

**A G E N D A**  
**Board of Supervisors**  
**Regular Business Meeting**  
**September 18, 2018**  
**7:00 PM**

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: August 22, 2018 Joint Meeting with Pocono Twp. Commissioners  
September 4, 2018 Regular Business Meeting
5. Treasurer's Report for August 2018
6. Bill Pack Total: \$ 755,861.76
7. Solicitor Report: Pinecrest Lake PRD Phase 2, Section 3 -paving bond
8. **Old Business:**
  - Consider Resolution 2018-031 Budget Reappropriations and Supplemental Appropriations
  - Consider MATT donation for DL&W Railroad Historical Roadside Marker
9. **New Business:**
  - A. Russ Scott, RKR Hess -update on well testing at Pocono Mountain West High School
  - B. Samuel Stothoff Co. Inc. Contract Change Order No. 2 [Pocono Summit West community water supply]
  - C. Samuel Stothoff Co. Inc. Application for Payment No. 2 - \$103,770.00
  - D. Consider request for donation-TEC PTO Trunk or Treat, October 27<sup>th</sup>
  - E. Consider well isolation waiver request - Vincent Seadale, 105 Iris Trail TM#19/6/1/78
  - F. Consider Fire Commission Appointment
  - G. Consider Resolution 2018-032 amending Fee Schedule
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  
SEPTEMBER 18, 2018

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The second September 2018 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on September 18, 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 7:03PM. It is determined that a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
  - a. Anne Lamberton states that the Board was in Executive Session on September 18, 2018 from 6-7:03PM for legal reasons.
  - b. Julia Heilakka states Fall Fest is on September 22, 2018 from 12:00-4:30PM.
  - c. Anne Lamberton states the township received a \$227,000 PA Small Water and Sewer Grant.
  - d. Anne Lamberton states there are vacancies on the UCC Appeals Board and Sewer Authority. She asks if the Board should dissolve the Sewer Authority. The Board directs Jonathan Reiss to look at the creation papers to determine if the authority can be changed. John Jablowski states the EDA could take on these responsibilities. Jonathan Reiss states the Sewer Authority is audited by DCED, and the financial statement must be advertised publically. Authorities have a life of 50 years unless their articles are amended. If the authority was dissolved, the township would assume all debts and contracts, but he doesn't believe there is anything to assume. John Holahan and Heidi Pickard prefer that the EDA govern sewer matters. Jonathan Reiss will research dissolving the Sewer Authority.
  - e. Jonathan Reiss states he has received comments from Crystal Butler and the attorney for Aqua regarding Chapter 113 of the township's code.
  - f. Heidi Pickard asks if a supervisor can serve on the UCC Board. Jonathan Reiss replies yes. Anne Lamberton states the Board needs an alternate. Letters of interest will be accepted.
4. Minutes
  - a. John Holahan motions to accept the meeting minutes for the August 22, 2018 Regular Business Meeting, Heidi Pickard seconds. Vote: David Carbone abstains because he was not present; Anne Lamberton, John Holahan, III, Heidi A. Pickard, and Brendon Carroll in favor: minutes accepted.



- b. David Carbone motions to accept the meeting minutes for the September 4, 2018 Regular Business Meeting, Heidi Pickard seconds. Anne Lamberton states that Heidi Pickard knew there was a sewer bill regarding Bill Dougherty's property discussion because she pays the bill, and that should be reflected in the minutes. The original motion and second are amended to include the change. Vote: John Holahan abstains because he was not present; Anne Lamberton, David Carbone, Heidi A. Pickard, and Brendon Carroll in favor: minutes accepted as amended.

#### 5. Treasurer's Report

- a. John Holahan motions to approve the Treasurer's Report, Heidi Pickard seconds. Vote: all in favor; motion carries. Heidi Pickard states the township only had one or two CDs, and asks if we plan to get more. Autumn Canfield states there are no further plans. John Jablowski states he wanted to keep the money liquid because of a pending issue discussed in Executive Session. There are currently three CDs with Morgan Stanley.
- b. Anne Lamberton states the bill pack will be pushed to the end of the agenda.

#### 6. Solicitor's Report

- a. Pinecrest Lake PRD Phase 2, Section 3 – paving bond. Jonathan Reiss states there is a bond posted by Pinecrest Lake Building Associates, LP. The Trust has contacted the township because the road is deteriorating and they want it repaved. This was done in sections 5 and 6. At that time, the developer that had posted the bond was found in default. The township made a demand on the surety, who paid the bond to the township. In this instance, the developer has never been found in default, so the township is not holding any funds for the work to be done. Options are to make the demand on the developer to do the paving. The developer may have gone out of business. To start the process, the township must notify the developer that work must be completed. The road won't get paved this year. Have Bob McHale send a letter to Pinecrest Lake Building Associates, LP stating the road must be paved with a short turnaround time. He believes the bond amount was \$64,535.83, but it may have been increased. Brendon Carroll thinks that number is the increased amount. If the contractor is out of business, the township will make a demand on the surety.

#### 7. Old Business

- a. Consider Resolution 2018-031 Budget Reappropriations and Supplemental Appropriations. John Holahan motions to approve Resolution 2018-031, Heidi Pickard seconds. Vote: all in favor; motion carries.
- b. Consider MATT donation for DL & W Railroad Historical Roadside Marker. David Carbone motions, John Holahan seconds. Vote: all in favor; motion carries.

#### 8. New Business



- a. Russ Scott, RKR Hess – update on well testing at Pocono Mountain West High School. Russ Scott congratulates the Board on receiving the PA Small Water and Sewer grant. This water project began as a community water system for Pocono Summit – West, which runs on SR 940 and part of Long Pond Rd. from Pocono Mountain School District's (PMSD) High School West Campus to I-380. Step 1 was hydrogeologic testing to determine groundwater sources. Testing determined PMSD was a good location. They tested wells over the summer and drilled a new well. The new well has 136 gallons per minute (GPM) sustained. Drilling the second well will probably begin early next week; rain has postponed the start time. Two of the existing wells are promising. The third well has issues and has been taken offline. The new well was drilled and tested under community standards, and RKR Hess is assisting the school district with permitting the well as a source. As part of testing, other wells in the area are monitored, and they have seen no interference.
- b. Samuel Stothoff Co. Inc. Contract Change Order No. 2 [Pocono Summit West community water supply]. Russ Scott states the change order is a net increase of \$17,100 based on additional testing days because of rain and a downhole video that was requested. The contractor provided credit for not needing an emergency generator. He recommends a time extension of 45 days, with the substantial completion scheduled for October 1, 2018. The next step is to compile the data and create a package for the public water supply permit that needs to go to DEP. DEP needs about six months for review time. John Holahan motions to approve Change Order Number 2, Heidi Pickard seconds. Brendon Carroll states this is at almost no cost to the taxpayers due to the grant. Vote: all in favor, motion carries.
- c. Samuel Stothoff Co. Inc. Application for Payment No. 2 - \$103,770.00. Russ Scott states this request is for work completed through August 13, 2018. The application is in order, and he recommends approval. John Holahan motions to approve, Brendon Carroll seconds. Vote: all in favor, motion carries.
- d. Consider request for Donation – Tobyhanna Elementary Center's (TEC) PTO Trunk or Treat, October 27<sup>th</sup>. David Carbone motions. Dawn Marasco states she is the vice president of the PTO. The Trunk or Treat has grown substantially. They are anticipating 300 kids, which has doubled since last year. The PTO is asking for more than \$250 if possible. John Holahan motions to donate \$400, David Carbone seconds. Vote: all in favor, motion carries. Denis Doremus states PMREMS is attending TEC's.
- e. Well Isolation Request 19/6/1/78. John Holahan motions to grant the waiver, Brendon Carroll seconds. Mike Christian asks what the waiver is for. Brendon Carroll states the original well was 70 feet away, and they are asking for 67 feet. Vote: all in favor, motion carries.
- f. Consider Fire Commission Appointment. John Holahan states that the Fire Commission (FC) recommended Troy Counterman, and motions to appoint Troy



Counterman, Heidi Pickard seconds. Anne Lamberton states that as an auditor, he is ineligible unless he resigns. Ed Tutrone states Troy Counterman will resign if appointed. David Carbone states Troy is the chief of Tobyhanna Township Volunteer Fire Company (TTVFC). He doesn't need to be a part of the FC when he will be part of the discussion anyway. Heidi Pickard states initially, no fire fighters would be put on the Commission. John Holahan states the appointment is good to the end of the year. The FC wants information gathered and major players at the table now. Heidi Pickard suggests the Board follow the recommendation of the FC. David Carbone states they only recommend, and the Board need not follow the FC's recommendation. He asks why put the chief forward when he'll be part of the conversation anyway. Heidi Pickard asks for an Executive Session to discuss this. Ed Tutrone states Mr. Kerrick was an auditor and appointed to the FC. He attended the auditor's meeting and was still allowed on the FC. Brendon Carroll states that is incorrect, he resigned at the Reorg. Meeting, it is in the minutes. David Carbone states John Kerrick resigned at the Reorganizational Meeting. Ed Tutrone states that if the Board created a FC who unanimously put someone forward, you should listen to them or disband the FC. Heidi Pickard requests to table this item, John Holahan agrees. Brendon Carroll asks if there is any obligation to fill the vacancy. Jonathan Reiss states there is no obligation. The Board will table this item until their October 2<sup>nd</sup> meeting.

- g. Consider Resolution 2018-032 amending Fee Schedule. Anne Lamberton asks what was changed. Autumn Canfield states large prints from our plotter are not a fee in our schedule. We called a print shop to get a cost, and included the number under miscellaneous. John Holahan motions to approve Resolution 2018-032, Brendon Carroll seconds. Vote: all in favor, motion carries.
- h. Bill Pack. John Holahan motions to approve the bill pack at \$755,861.76, Heidi Pickard seconds. Brendon Carroll states part of the bill pack is a \$142,000 payoff for a fire truck; why is this being paid off early? John Jablowski states this is money from the Fire Fund. Ed Tutrone states prepaying will save money on interest. John Holahan states this money is sequestered and can only be used for fire. Brendon Carroll asks who owns the truck. Ed Tutrone states TTVFC does. Brendon Carroll asks if the taxpayer is paying for the bill, why does TTVFC own it? Ed Tutrone replies that is how the referendum on the ballot was worded. Jonathan Reiss will research how to change the policy regarding ownership of the fire trucks. Brendon Carroll states he doesn't want a repeat of Pocono Summit Volunteer Fire Company. Ed Tutrone states vehicle insurance is covered under the township's fleet insurance. Anne Lamberton asks how the township can insure a vehicle they don't own. Ed Tutrone states he is unclear on how it works, but believes the insurance company will cover the trucks because TTVFC is designated as the provider for the township and is thus covered under the municipality immunity clause. The Board should revisit their fire ordinance and consider removing the names of the fire companies so they can be named by



resolution. The Board directs Jonathan Reiss to research this. Vote: all in favor, motion carries.

#### 9. Board of Supervisors' Report

- a. John Holahan states he is a member of the FC. He will approach Representative Rader to look at legislation for fire services. The FC wants additional information regarding the cost of a paid fire company. The Commission has no staff, and is asking for assistance from township staff to assist with data collection, like reaching out to the Control Center for call volumes and asking Chief Counterman to look at pro forma for stipends. The FC needs legal advice as well. John Jablowski states the Center for Local Government can help with this also, and we can amend the letter of intent. He will reach out to the deputy secretary tomorrow.
- b. Brendon Carroll asks the status of the fire study. John Jablowski states everyone met about four weeks ago. If no one else wants to participate, we can tailor our request. Feedback was good and bad. The study hasn't been formed yet because participating parties have yet to confirm their interest.
- c. David Carbone states the Board is interested in redoing parks, and received a proposal today from HE Black. HE Black is an engineering firm willing to look at all four parks. This will go to the supervisors for review. John Jablowski states HE Black would form committees to get the public's opinion.

#### 10. Public Comment

- a. Donna Knecht asks if the residents have any say in the fire study. John Jablowski states once the fire community decides what they want to look at, the community will have input. David Carbone states this will take 5-6 years to implement. Stipends may help extend the longevity of the volunteer system.
- b. Mike Peterson from Stillwater Estates states he served as a firefighter in Connecticut. Their volunteer/paid fire company cost \$6 million for 33,000 people. He is concerned about response times today, and this needs to be resolved sooner than five years. Anne Lamberton would like a letter of interest for the FC vacancy. Mike Peterson states in Stillwater, he has huge concerns of emergency egresses if Hawkey Run overflows.
- c. Ed Tutrone states that DCED stated the fire company and township must be on board before they will consider doing a study. He requests a workshop with TTVFC and the Board. Coolbaugh stated they were not interested in regionalization. Tunkhannock's fire company doesn't seem interested, but the township is. He suggests starting with TTVFC.
- d. Heidi Pickard states she wants to confirm that the ambulance is receiving \$5,000 for stretchers. Heidi Pickard motions to authorize the donation, David Carbone seconds. Vote: motion carries.

- e. Diane Lake states there is a tree down on west SR 940, between Pocono Lake Methodist Church and Wagner Forest. John Jablowski states until it's down, the power company won't address it. Ed Tutrone states he contacted PennDOT because that's a state road, and is working with PennDOT to take the tree down. The tree is in the PennDOT's right of way, and will be addressed as soon as PennDOT completes a milling and filling project.
- f. Donna Knecht asks the status of adopting a property maintenance building code for the township. Jonathan Reiss states he spoke to Barbara Nichols and is waiting to hear back. The Board directs Crystal Butler to talk to Barbara Nichols.
- g. Rachel Schickling asks if the Board decided to pay for the fire truck. Anne Lamberton replies yes.
- h. Rachel Schickling states there are political signs out. John Jablowski states our sign ordinance cannot apply to political signs; they are protected under the First Amendment.
- i. Brendon Carroll states he received an email from Barbara Nichols asking for advice on bulk fuel storage. Jonathan Reiss states he would not change the ordinance. Autumn Canfield states the minimum lot depth is 1,200 feet. Jonathan Reiss recommends decreasing minimum lot depth and width requirements. Medical marijuana must be entirely indoors. They should change the setbacks to work for a 3-acre lot. Under the definition of bulk storage, a company can only store 1,000 gallons. Brendon Carroll states the Board doesn't have a definition for hazardous materials. The Board directs Barbara Nichols to make the setbacks workable for a 3-acre lot. The Board directs Jonathan to pull other ordinances from other townships. Jonathan Reiss states a 30-acre minimum lot size would be subject to challenge.

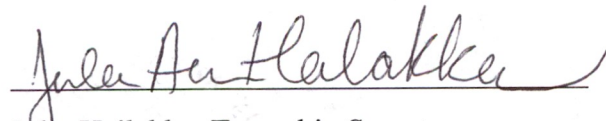
11. Meeting adjourned at 8:10PM.

12. Board enters Executive Session at 8:13PM.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

  
Julia Heilakka, Township Secretary