

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION  
MAY 17, 2021

---

The May 2021 Work Session of the Tobyhanna Township Board of Supervisors was held on May 17, 2021, at the Tobyhanna Township Municipal Building in Pocono Pines Pa.

Present are Supervisors John Kerrick, David Carbone, Brendon Carroll, and John Holahan, III. Solicitor Harry Coleman, and Manager Robert Bartal, are also present. Rachel Schickling is absent.

1. John Kerrick calls the meeting to order at 9:30 AM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Public Comments on Agenda Items:
  - a. Bill Mollenhoff encourages Supervisors to appeal Zoning Hearing Board's decision on 339 Sullivan Trail property as it was misrepresented with misinformation.
  - b. Justin Bartell, owner of 339 Sullivan Trail, states the previous comments are inaccurate as there was no misinformation. The Zoning Hearing Board made a decision for a reason and all work along the way was approved by the Township. He continues stating all approvals from the Township, DEP, and the conservation district were obtained. There is no reason for an appeal.
  - c. Ed Tutrone, Tobyhanna Township Fire Company, questions if the release of the fire funds will be discussed. The Board says it will not. Mr. Tutrone states the company needs to know what is going to occur with the funds. Mr. Kerrick indicates it will be discussed at the end of the meeting.
4. Announcements: John Kerrick announces this recording will be viewed by the TEC 4<sup>th</sup> grade students.
5. April 2021 Treasurer's Report: Brendon Carroll reviews the treasurer's report and reads cash account balances. Dave Carbone motions to approve, John Holahan seconds. Vote: all in favor; motion carries.
6. May 17, 2021 Bill Pack: Dave Carbone motions to approve the May 17, 2021 Bill Pack in the amount of \$456,356.44, John Holahan seconds. Vote: all in favor; motion carries.
7. Solicitor Report: Harry Coleman states he is getting up to speed since his appointment and commends the staff for their cooperation. The meeting with the Tobyhanna Township Volunteer Fire Company occurred. A memorandum of understanding should be drafted.
8. Manager's Report:
  - a. Request for stream gage support from Monroe County Conservation District: Robert Bartal states a letter was received asking for a contribution toward operations and maintenance of the stream gage. The request had been received in prior years but funding was not provided. There is no money budgeted for the item. John Holahan feels these requests need to come prior to budget season and motions to pass on the request this year, Brendon Carroll seconds. Vote: all in favor; motion carries. Request denied. Robert Bartal indicates he will draft a letter to the district asking for the request sooner.
  - b. Long Nyquist/ Penn Strategies Month Report: Robert Bartal reviews the monthly report from Long Nyquist and Penn Strategies. Long and Nyquist reported that the multi modal grants were announced. The Township request was not awarded. A new round of multi modal grants will be opening soon. They are optimistic we will be awarded in the future.

Penn Strategies reported on the DCED grant as well as other future grant opportunities. They are currently working on a fire related grant and a parks related grant based on the master site plan.

- c. Zoning/Septic Report for April: Robert Bartal reviews the zoning and septic report. In 2020 Zoning permits numbered 8. In 2021 they numbered 29. In 2020 Septic applications numbered 20. In 2021 they numbered 25. The trend continues upward.
  - d. Memorial Day Wreaths: Robert Bartal states \$100 was budgeted for the wreath for the parade. The parade was cancelled, but there will be ceremony. Dave Carbone will attend. Crystal Butler will order the wreath for the ceremony.
  - e. [Item announced during committee reports] Primary Election Day: Robert Bartal states the staff will be working from home on Primary Election Day due to not only the disruption to the workflow but the concern for COVID exposure. The building will be sanitized prior to staff reentering.
9. DPW Monthly Vehicle Report: The Township is waiting for parts for the 2015 Caterpillar 924 Loader. The high mileage vehicles are the 2003 and 2004 Mack trucks.

Crystal Butler is working on contacting the Parks Committee to set up a meeting.

#### 10. Committee Reports:

PMRPD: Dave Carbone reports all is going well. Some items that were ordered are in, but at the outfitters. Due to COVID, everything is backed up and they are waiting on delivery. There is consideration of ordering next year's cars now. There is extra enforcement in Lake Naomi currently due to the detour for the one lane bridge and traffic violations occurring.

Brendon Carroll discusses the back up in all manufacturing and recommended to the Police Commission to order one or two cars extra. This is relevant to the Township fleet as well as orders should be placed in July to be filled by 2022.

