

A G E N D A
Board of Supervisors
Regular Business Meeting
July 17, 2018
7:00 PM

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements: the next Regular Business Meeting is **Tuesday, August 7th at 3:00PM**
4. Consider the Minutes of: [minutes not available at this time]
5. Treasurer's Report for June 2018
6. Bill Pack Total: \$437,801.34
7. Solicitor Report: **Public Hearing**-Proposed Ordinance-Zoning [Wireless Comm. Facilities]
Consider adopting Ordinance No. 546

Public Hearing-Proposed Ordinance-Zoning [Fireworks]
Consider adopting Ordinance No. 547

Public Hearing-Proposed Ordinance-Zoning [Signs]
Consider adopting Ordinance No. 548

Public Hearing-Proposed Ordinance-Zoning BV District
Consider adopting Ordinance No. 549

Public Hearing-Proposed Ordinance-SALDO BV District
Consider adopting Ordinance No. 550

8. Old Business:

- Assignment of Agreement for HOP for Stormwater and Traffic Signal Maintenance-New Ventures Park
- Consider request for waiver of Land Development-Pocono Springs Temporary Sales Trailer

9. New Business:

- A. Monroe County Historical Association request for donation-[Sep. 6th dinner & auction]
 - B. Consider Economic Development Authority Resolution 2018-003 establishing PIL
 - C. Consider Memorandum of Understanding - Coolbaugh Township Compost Center
 - D. Samuel Stothoff Co. Inc. Contract Change Order No. 1 [Pocono Summit West community water supply]
 - E. Samuel Stothoff Co. Inc. Application for Payment No. 1 - \$27,391.50
10. Board of Supervisors Report/Comment
 11. Public Questions and Comment

ADJOURNMENT

AUDIO AND VIDEO RECORDING IN PROGRESS

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
JULY 17, 2018

The second July 2018 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on July 17, 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. Anne Lamberton announces that the Board plans to hold a special question and answer forum for the Blakeslee Area. Ann Hutchinson from the Natural Lands Trust will give a presentation. Jonathan Reiss states this meeting is a discussion, not a public hearing. Barbara Nichols states the meeting will be at Blakeslee Community Center at 7PM on August 1st.

Jonathan Reiss recommends adopting the sign ordinance as is. The portion concerning Blakeslee Village (BV) won't have any application until the district exists. If the BV ordinances don't pass, the Board can amend the sign ordinance to remove that portion. Dave Carbone motions to table the public hearing for proposed ordinances 549 and 550, Brendon Carroll seconds. Heidi Pickard states that those proposed ordinances are SALDO and zoning amendments regarding the proposed BV district. Richard Lloyd asks when did the Board decide to change the name to Blakeslee Village? Anne Lamberton replies it has been talked about since 2009; the vision is to have a village concept. It's not necessarily a name, but it is a zoning district. Richard Lloyd states the name is Blakeslee Corners. John Jablowski states BV is a zoning designation, not the name of the town. Jim Coyne asks for an explanation of what each ordinance entails. Jonathan Reiss states the ordinances are available at front desk of the township. Vote: all in favor; motion carries.

4. Announcements
 - a. Ann Lamberton states the next Board of Supervisors meeting is August 7th at 3PM.
5. Minutes – none.
6. Treasurer's Report
 - a. Dave Carbone motions to approved the Treasurer's Report, Brendon Carroll seconds. Heidi Pickard asks if the charge reserve and 09 fund, which should have six months of user fees, were ever corrected, or does the Board need to change the

requirements. John Jablowski states that bills were sent today. Heidi Pickard asks John Jablowski for an update regarding this topic before the next meeting. John Jablowski replies sure. Vote: all in favor, motion carries.

- b. John Holahan motions to approve the bill pack for \$437,801.34, Heidi Pickard seconds. Vote: all in favor, motion carries.

7. Solicitor's Report

- a. Public Hearing – Proposed Ordinance 546 – Wireless Communication Facilities. Jonathan Reiss states this proposed zoning amendment is regarding wireless communication facilities. It was drafted by an attorney in Pittsburgh that specializes in wireless communication law. It was worked on for eight months, advertised for public hearing in the local paper, and available for public inspection at the township office, newspaper, and County Law Library. This amendment will bring the township's zoning ordinance into compliance with state and federal law regarding regulating communication facilities. John Holahan motions to open the hearing, Heidi Pickard seconds: hearing is open. Public Comment – none. John Holahan motions to close the hearing, Heidi Pickard seconds: hearing is closed. Dave Carbone motions to adopt Ordinance 546, Brendon Carroll seconds. Vote: all in favor; motion carries.
- b. Public Hearing – Proposed Ordinance 547 – Fireworks. Jonathan Reiss states this proposed ordinance regulates fireworks sales for consumer fireworks. Act 43, adopted by the Commonwealth last October, allows for fireworks sales to in-state residents and requires the allowance of temporary sales of fireworks. The ordinance establishes definitions for different types of fireworks and temporary structures, sets forth regulations regarding where sales can occur, and regulates where temporary sales can occur. This was advertised for public hearing in the local paper, and available for public inspection at the township office, newspaper, and County Law Library. Dave Carbone motions to open the hearing, Heidi Pickard seconds: hearing is open. Karen Matirko asks why the proposed ordinances are not on the website. Jonathan Reiss states they are not required to be. The Board consensus is to put the proposed ordinances on the website, and to henceforth send copies to the Clymer Library. John Holahan motions to close the hearing, Heidi Pickard seconds: hearing is closed. John Holahan motions to adopt Ordinance 547, Heidi Pickard seconds. Vote: motion carries.
- c. Public Hearing – Proposed Ordinance 548 – Signs. Jonathan Reiss states this proposed ordinance amends the zoning ordinance regarding the regulation of signs. This is a comprehensive amendment. Over a year ago, a committee was appointed to revise sign regulations. The committee worked for 5-6 months, and the proposed ordinance has been reviewed by the Monroe County Planning Commission (MCPC) and the Tobyhanna Township Planning Commission

(TTPC). The last change was to include sign provisions for the BV zoning district in case the district was adopted. The BV zoning district doesn't exist yet. He recommends adopting the ordinance with the BV provisions. If the Board doesn't create the BV district, the ordinance can be amended to remove that portion. The Board can table this ordinance to take out the provisions, but the ordinance would start over again, go back to the MCPC and TTPC, and would require another public hearing. This was advertised for public hearing in the local paper, and available for public inspection at the township office, newspaper, and County Law Library. Heidi Pickard motions to open the public hearing, Dave Carbone seconds: hearing is open. Anne Lamberton thanks Mike Christian, Sam Keiper, Brendon Carroll, Al Kerrick, Jim Cahill, Dan Dougherty, and Harry Forbes.

Mike Christian states this ordinance amendment started in 2016. Commercial regulations stayed mostly the same, and wording was clarified throughout. The sign committee did not work on the BV district. The resort and entertainment districts are the only two areas that are allowed to have digital (CEVM) signs. Trudi Denlinger asks how consistency will be grandfathered in. Jonathan Reiss replies the Board can always amend ordinances. Heidi Pickard states signs that are nonconforming would stay.

Sam Keiper states it is a slap in the face to pass a sign ordinance if the zoning ordinance hasn't passed yet. The Sign Committee did not review the BV sections of the sign ordinance, and did not recommend prohibiting digital signs throughout the township. Updating the BV district but not allowing digital signs does not make sense. On page 26, letter M, the sign can be 10 feet high, but allows the post to be 13 feet high. Barbara Nichols states what the ordinance was trying to say was that the sign must be off the ground by 3 ft., so the sign can be a maximum of 10 ft. high, that is how the post was regulated to 13 ft. high. This item should be clarified.

Sam Keiper states in the next section down, setbacks for structures are 10 ft., but the sign must be set 20 ft. back from the public right of way. Barbara Nichols states this must be reviewed.

Sam Keiper states at the bottom of page 28 and onto 29, concerning mounting signs, there is a diagram on page 11 that shows a sign mounted to an overhang, but there is nothing in the ordinance addressing mounting signs to overhangs. Barbara Nichols states she agrees; the overhang portion must be added.

Sam Keiper states regarding prohibiting CEVM signs, the light isn't different. The board could allow digital signs, and require them to change no more than once a day.

Sam Keiper asks if the proposed changes to the BV zoning district are considered a comprehensive change. Jonathan Reiss states it is an amendment to the zoning ordinance and map. The pink notices are required to be posted whenever a zoning map change occurs. This is not a comprehensive change.

