

THE TOBYHANNA TOWNSHIP ECONOMIC DEVELOPMENT AUTHORITY
REGULAR BUSINESS MEETING
AND JOINT MEETING WITH BOARD OF SUPERVISORS
May 5, 2021

The May 2021 Regular Business Meeting of the Tobyhanna Township Economic Development Authority and Joint Meeting with Board of Supervisors was held on May 5, 2021, on the GoToMeeting Platform due to COVID-19.

Present are: Adam Kerrick, Brendon Carroll, Rachel Schickling, John Holahan III, Manager Robert Bartal, Harry Coleman, Esq., Dave Carbone, John Kerrick (as of 6:52pm), Daryl Morris (virtually).

1. Brendon Carroll calls the meeting to order at 6:03 PM. A quorum is present.
2. Pledge of Allegiance is recited.
3. Roll call: Rachel Schickling- present, Adam Kerrick- present, John Holahan III - present, Brendon Carroll- present, Daryl Morris- present
4. Announcements: Brendon Carroll announces the hiring of Harry Coleman, Esq. as the new solicitor for the EDA. John Holahan III motions to approve; Rachel Schickling seconds. Vote: All in favor; motion carries.
5. Public Comment on Agenda Items only: Ralph Gundrum would like to speak with Harry Coleman; Brendon Carroll will send contact information.
6. Consider minutes of the Regular Business Meeting of April 7, 2021: John Holahan III motions to approve; Adam Kerrick seconds. Vote: All in favor, motion carries.
7. Consider bill pack: Rachel Schickling motions to approve the May 2021 Bill Pack for \$2352.97; John Holahan III seconds. Vote: All in favor; motion carries.
8. Solicitor's Report- Harry Coleman will reach out to John Dean for files from past meetings, since they are the property of the Township.
9. Old Business:
 - a. TTEDA/Dunne-Manning MOU: Brendon Carroll reviews the status of the Dunne-Manning MOU, and Robert Bartal offers that voting in favor of this MOU at the last EDA meeting was premature. Dunne-Manning legal counsel, Kevin Fogerty, is requesting Right of First Refusal to change from 24 hours to 3 days, along with a separate Option to Purchase from 18 months to 2 years. Brendon Carroll suggests that we table this discussion until Harry Coleman reaches out to Jonathan Reiss regarding the MOU.

- b. Head property lease discussion: Robert Bartal met with Mr. and Mrs. Head to sign amended lease agreement on April 15, 2021. Mr. Head stopped the auto delivery of oil since property is going up for sale.
- c. Stevens and Lee payment expectation request: Brendon Carroll reviews his understanding of previous history of engaging Stevens and Lee. Robert Bartal offers that he did find a Hiring Resolution #2018-001, dated March 14, 2018, in which Stevens and Lee were hired to provide Special Counsel and Bond Counsel for the EDA back in 2018 when Pocono Springs was first developing. He also states that Autumn Canfield, former Executive Director for the EDA, received an email on April 6, 2021 from Stevens and Lee for payment of past services, invoice dates from April 2018 to present, with the total due being \$116,707.50. She also received a reminder email from Stevens and Lee dated today, May 5, 2021. John Holahan III offers that the EDA made a deposit to Stevens and Lee for their services, and the understanding was that Stevens and Lee were to be paid out of the PIL once the EDA floated the bonds. Brendon Carroll states that progress slowed on the Project not long after due to COVID-19. Robert Bartal mentioned that he has not yet reached out to Stevens and Lee regarding this, but will do so, requesting the engagement letter and invoices, and provide that information next month.
- d. Discussion of Board of Commissioners make-up: Harry Coleman offers that the discussion is academic and By-Laws change may not be necessary since the Board of Supervisors is the one that appoints the EDA members, whether it be as a member of the Board of Supervisors (2) or as a civilian (3). Rachel Schickling was appointed to the EDA as a civilian, and will continue to serve in that manner on the EDA, and her subsequent appointment as a Supervisor has no bearing on that. John Holahan III had some concern about perception of roles and duties between members of both the Board and the Authority, and Harry Coleman explained that there is one real significant difference – the EDA only has the authority to pass resolutions, and the BOS has the authority to pass laws (ordinances). Harry Coleman also said that there is no need to advertise these meetings as a joint meeting between the BOS and the EDA based on the fact that there are two EDA members appointed by the BOS as supervisors, and the other three EDA members were appointed by the BOS as civilians.
- e. Public Improvement Levy (PIL) discussion: Everyone agrees that they would like to move forward with this Project. John Holahan III mentioned that he has been in contact with some folks from Pocono Springs to maintain the relationship started back in 2018. Brendon Carroll would like to have a work session for the newer members before the next Regular Business Meeting to get all members up to speed on what has happened in the past and future direction. Before an agreement on a date for the meeting, the meeting turned to New Business and the 2020 EDA Audit since Jay Grobelny from Riley and Company has been waiting patiently to present to the members.

10. New Business

- a. 2020 EDA audit presentation by Riley and Company: Jay Grobelny provided a brief review of the 2020 Draft Financial Statement packet given to all members regarding the EDA 2020 Audit. Updates will be made to the EDA Officials list, and the Annual report will be published in the Pocono Record. There was one area of concern due to lack of segregation of duties relating to Quickbooks which has since been addressed. John Holahan III made a motion to approve the audit; Rachel Schickling seconds. Vote: All in favor; motion carries. Jay Grobelny will send the official audit letter to Robert Bartal to be signed by both Robert Bartal and Brendon Carroll.
- b. QuickBooks software update needed: Software is about to expire, and cost to update is \$199.99. John Holahan III makes a motion to approve purchase of QuickBooks; Adam Kerrick seconds. Vote: All in favor; motion carries.

11. Public Comment on Non-Agenda Items only: Robert Bartal asks Gregoire Romulus about the current EDA computer and if it can handle the new QuickBooks, and Gregoire Romulus suggests that he use his Township laptop, which is newer and can definitely handle it. Gregoire Romulus also suggested that the EDA have a separate email, but no one was anxious to have yet another email address, and Harry Coleman says it is not necessary.

Circle back to Item # 9.e. (PIL discussion): Everyone agrees on the date of Thursday, May 13th 2021 at 6:00pm for the Work Session. Robert Bartal will check with Crystal Butler on timing for publication of meeting. If an issue, alternate meeting date to be the week of May 24th. Past members of EDA, such as Autumn Canfield, Mike Christian, and Anne Lamberton, will be asked to participate for historical purposes.

John Holahan III mentions that we appointed Harry Coleman as solicitor for EDA, but did not disclose the rate. Brendon Carroll announces that the rate is \$165/hour. Harry Coleman will send engagement letter to Robert Bartal tomorrow.

12. Motion to adjourn meeting by Brendon Carroll; John Holahan III seconds. Meeting adjourned at 7:09pm

Minutes recorded by Betsy A. Tiene

Respectfully submitted:


John Holahan III, Secretary