

A G E N D A
Board of Supervisors
Regular Business Meeting 6:00 PM
October 15, 2019

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements: Trick or Treat [In 2018, October 31st 6:00PM to 8:00PM]
Wreaths for Veterans Ceremony Nov. 9th 11:00am @ Pocono Lake Cemetery
Executive Session - September 26, 2019 8:30-9:30AM for potential litigation
Executive Session - October 8, 2019 9:00-10:00AM for potential litigation
4. Consider the Minutes of: August 27, 2019 Work Session
September 5, 2019 Work Session
September 17, 2019 Regular Business Meeting

5. Treasurer's Report for September 2019

6. Bill Pack Total - \$723,114.51

7. Solicitor Report: **Public Hearing** for Proposed ZO amendment [fireworks sales]
Consider adopting Ordinance No. 556 ZO Amendment [fireworks sales]

Public Hearing for Proposed ZO Amendment
Consider adopting Ordinance No. 557 ZO Amendment - TDP District

Proposed Zoning Ord.-Wireless Comm. Facilities -Authorize to send to TTPC and MCPC for review

Draft Zoning Ordinance for discussion

Authorization for Jonathan and Bob to re-evaluate cost of Pinecrest Paving Bond

Discuss Solicitor representation at tax assessment appeals

8. **Old Business:** Truck Purchase

9. **New Business:**

- A. Volunteer Service Credit Program - approve applicants
- B. Consider Resolution 2019-016 Township meetings video retention policy
- C. Consider Resolution 2019-017 LSA Grant Application-\$341, 450 [steel sewer casings in Pocono Summit]
- D. Consider Resolution 2019-018 PennDOT Transportation Set Aside Funds Agreement
- E. Authorize Clymer Library Tax Anticipation Note for \$34,000
- F. Discussion of the Draft Fire Company Ordinance
- G. Consider letters of interest for the Fire Commission vacancies
- H. Pennoni Proposal - Pocono Summit East, Phase I Transportation Improvements
- I. Consider Proposals from Penn Strategies/JDM Consultants and Long, Nyquist & Associates
- J. LFM Financial Services, LLC, 2582 Route 940, Pocono Summit [tax office] - LD Procedural Waiver
- K. Consider correspondence to resident regarding complaint

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
OCTOBER 15, 2019

The October 2019 Regular Business Meeting of the Tobyhanna Township Board of Supervisors ("Board") was held on October 15, 2019, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Supervisors Anne Lamberton, Heidi A. Pickard, Brendon Carroll, David Carbone, Assistant Township Manager Autumn Canfield, and Solicitor Jonathan J. Reiss, Esq. are present. John Holahan, III, is not present.

1. Chair Anne Lamberton calls the meeting to order at 6:00 PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements:
 - a. Trick or Treat will be October 31st from 6:00PM to 8:00PM.
 - b. The Wreaths for Veterans Ceremony is Nov. 9th 11:00am at Pocono Lake Cemetery.
 - c. The Board held an Executive Session on September 26, 2019 from 8:30-9:30AM for potential litigation.
 - d. The Board held an Executive Session on October 8, 2019 from 9:00-10:00AM for potential litigation.
4. Minutes
 - a. David Carbone motions to approve the August 27, 2019 Work Session minutes, the September 5, 2019 Work Session, and the September 17, 2019 Regular Business Meeting, Brendon Carroll seconds. Vote: all in favor; motion carries.
5. Treasurer's Report
 - a. Heidi Pickard motions to approve the September 2019 Treasurer's Report, David Carbone seconds. Vote: all in favor; motion carries.
6. Bill Pack
 - a. Heidi Pickard motions to approve the bill pack in the amount of \$723,114.51, David Carbone seconds. Anne Lamberton asks if all of the Foreign Fire Funds were dispersed to TTVFC. Autumn Canfield replies this is for the previous year. Julia Heilakka states PMVFC receives funds through a MOU because of population numbers. Vote: all in favor; motion carries.
7. Solicitor's Report

- a. Proposed ZO amendment [fireworks sales]. Jonathan Reiss states this brings the township's code into compliance with state law. The proposed ordinance was advertised for a hearing, has been reviewed by the township and county planning commissions, and has been available at the newspaper and township for public inspection. Heidi Pickard motions to open the hearing, Brendon Carroll seconds; hearing is open. There is no public comment. Heidi Pickard motions to close the hearing, Brendon Carroll seconds; hearing is closed. David Carbone motions to adopt Ordinance 556, Heidi Pickard seconds. Vote: all in favor; motion carries.
 - b. Consider adopting Ordinance No. 557 ZO Amendment - TDP District. Heidi Pickard motions to open the hearing, David Carbone seconds; hearing is open. Jonathan Reiss states the state liquor law requires the renaming of the district. Barbara Nichols states the township's planning commission opposes the use for RV service stations. Jonathan Reiss states RV sales are allowed, so it makes sense service stations be allowed. Heidi Pickard motions to close the hearing, David Carbone seconds; hearing is closed. Heidi Pickard motions to adopt Ordinance 557, David Carbone seconds. Vote: Brendon Carroll, David Carbone, and Heidi Pickard in favor; Anne Lamberton abstains: motion carries.
 - c. Proposed Zoning Ord.- Wireless Comm. Facilities –Authorize to send to TTPC and MCPC for review. Jonathan Reiss states the amendment was drafted by the Cohen Law firm to bring current ordinance into compliance with federal regulations. David Carbone motions to send this to the township and county planning commissions for review, Brendon Carroll seconds. Vote: all in favor; motion carries.
8. John Holahan arrives by phone at 6:10PM. It is established that the audience can hear John Holahan and John Holahan can hear the audience.
 9. Return to Solicitor's Report
 - a. Draft Zoning Ordinance for Discussion. Jonathan Reiss states the Board asked about a use like a service station that would include towing and storing of vehicles and presents the Board with options. Brendon Carroll states a recent court ruling considers towing an emergency service. The Board asks this be placed on their next work session.
 - b. Authorize Jonathan Reiss and Bob McHale to reevaluate cost of Pinecrest Paving Bond. David Carbone motions to authorize, John Holahan seconds. Vote: David Carbone, Heidi Pickard, John Holahan, and Anne Lamberton in favor; Brendon Carroll abstains: motion carries.
 - c. Discuss Solicitor Representation at Tax Exempt Sales. Jonathan Reiss explains if he enters his appearance, he will be expected at a status conference. As appeals are received, they are sent to township staff. The Board will continue to consider appeals on a case by case basis.
 10. Old Business

- a. Truck Purchase. Brendon Carroll motions to accept the proposals of EM Kutz upfit package for \$75,876 and a Horwith truck for a total of \$148,735, David Carbone seconds. Vote: all in favor; motion carries.

11. New Business

- a. [Item I] JDM Consultants and Long, Nyquist, & Associates. Mike Long states their firms work cooperatively, where Jason's expertise is grant writing, and theirs is acquiring state funds. Harrisburg is very interested in Pocono Springs, so now is the time to apply for funds. Long provides an overview of past and current clients. Lloyd Vought asks if there is a cap on approved expenses. Long responds the township will only see expenses on specific requests they have.

Ed Tutrone expresses concern over the amount of attention on Pocono Springs, and requests attention be paid to other areas of the township. Jason Fitzgerald withdraws his proposal for \$7,500 a month. John Holahan motions to approve Jason Fitzgerald's contract at \$3,500/month and L&N for \$5,000/month, David Carbone seconds. Vote: Brendon Carroll, David Carbone, John Holahan, and Anne Lamberton in favor; Heidi Pickard opposed; motion carries.

- b. [Item A] Volunteer Service Credit Program – approve applicants. Heidi Pickard motions to approve the applicants, David Carbone seconds. Julia Heilakka states she attended an October 2nd TTVFC meeting, and TTVFC made a concerted effort to make members aware. All members were approved less one, who indicated early on he was not interested in the program. Vote: all in favor; motion carries.
- c. [Item B] Consider Resolution 2019-016 Township meetings video retention policy. Autumn Canfield explains the video retention policy. Jonathan Reiss explains a policy should be in place for Right-to-Know Requests. Heidi Pickard motions to approve, David Carbone seconds. Vote: all in favor; motion carries.
- d. [Item C] Consider Resolution 2019-017 LSA Grant Application-\$341, 450 [steel sewer casings in Pocono Summit]. Heidi Pickard motions to approve Resolution 2019-017, Brendon Carroll seconds. Vote: all in favor; motion carries. Anne Lamberton clarifies this is for SR 940 on the west side of I-380.
- e. [Item D] Consider Resolution 2019-018 PennDOT Transportation Set Aside Funds Agreement. Autumn Canfield explains the Board must create a resolution to appoint who may sign the agreement. Brendon Carroll motions to accept the resolution, David Carbone seconds. Vote: all in favor; motion carries.
- f. [Item E] Authorize Clymer Library Tax Anticipation Note for \$34,000. Jonathan Reiss states the Board cannot approve a note for two years. Heidi Pickard motions to authorize the \$34,000 note for this upcoming year, David Carbone seconds. Vote: all in favor; motion carries.
- g. [Item F] Discussion of the Draft Fire Company Ordinance. Jonathan Reiss states this was drafted late last year and tabled. The Board consensus is to delete the two proposed non-

voting positions and to not allow active firemen to sit on the commission. Jonathan Reiss will redraft and recirculate the ordinance. Heidi Pickard motions to authorize the hearing, David Carbone seconds. Ed Tutrone dissents with the Board's decision to remove the two nonvoting seats. Vote: all in favor; motion carries.

- h. [Item G] Consider letters of interest for the Fire Commission vacancies. Heidi Pickard motions to appoint Mike Erlsten and Rich Luthcke, Brendon Carroll seconds. Vote: all in favor; motion carries.

David Carbone asks the Board to consider reinstating PSVFC, but the Fire Commission should discuss this and recommend requirements to the Board. Dave Meaney, Chief of PSVFC, states he is willing to talk to the township. The Board directs the Fire Commission to have a Special Meeting to discuss this.

