

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
APRIL 5, 2021

The April 2021 Work Session Meeting of the Tobyhanna Township Board of Supervisors was held on April 5, 2021, over digital tele-meeting due to Covid-19 restrictions.

Present are Supervisors John Kerrick, David Carbone, Brendon Carroll, John Holahan, III, and Rachel Schickling. 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: Crystal Butler states there was a public comment received from Sal Caiazzo in regards to the Tobyhanna Site LLC agenda item.
4. Announcements: John Kerrick states Rachel Schickling has been appointed to the Board of Supervisors to fill the vacancy left by Lloyd Vought. He also states an executive session was held on March 15, 2021 from 7:35PM to 7:50PM for contract negotiations and personnel.
5. Interim Bill Pack: David Carbone motions to approve the Interim Bill pack in the amount of \$120,768.23, Brendon Carroll seconds. Vote: John Kerrick, David Carbone, Brendon Carroll, and John Holahan vote in favor, Rachel Schickling abstains; motion carries.
6. Minutes: David Carbone motions to approve the minutes of December 7, 2020 Special Meeting, January 25, 2021 Special Meeting, and February 16, 2021 Regular Business meeting, Brendon Carroll seconds. Vote: John Kerrick, David Carbone, Brendon Carroll, and John Holahan vote in favor, Rachel Schickling abstains; motion carries.
7. Solicitor's Report:
 - a. Public Hearing - Conditional Use Request from Suburban Propane: Brendon Carroll motions to open the public hearing, David Carbone seconds. Vote: all in favor; the hearing is open.

Jonathan Reiss reviews the application from Suburban Propane and hearing process. He asks anyone in the public if they wish to seek party status for the hearing. No public response for party status. Jonathan Reiss reviews the township exhibits for the conditional use request. Witnesses for Suburban Propane are sworn in. Bill Cramer reviews the application request and introduces the witnesses. He hands out additional exhibits from his client, Suburban Propane and reviews those exhibits. Bill Cramer calls Shawn Langen to testify. Shawn Langen reviews the layout of the lot along with the proposed use and location of the propane storage area. Bill Cramer ask Shawn Langen to explain the nature of his relationship with the applicant. Shawn Langen explains that he

works with the Side Corp. and Suburban Propane and assisted in brokering a deal between the two and begin the development process for the lot. Bill Cramer asks for more details as to the site work for the proposed fuel storage. Shawn Langen reviews landscaping and screening plans for the site. Bill Cramer asks Shawn Langen if he believes the proposed development of this lot poses any risks to health, safety, welfare, value, or convenience of the surrounding lots. Shawn Langen answers no. Bill Cramer has no further questions for Shawn Langen.

Bill Cramer calls Michael Ughetto to testify. Bill Cramer asks him to review his career and resume with Suburban Propane. Bill Cramer then asks him to explain the plans to protect the public in regards to the proposed development. Michael Ughetto reviews the safety measures planned. Bill Cramer asks about the daily operation for pick up of the fuel from the storage tanks. Michael Ughetto describes a normal day of operation for the pick of fuel and how many vehicles could be on premises at any one given time. David Carbone asks if any deliveries for fuel will be made in the middle of the night. Michael Ughetto states it's a possibility. He continues to describe the proposed open air shed on the property. Bill Cramer has no further question of Michael Ughetto. John Holahan asks if people will be able to fill their small personal cylinders at the site. Michael Ughetto states this would not be offered at this site. Bill Cramer states he has no further witnesses.

Jonathan Reiss asks the audience if there are any public statements. No response from the audience. John Holahan motions to close the public hearing, Brendon Carroll seconds. Vote: all in favor; the hearing is closed.

John Holahan motions to approve the conditional use for Suburban Propane, Brendon Carroll seconds. Vote: all in favor; the motion carries.

8. Manager's Report:

- a. Pocono Mountain West Little League Lease and Equipment Request: Robert Bartal reviews the 2021 season lease agreement with the little league and states they are requesting new nets for the cages and diamond dust. David Carbone motions to approve the lease agreement, Rachel Schickling and Brendon Carroll second. Vote: all in favor; motion carries. David Carbone motions to approve the equipment purchase for both the nets and the diamond dust in the full amount, John Holahan seconds. Vote: all in favor; motion carries.

9. Committee Reports

- a. PMRPC: David Carbone states there is a back log on the new cars for PMRPD and that the township is still good on hours.
- b. PMREMS: Rachel Schickling volunteers to be on the PMREMS Committee. Township staff will forward meeting information.
- c. Fire Commission: David Carbone states a meeting will be coming up this month.
- d. EDA: Brendon Carroll states the meeting is this coming Wednesday.

- e. NIDA: No report.
- f. PMCOG: Autumn Canfield states COG opened and accepted salt bids for 2022.

10. Old Business: None.

11. New Business:

- a. Update on Progress of Tobyhanna Site: Joe Bennett request permission to proceed at their own risk with footer and foundation installation and stormwater work. Ralph Matergia reviews recent work on the road vacation agreement and request approval from the Supervisors. Jonathan Reiss states the agreement for road vacation has been negotiated and can be approved if the Supervisors choose. He continues by stating improvements such as footer and foundations should not be installed before SALDO approval has been granted and plans recorded at the county per the Municipalities Planning Code. Joe Bennett reviews some of the changes made per the township's traffic engineer's comments on the plans. Rachel Schickling asks for details in regards to vehicle stacking for the Dunkin Doughnuts. Deanna Schmoyer states there is a total of 13 vehicle stacking and explains the location of the stacking.

David Carbone asks where Bob McHale was at with his approval of the plan. Bob McHale states he has not reviewed all the calculations yet. He recommends a separate written agreement in regards to footers and foundation or consider doing a special meeting for further discussion. Bob McHale also states that weekly status reports for work that has already been approved have not been submitted as per pervious agreement. Anne Lamberton states the reports have been submitted to Bill Burton but will share with the township as prescribed in the previous agreement. Bob McHale reviews the other outstanding items still needed to complete the SALDO review.

John Holahan asks if changes have been made to the cul-de-sac. Brendon Carroll states he thought the idea of the cul-de-sac was being dropped. Phil Malitsch from Hanover Engineering representing one of the effect owners on the proposed cal-de-sac states he would like to review the concerns in regards to the cul-de-sac. Brendon Carroll states information from Hanover Engineering was received 4 hours before the meeting and has not been able to review those documents. Jonathan Reiss asks Deanna Schmoyer how long would it take to clean up the final outstanding items so the Board could approve the plan. She reviews recent correspondence with utility companies and agencies stating it could take approximately two months. Jonathan Reiss asks how long will it take to install footers. Joe Bennett states no more than 30 days. Jonathan Reiss expresses concerns about asking for approval of work before approving the land development. Ralph Matergia states it's not unusual to issue a foundation permit with limits and could be done with a formal agreement if the township wishes. John Holahan motions for Tobyhanna Site to move forward with a foundation and stormwater agreement at their risk with regular updates, David Carbone seconds. Vote: David Carbone, Brendon Carroll, John Holahan, Rachel Schickling vote in favor, John Kerrick abstains; motion carries. John Holahan motions to approve the road vacation agreement for Hudock Road,

David Carbone seconds. Vote: David Carbone, Brendon Carroll, John Holahan, Rachel Schickling vote in favor, John Kerrick abstains; motion carries.

- b. Consider T & M Proposal for Sewer District No. 1: John Holahan motions to approve the proposal, Brendon Carroll seconds. Vote: all in favor; motion carries.
- c. Consider Resolution 2021-012 – Application for Greenways, Trails and Recreation Program: Brendon Carroll motions to approve the resolution, David Carbone seconds. Vote: all in favor; motion carries.
- d. Consider HRG Professional Services Contract Supplement # 3 – Hike and Bike Trail Project: John Holahan motions to approve the supplement in the amount of \$6,500.00, Brendon Carroll seconds. Vote: all in favor; motion carries.
- e. Authorize Sending Omnibus Zoning Amendment to MCPC and TTPC: Tabled.
- f. Consider Resolution 2021-013 Financial Institutions: David Carbone motions to approve the resolution, John Holahan seconds. Vote: all in favor; motion carries.
- g. Authorize to Advertise 2021 Road Paving Project: David Carbone motions to authorize to advertise the road paving project, Brendon Carroll seconds. Vote: John Kerrick, David Carbone, Brendon Carroll, and John Holahan vote in favor, Rachel Schickling abstains; motion carries.
- h. Consider KES Lawn Care Proposal: David Carbone motions to approve the lawn care proposal for 2021, John Holahan seconds. The Board states it's the same rate as 2020. Vote: all in favor; motion carries.

12. Board off Supervisor Report:

- a. David Carbone states he would like the Manager to draft a letter to the Senator to push for repairs of the 423 bridge near Lake Naomi. The Board has consensus.
- b. Rachel Schickling express concerns about not having a pre-submission meeting with Suburban Propane as a part of the application process. Jonathan Reiss states that section is planned to be removed from the ordinance in the Omnibus Zoning Amendment and it would not be appropriate to have a pre-submission meeting with the Board prior to a hearing on the matter.
- c. John Holahan states he has written an article on short term rentals but did not choose the title of the article. He discusses putting together a short term rental committee to consider options for an ordinance.

13. Public Comment:

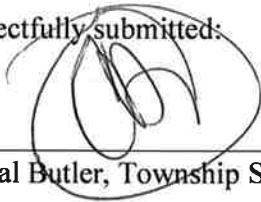
- a. Trudi Denlinger gives the monthly Clymer Library Report. She reviews the 1st quarter usage statistics as well as recent donation and trustee update.
- b. Wendy Manley states certain short term rental sites require the municipality to need licenses for the website to require it.

- c. Bruce Freedman states he is in favor of a short term rental ordinance. He would like to participate in the short term rental committee.
- d. Ed Tutrone gives an update of the lawsuit against TTVFC. He has questions in regards to the union contract with DPW employees and responding to fire calls on duty.

14. Adjournment: Meeting adjourning at 8:14PM.

Minutes recorded by Crystal Butler

Respectfully submitted:



Crystal Butler, Township Secretary