

A G E N D A
Board of Supervisors
Regular Business Meeting 6:00 PM
August 20, 2019

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements: Fall Cleanup Day, August 24th 11AM to 3PM at Government Center
July 31, 2019 9:30am-10:45am Executive Session regarding labor/personnel
August 8, 2019 7:30am-8:30am Executive Session-personnel
4. Consider the Minutes of: July 3, 2019 Work Session
July 16, 2019 Regular Business Meeting
July 30, 2019 Special Meeting
5. Treasurer's Report for July 2019
6. Bill Pack Total - \$396,952.29
7. Solicitor Report: **Public Hearing** for Proposed Parks Ordinance Amendment
Consider adopting Ordinance No. 551 Parks Ordinance Amendment

Public Hearing for Proposed Anti-Litter Ordinance
Consider adopting Ordinance No. 552 Anti-Litter Ordinance

Public Hearing for Proposed Firefighters Tax Credit Ordinance
Consider adopting Ordinance No. 553 Firefighters Tax Credit Ordinance

Proposed Transient Retail Ordinance - Authorize to advertise a Public Hearing

Proposed Sewer Ordinance amendment - Authorize to advertise a Public Hearing

Proposed Zoning Ordinance - fireworks sales - Authorize to send to TTPC and MCPC for review

Authorize to draft amendment to the Zoning Ordinance changing MUTCD to Tourist Development District and authorize to send to TTPC and MCPC for review

Renaming Blakeslee Village District 1 & 2 to Village Commercial District 1 & 2 - discussion

Authorize Township Solicitor to represent Township at Appeal Hearing of Zoning Officer's Determination-Kamal Trucking, Inc.

8. **Old Business:**
 - Consider letters of interest for two vacancies on the Economic Development Authority
 - Library Tax - discussion
9. **New Business:**
 - A. Zelenkofske Axelrod, LLC - 2018 Township Audit Report Presentation
 - B. NextGen Realty, 907 Rt. 940, Pocono Lake [gas station/convenience store] waiver of LD
 - C. Earl Bunnell, 414 Old Rt. 940, Pocono Lake [small tools rental shop] waiver of LD
 - D. Consider Resolution 2019-013 enacting Tax Credit for Firefighters Ordinance
 - E. Consider Resolution 2019-014 taxpayers' bill of rights
 - F. Consider Resolution 2019-015 Budget Reappropriations & Supplemental Appropriations
 - G. Authorize to advertise 2019 Tree Trimming/Tree Removal Services Invitation for Bids
 - H. Authorize to advertise 2019-2020 Equipment Rental (Winter Operations) Invitation for Bids
 - I. Terrence & Linda McCafferty, 5492 Woodland Ave. TM#19/5D/2/6 - well isolation waiver request
 - J. Accept resignations from Township Manager John Jablowski & Twp. Auditor Daniel Serfass
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
AUGUST 20, 2019

The August 2019 Regular Business Meeting of the Tobyhanna Township Board of Supervisors (“Board”) was held on August 20, 2019, 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, Township Assistant Manager Autumn Canfield, and Solicitor Jonathan J. Reiss, Esquire by phone until his arrival at 6:27PM.

1. Chair Anne Lamberton calls the meeting to order at 6:00PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements:
 - a. Fall Cleanup Day is on August 24, 2019 from 11AM to 3PM at the Government Center.
 - b. The Board of Supervisors had an Executive Session on July 31, 2019 from 9:30AM to 10:45AM regarding labor/personnel.
 - c. The Board of Supervisors had an Executive Session on August 8, 2019 from 7:30AM to 8:30AM regarding personnel.
4. Minutes
 - a. Brendon Carroll motions to accept the meeting minutes for the July 3, 2019 Work Session, July 16, 2019 Regular Business Meeting, and the July 30, 2019 Special Meeting, David Carbone seconds. John Holahan states he was absent for the July 16, 2019 meeting. Vote: all in favor; motion carries.
5. Treasurer’s Report
 - a. Brendon Carroll motions to approve the July 2019 Treasurer’s Report, John Holahan seconds. Vote: all in favor; motion carries.
6. Bill Pack
 - a. John Holahan motions to approve the bill pack in the amount of \$396,952.29, Heidi Pickard seconds. Heidi Pickard asks about the JDM Consulting charge, Integra Barracuda charge, and Locust Ridge Quarry charge. Vote: all in favor; motion carries.
7. New Business

- a. Zelenkofske Axelrod LLC. Jeff Weis reviews the 2018 Township Audit, noting the township stayed under budget and the pension fund is overfunded. Heidi Pickard motions to accept the audit, Brendon Carroll seconds. Vote: all in favor; motion carries.
- b. Next Gen Realty Land Development Wavier. Aashish Kharb is requesting a land development waiver, and asks about the timing of opening his business related to acquiring a Highway Occupancy Permit (HOP). Jonathan Reiss states the Board can't waive land development or allow the business to open until the HOP is in place.