Sam Keiper asks if this is in compliance with township's Regional Comprehensive Plan. Jonathan Reiss states the MCPC indicated it was in compliance with the Regional Comprehensive Plan. Sam Keiper states the county is not part of regional comprehensive planning. This township adopted a comprehensive plan, which calls for comprehensive zoning. Heidi Pickard states the plan does not call for regional zoning. Jonathan Reiss states it is a guide for municipalities. Sam Keiper states that adopting a Regional Comprehensive Plan is a move toward regional zoning. Heidi Pickard states that Tobyhanna Township adopted the plan but did not adopt similar zoning. John Holahan states that the county said the township is within the guidelines at a county and regional level. John Holahan motions to close the hearing, Dave Carbone seconds: hearing is closed.

Jonathan Reiss states the Board can adopt the ordinance as is, understanding that it will be amended to address issues that Sam Keiper brought up. The Board could also table the ordinance and correct it now, and it would go back to the MCPC and TTPC, and would need to be advertised again. The Board could also vote against the amendment. The height and location issues are substantial changes, and will require the ordinances be reviewed by the planning commissions again. Brendon Carroll asks if the Board can adopt the ordinance without the BV portion. Jonathan Reiss replies no, that is a substantial change. John Holahan motions to adopt Ordinance 548 for signs, Heidi Pickard seconds. Jonathan Reiss states the ordinance will have to go back to the planning commissions and sit for 30 days. Joe Colyer asks if it has to go back anyway, why not just wait? Anne Lamberton replies people want to apply for signs, and have been waiting for this ordinance. Jonathan Reiss states the items Sam Keiper addressed are part of the BV zoning district, so it won't apply to anything. Anne Lamberton states the sign committee was mostly comprised of business owners, and the outcry from the majority of people was that they were opposed to digital signs on SR 940. Karen Matirko states people not in business shouldn't have as much say concerning signs. Tom O'Mara asks what percentage of stores are empty in Blakeslee. He has 25 vehicles at his shop that cannot be removed legally, but the township is fining him. Karen Matirko and Tom O'Mara state Blakeslee is a bad place to do business. Anne Lamberton thanks residents for their comments, and hopes they will attend more meetings and become more active. Vote: Brendon Carroll abstains; Dave Carbone, Heidi Pickard, John Holahan, and Anne Lamberton in favor; motion carries. Brendon Carroll states he is abstaining because he doesn't agree with all of it.

- d. Public Hearing – Proposed Ordinance 549 – BV District. – tabled.
- e. Public Hearing – Proposed Ordinance 550 – SALDO BV District – tabled.

8. Old Business

- a. Assignment of Agreement for HOP for Stormwater and Traffic Signal Maintenance – New Ventures Park. Anne Lamberton states this item is tabled. Jonathan Reiss states they are not ready to move forward.
- b. Consider request for Waiver of Land Development – Pocono Springs Temporary Sales Trailer. Barbara Nichols states she received updated plans on Friday. She and Bob McHale need to review the plans, so this is tabled until the next meeting.

9. New Business

- a. Monroe County Historical Association Request for Donation – Sep. 6th Dinner and Auction. Heidi Pickard motions to donate \$250 again, Brendon Carroll seconds. Vote: all in favor; motion carries.
- b. Consider Economic Development Authority’s Resolution 2018-003 Establishing PIL. Jonathan Reiss states Resolution 2018-003 established the improvements district for the Economic Development Authority (EDA) under the Municipality Authorities Act. The governing body for the municipality, this Board, must also approve the improvements district. The resolution in the binder is the resolution the Authority adopted, and the Board’s resolution will be changed to say the township instead of the Authority, and would include a provision stating the Board approves the district as previously included by the Authority. For the Board, this would be Resolution 2018-023. David Carbone motions to adopt Resolution 2018-023, Brendon Carroll seconds. Anne Lamberton states this levy, placed on particular area, is to generate income on that area for public improvements. John Jablowski states users of the area are paying for the public improvements in the area, like roads and sewer. Heidi Pickard motions to adopt Resolution 2018-023, Dave Carbone seconds. John Holahan asks Jonathan Reiss if he can vote because he is a member of the EDA, Jonathan Reiss replies yes. Vote: all in favor; motion carries.
- c. Consider Memorandum of Understanding – Coolbaugh Township Compost Center. Heidi Pickard motions to approve the memorandum of understanding, contingent on 30 days for payment and Coolbaugh Township’s approval of Jonathan Reiss’s comments, John Holahan seconds. Ed Tutrone states that DPW hauls to Scott Farms in Windgap. Coolbaugh is willing to accept the township’s environmental debris for \$60/load. It is the same price as Scott Farms, but the fuel and wear on the trucks are less. Autumn Canfield states if it becomes cost prohibitive, the township can leave the agreement. Ed Tutrone states that debris

like bush, trees, limbs, and leaves will be taken to the compost center. Sam Keiper states that cord wood of trees belongs to the adjoining property owner. Ed Tutrone states it is normally property owners calling about fallen trees. Vote: all in favor; motion carries.

- d. Samuel Stothoff Co. Inc. Contract Change Order No. 1 (Pocono Summit West Community Water Supply). Heidi Pickard motions to approve change order No. 1, John Holahan seconds. Vote: all in favor; motion carries.
- e. Samuel Stothoff Co. Inc. Application for Payment No. 1 - \$27,391.50. John Holahan motions to approve the payment, Dave Carbone seconds. Autumn Canfield states that they have completed the step test and found encouraging results, and the 72-hour draw down starts this week. Vote: all in favor; motion carries.

10. Board of Supervisors' Report

- a. Anne Lamberton thanks community members that assisted with Community Day. Michelle Bisbing and Bill Quinn donated their tent, Juliet Dunham helped with the tricky tray. Lance Mirkin, of Pocono Motorsports assisted visitors by transporting them to and from the parking lot. When our fire department was called away, Tunkhannock Volunteer Fire Company stepped in to help ensure safety during the fireworks display. Thank you to all of the event sponsors. Heidi Pickard states the music was great.
- b. John Holahan states there is nothing about equipment on the agenda. Anne Lamberton states it was tabled at the last meeting, and she suggests it be prepared for budget season. John Holahan tasks the DPW committee to get together to report what the township should be using. It is a disservice how long the Board has stretched this issue. How much has the township paid for rentals? Ed Tutrone states the rentals have cost about \$20,000. Dave Carbone states he asked John Jablowski for a report concerning hours, projects that are complete, and what's on the agenda, and never received it. John Holahan states the Board can't request reports individually, we must stop doing that. The Board must act as a Board. We must clearly delineate what we are looking for so all points can be addressed. We continue to add to a list of demands, and that's not fair. Ed Tutrone states a report for the 2018 DPW work plan budget was given to the Board for 2017's budget season. The Board asked for a breakdown of the \$100,000 used for maintenance, and this report contained hours, equipment, labor, material costs, and planned work for the 2018 season. Anne Lamberton asks how much of this is done. Ed Tutrone replies he would need to research that.

Anne Lamberton states the Board needs to be sensitive to public spaces, like the scoreboard on Keiper Field. Ed Tutrone replies that the scoreboard was delayed

because it has been too wet, and he didn't want to damage the field. Dave Carbone states he asked about the scoreboard two and half months ago. Now, there's only poles and concrete. Carbone states all Ed Tutrone had to do was go to the manager and tell him he was shorthanded, and the Board would have hired people. DPW also could have contracted it out to get it done. Ed Tutrone states a contractor couldn't have done the work either because the condition of the field prevented the work from being completed.

Ed Tutrone states DPW must finish mill and fill. There's two days of work left in Pocono Summit, and there is additional work in Lake Naomi. Weather permitting, there's about 8-10 days of work. Dave Carbone asks how many days are left on the rentals. Ed Tutrone presents a comparison of hours on the machines vs. days on job. The machines must be on job for an 8-hour day, even if the machine itself doesn't log that time. The first column is for 2018, and the second column is comparable work using a subcontractor's prices from 2012. Even compared to 2012, there is an in-house savings of \$11,516. Dave Carbone states if DPW is shorthanded, other items are not being completed. DPW needs another truck. Ed Tutrone states he needs the skid steer and roller more than he needs a new truck. Heidi Pickard states that there was a work session for DPW where they decided DPW needed more people. Joe Colyer states year after year, the fields are maintained by volunteers, and the work would not get done otherwise. John Holahan states he can't comment on site conditions, but this has been a difficult year. Ed Tutrone states DPW worked around the electrical contractor's schedule to install the conduit, but had to return to mill and fill because they don't own the skid steer or roller.

Juliet Dunham states that no employee should be held to the minutia of day-to-day operations without their boss making a report to the Board. It is very worrisome that the Board sits quietly. John Jablowski replies that he has addressed those issues and Ed Tutrone has given him the reports. Ed Tutrone gives him updates daily or every other day depending on the situation. Anne Lamberton states she doesn't want DPW to be criticized. Juliet Dunham states DPW is the heart and soul of the community. There is a missing component of organizational development that the Board is accountable for. Anne Lamberton states the item that's missing is a plan.

