

A G E N D A
Board of Supervisors
Regular Business Meeting
February 6, 2018
7:00 PM

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: January 16, 2018 Regular Business Meeting
5. List of Bill for BOS approval - \$ 357,054.61
6. Solicitor Report:
7. **Old Business:**
8. **New Business:**
 - A. Accept LSA Grant Contract for Pocono Summit West Realignment Project \$953,177.00
 - B. Rettew Proposal for proposed roadway improvements permitting
 - C. Barry Isett & Associates, Inc. Proposal for Sewer Enforcement Services
 - D. Consider Resolution 2018-008 Township Fee Schedule [amending on lot sewer fees]
 - E. Accept resignations from Building Code Board of Appeals-John Holahan & Brendon Carroll
 - F. Appoint Building Code Board of Appeals Members
 - G. Consider Resolution 2018-009 Opposed House Bill 1620-Wireless Infrastructure Development
 - H. John H. Jr. & Phyllis H. Burger Minor Subdivision
9. Board of Supervisors Report/Comment
10. Public Questions and Comment

ADJOURNMENT

AUDIO AND VIDEO RECORDING IN PROGRESS

Additional Agenda Items

Heidi Pickard's Severance Package

Maureen Minnick's Severance Package

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
FEBRUARY 6, 2018

The first February 2018 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on February 6, 2018, 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, David Carbone, Solicitor Jonathan J. Reiss, Esquire, and Township Manager John Jablowski Jr.

1. Chair Anne Lamberton calls the Board of Supervisors (“Board”) meeting to order at 7:00PM. It is determined that a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. Anne Lamberton states that the Board held an executive session from 6:30PM-6:55PM regarding personnel.
 - b. John Jablowski states that the snowplows are ready for the impending storm tomorrow. The township just received \$50,000 from Aqua that was held in escrow as the township closed out work on the sale of the sewer system in Blakeslee. The township is waiting on an official DEP confirmation for the transfer of the sewer plant from Tobyhanna Township to Aqua. The gentleman from DEP should sign off on the official transfer on February 9, 2018.
4. Brendon Carroll motions to accept the meeting minutes for the January 16, 2018, Regular Business Meeting, David Carbone seconds. Chad Knecht asks if under the Sunshine Act, does it not state that before every resolution is voted on by the Board the public has a comment? Jonathan Reiss states that there are two ways a Board can proceed. First, after a motion is made, the Board can entertain public comment. The other way is to have comment at the beginning of the meeting for any of the agenda items. Reiss believes that he and Knecht discussed this at the last meeting, and Ms. Lamberton said that she would entertain comments after every motion is seconded. Chad Knecht states that he thought Anne Lamberton would ask the public for comment before they voted on anything. Reiss states that he thought he heard Lamberton ask for comments. Chad Knecht states that Lamberton did, but not until he said something. Lamberton clarifies that at the last meeting, she did ask Knecht if he had any comments and he replied no. Anne Lamberton states that she has corrected not asking for comments. Vote: All in favor; minutes accepted.
5. List of Bills for BOS approval

- a. John Jablowski states that there was an additional point of sale item for First Northern at \$281.67, which brings the First Northern bill to \$2,757.97. This amends the list of bills to \$357, 336.28. John Holahan motions to accept the list of bills at \$357, 336.28, Brendon Carroll seconds.

Heidi Pickard asks what the PA Data Center was for. John Jablowski states that it is a conference hosted by PennState and Commonwealth, where data is provided to local governments concerning demographic information. He attended last year, and hopes to do so this year. Registration is \$100.00.

Heidi Pickard asks what the \$4,000 bill for Pennoni concerning Evergreen was for. Ed Tutrone states that last year there was a complaint concerning the intersection of SR 423 and Evergreen. The resident wanted signs on SR 423, so he wrote to PennDOT, who sent the complaint to the township. The township commissioned Pennoni to conduct a report of the area and what signage should be present, and Pennoni suggested erecting a sign warning of a curve, with a recommended speed of 30MPH. The resident disagreed with Pennoni's findings, and was rude to both the township and Representative Rader's office; the resident wanted warning signs for the one lane bridge to come down and an intersection warning sign to go up. The sign would have to warn a driver of intersections with Tunkhannock, Woodland, and Evergreen, a sign to accomplish that many intersecting roads does not exist. If the township put only an intersection sign for Evergreen, Pennoni warned that such action would open the township up to liability because the township would be ignoring Woodland and Tunkhannock. To erect signage on SR 423, the township must petition PennDOT. Because the resident is opposed to Pennoni's proposed signage, there is no reason to continue. The intersection is dangerous because drivers speed through the area; sightlines are within PennDOT's requirements. The township spoke with the police about the speeding problem, and installed a speed trap further north on SR 423. The resident was still not satisfied. The work was completed around August 2017, so it is odd that the township is only receiving the bill now.

John Jablowski states that having the study from Pennoni allows the township to have documentation concerning the intersection, should any accidents ever occur in the area.

Vote: all in favor; motion carries.

6. Solicitor's Report

- a. Jonathan Reiss states that the Police Commission litigation concerning Coolbaugh Township is close to scheduling mediation, and should be around the first or second week of March. He requests one or two supervisors be present for that litigation. Brendon Carroll and David Carbone will attend the mediation because they are on the Police Commission.

7. Old Business – none.

8. New Business

- a. Anne Lamberton states that Item C (Barry Isett & Associates, Inc. Proposal for Sewer Enforcement Services) and Item D (Consider Resolution 2018-008 Township Fee Schedule (amending on lot sewer fees)) are tabled until review, for discussion at the next Regular Business Meeting. The Board received a proposal from Hanover Engineering and a proposal from Dave Manter is on the way.

Heidi Pickard asks why schedule A is attached to the township's fee schedule, and asks if anything was changed for land development or zoning hearing. Autumn Canfield replies that nothing was changed for land development or zoning hearing. Instead of inserting the entire Barry Isett fee schedule into the township's, his fee schedule is attached, with a note in the sewer section of the township fee schedule to see the exhibit A.

There is discussion over whether or not Barry Isett's temporary appointment was until February 6th or if it was not given a definite date. To be sure, the Board decides to reappoint Barry Isett as interim SEO. John Jablowski asks that a date not be included, because this may be resolved in February, March, or later. Brendon Carroll motions to extend Barry Isett and Associates as interim SEO until a permanent SEO is appointed, David Carbone seconds. Vote: John Holahan abstains; Anne Lamberton, Heidi Pickard, Brendon Carroll, and David Carbone in favor; motion carries.

- b. Heidi Pickard motions to accept the voluntary severance and mutual release agreement for Maureen Minnick, Brendon Carroll seconds. Vote: all in favor; motion carries.
- c. John Holahan motions to accept the voluntary severance and mutual release agreement for Heidi Pickard, Brendon Carroll seconds. Vote: Heidi Pickard abstains; Anne Lamberton, John Holahan, Brendon Carroll, and David Carbone in favor; motion carries.
- d. Item A - Accept LSA Grant Contract for Pocono Summit West Realignment Project \$953,177.00. Heidi Pickard motions to accept the LSA grant for \$953,177.00, Brendon Carroll seconds. John Jablowski states that the township got a million dollars. Thanks to Senator Scavello, Representative Rader, Penn Strategies, and the administration, the township received 100% of its ask to realign the Stillwater Estates entrance.

Sharon Smith asks where she can see the changes being implemented. John Jablowski states that there is a map on the wall in the hallway. Smith asks when construction will begin, Jablowski states that the application submitted to

PennDOT on Monday needs about 6 months for comments and approval, bids should go out in the fall for construction in the spring, and construction should take about a year, for completion in 2019. The entrance to Stillwater will line up with FedEx drive with a signal. Smith asks if this will make traffic worse, Jablowski replies that a \$250,000 traffic study was done on the area. Anne Lamberton states that traffic will improve, and the off ramp for I-380 will be realigned to Long Pond, which will make the off ramp safer. John DeCusastis congratulates the Board. John Jablowski states that the Board is also looking at sewer and water in the area. Vote: all in favor; motion carries.

- e. Item B - Rettew Proposal for proposed roadway improvements permitting. Heidi Pickard motions to approve the Rettew proposal at \$13,900 for permitting, including additional language to satisfy the LSA Grant so that money may be used, John Holahan seconds. John Jablowski states that the Board can use the LSA Grant money to pay for this Rettew bill. Heidi Pickard asks if this contract has discrimination clauses. Jonathan Reiss is directed by the Board to amend the contract to satisfy LSA Grant requirements. Diane Lake asks what area is being improved, John Jablowski replies SR 940 from I-380 to FedEx Drive. Vote: all in favor; motion carries.
- f. Item E - Accept resignations from Building Code Board of Appeals - John Holahan & Brendon Carroll. Heidi Pickard motions to accept the resignations of John Holahan and Brendon Carroll from the Building Code Board of Appeals, David Carbone seconds. Vote: John Holahan abstains; Anne Lamberton, Heidi Pickard, Brendon Carroll, and David Carbone in favor; motion carries.
- g. Item F - Appoint Building Code Board of Appeals Members. Heidi Pickard motions to appoint Alfred Kerrick for a two-year term, Eric Price for a five-year term, and John Kerrick as alternate for a five-year term, to the Building Code Board of Appeals, Brendon Carroll seconds. Vote: all in favor; motion carries.
- h. Item G - Consider Resolution 2018-009 Opposing House Bill 1620-Wireless Infrastructure Development. [NOTE: The Board did not pass Item C and did not realize this resolution number had changed because of that. This resolution is filed under 2018-008, though it will be referred to as "2018-009" in these minutes.] John Holahan motions to adopt Resolution 2018-009 opposing House Bill 1620, Brendon Carroll seconds. Vote: all in favor; motion carries.
- i. Item H - John H. Jr. & Phyllis H. Burger Minor Subdivision. John Holahan motions to accept the John H. Jr. & Phyllis H. Burger Minor Subdivision, subject to the January 26, 2018, township engineer review letter, to include approval of the requested waivers as set forth in the review letter from the Subdivision and Land Development ordinance of which there are six, and is also conditioned upon the applicant submitting a shared driveway easement and a well easement to

Jonathan Reiss for review and approval, prior to plan recordation, Brendon Carroll seconds. Vote: all in favor; motion carries.

