

AGENDA

**Tobyhanna Township
Economic Development Authority
December 4, 2019
6:00 PM**

1. Call Meeting to Order: John Holahan, Chair
2. Pledge of Allegiance
3. Announcements
4. Minutes
 - a. October 2, 2019, Regular Meeting
5. Bill Pack - \$314.39
6. Solicitor's Report
7. Old Business
8. New Business
 - a. Discuss Pocono Springs/PIL Development
 - b. Proposed PIL Map
9. Public Comment
10. Adjournment

THE TOBYHANNA TOWNSHIP ECONOMIC DEVELOPMENT AUTHORITY
REGULAR BUSINESS MEETING
DECEMBER 4, 2019

The December 2019 Regular Business Meeting of the Tobyhanna Township Economic Development Authority was held on December 4, 2019, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present are Commissioners John Holahan, III, Anne Lamberton, Mike Erlsten, Mike Christian by phone, Assistant Township Manager Autumn Canfield, and Solicitor Jack Dean. William Van Gilder is not present.

1. The Pledge of Allegiance is recited.
2. Chair John Holahan calls the meeting to order at 6:00PM. A quorum is present.
3. Announcements – none.
4. Roll Call
 - a. Anne Lamberton, Mike Erlsten, John Holahan, and Mike Christian (by phone), and Jack Dean, Solicitor, are present.
 - b. It is established that the audience can hear Mike Christian, and Mike Christian can hear the audience.
5. Minutes
 - a. Anne Lamberton motions to accept the meeting minutes for the November 6, 2019 Regular Business Meeting, Mike Erlsten seconds. Mike Christian discusses a change that should be made in the last paragraph related to zoning map changes. Anne Lamberton and Mike Erlsten amend their motion and second to include the change. Vote: all in favor; minutes accepted.
6. Bill Pack
 - a. Julia Heilakka states there are three bills: one from Grim, Biehn & Thatcher for \$82.50, one from PPL for \$50.52, and one from Santarelli & Sons for \$181.37. Anne Lamberton motions to approve bills, Mike Erlsten seconds. Vote: all in favor; motion carries.
7. Solicitor's Report
 - a. Response for Questions Posed. Jack Dean states he issued a memo, which should not be discussed here because it is legal advice. The Authority is covered under the township's D&O policy for probably \$1 million per occurrence.

- b. Developer's Agreement. Jack Dean states they should have a very rough draft of a developer's agreement within ten days. It will be circulated soon.
8. Old Business – none.
 9. New Business
 - a. Pocono Spring PIL Development. Jack Dean states a conference call a few weeks ago gave attendees direction. The Authority discusses PMEDC's involvement and who attended the conference call.
 - b. Proposed PIL Map. Autumn Canfield presents the new proposed PIL map, and provides uses for each property. The Authority discusses that the flour mill may not be in the PIL, but everything excepting that property should stay.
 - c. Review of Draft Presentation and [Item D] Mechanics of PIL. The Authority discusses waiting until all members are physically present to discuss the mechanics of the PIL. The Authority discusses expanding the current district by resolution. Autumn Canfield states we need more information before we talk with property owners. The Authority discusses collecting the levy based on gross revenues or sales tax, and how to make the levy fair for all businesses in the district. Jack Dean states there could be a payment in lieu of. The Authority discusses how to fairly implement a PIL for businesses that offer both taxable items and services. Jack Dean will check if the levy can be split between collecting on sales tax and gross revenue.

Ralph Gundrum cautions that an insurance agent may sell something in their office that's taxable to avoid the tax on their service. Anne Lamberton asks about the premier resort tax in Wisconsin. Ralph Gundrum states the premier resort tax is based on sales tax and is imposed on the entire area and items shipped into the area. Pocono Township plans to impose a 5% tax on ticket sales. Tobyhanna Township must build a collection system that Wisconsin Dells didn't; the state collects and distributes the premier resort tax. The Authority discusses differences in taxable items between Pennsylvania and Wisconsin and the potential burden of delineating taxes for businesses. The Authority discusses how projects do not have to physically exist in the district as long as they benefit the district.

The Authority summarizes the required tasks for next meeting: Jack Dean will determine if a tiered levy is allowed, and the Authority must determine what will be levied before they reach out to property owners. Mike Christian leaves at 6:33PM.

Rachel Schickling asks how the levy will be fair across the township and expresses concerns over the burden it will place on businesses. John Holahan replies part of the funds collected will be reimbursed to owners to offset collection costs. Autumn Canfield states the Authority must consider if the levy will be imposed on property owners and/or businesses that lease space. The Authority discusses using sales tax because companies already have a mechanism in place to navigate sales tax, and that there are companies that

could collect the levy. Ralph Gundrum thinks the original estimate for Kalahari's revenues was on all three properties Kalahari owns. The Authority discusses how to collect a fair share from all businesses in the area, a payment in lieu of, a tiered structure, and taxable items in Pennsylvania.

The Authority discusses the influence businesses would have over what projects the Authority spends the PIL money on, and how the Authority must own or lease the property being improved. Jack Dean clarifies that the improvements are designed to benefit the district. The Authority decides they must figure out their own process for the levy before they move forward.

10. Commissioners' Report – none.

- a. Autumn Canfield states the reorganizational meeting is Monday, January 6, 2020 at 6PM. The Board of Supervisors meets on the first Monday of the New Year, and the Board of Auditors meets on the first Tuesday.
- b. Autumn Canfield states regular meetings are the first Wednesday of each month except January, which is right after the reorganizational meeting.
- c. Ralph Gundrum states Pocono Township is meeting with BCRA next week. The Authority discusses sewer requirements for Kalahari and Pocono Springs - Phase 1 and how the levy may help.

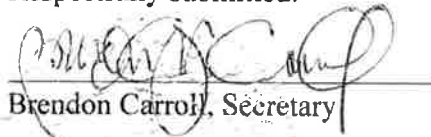
11. Public Comment

- a. Ralph Gundrum asks for copies of the proposed map and presentation, and states the Authority has a very tough job because of the disparity of needs between Pocono Springs, Kalahari, and small businesses. If the Authority would like a separate meeting with Kalahari, he is willing to accommodate. The Authority directs Autumn Canfield, two authority members, and Jack Dean to meet with Kalahari on January 7th or 8th.

12. Anne Lambertson motions to adjourn, John Holahan seconds. Vote: all in favor; meeting adjourned at 7:07PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:


Brendon Carroll, Secretary