Jonathan Reiss explains that improvements to the interior of the building can move forward as long as those changes don't require land development and the proper building permits are obtained. He suggests the Board wait to conditionally approve a land development procedural waiver until the HOP is acquired. Jonathan Reiss arrives in person at 6:27PM, and states the Board can give a conditional waiver, but Mr. Kharb couldn't start work that requires land development until he gets an HOP.

John Holahan motions that the Board grant the land development procedural waiver subject to review and approval from the township engineer and zoning officer, and the receipt of a PennDOT HOP, Brendon Carroll seconds. Jonathan Reiss explains that Mr. Kharb may complete any outside changes that don't require land development; he may not work on the canopy or pumps without the HOP. Mike Erlsten expresses frustration with PennDOT's HOP requirements. Jonathan Reiss clarifies that even if the pumps and canopy were not altered, the HOP is required to commence operations. Vote: all in favor; motion carries.

8. Solicitor's Report

- a. Public Hearing for Ordinance No 551 Parks Ordinance Amendment. Jonathan Reiss states changes include prohibiting alcoholic beverages at parks except for Blanche Price Park and prohibiting gambling in parks except for raffles and raffle auctions pursuant to the Small Games of Chance Act in conjunction with township events.

Heidi Pickard motions to open the hearing, Brendon Carroll Seconds. Vote: all in favor; the hearing is opened. Brendon Carroll asks if they need to specify the legal drinking age in this ordinance. Jonathan Reiss answers no, as that is a state law. Ed Tutrone, Mike Erlsten, and Kelly Hixon ask for clarification on changes to the ordinance. Jonathan Reiss recommends updating signs in the parks to reflect the changes.

John Holahan motions to close the hearing, Heidi Pickard seconds. Vote: all in favor, the hearing is closed. Heidi Pickard motions to adopt the ordinance, Brendon Carroll seconds. Vote: all in favor; motion carries. The ordinance is adopted.

- b. Public Hearing for Ordinance No. 552 Anti-Litter Ordinance. Jonathan Reiss states the ordinance is drafted from the county's example and formatted for the township.

John Holahan motions to open the public hearing, Heidi Pickard seconds. Vote: all in favor; the hearing is opened. Heidi Pickard asks who would enforce the new ordinance and how they would enforce animals getting into residents' trash. Jonathan Reiss states that it would be enforced by the police with discretion on when to issue a ticket/violation but the municipal waste authority could also enforce. Diane Lake and Mike Erlsten ask for clarification on the new ordinance.

John Holahan motions to close the hearing, Brendon Carroll seconds. Vote: all in favor; hearing is closed. John Holahan motions to adopt the ordinance, Brendon Carroll seconds. Vote: all in favor; motion carries. The ordinance is adopted.

- c. Public Hearing for Ordinance No. 553 Firefighter Tax Credit Ordinance. Jonathan Reiss states that this ordinance comes at the recommendation of the Fire Commission. John Holahan motions to open the public hearing, Heidi Pickard seconds. Vote: all in favor; the hearing is opened. No public comment or questions made. Heidi Pickard motions to close the hearing, John Holahan seconds. Vote: all in favor; the hearing is closed.

Heidi Pickard motions to adopt the ordinance, David Carbone seconds. Vote: all in favor; motion carries. The ordinance is adopted.

9. New Business

- a. [Item D] Consider Resolution 2019-013. Heidi Pickard motions to approve Resolution 2019-013 Tax Credit for Firefighter Ordinance, John Holahan seconds. Vote: all in favor; motion carries. The resolution is approved.
- b. [Item E] Consider Resolution 2019-014. Heidi Pickard motions to approve Resolution 2019-014 Amendment to Taxpayer's Bill of Rights, John Holahan seconds. Vote: all in favor; motion carries. The resolution is approved.

10. Solicitor's Report

- a. Proposed Transient Retail Ordinance. Brendon Carroll motions to authorize to advertise the Proposed Transient Retail Ordinance, Heidi Pickard seconds. Vote: all in favor; motion carries.
- b. Proposed Sewer Ordinance. Brendon Carroll motions to authorize to advertise the Proposed Sewer Ordinance Amendment, Heidi Pickard seconds. Vote: all in favor; motion carries.
- c. Proposed Zoning Ordinance – Firework Sales. John Holahan motions to authorize to send the Proposed Zoning Ordinance - Firework Sales to the Tobyhanna Township Planning

Commission and Monroe County Planning Commission, Heidi Pickard seconds. Vote: all in favor; motion carries.

- d. MUTCD to TDPD. John Holahan motions to authorize Jonathan Reiss to draft an amendment to the Zoning Ordinance changing MUTCD to Tourist Development Project District and to send it to the Tobyhanna Township Planning Commission and Monroe County Planning Commission, Heidi Pickard seconds. Vote: all in favor; motion carries.
- e. Renaming BV to VC. The Board decides to rename Blakeslee Village District 1 & 2 to Village Commercial District 1 & 2.
- f. Appeal Hearing. Heidi Pickard motions to authorize the township solicitor to represent the township at an appeal hearing of the Zoning Officer's Determination - Kamal Trucking, Inc., John Holahan seconds. Vote: all in favor; motion carries.
- g. [Not on agenda]. The Board asks Jonathan Reiss to respond to George Podolak that there has been no change on his road designation.

11. Old Business

- a. Consider Letters of Interest for two vacancies on the Economic Development Authority. Anne Lambertson states that the bylaws need to be revised and that Jack Dean advised appointing one vacancy based on the structure of the bylaws until they can be amended. Heidi Pickard motions to appoint Michael Erlsten to the EDA, John Holahan seconds. Vote: Heidi Pickard and John Holahan vote in favor. Brendon Carroll, David Carbone, and Annie Lambertson vote opposed; motion fails. Anne Lambertson recommends Jack Dean prepare new bylaws for the EDA before appointing people to the vacancies.
- b. Library Tax Discussion. Autumn Canfield states after the county's reassessment is complete, the township may adjust the millage rate without a referendum.

12. New Business

- a. [Item C] Earl Bunnell Small Rental Tool Shop Land Development Waiver. Earl Bunnell states that he needed to move location suddenly with his new location needing land development. John Holahan motions to approve the waiver based on conditions set forth by the Zoning Officer Barbara Nichols and the Township Engineer Bob McHale. Barbara Nichols recommends a temporary Certificate of Occupancy as Mr. Bunnell works through the land development process so he can continue to operate his business. She also states a waiver will be needed for paving requirements as the property is too small to support a fully paved parking lot and storm water retention. Earl Bunnell states he will have the ADA parking spots paved but requests the rest be gravel. Heidi Pickard seconds the motion. Vote: all in favor; motion carries.

- b. [Item F] Consider Resolution 2019-015. Heidi Pickard motions to approve Resolution 2019-015 Budget Reappropriations and Supplemental Appropriations, John Holahan seconds. Vote: all in favor; motion carries.

Heidi Pickard motions to approve \$5,000.00 for a contribution to the Blakeslee Community Center for repairs to the building, John Holahan seconds. Vote: all in favor; motion carries.

- c. [Item G] 2019 Tree Trimming Bid. John Holahan motions to authorize to advertise 2019 Tree Trimming/Tree Removal Services Invitation to Bid, Brendon Carroll seconds. Vote: all in favor; motion carries
- d. [Item H] Winter Operations Invitation to Bid. Brendon Carroll motions to authorize to advertise 2019-2020 Equipment Rental (winter operations) Invitation to Bid, Heidi Pickard Seconds. Vote: all in favor; motion carries.
- e. [Item I] Well Isolation Waiver Request. John Holahan motions to approve a well isolation waiver for Terrence and Linda McCafferty at 5492 Woodland Avenue, TM # 19/5D/2/6, Heidi Pickard seconds. Vote: all in favor; motion carries.
- f. [Item J] Resignations. John Holahan motions to accept the resignations of Township Manager John Jablowski and Township Auditor Daniel Serfass, Heidi Pickard seconds. Vote: all in favor; motions carries.

John Holahan motions to appoint George Gallagher Township Auditor, Heidi Pickard seconds. Vote: all in favor; motion carries.

13. Board of Supervisors' Report

- a. John Holahan asks the Board to consider an ordinance barring sitting township supervisors from being employees of the township. Jonathan Reiss states that there are provisions in the Second Class Township Code that allow for sitting supervisors to be township employees.
- b. Heidi Pickard asks about the status of the SR 940 speed limit discussion. Autumn Canfield will work with Bob McHale on this.

14. Public Comment

- a. Jeanine Hofbauer provides the Pocono Mountain Regional Emergency Service Report: they received 128 calls this month and 805 calls year-to-date in the township, and have received 3,788 in total, up 4%.
- b. Kelly Hixon asks if the Board will be reviewing Ed Black's park concepts. Anne Lamberton informs her they will be reviewed at the next regular business meeting.

- c. Stanley Menking asks what is being done about township management after recent vacancies. The Board will announce this at a later date.
- d. Diane Lake states there is another tree about to fall onto SR 940 near the entrance to Wagner Forest Park.

15. John Holahan motions to adjourn. Meeting adjourned at 7:11PM.

Minutes recorded by Crystal Butler

Respectfully submitted:

Julia Heilakka

Julia Heilakka, Township Secretary