

**A G E N D A**  
**Board of Supervisors**  
**Regular Business Meeting**  
**May 1, 2018**  
**7:00 PM**

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements: Monday, May 14, 2018 Board of Supervisors Meeting at 9:30AM
4. Consider the Minutes of: April 17, 2018 Regular Business Meeting
5. List of Bill for BOS approval - \$79,587.65
6. Solicitor Report:
7. **Old Business:**
  - A. Consider 2018 Road Paving Project Bids
  - B. Assignment of Agreement for HOP for Stormwater and Traffic Signal Maintenance - New Ventures
8. **New Business:**
  - A. Great Bend Holdings, LLC -Liberty Petroleum Travel Plaza Performance Bond
  - B. Review of Audited Financial Statements by Riley and Company
  - C. Authorize to send proposed wireless communications ordinance to MCPC for review
  - D. Locust Lake Village fireworks display - September 2, 2018
  - E. Lot 110 New Ventures Park Final Land Development Plan
  - F. Unilateral Declaration of Covenants, Conditions and Restrictions for Pocono Manor Investors
  - G. Letter of Intent - Regional Fire and Emergency Services Study
9. Board of Supervisors Report/Comment
10. Public Questions and Comment

**ADJOURNMENT**

**AUDIO AND VIDEO RECORDING IN PROGRESS**

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
MAY 1, 2018

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The first May 2018 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on May 1, 2018, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present are 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 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 next Board meeting is Monday, May 14<sup>th</sup> at 9:30AM.
  - b. David Carbone states that there will be a Spaghetti dinner to raise funds for students from Pocono Mountain West to go to Wrestling Nationals. The dinner is on May 20<sup>th</sup> from 3-7pm at Coolbaugh Fire Station 1. Each students needs \$950 to spend the week at the National Wrestling Competition. Anne Lamberton states that one young gentleman is a freshman and made it to nationals. Heidi Pickard states that the competition is in North Dakota.
  - c. Heidi Pickard states that on May 19<sup>th</sup>, Ray Price Ford in Mount Pocono will donate \$20 per test drive, up to \$6,000, between 9am-3pm to PMREMS.
4. David Carbone motions to accept the meeting minutes for the April 17, 2018 Regular Business Meeting, Brendon Carroll seconds. Vote: All in favor; minutes accepted.
5. Treasurer's Report
  - a. David Carbone motions to approve the bill pack for \$79,587.65, Heidi Pickard seconds. Vote: all in favor; motion carries.
6. Solicitor's Report
  - a. Jonathan Reiss states that he emailed the Board earlier today, so the members may not have had a chance to view the email. He was reviewing the township's park ordinance for prohibition of consumer fireworks in parks. The township already prohibits the use of model airplanes and asks if the Board would like to prohibit

the taking off and landing of drones. Williams Township just asked him to draft a change for them, and it will be on their meeting agenda for May. The Board directs Jonathan Reiss to draft an amendment.

- b. Jonathan Reiss states that mediation regarding the Pocono Mountain Regional Police Commission (PMRPC) and Coolbaugh litigation occurred yesterday at the Monroe County Bar Association with retired Judge Cheswick as the mediator. David Carbone and Brendon Carroll were present. The last four remaining issues are resolved. The language was agreed to, though it still needs to be written down. There should be a draft agreement in the next 2-4 weeks, and the Board will have to have a public hearing to authorize the approval and public execution of the ordinance.

## 7. Old Business

- a. Consider 2018 Road Paving Project Bids. David Carbone motions to accept, Heidi Pickard seconds. Vote all in favor; motion carries. [NOTE: There is further clarification of this motion in 9.a.]
- b. Assignment of Agreement for HOP for Stormwater and Traffic Signal Maintenance – New Ventures. Jonathan Reiss asks to table this item, because he is still waiting on the amount of financial security that may need to be posted for the improvements and maintenance. The Board tables this item.

## 8. New Business

- a. Great Bend Holdings, LLC –Liberty Petroleum Travel Plaza Performance Bond. Jonathan Reiss states that he sent an email and it can be disregarded. The bond rescission notice has been rescinded; the bond will remain in place. The Board is asked to reduce the amount of bond to \$122,908.35, which is a \$585,418.96 reduction. John Holahan motions to reduce the financial security in the amount of \$585,418.96, Heidi Pickard seconds. Vote: all in favor; motion carries.
- b. Review of Audited Financial Statements by Riley and Company. Debra Borger and Jay Grobelny from Riley and Company present the audit. Debra Borger states that the township staff is very helpful. In conjunction with the audit, she issued the following required letters: an internal control report and a communication with governing body. The third page in the packet is the independent auditor's report. The financial statements are materially accurate.

The Board does not have copies of the statements. Anne Lamberton asks Jay Grobelny to go over the highlights of the documents. Jay Grobelny states that for 2017, the large transaction was the sale of the sewer system. Those cash proceeds went into the general fund. The governmental fund – consisting of the general, capital projects, public improvement, Liquid Fuels, fire tax, and library tax – are



the combined governmental funds. At the end of 2017, there was about \$8.3 million in assets in those funds. Compared to 2016, assets increased by about \$3 million, mostly because of the sale of the sewer system. The proprietary funds consist of two sewer funds. The sewer funds no longer show equipment or property because it was all sold. As of 2017, the township is debt free. The fiduciary fund, which is the township's non-uniform pension fund, increased by approximately \$200,000 by the end of year, so there is currently \$1.5 million in the pension fund. There is a note that explains sold assets, the debt that was wiped out, and the cash transferred into the general fund. Once the Board receives copies, any concerns should be directed to John Jablowski.

Stanley Menking asks if the pension fund has any unfunded liabilities. John Jablowski states that the pension fund is about 134% funded, so there is no unfunded pension. The police pension fund is over 100%. The Board will approve the audit upon review on the May 14<sup>th</sup> meeting.

- c. Authorize to send proposed Wireless Communications Ordinance to Monroe County Planning Commission (MCPC) for review. John Holahan motions to send the proposed Wireless Communications Ordinance to the MCPC for review, Brendon Carroll seconds. Vote: all in favor; motions carries.
- d. Locust Lake Village fireworks display – September 2, 2018. Anne Lamberton states that Locust Lake Village fireworks display will be on September 2, 2018.
- e. Lot 110 New Ventures Park Final Land Development Plan. Chris McDermott with Reilly Associates presents on behalf of Exeter Blakeslee Lot 110, and is proposing a final land development plan for Lot 110 in New Ventures Park. New Ventures Park is located near off-ramps of Route 80 at the intersection of SR-115.

Chris McDermott states that Lot 110 is a 65-acre lot. In 2008, a preliminary land development plan was conditionally approved. Originally, the warehouse was 600,000 sq. ft. and had two access driveways. Since then, Exeter Blakeslee purchased it, and is now proposing a 510,510 sq. ft. warehouse. They shifted the building south and added an additional access point off of the commercial drive to create a better traffic pattern. Parking is moved to either side of building, and there are 283 employee parking spaces. There is no identified end user yet. There are 121 tractor trailer spots on either side, and loading areas are not included. There will be on-lot water and central sewage. They are speaking with Aqua, and there is already a sewer line installed on part of the commercial drive. This plan was viewed by the Planning Commission, and they recommended approval conditioned upon items identified by Bob McHale's letter dated April 18. Exeter should have no problem complying. Concerning traffic impacts, this study was done for the 600,000 sq. ft. building, and is already addressed. They will coordinate with the Fire Chief to ensure he's satisfied with access to the building;



Jake Sheller has been talking with Troy Counterman. McDermott is hoping for conditional approval of the plan.

Heidi Pickard motions to approve the Exeter Blakeslee Lot 110 Land LLC final land development plan application, noted as our project 2018-002, subject to the terms and conditions of engineer Bob McHale's review letter dated April 18, 2018, subject to the waivers for Township Code 124-86.B(17), SALDO 135-12.D.(2), SALDO 135-17.L, and SALDO 135-17.M. Chris McDermott states that one of the waivers was related to showing vertical profiles of swales. The others regarded showing detail within 500 ft. of the perimeter, which would fall below I-80. David Carbone seconds. Vote: all in favor; motion carries.

- f. Unilateral Declaration of Covenants, Conditions and Restrictions for Pocono Manor Investors. Jonathan Reiss states that when Pocono Manor subdivided its land so it could sell a lot to Kalahari, there was no land development plan in connection with the subdivision, so Pat Armstrong required a Unilateral Declaration of Covenants, Conditions and Restrictions. The document said that when those lots get developed, certain items would have to occur as part of the land development. The document gave an easement for the boulevard, temporary construction easements, and dealt with stormwater requirements for the lots. Subsequent to that document being executed, there was an amendment to add another paragraph. Now, some of the provisions are no longer applicable because the boulevard is constructed and dedicated. Ralph Matergia, Bob McHale, and Jonathan Reiss went through all 44 paragraphs and removed unnecessary ones.

Jonathan Reiss asks for the approval of the declaration's amendment tonight; the original is with Mr. Cahill. John Holahan motions to approve the second amendment to the unilateral declaration of covenants and restrictions. Brendon Carroll asks to table this item. It was sent this afternoon and he has not had the opportunity to review it. Heidi Pickard agrees with Brendon Carroll. The Board tables this item. Autumn Canfield will contact Jim Cahill.

- g. Letter of Intent – Regional Fire and Emergency Services Study. Heidi Pickard requests an explanation. John Holahan states that the intent of this is to contact the Center for Local Government to help the township put together a fire and emergency services plan at no cost. Jason Fitzgerald states that for the DCED to fund the study portion, one or more municipalities needs to submit a letter of intent. This study is for informational purposes at no cost to the township. Jonathan Reiss states that at the conclusion of the study, the Board will have a report they can choose to take action on or not. The Commonwealth begins process if there is one municipality that expresses interest. This study will help to determine the needs of the area, and see if anyone is interested. John Jablowski states that this provides the first vehicle to get people to sit down and address the changing demographic needs. Heidi Pickard hopes to see neighbors participate in

the discussion. Jason Fitzgerald states that the DCED will come to the first meeting. That is when other municipalities should be invited to listen. When municipalities regionalize, this study helps to attain grant funding for fire, police services, EMS, etc. David Carbone motions to send the letter of intent, Brendon Carroll seconds. Vote: all in favor; motion carries.

## 9. Board of Supervisors' Report

- a. John Holahan asks the Board return to item A of New Business, and asks what the motion was. Anne Lamberton states that the Board approved the low bidder, but never stated the low bidder or the amount. Jonathan Reiss states that the Board should amend the motion. David Carbone amends his motion to name H & K Group the low bidder and approve them at \$558,138.72, Heidi Pickard amends her second. Ed Tutrone states that this is \$191,000 less than what was budgeted. Vote: motion carries with no opposed.

Melissa Price asks if the scope of work remained the same. Anne Lamberton states that the scope did not change. Heidi Pickard states that she, David Carbone, Bob McHale, Ed Tutrone, and Wendi Freeman went on tour, and any deficiencies discovered can be covered in the bid. Ed Tutrone states that the township has up to 10% of the bid to cover issues. Concerning Redwood Terrace, there is one bad spot by the tennis complex. With Bob McHale's help, he ran numbers. To patch the bad area should cost about \$12,600, which is still under the 10% overage. There are a few spots that need to be repaired; it's not base failure, the roads have expanded over time from 16ft to 22ft. This means that there is blacktop on top of dirt. There are a few other problem spots, but that should not exceed 10%.

Ed Tutrone states that concerning the Redwood Terrace calculations, he used H & K Group's highest cost per ton at \$77/ton. The DPW will remove a few protruding rocks themselves, and repair money will derive from maintenance or the extra \$191,000 left over from the bid.

Brendon Carroll states that he thinks the Board should be more involved and that base repair should be given a per ton price in the bid. Ed Tutrone replies that normally there is base repair in the proposal, but the base repair was completed in prior years for those roads. This proposal was discussed at the budget meetings, so David Carbone was the only person not part of the process because he was not yet supervisor. The rocks that now need to be removed were pushed up over this past winter.

John Jablowski suggests that during budget meetings, the DPW committee identifies what roads need to be fixed. Ed Tutrone states that the supervisors used to drive around and assess the roads, but that stopped. David Carbone states that he and Heidi Pickard discussed a long term project, so there is a projected repair



plan. Ed Tutrone states that he is working on a repair plan for roads for the next 3-5 years. At that point, all of the roads will have been resurfaced at least once. Blacktop has about a 12-year life before it needs to be repaved. Aqua asked that roads in Camelot be postponed because they are fixing lines. Blakeslee and Camelot are slated for 2019. He is trying to do roads in sections to keep mobilization costs down. Bob McHale's 10-year plan is up this year, but that plan addressed tar and chip, and everything is being paved.

- b. Rachel Schickling asks if the township has a maintenance plan. Ed Tutrone replies yes. David Carbone states that he and Heidi Pickard discussed putting the plan on the website. Ed Tutrone states that crack sealing is done every year, and he has been concentrating on correcting drainage primarily on roads that are slated to be paved. Maintaining roads is a continuous cycle. Once all the roads are done, it's time to start at beginning again.
- c. Troy Counterman would like to request that Burger Road be inspected. Ed Tutrone states that there is work scheduled for that road, but it is in 2019.
- d. Autumn Canfield states that she and Ed Tutrone visited Coolbaugh to discuss a possible partnership with leaf, yard, and tree waste. There is money in the budget to take waste all the way to Scott Farms in Wind Gap. There was a consensus among Coolbaugh's Board to allow Tobyhanna Township to use their facilities for the same price the township pays Scott Farms. Coolbaugh's solicitor, Pat Armstrong, will look into a Memorandum of Understanding (MOU). Ed Tutrone states that if there is a MOU, both solicitors would have to disclose that the solicitors of both townships work for the same firm. The township would pay \$60/load which is what we pay Scott Farms. It is cheaper than going to Scott Farms because there is less drive time and less wear and tear on trucks. He hopes to look at residential waste drop off in the future. Coolbaugh plans to designate a spot for Tobyhanna Township's waste and see what it costs Coolbaugh to process, and will adjust the price accordingly. If the rate does increase, it will still be more cost effective because the site is only 10 miles away. The Board's consensus is to pursue the MOU.
- e. Heidi Pickard states that the township has dumpsters available from Panther Waste, and suggests a clean-up day with dumpsters placed throughout the township in strategic locations. Ed Tutrone states that the dumpsters would have to be manned. John Jablowski states that he and Ed Tutrone will go to Panther Waste and see if this is a possibility before Memorial Day. Ed Tutrone states that people would have to verify residency.
- f. David Carbone states that Jason Fitzgerald is working hard for grants. Carbone is attending the fire department's meeting on Wednesday to talk about grants the fire

department can use to boost the incentive to become a firefighter and help with retention. Jason Fitzgerald is also looking at a grant for the police department.

- g. David Carbone asks to discuss replacing the roller that burned. Ed Tutrone states that this was discussed at two DPW committee meetings. At PSATS, a Caterpillar (Cat) roller on state contact was \$5,000 less with a bigger engine and more safety features than the original Bomag had. The Cat comes with a 3-year, 5,000-hour extended powertrain warranty, which the Bomag did not include. The cost for the roller is \$41,843. The township received \$11,000 from insurance for the burned roller, which leaves \$30,843 dollars. There's \$50,000 in the budget for a pole barn. Due to zoning regulations, that is not allowed, so he wishes to use that money to purchase roller. Anne Lamberton suggests procuring a variance to put the pole barn up. David Carbone agrees. Anne Lamberton asks how many hours were on the last roller. Ed Tutrone states that there were 1,104, and the roller was purchased in 1995. Heidi Pickard asks what the roller is used for. Ed Tutrone states that he is asking to replace a piece of equipment, and it is used at all different times. The roller is used for dirt roads, shoulder washouts, ballfields, patching pot holes, generally in the parks and around other buildings. Thus, the roller must always be available. He would need the roller from April to October every year, and the monthly rental is 1,900/month, not including delivery and pickup. To rent the roller for six months is \$11,400 a year. Thus, the machine would pay for itself in over two years, and has about a twenty-year life span. Every single piece of equipment now has a battery cutoff switch, to prevent another fire like the Bomag had.

John Holahan asks who else has rollers. Ed Tutrone replies that nearly every municipality has one, and they are used often. He might be able to borrow Tunkhannock Township's, but they are using it very frequently. He is requesting a replacement for a piece of equipment previously in the inventory. If the Board does not want to use the \$50,000 for the pole barn, he can use money left over from the paving bid. Brendon Carroll states that unless the township uses the roller every day, it doesn't make sense to own it. Troy Counterman states that Brendon Carroll's statement makes no sense. Ed Tutrone states that if the Board chooses to not buy a roller, he has to rent one because of pending work. Anne Lamberton suggests borrowing Tunkhannock's. Troy Counterman states that Ed Tutrone already asked, and Tunkhannock needs it. Ed Tutrone states that the cost of the monthly rental and variables in the weather make renting the roller not worth it. Anne Lamberton asks for a report of hours the roller was used for last year and the year before. Heidi Pickard states that engine hours will not necessarily reflect use time, because when patching pot holes, it may only be used for 3 hours in a day, but must be present for the whole day in the field. Heidi Pickard asks that on top of engine hours, please include the time the machine was out in the



field. Ed Tutrone states that he checked prices from Bomag, Case, Whacker, Caterpillar, and one more he can't remember.

- h. John Holahan asks about the timing on the bike path. John Jablowski states that the construction of the trailhead will start as soon as plan from T & M shows up. The township is still waiting on the TAP grant. Ed Tutrone states that DPW can't do the trail because they need a paver to lay down Trail Surface Aggregate. Ed Tutrone states that for 6-7 years, the township subcontracted out the work, so the roller was not used. John Jablowski will get preliminary numbers for a pole barn for the 2019 budget. Brendon Carroll asks if expanding the current garage has been considered. John Jablowski states that he will look into it.

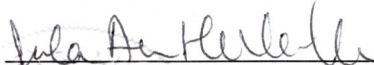
10. Public Comment – none.

11. Meeting adjourned at 8:07 PM.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

  
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Julia Heilakka, Township Secretary