

**A G E N D A**  
**Board of Supervisors**  
**Regular Business Meeting**  
**November 19, 2019**

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: September 16, 2019 Work Session  
October 2, 2019 8:00AM Budget Meeting & 8:30AM Work Session  
October 15, 2019 Regular Business Meeting  
October 16, 2019 9:00AM Short Term Rental Mtg. & 6:00PM Budget Mtg.  
October 30, 2019 Budget Meeting  
November 6, 2019 Work Session
5. Treasurer's Report for October 2019
6. Bill Pack Total -\$678,053.52
7. Solicitor Report: **Public Hearing**-Proposed Ordinance-amending Chapter 9 Fire Companies  
**Consider adopting Ordinance No. 558 amending Chapter 9 Fire Companies**
  - Solicitor representation at tax assessment appeals
  - Discuss LD procedural waiver process
  - Zoning Ordinance update
  - Authorize J. Reiss to draft amendment to Temp. Aquifer Testing & Access Agreement with PMSD
  - Authorize to send TDP District Ordinance to MCPC and TTPC then advertise public hearing
8. **Old Business:** Consider amending motion at 10/15/19 RBM for truck purchase amount
9. **New Business**
  - A. Proclamation for St. Maximilian Kolbe Church Choir
  - B. Tobyhanna Elementary Center faculty & staff - Old Route 940 adopt a highway sign
  - C. American Red Cross "Run for the Red" Marathon - Sunday, May 17, 2020
  - D. Consider T & M Engineering increase to Task Order 2019-02 [\$12,000 to \$20,000]
  - E. PMIHC Agreement amendment
  - F. Resolution 2019-019 authorize the destruction of specific records
  - G. Resolution 2019-020 appoint interim Zoning Officer
  - H. Resolution 2019-021 appoint interim Code Enforcement Officer
  - I. Consider reinstating PSVFC and Resolution 2019-022 recognizing Fire Companies
  - J. RSPS Vacation Ventures, LP, Rt.940 Pocono Lake TM#19/16/1/40-request for release of escrow
  - K. Hanna's Farm Market [sitework] - request for release of financial security
  - L. Pinecrest Lake Community Trust Wetland Easement
  - M. Pinecrest Lake PRD Phase 2 Section 3 paving-requesting a waiver of financial security maintenance period
  - N. Stephen Kowalchik 398 Mountaintop Rd. requesting 2% discount for 2019 Twp. real property tax
  - O. RKR Hess Change of Scope #2 - Act 537 Sewage Plan Route 940 Commercial Corridor Special Study
  - P. PMSD Proposed Multi-Purpose Turf Field Bleachers-request for waiver of land development
  - Q. Consider well isolation waiver request -Brent Vaartstra, 5160 Pine Tree Lane, TM#19/4B/1/98
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  
NOVEMBER 19, 2019

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The November 2019 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on November 19, 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, Solicitor Jonathan J. Reiss, Esquire by phone, and Assistant Manager Autumn Canfield.

Chair Anne Lamberton calls the meeting to order at 6:00PM. A quorum is present.

1. The Pledge of Allegiance is recited.
2. Announcements
  - a. The Board held an Executive Session from 5-6PM regarding personnel.
3. Minutes
  - a. John Holahan motions to approve the minutes of the September 16, 2019 Work Session, October 2, 2019 Budget Meeting, October 2, 2019 Work Session, October 15, 2019 Regular Business Meeting, October 16, 2019 Short Term Rental Work Session, October 16, 2019 Budget Meeting, October 30, 2019 Budget Meeting, and November 6, 2019 Work Session without reading them; Brendon Carroll seconds. Vote: all in favor; motion carries.
4. Treasurer's Report
  - a. Heidi Pickard motions to accept the Treasurer's Report for October 2019, Brendon Carroll seconds. Vote: all in favor; motion carries.
5. Bill Pack
  - a. Heidi Pickard motions to approve the bill pack at \$678,053.52, David Carbone seconds. Vote: all in favor; motion carries.
6. [NB – Item A] Proclamation for St. Maximilian Kolbe Church Choir. Anne Lamberton reads the proclamation aloud. John Marcinkowski accepts the proclamation.
7. Solicitor's Report
  - a. Public Hearing – Proposed Ordinance – Amending Chapter 9 Fire Companies. Brendon Carroll motions to open the hearing, Heidi Pickard seconds. Vote: all in favor; hearing is open. Jonathan Reiss explains this ordinance amends the fire company and commission

ordinance. It would recognize fire companies by resolution instead of ordinance. It also clarified seats on the Fire Commission and prohibits active firefighters from serving on the commission. John Holahan motions to close the hearing, David Carbone seconds. Vote: all in favor; hearing is closed. John Holahan motions to adopt Ordinance No. 558, David Carbone seconds. Vote: all in favor; motion carries.

- b. [Item NB – I] Resolution 2019-022. Jonathan Reiss suggests adopting Resolution 2019-022 at this time, to name Tobyhanna Township Volunteer Fire Company (TTVFC) and Pocono Summit Volunteer Fire Company (PSVFC) as providers. John Holahan motions to adopt Resolution 2019-022, David Carbone seconds. The Board decides to add Pocono Mountain Volunteer Fire Company (PMVFC); John Holahan and David Carbone amend their motion and second to include PMVFC. Vote: all in favor; motion carries.

Mike Erlsten asks if PSVFC will need to provide quarterly statements. Jonathan Reiss explains the ordinance requires a budget, an account of monies received from the township, and financial statements. David Carbone states PSVFC will be on probation for 1 year and will give the Board quarterly reports.

Ed Tutrone states giving PMVFC primary coverage will affect their workmen's compensation. John Holahan motions to rescind the prior vote that included PMVFC in Resolution 2019-022, David Carbone seconds. Vote: all in favor; motion carries.

David Carbone motions to adopt Resolution 2019-022, John Holahan seconds. Vote: all in favor; motion carries.

David Carbone motions to place PSVFC on a one-year probation and require quarterly reports for that year, John Holahan seconds. Vote: all in favor; motion carries.

- c. Solicitor representation at tax assessment appeals. Jonathan Reiss presents appeals; his office is not entering an appearance. The Board maintains to not enter any appearances.
- d. Discuss LDP waiver process. The Board discusses confusion over the LDP waiver. The Board decides the zoning staff should create a checklist so people know what they need to do for the waiver process.
- e. Zoning Ordinance update. Autumn Canfield explains this relates to towing. Joe Colyer asks to review the documents.
- f. Authorize J. Reiss to draft amendment to Temporary Aquifer Testing & Access Agreement with PMSD. Heidi Pickard motions to approve, David Carbone seconds. Vote: all in favor; motion carries.
- g. Authorize to send TDP District Ordinance to MCPC and TTPC, then advertise public hearing. Heidi Pickard motions to authorize, John Holahan seconds. Vote: all in favor; motion carries.

- h. WCF Zoning Ordinance Amendment. Jonathan Reiss explains the MCPC had no substantive comments. John Holahan motions to authorize for a public hearing, Brendon Carroll seconds. Vote: all in favor; motion carries.

8. Old Business

- a. Consider amending motion at 10/15/19 RBM for truck purchase amount. Brendon Carroll states he misquoted the price. Autumn Canfield explains since that meeting, staff has asked for consideration on a warranty and undercoating. The new cost is \$164,160. John Holahan motions to approve, Heidi Pickard seconds. Vote: all in favor; motion carries.

9. New Business

- a. Proclamation for St. Maximilian Kolbe Church Choir. [See Item 6].
- b. Tobyhanna Elementary Center faculty & staff - Old Route 940 adopt a highway sign. Autumn Canfield states TEC is asking for the township's help with installation and trash disposal. John Holahan motions to proceed, Heidi Pickard seconds. Vote: all in favor; motion carries.
- c. American Red Cross "Run for the Red" Marathon – Sunday, May 17, 2020. Anne Lamberton announces the event. [See NB - R].
- d. Consider T & M Engineering increase to Task Order 2019-02 [\$12,000 to \$20,000]. John Holahan motions to approve, Heidi Pickard seconds. Vote: all in favor; motion carries.
- e. PMIHC Agreement amendment. Autumn Canfield states this is moot because the insurance company received enough responses, but there is a signature required so we can receive the summary of benefits coverage. John Holahan motions to sign, Heidi Pickard seconds. Vote: all in favor; motion carries.
- f. Resolution 2019-019 authorize the destruction of specific records. John Holahan motions to approve, Heidi Pickard seconds. Vote: all in favor; motion carries.
- g. Resolution 2019-020 appoint Interim Zoning Officer. Heidi Pickard motions to approve Resolution 2019-020 with an alternate of Bureau Veritas, David Carbone seconds. Vote: all in favor; motion carries.
- h. Resolution 2019-021 appoint Interim Code Enforcement Officer. Heidi Pickard motions to approve Resolution 2019-021 with an alternate of Bureau Veritas, David Carbone seconds. Vote: all in favor; motion carries. Brendon Carroll motions to approve Bureau Veritas's proposal at \$45/hr for zoning and \$35/hr for administration as needed, David Carbone seconds. Vote: all in favor; motion carries.

- i. Consider reinstating PSVFC and Resolution 2019-022 recognizing Fire Companies. [See SR - B].
- j. RSPS Vacation Ventures, LP, Rt.940 Pocono Lake TM#19/16/1/40- request for release of escrow. Autumn Canfield states Mr. Rickert requested the release of his \$1,246 escrow because he is not moving forward with development. John Holahan recuses himself. Heidi Pickard motions to release the escrow, Brendon Carroll seconds. Vote: Anne Lamberton, Heidi Pickard, Brendon Carroll, and David Carbone in favor; John Holahan abstains because of a business relationship with Mr. Rickert: motion carries.
- k. Hanna's Farm Market [site work] – request for release of financial security. Heidi Pickard motions to release, David Carbone seconds. Vote: Brendon Carroll abstains because of a financial interest; David Carbone, Heidi Pickard, John Holahan, and Anne Lamberton in favor: motion carries.
- l. Pinecrest Lake Community Trust Wetland Easement. Autumn Canfield states the township received favorable news; Brendon Carroll provided a letter stating he is willing to enter a wetland easement. Heidi Pickard motions to authorize Jonathan Reiss to proceed, David Carbone seconds. Vote: all in favor; motion carries.
- m. Pinecrest Lake PRD Phase 2 Section 3 paving - requesting a waiver of financial security maintenance period. Autumn Canfield states Pinecrest is asking for a waiver of the maintenance period because they are the ones responsible for maintenance. David Carbone motions to release, John Holahan seconds. Vote: Brendon Carroll abstains; David Carbone, Heidi Pickard, John Holahan, and Anne Lamberton in favor: motion carries.
- n. Stephen Kowalchik 398 Mountaintop Rd. requesting 2% discount for 2019 Twp. real property tax. John Holahan recuses himself because Stephen is one of his clients. Autumn Canfield reads Section 7 of the Local Tax Collection Law. Heidi Pickard motions to deny the request, Brendon Carroll seconds. Vote: Anne Lamberton, Heidi Pickard, Brendon Carroll, and David Carbone in favor; John Holahan abstains: motion carries.
- o. RKR Hess Change of Scope #2 – Act 537 Sewage Plan Route 940 Commercial Corridor Special Study. Heidi Pickard motions to approve, David Carbone seconds. The Board discusses narrowing the scope of the project. Vote: all in favor; motion carries.
- p. PMSD Proposed Multi-Purpose Turf Field Bleachers – request for waiver of land development. John Holahan motions to grant the waiver, David Carbone seconds. The Board discusses the project and explains that Bill Burton and Bob McHale have reviewed the project. Vote: all in favor; motion carries.
- q. Consider well isolation waiver request – Brent Vaartstra, 5160 Pine Tree Lane, TM#19/4B/1/98. John Holahan motions to grant the waiver, Heidi Pickard seconds. Vote: all in favor; motion carries.

- r. [Return to Item C] Autumn Canfield states the Red Cross is asking for permission to use the highway. Heidi Pickard motions to approve, John Holahan seconds. Vote: all in favor; motion carries.

10. Board of Supervisors' Report – none.

11. Public Comment

- a. Denise Doremus states PMREMS's call volume is rising. This year they've received 5,503 calls, 1,168 of which were in Tobyhanna Township. Breakfast with Santa is December 21<sup>st</sup> at PMVFC on SR 611.
- b. Juliet Dunham states Clymer Library is in their second annual fund drive. They hope to raise \$5,000 before December 31<sup>st</sup>. Gifts given on Tuesday, December 3<sup>rd</sup> will be matched up to \$1,500.
- c. Juliet Dunham states the Pocono Lions are selling calendars.
- d. Juliet Dunham thanks the Board for the outstanding professional expertise and focus demonstrated at the short-term rental work session.
- e. Ed Tutrone asks if Brendon Carroll plans to resign from the Board because his home is under contract. Brendon Carroll replies he doesn't plan on leaving the township; he does not live in Stroud Township.
- f. Heidi Pickard states the Jubilee is fundraising for Five Loaf House on December 11<sup>th</sup>.

12. John Holahan motions to adjourn, Heidi Pickard seconds; meeting adjourned at 6:39PM.

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Minutes recorded by Julia Heilakka


Respectfully submitted:

  
Julia Heilakka, Township Secretary

CONFLICT OF INTEREST DISCLOSURE

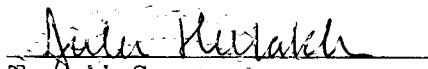
I, BRENON J.E. CARROLL, hereby disclose that I have a conflict of interest with regard to PINECREST LAKE COMMUNITY TRUST. I am unable to vote on; discuss; or participate in any Township action with respect to WETLAND EASEMENT WITH TOBYHANNA TOWNSHIP.

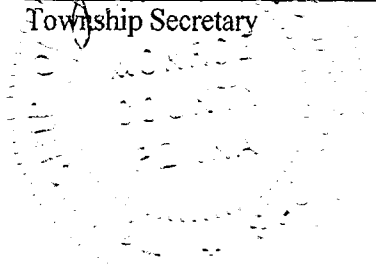
\_\_\_\_\_ because of my relationship with the matter, as follows: I SERVE AS TRUSTEE FOR PINECREST LAKE COMMUNITY TRUST.

  
By:

Dated: 11/19/2019

Received this 19<sup>th</sup> day of November, 2019.

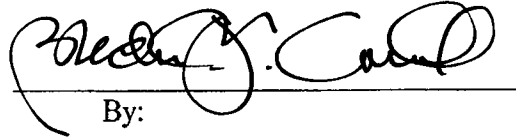
  
Township Secretary



CONFLICT OF INTEREST DISCLOSURE

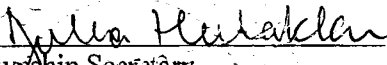
I, BRENDON J.E. CARROLL, hereby disclose that I have a conflict of interest with regard to HANNA'S FARM MARKET. I am unable to vote on; discuss; or participate in any Township action with respect to HANNA'S FARM MARKET

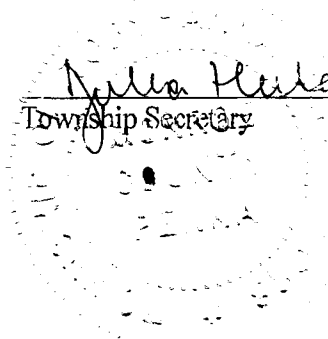
\_\_\_\_\_ because of my relationship with the matter, as follows: CONTRACTOR WHO BUILT BUILDING.

  
By:

Dated: 11/19/2019

Received this 19<sup>th</sup> day of November, 2019.

  
Township Secretary





**CONFLICT OF INTEREST DISCLOSURE**

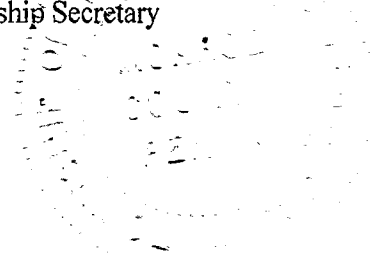
I, John Holdan, hereby disclose that I have a conflict of interest with regard to Kowalchik 2% disc. I am unable to vote on; discuss; or participate in any Township action with respect to

\_\_\_\_\_ because of my relationship with the matter, as follows: Mr. Kowalchik is a client of my company Liberty Homes

[Signature]  
By:  
Dated: 19 November 2019

Received this 19<sup>th</sup> day of November, 2019.

Julia Karkela  
Township Secretary



**CONFLICT OF INTEREST DISCLOSURE**

I, [Signature], hereby disclose that I have a conflict of interest with regard to RSPS. I am unable to vote on; discuss;

or participate in any Township action with respect to Review of Escrow

\_\_\_\_\_ because of my relationship with the matter, as follows: Contractor involved in project

[Signature]  
By: \_\_\_\_\_  
Dated: 19 November 2019

Received this 19<sup>th</sup> day of November, 2019.

[Signature]  
Township Secretary

