

A G E N D A
Board of Supervisors
Regular Business Meeting
October 2, 2018
7:00 PM

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements:
 1. Trick or Treat Times - In 2017, Oct. 31st from 6-8PM
 2. UCC Board of Appeals- we are accepting letters of interest for the vacant alternate spot
 3. On September 18, 2018, Board entered Executive Session at 8:13PM to discuss potential litigation
4. Consider the Minutes of: September 18, 2018 Regular Business Meeting
5. List of Bills for BOS approval - \$442,016.97
Ratification of \$5,150.00 interim bills
Total: \$447,166.97
6. Solicitor Report:
7. **Old Business:**
 1. Consider appointment of Fire Commission member
8. **New Business:**
 - A. Consider HRG Proposal - Route 940 Bike Route Project-PennDOT Permitting
 - B. Consider request from Pocono Mountain West Little League for funds for AED Devices
9. Board of Supervisors Report/Comment
10. Public Questions and Comment

ADJOURNMENT

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
OCTOBER 2, 2018

The first October 2018 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held in the Conference Room because of a tornado warning. It was held on the 2nd of October 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, David Carbone, Solicitor Jonathan J. Reiss, Esquire, and Township Manager John Jablowski Jr. Brendon Carroll arrives during the meeting.

1. Chair Anne Lamberton calls the meeting to order at 7:05PM. It is determined that a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements:
 - a. Trick or Treat Times. Heidi Pickard states the Council of Governments (COG) usually announces the times in a joint ad with the Pocono Record. She was not at the last COG meeting nor does she believe she received the minutes. Autumn Canfield states last year it was October 31st from 6PM - 8PM. Anne Lamberton requests to check with COG and will announce times at the next Board of Supervisor Meeting in October.
 - b. UCC Board of Appeals. Anne Lamberton states that the township is accepting letters of interest for the vacant alternate seat on the UCC Board of Appeals.
 - c. Anne Lamberton states on September 18th, 2018, the Board entered an Executive Session at 8:13PM to discuss potential litigation.
 - d. Autumn Canfield states PennDOT is tentatively scheduled to remove the tree on SR 940 that was discussed last meeting on Wednesday, October 3rd.
 - e. John Jablowski states the Governor's office has announced Tobyhanna Township will receive \$1.65 million to complete the financial component of the Pocono Summit West Transportation Improvement Project. Nearly \$4.6 million was received in total for the realignment. Anne Lamberton states this will create a safer exit ramp for I-380 southbound by aligning it with the signalized intersection at Long Pond Rd. The entrance to Stillwater Estates will be moved.

Mike Erlsten asks where the new entrance to Stillwater Estates will be. Anne Lamberton states it will align with FedEx Dr. A right-of-way will need to be created. The Board

presents a map of proposed changes for the improvement project. John Jablowski states the township is currently in discussion concerning the right-of-way.

Mike Erlsten asks if the township will use eminent domain. John Jablowski states there are two types of eminent domain: friendly and contested. Friendly eminent domain is where the parties come to an agreement regarding lands and exchanges. The owners of the property are negotiating now, but the township has funds for this if needed.

Mike Erlsten asks about wetlands. John Jablowski replies there are wetlands in the proposed areas. They would have to be mitigated based on the 2:3:1 ratio per the Army Corp of Engineers. This project is occurring because of public safety concerns, not economic development. Anne Lamberton states that the lights along the proposed area would be timed appropriately for easy through traffic.

4. Heidi Pickard motions to approve the meeting minutes for the September 18th, 2018 Regular Business Meeting, John Holahan seconds. Vote: All in favor; minutes accepted.
5. Treasurer's Report
 - a. John Holahan motions to approve the bill pack for \$442,016.97 with a ratification of \$5,150.00 for interim bills for a total of \$447,166.97, Heidi Pickard seconds. Heidi Pickard states \$418,000 of that total is a transfer of escrow funds from one account to another and should not be on the list of bills. Autumn Canfield states she will remove the transfer from the list of bills. Heidi Pickard states the new total would be \$29,146.02. John Holahan and Heidi Pickard amend their motion and second to reflect a bill pack of \$29,146.02. Vote: all in favor; motions carries.
6. Solicitor's Report
 - a. Jonathan Reiss states he sent an email regarding the question of bulk fuel storage from the September 18th meeting. He recommends leaving the minimum lot size the same but decreasing the minimum width and depth of the lots to 300 feet. He will not be at the next Board meeting.
 - b. Heidi Pickard asks if there has been any update on the Chapter 113 Sewer revisions. Jonathan Reiss states he is still working on Chapter 113 revisions as well as the Property Maintenance Codes.
 - c. Anne Lamberton asks Jonathan Reiss about the fire ordinance. Jonathan Reiss states that if the Board decides to change either fire company in the ordinance, they can then change the ordinance so the companies can be named by resolution. It is not cost effective for one amendment at this time.
7. Old Business

- a. Consider appointment for Fire Commission. John Holahan motions to appoint Troy Counterman to the Fire Commission. Heidi Pickard seconds the motion. David Carbone recommends tabling the vote until Brendon Carroll arrives. Motion tabled.

Brendon Carroll arrives at 7:19PM.

John Holahan motions to appoint Troy Counterman to the Fire Commission, Heidi Pickard seconds. Dave Carbone states that he does not believe that Troy Counterman should be appointed to the Commission because as Fire Chief, he should already be present in the conversation. He will vote "no." Anne Lamberton states the Fire Chief should attend the meetings and provide input. David Carbone states on the Police Commission, the Police Chief makes recommendations and has no voting power. Mike Erlsten states the Fire Chief could make recommendations, but the Commission would not have to listen to him.

Ed Tutrone states the Police Commission is a governing body that hires and fires employees, but the Fire Commission is an advisory committee. Why should the chief not have voting power? The other candidate for the position is an assistant chief and president of the Relief Association. If the Board does not want the chief to have voting power, the assistant chiefs should not have voting power either. He asks why a fire chief wouldn't be a part of the Commission to begin with and be afforded voting power. There should be active firefighters on the Commission to bring experience and awareness of current firefighting techniques and building types to the Commission.

Anne Lamberton disagrees, and states that she doesn't believe any members on the Police Commission were officers. The Commission depends on professional information from the officers and corporals. The professional experience Troy Counterman could bring to the Commission should be on a separate level. Ed Tutrone states that neither candidate would be eligible to fill the seat on the Commission because both are on the same level and active in the fire company. David Carbone states that is incorrect because Troy Counterman is the chief and CJ Dickinson is an assistant chief. Counterman should be part of the discussion, but have no voting power. David Carbone states he himself is an ex-chief, and he had to answer to a Fire Commission and provide input without any voting power. The purpose of the study is to retain volunteers and help them.

Heidi Pickard questions the purpose of the Fire Commission. It's a recommending body to the township, so why shouldn't Counterman serve? Ed Tutrone states that because the Commission is a recommending body, the chief should be on the Commission. If the Commission was a governing body, he would feel that Counterman should not have voting power. David Carbone states it is an advisory board.

Anne Lamberton asks John Jablowski to give his thoughts on the Fire Commission. He describes his idea for the Fire Commission as an independent advisory body that can bring new perspectives. Being removed from the emotion surrounding firefighting can

bring a new perspective. Ed Tutrone states when the Commission was formed, the Board did not want any active firefighters on the Commission. Thus, neither candidate is eligible. Anne Lamberton refers to John Jablowski's explanation as to why there shouldn't be active members on the Fire Commission. Ed Tutrone replies yes, then the seat should not be filled by an active firefighter.

John Holahan states the Fire Commission unanimously recommended appointing Troy Counterman. Brendon Carroll states it is an advisory committee; the Board doesn't have to take their advice. Counterman should not be a voting member. Mike Erlsten states that there is no reason why Troy Counterman as an individual can't be appointed to the Commission. David Carbone replies that Troy Counterman is the chief.

Heidi Pickard states that the by-laws could be reviewed regarding how the Commission is set up, and suggests adding a position for the Fire Chief. Anne Lamberton states the Board wanted an independent commission where the Fire Chief could advise, but the Commission would be independent of the emotion. Ed Tutrone states there are no viable candidates per Lamberton's standard because the other candidate is an active officer in the role of operations management. David Carbone states that Counterman is the chief; that is the difference.

John Jablowski suggests reorganizing the Commission so it consists of five voting members and two positions filled by the president and chief of the fire company, or their designees. The two positions would provide insight but have no have voting power. Heidi Pickard states that she likes the idea and asks who is presently serving on the Commission. John Jablowski states current members are Mark Argot, John Holahan, John Kerrick, and George Planchock. Jonathan Reiss states the Commission was established by resolution, so the Board would write a new resolution. Mike Erlsten asks how Fire Commission members are chosen. Anne Lamberton replies members are appointed at the beginning of each year.

Anne Lamberton states there is a motion to appoint Troy Counterman to the Fire Commission. Vote: Heidi Pickard and John Holahan in favor; Dave Carbone, Brendon Carroll, and Anne Lamberton opposed: motion fails.

David Carbone motions to appoint CJ Dickinson to the Fire Commission. Brendon Carroll states that he thought the Board was going to change the resolution. David Carbone states that the Board could appoint Dickinson and then change the resolution. Heidi Pickard suggests doing the resolution first. Anne Lamberton states this appointment would only be through the end of the year. Troy Counterman asks if there is anything pending or urgent before the Fire Commission. Anne Lamberton answers no. Troy Counterman suggests getting organized first. Anne Lamberton seconds the motion. John Holahan states he speaks against the motion. He asks to table the motion, get the new resolution, and then return to the Fire Commission to set the purpose of the Commission. Brendon Carroll asks what the current resolution says about active members on the Fire

Commission. Ed Tutrone states that the supervisors stated that no active members should sit on the Commission.

John Holahan motions to table the Fire Commission appointment, Heidi Pickard seconds. Anne Lamberton states there is another motion still active. Autumn Canfield presents the ordinance that formed the fire company. Jonathan Reiss states he misspoke: the Fire Commission was created by ordinance. There is no prohibition regarding active members on the Commission. The Fire Commission was created by ordinance. An amendment could be drafted by the next meeting, but it wouldn't take affect until next year.

Ed Tutrone states Troy Counterman could be appointed. David Carbone states the chief should be at the meeting anyway. Ed Tutrone states based on the ordinance, Troy Counterman can be appointed: he was unanimously chosen by the Fire Commission. Anne Lamberton refers to Jonathan Reiss as to which motion to move on first, and is directed to vote on tabling the appointment. Vote: all in favor; motion carries.

Jonathan Reiss looks for clarification on the amendment to the fire ordinance. Anne Lamberton states the Commission will have two advisory seats. Jonathan Reiss states up to two supervisors may serve on the Commission, and the other members should have a background in emergency services. Heidi Pickard asks if the Emergency Management Coordinator should be on the Fire Commission. The Board decides no, and states there should be a prohibition on active volunteer or professional firefighters serving in voting positions. The Board directs John Jablowski to send an email with suggestions to the supervisors, who will then reply with their thoughts only to Jonathan Reiss.

Heidi Pickard states the State requires the Board to meet annually with emergency services, and the Board should set up a work session with Tobyhanna Township Volunteer Fire Company (TTVFC) for next year's budget.

8. New Business

- a. Consider HRG Proposal – Route 940 Bike Route Project – PennDOT Permitting. John Jablowski states that the township received a grant for \$550,000 for alternative transportation. The grant covers 100% of the construction cost. The only cost not covered is engineering costs. The bike route will go from Austin T. Blakeslee Natural Area to the Hungry Hill Memorial on SR 940. Anne Lamberton states bicyclists already use SR 940; making the route an official bike route might calm traffic down and draw interest to local businesses. John Jablowski states there is another \$25 million grant requested, part of which would create a multi-use trail for walking, hiking, and biking.

Mark Spatz states the bike path on SR 940 will not be shared use. There will be crossings on SR 940 at Sullivan Trail, the Jubilee Restaurant, SR 423, and one in Blakeslee. Bikes

are allowed to be on the road, and can cross wherever they want, but there will be signalized crossing sections. The path would be on both sides of SR 940.

Mike Erlsten asks if there will be a traffic study done on SR 940 to lower speed limits. John Jablowski replies no, because PennDOT uses the average speed 85% of cars travel, which may raise the speed limit. Mike Erlsten states he is concerned regarding the speed limit on SR 940. Mark Spatz states part of the scope is a bike accommodation study.

John Holahan motions to approve the HRG proposal in the amount of \$90,100 dollars, Brendon Carroll seconds. Heidi Pickard asks if the money is in the budget for this year. John Jablowski replies no, but the township won't receive a bill until next year, so it will be in the 2019 budget. Jonathan Reiss states the vote would commit the Board to including this in next year's budget. Vote: all in favor; motion carries.

- b. Consider request from Pocono Mountain West Little League (PMWLL) for funds for AED Devices. Kristen Krich states PMWLL is requesting \$1,500 dollars for three AED devices. The discounted rate is available through the Greg Moyer Fund. She would like to have a device at Keiper Field, Blanche Price, and an additional device at the township building. The devices can be rented out per the grant. John Holahan motions to approve \$1,500 for the AED devices. Heidi Pickard seconds and suggests two for PMWLL, as the township has two in the building. Ed Tutrone suggests the funds be given to PMWLL to purchase so they are responsible for the maintenance and storage of the devices. The AEDs cannot be stored in the concession stand over the winter because it kills the batteries.

Kristen Krich asks what the maintenance cost was on the devices. Ed Tutrone said the pads are approximately \$60. Kristen Krich states that she believes that it should be a service provided by the township. The Board decides it will be the township's responsibility to maintain the AED devices, and considers placing the devices in Blanche D. Price Park's lodge and concession stand, and the concession stand at Keiper Field. Exact placement of the devices will be worked out later. John Holahan states again that he motions to approve the \$1,500 dollars for three devices. Heidi Pickard asks where the money is in the budget. Autumn Canfield states that she will fit it into the budget. Ed Tutrone states Autumn Canfield can take the money out of Parks.

Ed Tutrone states a tree fell on SR 940 by Wagner Forest Park because of the storm, and he is leaving to respond.

Vote: all in favor; motions carries.

9. Board of Supervisors' Report

- a. David Carbone would like to have H. E. Black come in before the next meeting to speak to the DPW committee about the engineering reports for the township fields.

10. Public Comment

- a. Kelly Hixon asks if drilling the new well at Pocono Mountain School District (PMSD) affected the old well. John Jablowski states it was not the well drilling that contaminated the well. The wells are under review for a community water system, which are held to different standards than private wells. One well tested positive for Giardia. This occurred before school opened, and the township worked with DEP. Water is being trucked into the school. The boil water advisory was in place when RKR Hess began testing the wells. This new well will also allow for fire hydrants. The new well being drilled now will immediately go into use for PMSD as soon as it is approved, which should be by November.

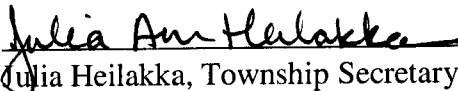
Kelly Hixon asks who is responsible for continuing to test the well, since the township's tests caught the problem and the school's testing did not. Jonathan Reiss states everyone must follow DEP's requirements, unless someone wants to test for more. John Jablowski states that the school was testing for what they were required to do. The problem was discovered because community water systems must have more tests. Brendon Carroll states a positive test for Giardia can happen when storm water infiltration occurs. John Jablowski states the new well should be fully functional by November. Kelly Hixon asks who is paying for the water tankers. John Jablowski replies PMSD.

- b. Lance Mirkin states there is a person on SR 940 running a golf cart business on a residential property. He is scrapping, selling vehicles, and selling them without sales tax. The property is a junk yard. This should be shut down and reopened on a commercial property. John Jablowski asks that Lance Mirkin meet with him and Barbara Nichols to discuss this. Lance Mirkin states the person put an ad in The Journal advertising his business at his residential address. Brendon Carroll suggests having Saturday hours for the Zoning Officer.
- c. Rachel Schickling states that the township does not look nice. There are tree limbs down and the grass is tall. Anne Lamberton asks residents to send their complaints to the Board.

11. John Holahan motions to adjourn, meeting adjourned at 8:49PM.

Minutes recorded by Crystal Butler and Julia Heilakka

Respectfully submitted:


Julia Heilakka, Township Secretary