9. Board of Supervisor's Reports

- a. David Carbone states that at the Pocono Mountain Regional Police Department is asking for donations to purchase a new canine vehicle. David Carbone motions to donate \$10,000 towards the canine unit car. Anne Lamberton states that it was her understanding that the balance is still open, after the Board heard from Coolbaugh, who wants to give over \$20,000, and there is an added feature. David Carbone states that there will be a panic button for the officer's belt, so he or she may open the doors and let the dog out without being next to the car. Tunkhannock Township and the Foundation donated money, and he has not heard from Barrett Township.

Heidi Pickard asks what line item is being used. John Jablowski replies capital expenditure, which has \$261,000. Heidi Pickard states the Board cannot reappropriate money into a new line item until April 1st. Heidi Pickard asks that henceforth, Autumn Canfield include what line item is being used for purchases or donations like this one. Brendon Carroll seconds the motion. Diane Lake states that the Pocono Mountain Women's Club is working with children from Tobyhanna Elementary Center, and they are also collecting money for the vehicle. Vote: all in favor; motion carries.

- b. Heidi Pickard says thank you for the task tracker sheets. They are very helpful.

10. Public Comment

- a. Juliet Dunham states that the library reopened on the 23rd, and the repair work from the burst pipe is almost complete. Pot Pie Paluzza sold 825 pies, so the library made \$1,650. February is Library Lover's month, where you can purchase a \$1 heart to say why you love the Clymer Library, and there is a chocolate raffle going on. Please sign up for the Clymer Connection on the website or at the circulation desk.
- b. Diane Lake asks if the supervisors have considered a bus route from Mt. Pocono to Blakeslee. John Jablowski replies yes, part of the master plan for the township is a township-wide trolley. Operation of the trolley would cost over \$500,000 a year. The township has met with the Monroe County Transportation Authority, and is looking at funding options. Diane Lake states that a trolley would be helpful for job seekers.
- c. David Carbone states that he attended the last Tobyhanna Township Volunteer Fire Company (TTVFC) meeting, and they have a 1929 antique fire truck that could be restored. Ed Tutrone states that the next TTVFC meeting is on Tuesday

February 13, moved from Wednesday, February 7 due to impending weather, and he plans to discuss a possible restoration. Mark Keiper used to run the truck for parades, but it has not been used since he moved out of the area.

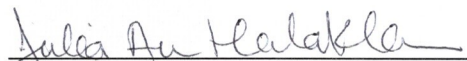
- d. Heidi Pickard states that the ambulance did get an LSA grant for stretchers, which should help cut down on worker's compensation regarding back injuries.
- e. Ted Moyer of Moyer's Automotive states that he contacted the township in March of 2016 trying to get a permit for a used car dealer license. Part of the state application requires a letter from the township proving that the property is properly zoned. He ran into trouble with Maureen and John, because they would not write the letter until the building has a certificate of occupancy. Because he rents the space, he feels that the township should speak with Darwin Keiper (the property owner), not him. Moyer asks how he should proceed because it has been nearly two years. He was told that the Board would meet with Ms. Minnick and get back to him, and he was never contacted.

John Jablowski states that Barbara Nichols is the township's zoning officer, please schedule a meeting with her. Moyer replies that he did that with Maureen, and nothing happened. Anne Lamberton states that the land must be commercially zoned. Brendon Carroll states that this is another nonconforming property. Ted Moyer reads the letter he received from the township, "upon further review of Chapter 155-88 Motor Vehicle Service Station, it is my determination that the sale of motor vehicles are not allowed to be offered for sale on this property." Moyer states that Chapter 155-88 reads "any repair of motor vehicles shall be performed in a full enclosed building and no motor vehicles shall be offered for sale on this site." Moyer asks why not. Gas pumps define a property as a service station. Brendon Carroll states that the property has not been a service station since Jimmy Carter was president. Anne Lamberton states that Brendon Carroll, Barbara Nichols, Ted Moyer, and John Jablowski will meet to discuss this problem.

11. Meeting adjourned at 7:36 PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary

CONFLICT OF INTEREST DISCLOSURE

I, John Holahan, hereby disclose that I have a conflict of interest with regard to Barry Isett. I am unable to vote on; discuss; or participate in any Township action with respect to Appointing Barry Isett as interim SEO

_____ because of my relationship with the matter, as follows: I subcontract to Barry Isett in my Business as Liberty Homes

[Signature]
By:
Dated: 6 February 2018

Received this 6th day of February, 2018.
[Signature]
Township Secretary

