

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
MARCH 1, 2021

The March 2021 Work Session Meeting of the Tobyhanna Township Board of Supervisors was held on March 1, 2021, over digital tele-meeting due to Covid-19 restrictions.

Present are Supervisors John Kerrick, David Carbone, Brendon Carroll, and John Holahan, III. Also present are Solicitor Jonathan J. Reiss, Esquire, Manger Robert Bartal, and Assistant Manager Autumn Canfield.

1. Call Meeting to Order: John Kerrick calls the meeting to order at 6:00PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Public Questions/Comments on Meeting Agenda Items: None.
4. Announcements: None
5. Interim Bill Pack: Brendon Carroll motions to approve the Interim Bill pack in the amount of \$61,269.48, John Holahan seconds. Vote: all in favor; motion carries.
6. Solicitor's Report:
 - a. Discussion of Non-Discretionary Public Hearings:
 - b. Discussion on Conditional Use Pre-Submission Meetings: Jonathan Reiss reviews a section of the Zoning Ordinance that requires a pre-submission meeting for a conditional use request. He states the Board should not have pre-submission meetings with an applicant they will be having a quasi-judicial hearing with. He continues to explain the Omni-bus Zoning Ordinance Amendment that has yet to be passed has new language to change and address that section. He recommends either removing the section altogether or leave the pre-submission meeting to be held with the Zoning Officer. He reviews some of the other changes included with the Omni-bus Zoning Ordinance Amendment. The Board directs the staff to place the Omni-bus Zoning Ordinance Amendment for discussion on the next work session.
7. Manager's Report:
 - a. Short Term Rental Update: Robert Bartal states the draft ordinances for short term rental have been sent to both the county planning commission and the township planning commission. At the time of the meeting no comments have been received from the commissions.
8. Committee Reports
 - a. PMRPC: Brendon Carroll states the township's hours for PMRPD are right on budget.

- b. PMREMS: Heidi Pickard states there were 1,353 emergency calls for 2020. She continues stating in January there were 105 calls.
- c. Fire Commission: David Carbone state the contracts are still being worked on.
- d. EDA: No report.
- e. NIDA: No report.
- f. PMCOG: No report.

9. Old Business:

- a. Discuss Draft Zoning Amendment Ordinance for Permit Time Issuance: John Holahan notices the draft just has a complete removal of the time frame for issuance and the refund of fees. Robert Bartal state the current draft of the amendment was based off of the recorded minutes from the previous meeting. He continues stating the Supervisors reached out separately and their intent was to keep the 15-day time frame and take out the refund clause. He seeks clarification on the draft. Jonathan Reiss states his concerns in only having a time frame and not the refund clause and does not want to see a court misconstrued that as a deemed approval. John Holahan suggest having the 15-day time frame with the refund clause. David Carbone asks what happens when the township is closed for example like during the pandemic. Jonathan Reiss states the language can be cleaned up to reflect business days. Autumn Canfield asks if the staff can request for a time extension form the applicant. Jonathan Reiss states you can asks but it is up to the applicant if they want to grant it. John Holahan motions to have the 15-day time frame and keep the refund clause, David Carbone seconds. Vote: John Holahan, David Carbone and John Kerrick in favor, Brendon Carroll votes no; motion carries.
- b. Discuss Removing SALDO Section 135.13 K (5) – Plan Recorded by Applicant: Jonathan Reiss states if the plan does not get recorded in 90 days from approval then the plan needs to be reprinted and signed again. He states he researched options for recording and reviews the steps for recording. He suggests having the staff record the plans and allow the solicitor record the agreements. Brendon Carroll states the onus should remain with the applicant and do not provide the certificate of occupancy if the receipt is not received. Jonathan Reiss states most municipalities do not allow the applicant to record the plans and documents. John Kerrick suggest having policy and procedures to cure the current issues with recording plans. Brendon Carroll motions to have the solicitor record the agreements, John Holahan seconds. Vote: all in favor; motion carries.

10. New Business:

- a. Consider Resolution 2021-008 DCED Multi-Modal Transportation Fund Grant: Brendon Carroll motions to approve the resolution, John Holahan seconds. Vote: all in favor; motion carries.

- b. Consider Resolution 2021-009 PennDot Multi-Modal Transportation Fund Grant: Brendon Carroll motions to approve the resolution. John Holahan seconds. Vote: all in favor; motion carries.
- c. Consider Lot #1 New Ventures Park Bond Elimination Request: John Holahan motions to eliminate the bond in the amount of \$708,327.31, Brendon Carroll seconds. Vote: all in favor; motion carries.
- d. Consider sending Conditional Use for Suburban Propane to Planning Commission: Brendon Carroll asks if the Liquefied Petroleum and Propane Act preempts the Zoning. Jonathan Reiss states the Act does not preempt the need for conditional use request for the specific zoning districts to get zoning permits. John Holahan motions to send the conditional use request to the township Planning Commission, Brendon Carroll seconds. Vote: all in favor motion carries.
- e. Accept Engagement Letter for Annual Audit from Zelenkofske Axelrod: Brendon Carroll motions to engage Zelenkofske Axelrod to conduct the annual audit, John Holahan seconds. Vote: all in favor; motion carries.
- f. Accept Engagement Letter for DCED Report from Zelenkofske Axelrod: Brendon Carroll motions to engage Zelenkofske Axelrod to conduct the DCED Report, John Holahan seconds. Vote: all in favor; motion carries.

11. Board off Supervisor Report:

12. Public Comment:

- a. Sam Keiper asks for clarification on the conditional use request and the preemption from the Liquefied Petroleum and Propane Act. Jonathan Reiss states the township cannot enforce the setback requirements and the Board of Supervisors cannot waive zoning. He continues to state the applicant still needs to request the conditional use for the specific zoning district.
- b. Trudi Denlinger states she gave her report two weeks ago and there will be another library meeting coming up soon.

13. Adjournment: Meeting adjourning at 6:54PM.

Minutes recorded by Crystal Butler

Respectfully submitted:



Crystal Butler, Township Secretary