

**A G E N D A**  
**Board of Supervisors**  
**Regular Business Meeting 6:00 PM**  
**September 17, 2019**

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements: Fall Fest, Saturday, September 28, 2019 - Noon to 4:30pm  
August 27, 2019 9:05am-9:50am Executive Session for real estate & potential litigation  
September 10, 2019 8:00am-9:30am Executive Session for personnel
4. Consider the Minutes of: August 7, 2019 Work Session  
August 20, 2019 Regular Business Meeting  
August 27, 2019 Work Session
5. Treasurer's Report for August 2019
6. Bill Pack Total - \$ 1,374,859.96
7. Solicitor Report: **Public Hearing** for Proposed Transient Retail Ordinance  
**Consider adopting Ordinance No. 554 Transient Retail Ord. Amendment**  
  
**Public Hearing** for Proposed Sewer Ordinance Amendment  
**Consider adopting Ordinance No. 555 Sewer Ordinance Amendment**
  - Proposed Zoning Ordinance Amendment [fireworks sales] - Authorize to advertise for a Public Hearing
  - Proposed Zoning Ordinance Amendment changing MUTCD to TDP District- Authorize to advertise for a Public Hearing
  - Authorize Zoning Officer to pursue legal action
  - Discuss Solicitor representation at tax assessment appeals
8. **Old Business:**
  - Consider letters of interest for two vacancies on the Economic Development Authority
  - Discuss Kalahari Agreement amendments
9. **New Business:**
  - A. Parks Master Site Plan Presentation by Ed Black
  - B. Consider 2019 Tree Trimming/Tree Removal Services Bids
  - C. Consider 2019-2020 Equipment Rental (Winter operations) Bids
  - D. Fiscal Year 2020 Minimum Municipal Obligation to the Township of Tobyhanna Non-Uniformed Employees Pension Plan
  - E. Consider speed limit reduction request to PennDOT
  - F. Ratify Hanna's Farm Market [Sitework] - Financial Security Reduction No.1
  - G. Pennoni Change of Scope #2- Long Range Transportation Feasibility Study & Point of Access Study
  - H. Penn Strategies/Jason Fitzgerald Contract renewal
  - I. Review Keswick Pointe's request for dedication of roads
  - J. Consider TTVFC request for time extension to submit eligible members list for tax credit
  - K. Consider Exeter Blakeslee Lot 100 Land, LLC [Sitework] - Financial Security Reduction No. 4
  - L. Consider Exeter Blakeslee Lot 110 Land, LLC [Sitework] - Financial Security Reduction No. 1
  - M. Consider T & M Associates Task Orders for Sewer District #1 Service Agreement
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 17, 2019

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The September 2019 Regular Business Meeting of the Tobyhanna Township Board of Supervisors (“Board”) was held on September 17, 2019, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Supervisors Anne Lamberton, John Holahan, III, Heidi A. Pickard, Brendon Carroll, David Carbone, Assistant Township Manager Autumn Canfield, and Solicitor Jonathan J. Reiss, Esq. are 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. Fall Fest will be held on Saturday, September 28, 2019 from 12:00PM to 4:30PM in Blanche Price Park.
  - b. The Board held an Executive Session on August 27, 2019 from 9:05AM to 9:50AM to discuss real estate and potential litigation.
  - c. The Board held an Executive Session on September 10, 2019 from 8:00AM to 9:30AM to discuss personnel.
  - d. The Board held an Executive Session on September 17, 2019 from 5:00PM to 6:00PM to discuss personnel.
4. Minutes
  - a. Brendon Carroll motions to approve the August 7, 2019 Work Session minutes and the August 20, 2019 Regular Business Meeting minutes, David Carbone seconds. Vote: all in favor; motion carries.
5. Treasurer’s Report
  - a. Heidi Pickard motions to approve the August 2019 Treasurer’s Report, John Holahan seconds. Vote: all in favor; motion carries.
6. Bill Pack
  - a. Heidi Pickard motions to approve the bill pack in the amount of \$1,374,859.96, David Carbone seconds. Heidi Pickard states this one is unusually high due to the payment for the paving project. Vote: all in favor; motion carries.
7. Solicitor’s Report

- a. Public Hearing for Proposed Transient Retail Ordinance. Jonathan Reiss states this gives provisions for ice cream trucks, modernizes the existing transient retail business ordinance, and brings it into compliance with recent case law regarding peddling and soliciting. John Holahan motions to open the public hearing, Heidi Pickard seconds. Vote: all in favor; motion carries. There is no public comment. John Holahan motions to close the public hearing, Brendon Carroll seconds. Vote: all in favor; motion carries.

John Holahan motions to adopt Ordinance No. 554: Transient Retail Ordinance Amendment, Brendon Carroll seconds. Vote: all in favor; motion carries.

- b. Public Hearing for Proposed Sewer Ordinance Amendment. Jonathan Reiss states this will amend the connections ordinance. This has been in progress since the sale of the system and has had input from Aqua and township staff. This is necessary because the current ordinance assumed township ownership of the system. David Carbone motions to open the public hearing, Brendon Carroll seconds. Vote: all in favor; motion carries. There is no public comment. David Carbone motions to close the public hearing, Heidi Pickard seconds. Vote: all in favor; motion carries.

Brendon Carroll motions to adopt Ordinance No. 555: Sewer Ordinance Amendment, David Carbone seconds. Vote: all in favor; motion carries.

- c. Proposed Zoning Ordinance Amendment [fireworks sales] - Authorize to advertise for a Public Hearing. John Holahan motions to advertise the proposed zoning ordinance amendment for a public hearing, Brendon Carroll seconds. Vote: all in favor; motion carries.
- d. Proposed Zoning Ordinance Amendment changing MUTCD to TDP District - Authorize to advertise for a Public Hearing. Jonathan Reiss states the district must be named Tourist Development Project District to comply with the new liquor license transfer law. John Holahan motions to advertise the zoning ordinance amendment for a public hearing, Heidi Pickard seconds. Vote: all in favor; motion carries.
- e. Authorize Zoning Officer to pursue legal action. Jonathan Reiss states the property owner at 421 King Arthur Rd has been sent enforcement notices from the Codes Enforcement Officer for Property Maintenance Code and Zoning violations and has not appealed them. John Holahan motions to authorize the Zoning Officer to pursue legal action, Brendon Carroll seconds. Vote: all in favor; motion carries.
- f. Discuss Solicitor representation at tax assessment appeals. Jonathan Reiss states the township has received notice of three tax assessment appeals involving properties in the township. The Township is party to the hearings as a taxing body and if the Board authorizes, Jonathan Reiss could enter an appearance. John Holahan states he doesn't believe this is necessary. Brendon Carroll motions to authorize Jonathan Reiss to enter an appearance, David Carbone seconds. Mike Erlsten asks what the three properties are. The

Board replies Timothy O'Brien at Lot 65 Wild Pines Drive, Kenneth & Brenda Gassman at 1160 Deer Run, and John Nasr at Lot 10 Miller Drive. Vote: Brendon Carroll, David Carbone, Heidi Pickard, and Anne Lamberton in favor; John Holahan opposed; motion carries.

## 8. Old Business

- a. Consider letters of interest for two vacancies on the Economic Development Authority. Autumn Canfield asks the Board to specify which position they appoint to as there are different end dates. John Holahan motions to appoint Mike Erlsten to the Economic Development Authority for the term expiring December 2019, Brendon Carroll seconds. David Carbone motions to appoint Mike Christian to the Economic Development Authority for the term expiring December 2020, Brendon Carroll seconds. Heidi Pickard asks if the issue with the bylaws has been remedied. Anne Lamberton replies yes. Vote: all in favor, motion carries.
- b. Discuss Kalahari Agreement Amendments. Jonathan Reiss advises the Board to table this. David Carbone motions to table this item, Brendon Carroll seconds. Vote: Brendon Carroll, David Carbone, Heidi Pickard, and John Holahan in favor; Anne Lamberton abstains; motion carries.

## 9. New Business

- a. Parks Master Site Plan Presentation by Ed Black. Ed Black presents proposals for Blanche Price Park, Locust Ridge Ballfield, and Keiper Park. Proposed uses for Blanche Price Park include Frisbee golf, an upgraded playground area including special needs play, additional trails, musical instrument play, new basketball courts, a maze, repairing the tennis courts, adding a handball wall, adding a pickle ball court, converting the bathhouse into a public restroom, adding drainage to the second ballfield, converting one building to an open air lodge, and renovating the main lodge. Kelly Hixon asks if the lodge renovations will include winterizing. Ed Black replies no, just repairs. David Carbone states it can be discussed with the committee. Sam Keiper asks for clarification on the open air lodge. Ed Black replies it will have rolling doors.

Proposed uses for Locust Ridge Ballfield include reducing the current field to a 60 ft. base path, an outfield fence of 8 ft., a dog park, a walking trail, a bike trail, a public restroom, some pavilions, and a playground. George Gallagher asks if the area will be lit. Ed Black states it's not in the proposal but can be added. Ed Tutrone asks for clarification on the public restroom. Ed Black states it will be a pit toilet that will be pumped regularly. Lloyd Vought and Mike Erlsten express concern over the size of the ballfield. Tom Campson asks if there is strong interest in a dog park. Ed Black replies it was one of the top requests.

Proposed uses for Keiper Park include a splash pad, fenced pool, walking and biking trail with fitness stations, soccer/football field with bleachers and player benches, updating the playground, expanding the parking lot, a combined bathhouse and public restroom, pavilions, and a pump track across the road. Kelly Hixon asks if the existing concession stand will remain. Ed Black replies yes. David Carbone states the committee had discussed updating the stand and possibly getting it running water. Brendon Carroll states that would make the well subject to DEP regulations concerning public water. Kelly Hixon expresses concern with security around the proposed pump track. Joe Colyer asks for the softball field to be lit to increase the hours the girls can play. Mike Erlsten expresses support for the soccer field and pool. Stanley Menking asks about the layout of the pool. Ed Black states a 25-meter, six-lane pool with attached diving well is proposed.

David Carbone states the committee will meet to discuss this further. Mike Erlsten asks the width of the walking trails. Ed Black replies 8 feet. George Gallagher asks about the phasing of the projects. Ed Black states it is not yet decided.

- b. Consider 2019 Tree Trimming/Tree Removal Services Bids. Autumn Canfield states the township received one bid from KC Tree Service including the additional item. The total for both is under the \$60,000 budgeted. John Holahan motions to approve the bid with the additional, Heidi Pickard seconds. Lance Mirkin asks why this isn't being rebid if the township only received one. Autumn Canfield states the last time this was bid out the township received no bids. Anne Lamberton states the work is entirely in Camelot Forest. Vote: all in favor; motion carries.
- c. Consider 2019-2020 Equipment Rental (Winter Operations) Bids. Autumn Canfield states the township received one bid from H&K and it is the same bid as last year for the same amounts. The bid was received late by a little over an hour, so the Board will need to waive the irregularity. John Holahan motions to approve the bid and waive the irregularity, David Carbone seconds. Vote: all in favor; motion carries.
- d. Fiscal Year 2020 Minimum Municipal Obligation to the Township of Tobyhanna Non-Uniformed Employees Pension Plan. Anne Lamberton states the amount is \$44,135.
- e. Consider speed limit reduction request to PennDOT. John Holahan motions to proceed with the request for speed limit reduction, Heidi Pickard seconds. Brendon Carroll states Chief Wagner has agreed to write a letter of support. Tom Campson asks what road this is for. Anne Lamberton states SR 940 from Tanglewood to the PNC Bank in Pocono Pines. Sam Keiper asks what the proposed speed limit is. Autumn Canfield states 40 miles per hour. Brendon Carroll states they'd also like to vacate the passing zone. The crowd states the area is already double lined.
- f. Ratify Hanna's Farm Market [Sitework] - Financial Security Reduction No. 1. John Holahan motions to approve the financial security reduction, Heidi Pickard seconds.

Vote: David Carbone, Heidi Pickard, John Holahan, and Anne Lamberton in favor; Brendon Carroll abstains, stating he has a conflict; motion carries.

- g. Pennoni Change of Scope #2 - Long Range Transportation Feasibility Study & Point of Access Study. John Holahan states this is an increase of \$19,000 to the scope of the work. John Holahan motions to approve the change of scope, Heidi Pickard seconds. Vote: all in favor; motion carries.
- h. Penn Strategies/Jason Fitzgerald Contract Renewal. Jason Fitzgerald states his current contract can be extended on a monthly basis until the Board settles other matters. John Holahan motions to proceed with the current contract on a monthly basis, David Carbone seconds. Vote: all in favor; motion carries.
- i. Review Keswick Pointe's request for dedication of roads. Autumn Canfield states the staff recommends the Board not accept the dedication based on precedent and implications on the budget. Brendon Carroll asks if anyone has researched the final PRD approval. Autumn Canfield states the PRD approval states the Township shall not be obligated to accept the dedication of roads and is in line with the current zoning ordinance. There is nothing in the development agreement stating that the Township shall accept dedication of roads either. Sam Keiper asks if the roads were inspected and built to township standards. Brendon Carroll states the roads are just base paving. Joe Colyer asks if the Township knows about the quality of the base fill. Jonathan Reiss states the specifications on the plans were pursuant to the Township roadway specifications. Sam Keiper states Pinecrest roads were inspected and normally roads within PRDs are not taken by townships. Brendon Carroll states he believes more research should be done before making a decision. John Holahan states he doesn't believe that is necessary.  
  
John Holahan motions to reject the road dedication, Heidi Pickard seconds. Mike Erlsten asks if the roads are up to specification with current township standards as opposed to standards 13 years ago. Brendon Carroll states the standards cannot be raised from what was approved. Vote: David Carbone, Heidi Pickard, John Holahan, and Anne Lamberton in favor; Brendon Carroll opposed; motion carries.
- j. Consider TTVFC request for time extension to submit eligible members list for tax credit. David Carbone motions to waive the time period to submit for the calendar year 2018 until October 15<sup>th</sup>, 2019, Heidi Pickard seconds. Rachel Schickling asks if this benefit will be extended to Pocono Summit if they are reinstated. Anne Lamberton replies yes. Vote: all in favor; motion carries.
- k. Consider Exeter Blakeslee Lot 100 Land, LLC [Sitework] - Financial Security Reduction No. 4. John Holahan motions to approve the financial security reduction, Heidi Pickard seconds. Vote: all in favor; motion carries.

- l. Consider Exeter Blakeslee Lot 110 Land, LLC [Sitework] - Financial Security Reduction No. 1. John Holahan motions to approve the financial security reduction, Heidi Pickard seconds. Vote: all in favor; motion carries.
- m. Consider T & M Associates Task Orders for Sewer District #1 Service Agreement. Autumn Canfield states there are three task orders and Kalahari has raised concerns over who would be paying for them. John Holahan states Kalahari will. Anne Lamberton states the task orders are not to exceed \$12,000 for the first, \$8,538 for the second, and \$3,995 for the third. Jonathan Reiss states once the agreement gets amended, these items should be put into a rate structure. Brendon Carroll motions, David Carbone seconds. Vote: Brendon Carroll, David Carbone, Heidi Pickard, and John Holahan in favor; Anne Lamberton abstains; motion carries.

#### 10. Board of Supervisors' Report

- a. Brendon Carroll motions to appoint Autumn Canfield interim manager for a 60-day time period, David Carbone seconds. Vote: all in favor; motion carries.
- b. Autumn Canfield states the Board recently signed a letter of support for an LSA grant for PMREMS. Clymer Library is asking for a similar letter for repairs and equipment. The Board agrees by consensus to send a similar letter.
- c. Barbara Nichols states the north side of Summit Avenue has been proposed to be part of the village commercial district. Some properties are part of Stillwater Lake Civic Association and some properties are part of the Fielding-Campbell Subdivision leaving only 8 noncontiguous properties qualified to be part of the village commercial district. Anne Lamberton states the property owners should be notified and the current road plan makes the prior proposed commercial area moot. The Board advises Barbara Nichols to move forward on the zoning map changes.
- d. Heidi Pickard asks if there has been any motion on setting up a work session to discuss short-term rentals. Autumn Canfield states there are proposed dates, she just needs availabilities from the Board.

#### 11. Public Comment

- a. Tom Campson asks about the trucking business on Long Pond Road. Barbara Nichols states they have been issued a cease and desist notice and there is currently a Zoning Hearing Board hearing scheduled for October 24<sup>th</sup>, 2019.
- b. Lance Mirkin states there is a person on SR 940 who sells trucks and golf carts out of a residential property. The person has no business license and there are other civil matters. Lance Mirkin believes the Zoning Officer is practicing selective enforcement and violated his tenant's civil rights. During a visit to the Township office, he felt threatened. John Holahan states Lance Mirkin was out of line when he visited the Township office.

Barbara Nichols states the use as a business is difficult to prove. Anne Lamberton states Jonathan Reiss will review the matter and the township will find a way to address the matter.

Lance Mirkin states appointing Autumn Canfield interim manager was a good decision.

- c. Lloyd Vought asks about the progress of enforcement at a property on King Arthur Road. Jonathan Reiss states it is in the courts and explains the enforcement process. Lloyd Vought asks if the Township is able to clean up the property. Jonathan Reiss states there is a process by which it can be done, but it is long.
- d. Kelly Hixon states the Women's Guild of Salem UCC soup sale fundraiser ends the same day as Fall Fest. The Guild supports the backpack buddy program, which sends food home for struggling families.
- e. Tom Campson asks for clarification on the change of meeting times.
- f. Rachel Schickling asks about the Bartell property on Sullivan Trail. Barbara Nichols states the business has been there for some time and has been allowed to operate, which causes enforcement issues. Rachel Schickling asks if they have DEP permits. Barbara Nichols states she does not know. Rachel Schickling asks about the Weirich property. Barbara Nichols states the Weirich property was commercial some time ago. The Board directs Barbara Nichols to investigate the properties. Joe Colyer states there are trucks making deliveries to the properties from New York and New Jersey. Rachel Schickling states the flooding in the area is a result of these operations.
- g. Ed Tutrone states PMREMS has done 136 calls for Tobyhanna Township in August, which brings the year to date up to 941 calls. This number is up 5.3%. There were 612 calls throughout the entire coverage area in August which is a record high.

12. Brendon Carroll motions to adjourn. Meeting adjourned at 7:55PM.

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Minutes recorded by Matthew Helbers

Respectfully submitted:

  
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Julia Heilakka, Township Secretary