Trudi Denlinger asks Anne Lamberton to explain John Jablowski's role as township manager. John Jablowski states when he is asked for information from the Board, he tells Ed Tutrone. Information he does receive is disseminated, but if items are still being researched, he cannot provide information. Trudi Denlinger asks if it is the manager's job to follow through on requests to ensure the Board receives the information they asked for. John Jablowski states on a daily basis, he and Ed Tutrone review DPW's work plan and daily activities. Trudi Denlinger

asks why the Board does not have the information it wants. Ed Tutrone states that he emailed the Board individually in November with the reports the Board asked for. Trudi Denlinger asks where is the communication gap. Anne Lamberton states she was looking for financial, and she did not receive those numbers. The Board created a DPW Committee, and they have a ten-year plan. She asked for overtime hours for snowplowing, and never received anything. Trudi Denlinger states the Board must be frustrated for not getting answers. John Holahan states that it is the Board's responsibility. The blame should be laid on the Board—it's up to the Board to follow through with staff.

Anne Lamberton states she would like a plan in time for budget season this year delineating when DPW plans to work on the fields next year. If DPW needs people, the Board should be told in November during budget season. Trudi Denlinger asks if there's a plan in place. Ed Tutrone states the plan was given to the Board before budget time. Brendon Carroll states no equipment was presented to the Board as needed. Ed Tutrone replies Carroll is correct. One piece of equipment caught fire and burned up. He saw a \$50,000 item in capital and assumed it was for a roller; it was actually for a potential pole barn. Dave Carbone states Ed Tutrone should not explain budget items to the public; he is stepping over what he should be talking about. Ed Tutrone asks if the rest of the Board received the reports he sent in November. John Holahan, Heidi Pickard, and Brendon Carroll reply that they received the reports. Anne Lamberton states she did not get what she asked for. She wants to sit down alone with Ed Tutrone and explain exactly what she wants. John Holahan states this should be Board actions, not individuals.

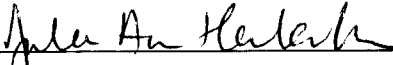
11. Public Comment

- a. Sam Keiper states he believes this personnel matter should be discussed in private. Additionally, the Board needs to determine what they can do officially and what they can't. DPW can only get so much done with the manpower they have.
- b. Kelly Hixon states the YMCA camp left litter everywhere. The playground equipment is not very safe, there are chains from some of the equipment lying on ground. She would like to see the pool fixed. She asks the Board to consider ripping down the second lodge building to make room for a softball field. The girls should be able to play here. Concerning Blakeslee, what determines who receives a letter? Jonathan Reiss states any tax parcel affected by the zoning map change gets a letter. Kelly Hixon states she has questions about the proposed changes, but cannot attend the meeting on August 1st; who should she contact with questions? Barbara Nichols states to contact her.

- c. Donna Knecht asks for an update concerning the agreement with Bureau Veritas for upholding the maintenance code. Jonathan Reiss replies he will put this item higher on his priority list. Donna Knecht states she is disgusted with the way the town looks; it has never looked so bad. Brendon Carroll asks if the Zoning Officer is willing to work over the weekend. Barbara Nichols states she was out on Sunday, so she doesn't mind. Donna Knecht states that planning, zoning, and code enforcement is a lot of responsibility for one person.
 - d. Bill Mullin states there is a roadside cemetery display on Sullivan Trail. PennDOT says they are illegal, but they don't enforce the law. He would like an ordinance regulating them. Heino Fette replies that his line of work requires him to be with victims of traumatic accidents as they die. A cross is a sign of respect that should be left alone.
 - e. Bill Mullin states that on Sullivan Trail there are huge trees falling down on the road. John Jablowski states DPW has gone out and taken care of them. Ed Tutrone states he can give Mullin the number to the Stroudsburg PennDOT. The more people that call about an issue, the better the response.
 - f. Sam Keiper states township funds should not be used to remove trees from state roads. John Jablowski replies they do in emergencies. Sam Keiper states that a downturned economy, people's pride in their residence, and the lack of money is beyond control of Board.
 - g. Heino Fette asks if all ordinance, rules, and regulations apply to all residents of township, without exception. Anne Lamberton replies yes. Heino Fette asks if the township supports selective enforcement. Anne Lamberton replies no. Heino Fette requests a meeting with the manager.
12. Anne Lamberton announces that the Board will enter Executive Session for personnel.
13. Meeting adjourned at 8:53 PM.
14. Board enters Executive Session for personnel at 8:57PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary