

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
FEBRUARY 16, 2021

The February 2021 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on February 16, 2021, via GoToMeeting due to COVID-19 restrictions.

Present are Supervisors John Kerrick, David Carbone, and John Holahan, III are present. Solicitor Jonathan J. Reiss, Esq., Manager Robert Bartal, and Assistant Manager Autumn Canfield are also present. Brendon Carroll arrives at 6:10PM

1. John Kerrick calls the meeting to order at 6:03PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Public Comments on Agenda Items: None.
4. Bill Packs: John Holahan motions to approve Interim Bill Pack #1 in the amount of \$5,104.27, Interim Bill Pack #2 in the amount of \$4,343.00, and the February Bill Pack in the amount of \$420,707.79, for a total of \$430,155.06, David Carbone seconds. Vote: all present are in favor; motion carries.
5. Announcements: John Kerrick states an executive session was held prior to the meeting from 5:45PM to 6:00PM for Contract Negotiation.
6. Treasurer's report: Tabled until Brendon Carroll arrives.
7. Solicitor's Report:
 - a. Discuss Potential MOU with Dunne Manning: Jonathan Reiss reviews the proposed MOU with Dunne Manning. The Board has consensus to send the proposed MOU to Dunne Manning's Representatives.
 - b. Consider MOU with SEPOA: Jonathan Reiss reviews the MOU with SEPOA. John Holahan motions approve and have the Chair sign the MOU, David Carbone seconds. Vote: all present are in favor; motion carries.
 - c. Discuss Zoning Map Changes: Johnathan Reiss reviews the prior meetings and process of the zoning map changes over the past years. He states this was started by the previous Board of Supervisors but has not since been picked up by the new Board. Autumn Canfield states she has started to review a smaller portion of the proposed map changes but has not reviewed the entire project with all new members of the Board and Planning Commission. Jonathan Reiss states a smaller section could be pushed forward prior to the rest of the map. Bob McHale states the smaller section would be the Pocono Summit area near the I-380 project.

Brendon Carrol arrives. John Holahan motions to send the whole draft of the zoning map changes to the Monroe County and Township Planning Commissions, Brendon Carroll seconds. Vote: all in favor; motion carries.
 - d. Removing SALDO Section 135.13.5(5) – (Plan recorded by applicant): Jonathan Reiss states the recording process at the township is breaking down within the last few years. He recommends changing the ordinance to allow for the township to designate staff or the solicitor to perform the recording. John Holahan asks how the recording is accomplished. Jonathan Reiss states it could be done with a carrier, mailed, or electronically submitted. John Holahan motions to draft the

change to the ordinance. Brendon Carroll states the applicant only has to bring back the receipt. Robert Bartal states the staff is having a problem of getting the applicant to bring back the required receipts. Bob McHale states another issue with allowing the applicant to record is you don't necessarily know exactly what they are recording when you receive the receipt. He recommends getting recorded copies along with the receipt. Jonathan Reiss echoes Bob McHale's concerns in regards to what is getting recorded. Brendon Carroll recommends contacting the County and verifying the process for recording. Anne Lamberton states in other townships they require proof of the recorded plans prior to issuing the Certificate of Occupancy. John Holahan withdraws his motion until more information can be collected. Jonathan Reiss reviews what it would cost for his office to record. The Board tables this item for their March Work Session.

(Out of Order Agenda Item) Treasurer's Report: Brendon Carroll reviews the January 2021 Treasurer's Report. David Carbone motions to approve the report, Brendon Carroll seconds. Vote: all in favor; motion carries.

8. Manager's Report:

- a. January 2021 Septic/Zoning Report: Robert Bartal states there were 13 zoning permits issued in January 2020 and 17 issued in 2021. He continues stating there were 5 septic applications in January of 2020 and 10 applications in January 2021.
- b. Long Nyquist/ Penn Strategies Monthly Report: Robert Bartal states the updates have been included in their binders.
- c. Monroe County Request for Polling Place: Robert Bartal review the request from Monroe County to continue using the township as a polling place for the elections. Brendon Carroll motions to approve the request and authorizes Robert Bartal to sign, David Carbone seconds. Vote: all in favor motion carries.

9. DPW Report: Tabled.

10. Old Business:

- a. Consider Memo Prepared by Jonathan Reiss on Zoning amendment for Permit Time Issuance: John Kerrick asks if the staff has still been operating within the 7-day time frame. Robert Bartal states the 7 days is a problem with the zoning operating third party. John Holahan states he wants to move forward with the 15 days. Brendon Carroll still has concerns about the 'holidays' language in the ordinance. Jonatan Reiss states if the Board wanted to clear up that language he would recommend making it reflect 'business' days. Brendon Carroll asks if 10 business days would be suitable. Robert Bartal states he would prefer 15 business days. Brendon Carroll also express concerns about the 'refund of fees' language. David Carbone also has concerns about the refund of fees. Jonathan Reiss states if you remove the refund of fees there is no recourse for the applicant or reason to have a time frame. The Board directs Jonathan Reiss to redraft the ordinance to remove the time period and refund of fees language.

11. New Business:

- a. Discuss Possible Vacating/Relocating Hudock Road and Planned Cul-de-sac: Bob McHale presents and reviews the proposed changes for Hudock Road provided by Tobyhanna Site LLC regarding their Sub Division and Land Development Plan. He states the vacating of the portion of road would need to be done by ordinance and deeded dedication on the new portions as well as Liquid Fuels compliance. Jonathan Reiss states the applicants are looking to see if the Board would be amenable to the road relocating so they may move forward with their plan at the

Planning Commission. Bob McHale recommends on waiting for the International Fire Code review as that could cause possible changes to the plan. John Holahan asks what the applicants are looking for in the way action. Jonathan Reiss states the applicant is looking to see if the plan before the Board in regards to the road relocating is satisfactory. John Holahan is satisfied with the plan. Brendon Carroll asks for the reason as to why the cul-de-sac is there. Bob McHale explains the impacts of recent negotiations with affected property owners and requirements for liquid fuels. Brendon Carroll states it's not worth worrying about liquid fuels for that small portion of road.

Joe Bennett explains the recent changes and plans for relocating the road as well as access to the new building and surrounding property owners. He states he would like the Board to allow them to start on footers and foundations for the building prior to approval. Bob McHale states the Fire Code review and the rest of the traffic engineering review should be completed prior to footers and foundation being put in. John Kerrick asks the Board if they have any problems with the concept of the road. John Holahan, Brendon Carroll and David Carbone are fine with the concept. John Kerrick abstains from any comment. Jonathan Reiss states to vacate the road the Board would need to do an ordinance and he would not recommend doing that until the land development is approved. He continues to explain the process of vacating the road to include sending notice to affected property owners.

Bob McHale reviews possible effects of site layouts after the Fire Code review. Jonathan Reiss states he does not recommend allowing for the placement of footers and foundation before approving the land development. Anne Lamberton asks for clarification about the third entrance off of Hudock Road and if the Board is ok with it. Brendon Carroll, John Holahan, and David Carbone are ok with the third entrance off of Hudock Road. John Kerrick abstains from an opinion and has filled out his conflict of interest form. The Board reviews the next steps for the applicant to prepare for the next Planning Commission meeting.

- b. Authorize to Advertise for Public Hearing for Liquor License Transfer: The Board reviews the process for getting a liquor license. John Holahan motions to authorize to advertise for the public hearing, David Carbone seconds. Vote: all in favor; motion carries.
- c. Authorize to Advertise for Public Hearing for Ordinance Amendment for Administrative Permits: John Holahan authorizes to advertise for the public hearing, Brendon Carroll and David Carbone seconds. Vote: all in favor; motion carries.
- d. Consider Acknowledgement for Worker's Comp in the Event of Deficit: Robert Bartal reviews the correspondence from the company. John Holahan motions to approve, Brendon Carroll seconds. Vote: all in favor; motion carries.
- e. Consider T&M Proposal for Kalahari Engineering Committee: John Holahan motions to approve the proposal in the amount of \$10,000.00, Brendon Carroll seconds. Vote: all in favor; motion carries.
- f. Consider Resignation from Lloyd Vought as Supervisors: John Kerrick announces that Lloyd Vought has submitted his resignation as Supervisor. John Holahan motions to accept the resignation, David Carbone seconds. Vote: all in favor; motion carries. John Kerrick asks for volunteers from the Board to conduct interviews for the vacancy. David Carbone and Brendon Carroll volunteer. John Kerrick directs the staff to put out an advertisement and place on the website for the vacancy.

- g. Consider Resolution 2021-006 Disaster Declaration: David Carbone motions to approve the resolution conditioned on the Governor extending the state's declaration, Brendon Carroll seconds. Vote: all in favor; motion carries.
- h. Consider Resolution 2021-007 Condemnation: Jonathan Reiss reviews the resolution as it relates to the I-380 project. It authorizes the purchase or condemnation of properties near the project area. John Holahan motions to approve the resolution, Brendon Carroll seconds. Vote: all in favor; motion carries.

12. Board of Supervisors Report:

- a. John Holahan asks about the process in choosing another supervisors and requests to be a part of the interviewing. He states he would like all the supervisors to be able to interview. John Kerrick is ok with that and states two supervisors can interview at a time to prevent a quorum.
- b. John Holahan asks for an update on the short term rentals. Jonathan Reis states the Planning Commission is still reviewing and the county hasn't sent any comments back.

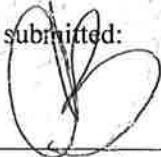
13. Public Questions and Comments:

- a. Trudi Denlinger thanks the Board for their generosity and reviews the Clymer Library Report. She reviews the new officers for this year and states they have vacancies on the Board of Trustees. She discusses some of the changes made as a result of the pandemic. The Clymer Library budget was approved with an \$11,000.00 deficit with the fundraising committee needing to raise \$20,000.00 for a total of \$31,000.00 the library needs to find.
- b. Mike Peterson asks if the Board continues to do hybrid meetings if they could upgrade the audio and visual. John Kerrick states they will look into it.

14. Meeting adjourned at 7:42PM.

Minutes recorded by Crystal Butler

Respectfully submitted:



Crystal Butler, Township Secretary