion carries.

Resolution 2017-016 – Adjusting Budget Supplemental Appropriations. This resolution is thus renamed “2017-015” due to the tabling of the original Resolution 2017-014. Heidi Pickard motions to approve Resolution 2017-015, Brendon Carroll seconds. Vote: all in favor; motion carries.

- e. 2017 Road Paving Bids. Anne Lamberton abstains from the conversation. Heidi Pickard states that the bids were opened on August 7, and all five bids had adequate paperwork. This paving bid would cover Longview Lane, Hillcrest, and the back half of Miller Drive. John Kerrick motions to award the bid to H&K Group/Locust Ridge Quarry at the amount of \$350,549.02. Brendon Carroll seconds. Vote: Pickard, Kerrick, Carroll in favor, Lamberton abstains; motion carries.

Brendon Carroll wonders if with such a generous bid, are there other projects we could complete. Ed Tutrone states that Buttonwood Ct. and Trout Pond Ct. could be paved, and as they are only about 200 ft. each, it would make sense to complete them while the paving crew is so close. Tutrone believes the bid states we can go up to 10% higher. Tree trimming in Camelot is especially important, as school buses were having problems passing through the road; a driver got written up for leaving her lane. Ed Tutrone estimates that it should cost \$50,000 - \$75,000. John Kerrick states that it's been about 15 years since the Township undertook any major tree trimming, and that the priority of extra projects should be: trees, drainage, base. Jonathan Reiss states that as long as these additions are within 10% of the bid, they are put through as a change order.

- f. Penn Strategies Proposal – Economic Development Assistance, Jason Fitzgerald. Jason Fitzgerald states that the contract is a month-to-month contract for a year, but it contains a 15-day out. The contract states fees as \$3,500 a month plus approved expenses. Heidi Pickard motions to approve, John Kerrick seconds. Vote: all in favor; motion carries.
- g. TEC Outdoor Classroom. John Kerrick motions to waive land development and zoning fees, Brendon Carroll seconds. Heidi Pickard asks if Scardigno is following the building codes. John Jablowski states that there were problems, but

Bill Burton is altering the plans so they conform to code. Vote: all in favor; motion carries.

- h. John Varaly Associates Proposal for Land Use Regulations. Heidi Pickard asks if there are deliverables. John Kerrick laughs, no one answers. John Jablowski states that this project focuses on how to utilize smart growth principals, land development, and zoning. The project should be complete by October. Heidi Pickard asks what we are getting out of this project. John Jablowski replies that we will have an updated zoning map, among other items. John Kerrick motions to approve the proposal, Brendon Carroll seconds. Vote: all in favor; motion carries.
- i. Authorizing advertising of the UCC Building Code Appeals Ordinances. Jonathan Reiss states that the first ordinance is to withdraw from the UCC Joint Board of Appeals, and the second is to create the Township's own Board of Appeals. If the board authorizes advertisement, this would be on the September meeting for public hearing. A note was sent to the other participating municipalities in caution, concerning the building inspector. John Kerrick motions to authorize advertisement, Brendon Carroll seconds. Vote: all in favor; motion carries.

9. Manager's Report

- a. A return to the June 15 minutes. John Kerrick suggests proceeding without John Holahan. Anne Lamberton reads the altered paragraphs out loud. John Holahan arrives at 7:41PM, and the minute alterations are reread. John Kerrick states that the only possible addition was that there was discussion to pull contract bonds because the contractor didn't show up to work, but he is satisfied with the alterations. John Holahan motions to approve the June 15 Special Meeting minutes, John Kerrick seconds. Vote: all in favor; motion carries.
- b. John Jablowski, after speaking with Chad Lello of Pennoni and Kalahari, suggests a \$105,127.03 reduction to Kalahari's letter of credit for Category I Site Improvements, Stage B. Heidi Pickard motions to approve reduction number 3 in the amount of \$105,127.03, John Holahan seconds. Holahan, Pickard, Carroll, Kerrick are in favor, Anne Lamberton abstains; motion carries.
- c. Blakeslee Reinvestment. John Jablowski states that the MAP grant is before the Commonwealth. If approved, 50% of the cost (\$80,000) will be covered by the state. One part of this is identifying state sources of funding, but we need an idea of what we are doing before we can apply for grants. Borton Lawson put together a concept plan for the Pennsylvania Experience, and they are altering it now to include the larger area of Interstate 80 along 115, all the way to Blakeslee Corners. We need concept plans for development by October or November so we can begin applying for grants. He has asked Borton Lawson to come to the September 5 Work Session and provide basic designs and cost estimates.

In order to begin this project, Jablowski asks for a starting approved amount of \$10,000.

Jason Fitzgerald states that our grant request should be approved in the next round of budgeting. We need to create a specific order of what's happening, with cost estimates and phasing. Ultimately, the goal is to draft a financing plan. Heidi Pickard states that there is a timing issue. Jason Fitzgerald explains that we need to have a plan now, because grant rounds open in January. If we miss that deadline, we will be delayed about six months.

Jason Fitzgerald adds that having these concepts would be beneficial because the vast majority of investments for this project is slated to come from private investors. Private investors need time and numbers to buy in. Further, the State will not award grants if they don't know the cost of the project. Penn Strategies would bring their grant application, Varaly's land use, and Burton Lawson's design of the area into one vision. John Holahan motions to authorize the expenditure of \$10,000 to initiate the project, Heidi Pickard seconds, Vote: all in favor; motion carries.

10. Old Business

- a. Pocono Pines – Pennoni. Lake Naomi is interested in moving forward on their project at the corner of SR423 and SR940. They are waiting to move forward on their designs until they have our designs and concepts for the intersection of 423 and Pocono Crest. Pennoni gave us a \$18,500.00 preliminary design cost concerning the area from 423 to Gert's. John Kerrick asks if there is a reason we are using Pennoni and not the traffic engineer from L & V Engineering. Jablowski replies no, but we are working with Pennoni on Pocono Summit.

Brendon Carroll would like to invite the Lake Naomi Board to the Work Session on Tuesday, September 5 at 8:00AM. Bob McHale and Chad Lello from Pennoni should be present. This discussion is tabled until that meeting. John Kerrick states again he is unsure if Pennoni should be used, as L & V Engineering has already done some concept work at the intersection.

- b. Return to Bill Pack. John Holahan motions to approve the bill for Papillon & Moyer for \$125,521.95. Heidi Pickard seconds. Vote: John Kerrick and Anne Lamberton abstain; Holahan, Pickard, and Carroll in favor; motion carries. Heidi Pickard comments that Papillon & Moyer did a nice job. The entrance to Lake Naomi at the Jubilee looks lovely.

11. Public Comment

- a. Sheila [no last name stated] asks the board if they have considered implementing occupancy laws with housing and rentals like those Mount Pocono recently

implemented. Her concern lies with looming safety problems. John Holahan clarifies that Sheila is interested in the board addressing the number of people in a house.

John Holahan states that the UCC addresses only that bedrooms have an egress window, but it does not address how many people are allowed in a bedroom. Heidi Pickard states that there would be very little way to enforce these policies.

Brendon Carroll suggests that the individual communities could address this. Sheila replies that Coolbaugh Township has a long-term rental policy, but Tobyhanna has nothing. Arrowhead Lakes tends to follow the Board. John Jablowski states that Maureen Minnick, Tobyhanna's Zoning Officer, will look into these policies.

Jason Fitzgerald states that other municipalities have addressed these issues, and he could attain these practices. John Jablowski tells him to do it. Heidi Pickard states that septic usage may also be another issue attached to this. Jonathan Reiss states that many communities that have these ordinances don't go looking for violations, but if they receive a complaint, then they have the ability to take action.

- b. Frank Cacchione, president of the Clymer Library, thanks the Board for listening to the Clymer Library's State of Affairs, and is looking forward to meeting with Tunkhannock and Tobyhanna Townships. John Jablowski states that the library is a great cornerstone of the Township that needs to be kept alive.
- c. Patrick Timothy, president of the Pocono Summit Volunteer Fire Company (PSVFC), states that the fire company is having problems. He states that Brendon Carroll has been a negative influence on the entire process, and has been rude and unprofessional on multiple occasions. Thus, he asks that Brendon Carroll no longer attend PSVFC meetings.

Timothy states that the PSVFC was told in February or March that the 2015 audit had not been turned in. The gentleman who normally does the audit for the PSVFC said he couldn't do it this year, even though he had the paperwork for the audit since 2016. Timothy then approached the accountant he uses for his own income taxes, who is based out of New York and Connecticut. The audit from this accountant was turned down, and the Board of Supervisors issued a letter stating that the audit was not completed in a professional manner, and the auditor was not a licensed CPA of Pennsylvania. Now, the PSVFC is working with Reilly Associates, and will have the necessary documentation to them Wednesday morning. Reilly Associates understands the time constraints on this audit.

Timothy also tells the Board of Supervisors of failures in communication. The board sends correspondence to Chief George Tallmadge, and the correspondence is not making its way to the Board of the PSVFC. The Supervisors should not give correspondence to the chief of PSVFC.

John Jablowski states that the Chief of the fire company is acting treasurer for the board, so the Board of Supervisors was communicating with the Board of the PSVFC; it is the fault of the treasurer that he did not pass on the information. Jablowski states that via email communication to the chief/treasurer, the Board stated it wants an audited financial statement in accordance with General Accounting Accepted Principals (GAAP). Timothy explains that due to parenting demands and other medical demands, the chief has been delinquent at meetings. Because of this, please address any correspondence to the president.

John Jablowski explains that August 1st was the deadline for the 2016 audit, and two weeks after that deadline, they have neither the 2016 audit nor the 2015 audit. John Kerrick points out that at the meeting he and Heidi attended, Brendon didn't say much. Timothy agrees, stating it is when Carroll is bereft of other Board members that he becomes rude and disrespectful.

Anne Lamberton restates that the Board desires an audit from a PA certified public accountant, and the board will continue to withhold monies until a certified public accountant completes the audit. Timothy states that the 2015 audit was completed in the same way at the 2014. Why is the 2015 no longer accepted? John Jablowski states that the information provided did not meet the basic financial standards of GAAP.

Timothy asks why the Township requested all of the 2015 and 2016 minutes, as well as any financial reports turned in during those meetings. Brendon Carroll explains that there must have been a misunderstanding, because the Board did not request the aforementioned documents. Carroll clarifies that he did not call Timothy ignorant, but did call him "King of Spins," because that is what Carroll believes he was doing with the members of the fire company, concerning justifying monthly expenses.

John Holahan states that any further communication will not go through the chief/treasurer; they will contact the president. The Board enquires about contact information. Timothy will provide it after the meeting is over.

- d. Jessica Wallace wants to clarify that there was a question at the last meeting about a \$6,000 bill, specifically how it was paid and where the money was going, which Mr. Carroll said went unanswered. She states that Timothy called the chief and got an answer to the question during the meeting.

- e. Ed Tutrone speaks on behalf of the Tobyhanna Township Volunteer Fire Company (TTVFC). He states that the TTVFC normally submits their audit in November, because that is when their accountant has off time. The TTVFC submitted their audit on time, though they had to scramble to do so. In light of the PSVFC not preparing their audit on time, is there a penalty for missing the deadline? John Jablowski recommends that the penalty will be a stern talking to and the withholding of funds.
- f. John Kerrick asks for an update on the sign ordinance. John Jablowski states the sign ordinance is part of a bigger package, to be included with zoning and land use. Signs are a component of how we want the township to look. Anne Lamberton enquires after the map for sign overlay, and if the areas near the interstates were ever designated. John Kerrick suggests that digital signs are removed from the ordinance, and recommends pushing forward on this situation.
- g. Jeanine Hofbauer states that the Pocono Mountain Regional Emergency Medical Services (PMREMS) is holding a fundraising event on September 7, 2017 6-9PM and wanted to let Tobyhanna Township know that Coolbaugh donated \$250, Tunkhannock donated \$200, and Mount Pocono donated \$500, in the event Tobyhanna Township would like to donate as well. John Holahan makes a motion to donate \$500.00 to the PMREMS. John Kerrick seconds. Vote: all in favor; motion carries.
- h. Denise Doremus from PMREMS states that thus far, there have been 746 calls from Tobyhanna Township. This same time last year, the number of calls was 671. Call volume has increased by 3.6%. Total calls for PMREMS is 3,558 calls so far.

12. Meeting adjourned at 8:41PM.

Minutes recorded by Julia A. Heilakka