- i. [Item H] Pennoni Proposal – Pocono Summit East, Phase I Transportation Improvements. The Board discusses paying for the traffic impact study and decides to table this item until there is a meeting with surrounding property owners. Heidi Pickard motions to approve the \$3,000, Brendon Carroll seconds. Vote: all in favor; motion carries.
- j. [Item I] Consider Proposals from Penn Strategies/JDM Consultants and Long, Nyquist & Associates. [Discussed as NB – A].
- k. [Item J] LFM Financial Services, LLC, 2582 Route 940, Pocono Summit [tax office] - LD Procedural Waiver. Lucius MacDonald explains acquiring a site survey would take four months, and he is looking for a waiver so he doesn't miss tax season. Barbara Nichols clarifies that Lucius MacDonald is asking for an entire land development waiver with the exception of site development for demonstrating the lighting and parking. Jonathan Reiss states the Building Inspector will verify the ADA ramp and parking. Barbara Nichols states he already has an HOP. Heidi Pickard motions to waive the land development and any necessary items we are able to expecting the zoning, lighting, and zoning and building permit requirements. Vote: all in favor; motion carries.

Heidi Pickard states the Board seems confused with the land development waiver. There should be a mandatory, free pre-submission meeting to explain the process. Jonathan Reiss states from now on, the Board will not be asked to do a waiver under the 3,000 square-foot exemption unless Bob McHale has reviewed the plan and issued a review letter. The Board discusses simplifying the process and waiving the cost of the first meeting with Barbara Nichols and Bob McHale. Jonathan Reiss states if someone signs and submits a PSA, any expenses the township accrues can be charged to that account.

Heidi Pickard motions to remove the pre-submission fee from the fee schedule. Brendon Carroll clarifies that subsequent meetings will be charged at staff rate. Barbara Nichols explains the PSA is still required. Brendon Carroll seconds the motion. Vote: all in favor; motion carries.

- l. [Item K] Consider correspondence to resident regarding complaint. Autumn Canfield states this is an ongoing complaint from 2012. Jonathan Reiss states based on the information provided, this is a private property issue and the letter to the resident should

be sent. Heidi Pickard states this is in her neighborhood. David Carbone, Brendon Carroll, and Bob McHale will visit the property.

- m. [Not on Agenda] Barbara Nichols' Resignation. Brendon Carroll motions to accept Barbara Nichols' resignation letter with regret, David Carbone seconds. Vote: all in favor; motion carries.

12. Board of Supervisors' Report

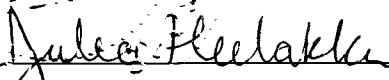
- a. Brendon Carroll asks if there is a discrimination lawsuit against the fire company, and if the township has any legal or financial responsibilities. Ed Tutrone states there is a lawsuit in progress, and it is being handled by the insurance company. Former Township Manager John Jablowski was told the day the paperwork was received, and was asked to inform the Board.
- b. Ralph Gundrum asks about Pocono Township and sewer capacity. Jonathan Reiss replies he heard from Pocono Township's solicitor today, and a letter will be sent tomorrow.
- c. Jeanine Hofbauer states PMREMS received 564 calls in September, and 4,965 year-to-date. Tobyhanna Township had 118 calls in September, a 4% increase. Saturday is the Chili Cook Off, next Saturday is the annual Halloween party, and Breakfast with Santa is in December.
- d. Amanda from Pocono Motor Sports asks the status golf cart guy. Barbara Nichols states he appealed the decision, and the hearing is on the 30th of this month. Heidi Pickard motions to authorize the solicitor to represent the township at the ZHB hearing on October 30th at 5:00PM, Brendon Carroll seconds. Barbara Nichols states the owner is doing a lot joinder to mitigate the fence problem. Vote: all in favor; motion carries.
- e. June Schott asks that the speed limit by the Pocono Pines Post Office be reduced. Anne Lamberton explain SR 940 is a state route, so the Board can ask for letters of support and send the request to PennDOT. The Board discusses the Bike & Hike Trail.
- f. Anne Lamberton asks Autumn Canfield to research 3rd party zoning firms. Heidi Pickard motions to appoint Matthew Helbers Interim Zoning Officer. The Board will enter Executive Session shortly to discuss this.
- g. Ed Tutrone asks if a 10x10 LED political sign is allowed if the township has no regulations for political signs in Tobyhanna Township. Jonathan Reiss states a sign with electricity requires a building permit. Signs may be placed on the person's property or on other property with permission, but not in the right-of-way.
- h. The Board enters Executive Session at 7:27PM to discuss the appointment of an interim zoning officer. Julia Heilakka takes over as recording secretary. The Board returns from Executive Session at 7:32PM.

- i. Heidi Pickard motions to appoint Matthew Helbers as interim Zoning/Code Enforcement Officer, effective October 25th, and to discuss tomorrow for additional salary at the budget meeting, David Carbone seconds. Vote: all in favor; motion carries.

13. Brendon Carroll motions to adjourn; meeting adjourned at 7:55PM.

Minutes recorded by Matthew Helbers and Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary