

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
DECEMBER 11, 2017

The December 2017 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on December 11, 2017, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present were Supervisors Anne Lamberton, John Holahan, III, 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 7:00PM. It is determined that a quorum is present.
2. The Pledge of Allegiance is recited.
3. Anne Lamberton states that the Board held an executive session on December 11, 2017, from 12:00PM-1:30PM for personnel and possible litigation.
4. The Board presents Resolution 2017-031, in recognition of 18 years of service by John E. Kerrick. Anne Lamberton reads the resolution.
5. The Board presents Resolution 2017-030, in recognition of 40 years of service by Mark Dewitsky. John Jablowski reads the resolution.
6. John Holahan motions to accept the meeting minutes for the November 6, 2017, Work Session and the November 13, 2017, Regular Business Meeting, Heidi Pickard seconds. Vote: All in favor; minutes accepted.
7. Treasurer's Report
 - a. Heidi Pickard states that the bill pack was sent to our webmaster, but never made it to the website. Jonathan Reiss suggests the Board approve the bill pack subject to objection by any board member, which would pull that individual bill from the bill pack. Heidi Pickard motions to approve the bill pack at \$442,968.42 upon review by the Board, Brendon Carroll seconds. Vote: John Kerrick abstains due to a business relationship with Sharp Energy, John Holahan abstains due to a relationship with Liberty Homes, all others in favor; motion carries.

John Holahan motions to ratify the interim bills at \$410,136.96, pending review by the Board, Heidi Pickard seconds. Heidi Pickard states that the interim bills include the paving project and the tax anticipation note for the Clymer Library, which the Board has already approved. Vote: John Kerrick abstains, all else in favor; motion carries.

8. Solicitor's Report

- a. Jonathan Reiss states the Kalahari Boulevard financial security for the maintenance period letter of credit expires January 31, 2018. There are punch list items that won't be able to be fixed over the winter. The Board will have something before them in January to approve punch list items and financial security.

9. Old Business

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- a. Sign Ordinance. John Holahan motions to authorize the Board to send the sign ordinance to the planning commissions, Heidi Pickard seconds. Vote: John Kerrick opposed because there are too many changes, Brendon Carroll opposed, Heidi Pickard in favor, John Holahan in favor, Anne Lamberton opposed; motion fails.

10. New Business

- a. Item M – Authorize to advertise Petition of Pocono Manor Investors, LP to amend Zoning Ordinance [Pocono Village Entertainment Zoning District]. Heidi Pickard states that the document was given to everyone at 4PM today. Jonathan Reiss states that the Planning Commission (PC) looked through the entire document and made some additional changes. He has not had the opportunity to review this, but spoke with Bob McHale. There are now provisions for lighting for passageways and driveways, and Bob McHale suggested changing the width of isles and driveways with 90°-60° angle parking from 20 to 22 feet. The Board decides to send this to the PC now, so they can make any changes. The Board will put this item on their agenda for December 27th to authorize sending the document to the Monroe County Planning Commission and the Tobyhanna Township Planning Commission for official comment.
- b. Item A – Neighborhood Improvement District Authority Appointments. John Holahan motions to reappoint Anne Lamberton and Brendon Carroll for five year terms, Heidi Pickard seconds. Vote: all in favor; motion carries.
- c. Item B – Tax Collector Deputy Appointment. John Holahan motions to appoint June O’Neill as Tax Collector Deputy, Heidi Pickard seconds. Vote: all in favor; motion carries.
- d. Item C – Pocono Mountain West Little League Lease Agreement. John Jablowski states that there are no real changes to the contract; the contract is renewed biannually. The township is also working with the YMCA, to see how the fields may be used when the Little League does not need them. John Holahan motions to authorize Chair Anne Lamberton to sign the Little League Agreement, Heidi Pickard seconds. Vote: all in favor; motion carries.
- e. Item D – Consider Ordinance 541 Township Manager’s authority. Heidi Pickard motions to open a hearing, John Holahan seconds; hearing is open. Jonathan Reiss states that this ordinance was prepared by the labor council, and will increase the authority of the township manager in regards to hiring and firing.

Juliet Dunham asks if this ordinance has budgetary parameters: does it stipulate that the positions the manager may hire must be budgeted. Jonathan Reiss replies the manager cannot change the budget, but there is a short period in January that the budget may be reopened. Dunham asks if the manager could hire someone outside of that window. Reiss replies that the Board must reallocate funds or there would be no money available. Anne Lamberton states that the manager could ask the Board to allocate funds for a position. Dunham states that when the assistant manager was hired, it is presumable the Board allocated money, but those changes were never made available to the public, and there was no hearing.

Melissa Price asks why this is being changed. Anne Lamberton states that this is a return to how the ordinance was originally before August 2016. Price clarifies that

Melissa Price asks why this is being changed. Anne Lamberton states that this is a return to how the ordinance was originally before August 2016. Price clarifies that department heads must go before the Board to be fired, and that the manager cannot fire them outright. John Jablowski believes that the creation or change of a department head must fall under the Board. If the manager wants to hire into an existing position, that is permitted. If she/he is creating a new position, they must approach the Board. Price states that the way the ordinance is written, Jablowski's statement is incorrect. Jonathan Reiss reads part of the ordinance aloud, and states that the manager has the authority to terminate employees, regardless of their job title.

Heidi Pickard questions if the manager would be allowed to terminate only employees, or if he has the power to terminate positions as well. Jonathan Reiss states that the amendment in 2016 said that the manager had to recommend to the Board, and then the Board could fire an employee. Jonathan Reiss reads another part of the ordinance, and states that the manager can dismiss employees and terminate positions. John Holahan motions to close the hearing, John Kerrick seconds; hearing closed. John Holahan suggests sending this ordinance back to have it clarified on the manager's ability to eliminate positions. John Kerrick motions to adopt Ordinance 541, Brendon Carroll seconds. Heidi Pickard and John Holahan state that they do not have a problem with the manager hiring or firing employees, but he should not have the right to eliminate positions without consulting the Board. Vote: John Kerrick in favor, Brendon Carroll in favor; Heidi Pickard opposed, John Holahan opposed, Anne Lamberton in favor; motion carries.

- f. Item E – Consider Resolution 2017-025 Use of Township Government Center Building by third parties. John Holahan motions to adopt Resolution 2017-025, John Kerrick seconds. John Jablowski states that as per the Tobyhanna Township Volunteer Fire Company (TTVFC), the Emergency Services Building and the Blakeslee Firehouse are both included in this resolution. Vote: all in favor; motion carries.
- g. Item F – Consider Resolution 2017 – 026 prohibiting “Mini-casinos.” Heidi Pickard motions to approve Resolution 2017-026, Brendon Carroll seconds. Vote: all in favor; motion carries.
- h. Item G – Consider Resolution 2017-027 adjusting 2017 Budget Reappropriations/Appropriations. Heidi Pickard motions to approve Resolution 2017-027, John Holahan seconds. Vote: all in favor; motion carries.
- i. Item H – Consider Resolution 2017-028 existing traffic signal [SR940 & SR115] No turns from shoulder. John Holahan motions to approve Resolution 2017-028, Heidi Pickard seconds. John Kerrick asks if turn lanes are already marked. Ed Tutrone replies that they are marked in two directions, but this resolution would make all four directions marked. Vote: all in favor; motion carries.
- j. Item I – Consider Resolution 2017-029 approving 2018 Board of Supervisors Meeting Schedule. Heidi Pickard motions to approve Resolution 2017-029, Brendon Carroll seconds. Vote: John Kerrick abstains because he will no longer be a supervisor, all else in favor; motion carries.

- k. Item J – Declaration of taking Payment to John J. Fetch, III TM #19/15/2/9 [sewer line easement]. Jonathan Reiss states that there is a check in the bill pack for \$500 that was approved, but the Board should still vote to approve paying just compensation of \$500. This is the last necessary easement to obtain approved money from AQUA. Once this easement is

pack for \$500 that was approved, but the Board should still vote to approve paying just compensation of \$500. This is the last necessary easement to obtain escrowed money from AQUA. Once this easement is completed and the Board receives the escrowed money, the sewer authority can be dissolved. John Holahan motions to approve the \$500 payment to John J. Fetch, Heidi Pickard seconds. Vote: all in favor; motion carries.

- l. Item K – L & V Engineering Proposal [940 and Long Pond Rd & 940 and I-380NB Ramp Traffic Signals Retiming]. Autumn Canfield states that this proposal is revised, because part of the Pennoni data can be used, but not all. The proposal has dropped from \$8,500 to \$7,200. Heidi Pickard motions to accept the proposal, John Kerrick seconds. Ed Tutrone clarifies that the turn signal is not part of this proposal, this is to retime the signal. Anne Lamberton asks after the traffic light at Cramer's. Ed Tutrone states that he is working on camera detection. The Green Light Go Grant the township applied for was approximately \$30,000, and the loop detection is less than \$10,000. If the grant is approved, the township will be reimbursed. Vote: all in favor; motion carries.
- m. Item L – EConsult Solutions Proposals for Development Projections & TIF Analysis/RACP Support. John Jablowski asks for this to be tabled, as he is still in discussion with other parties. The Board tables this discussion.
- n. Item N – Temporary Aquifer Testing and Access Easement Agreement with PMSD West Campus. John Jablowski states this agreement allows the township to test wells on the school's property. Once the Board agrees to this, it must also go to the school district for approval. John Kerrick asks how much the township is planning to spend before sewer moves forward. John Jablowski states that there is an update for Act 537 on Friday, December 15. RKR Hess was originally looking at the township as one project, but split the projects into components. AQUA is agreeable to what we are working on. John Holahan motions to authorize the Board to enter into the agreement for temporary aquifer testing and access easement agreement with Pocono Mountain School District, Heidi Pickard seconds. Vote: all in favor; motion carries.
- o. Item O – Authorize Jonathan Reiss to prepare Lease Agreements for EMS Building & Blakeslee Fire Station. John Holahan motions to authorize Jonathan Reiss to prepare lease agreements for EMS Building & Blakeslee Fire Station, John Kerrick seconds. John Jablowski states that there is no formal lease for the use of either building. Ed Tutrone states that the lease is \$1 for 99 years. When TTVFC reapplied for insurance, the insurance company requested the lease, which did not exist at that time. John Jablowski states that a separate lease will be drafted for Pocono Mountain Regional Emergency Medical Services (PMREMS). Vote: all in favor; motion carries.
- p. John Jablowski discusses Act 172 of 2016, the Firefighter Tax. The tax incentive amounts to up to a \$250 credit on earned income tax (EIT) and 20% off municipal tax. The total impact would be \$3,000-5,000, depending on firefighter eligibility, which TTVFC would determine. The firefighters would pay taxes as normal, and once eligibility was determined, they would receive a rebate. In general, if a person pays \$1,000 in taxes, \$800 goes to the school, \$150 goes to the county, and \$50 is the local government. For firefighters to take advantage of the municipal tax reduction, they must own property.

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John Kerrick asks if there is another mechanism for people that don't own land to receive the municipal tax relief. Jonathan Reiss states that if members don't reside in Tobyhanna Township but volunteer for the TTVFC, they are not eligible. Heidi Pickard motions to authorize the solicitor to prepare the ordinance. Ed Tutrone states that the tax incentives are for active members only. TTVFC's current standard for "active member" is 60 points and six meetings per year. John Kerrick states that anyone that doesn't own real estate cannot benefit from the property tax incentive.

John Jablowski states that Tunkhannock's qualifications for "active member" are: good standing for one year, 18 drills (5 special assignments = 1 drill), 6 meetings, and 1 fundraiser. John Holahan states that TTVFC will get suggestions to Jonathon Reiss. Ed Tutrone states that TTVFC meets on Wednesday, and will create a list. The Board consensus is that George Planchock, John Jablowski, Ed Tutrone, and Troy Counterman will give suggestions to Jonathan Reiss so he may create the ordinance.

- q. Mark Lemley states PMREMS received 101 calls this month, up from 96 last year. Tobyhanna Township has had 1,195 calls for the year, up from 1040 this time last year. PMREMS has received 5,689 calls, up from 5,440 calls last year. PMREMS has 65 employees total, some of which are part time.

11. Public Questions

- a. Juliet Dunham says thank you from the Clymer Library concerning the tax advance and help with maintenance issues. The holiday book sale was very successful. There was an author talk earlier today, and a Jubilee dine-out on Wednesday the 13th will give 15% of proceeds to the Clymer Library. Thank you for advertising and promoting the Clymer Library's events.
- b. Mark Lemley states that PMREMS's annual Breakfast with Santa is December 16, 2017, at Pocono Mountain Volunteer Fire Company.
- c. John Jablowski states that we are working on a website redesign. If any organizations want their information on the township's website, please give it to us.
- d. John Kerrick states that it has been a pleasure serving the residents of Tobyhanna Township.

12. John Kerrick motions to adjourn at 8:02; meeting adjourned.