PMREMS: No Report

Fire Commission: Dave Carbone states a meeting is coming up.

EDA: Brendon Carroll states a special work session was held to get all new members up to speed. There is another meeting in a couple weeks and the group will be working with Kalahari to establish a PIL.

NID: There is an upcoming meeting scheduled soon.

COG: Robert Bartal explains there was dissatisfaction with PennDOT and a rep was available on a conference call to discuss.

Library: Trudi Denlinger announces the Library Director, Anne Hoyga, is resigning. Applications are being accepted. There are two new trustees on the Library Board, Emily Daily for Tunkhannock, and John Boyce from Pocono Pines. A directory will be delivered to the Supervisors. An in memorium will also be distributed for two community members who have passed. A copy of the April minutes will also be distributed to show the library return on investment for first quarter 2021 and the full year 2020. Over the past few years, grants were sought to fix the library building. A grant was submitted and if awarded will bring the Library up to par. A \$5,00.00 grant was received based on the hotel tax for transportation. There is a current initiative to connect the four libraries in Monroe County and Clymer Library has taken the lead in this process. The children's librarian is hosting a story week program advocating getting children outdoors. The Clymer Library welcomes Molly, the therapy dog.

John Kerrick suggests the fire companies provide a report to the Fire Commission every month to be brought to the Board of Supervisors.

STR: John Holahan explains there will be reports for the committee. The first meeting has been scheduled.

11. Old Business:

- a. Comments from TTPC for Zoning Amendment for Permit Time Issuance: Brendon Carroll motions to accept the Planning Commission recommendation to reject the ordinance and request the solicitor review the existing and proposed ordinances to determine when to issue zoning permits. John Holahan seconds. Vote: all in favor; motion carries.

12. New Business:

- a. Consider Engagement Letter/ Appoint Harry Coleman as Planning Commission Solicitor: Brendon Carroll motions to appoint Harry Coleman as the Planning Commission Solicitor, David Carbone Seconds. Vote: all in favor; motion carries.
- b. Resolution 2021-015 Township Fee Schedule: Alteration is to add Harry Coleman's rate for professional services. Brendon Carroll motions to add Mr. Coleman's professional service rate to the fee schedule, John Holahan seconds. Vote: all in favor; motion carries.
- c. Meeting Policy and State Restrictions: Robert Bartal explains the request is being made to follow the state's policy and restrictions for meetings. Capacity requirements are changing, and further changes are expected in the future. John Holahan motions to follow state guidelines as released, Brendon Carroll seconds. Vote: all in favor; motion carries.
- d. Extension of the Emergency Disaster Declaration: John Holahan motions to extend the Emergency Disaster Declaration contingent upon the Governor extending the statewide declaration, David Carbone seconds. Vote: all in favor; motion carries.
- e. Consider Appeal of Zoning Hearing Board's Decision on 339 Sullivan Trail LLC:

John Kerrick requests the Board enter executive session. John Holahan suggests reviewing item F on the agenda prior to executive session. Item F is addressed prior to continuing discussion on this item.

John Kerrick explains the process of executive session and approved topics that can be discussed for the children listening. Harry Coleman discusses the sunshine act.

While the Board is in executive session, Justin Bartell comments that the Board should speak with the Zoning Hearing Board regarding their decision and review all documentation related to the decision. He continues to explain there has been significant expense in pursuing other items that had to be approved by the Township first and that the Township has used the property in the past. The site has been operating since the 80's with a mining permit. Crystal Butler explains the board is in executive session and comment should be held until they return. After some time, Justin Bartell requests Crystal Butler tell the board that he feels he was glossed over during the public comment period and had much more to say. Crystal Butler states she will inform the Board. Justin Bartell thanks her and leaves the meeting.

John Kerrick announces the Board held an executive session from 10:28am to 10:57am regarding legal matters. Crystal Butler informed the Board of Justin Bartell's desire to provide further information.

Brendon Carroll motions to appeal the Zoning Hearing Board's decision on 339 Sullivan Trail LLC, David Carbone seconds. Vote: all in favor; motion carries.

- f. Consider SALDO – Jubilee Lot Line Adjustment: [Item taken out of order] David Carbone motions to approve the Subdivision application subject to applicant’s satisfactory response to Bob McHale’s letter dated April 30, 2021, Brendon Carroll seconds. Vote: all in favor; motion carries.

- g. Tobyhanna Site LLC- Update: [Item taken out of order]

Deanna Schmoyer, Joe Bennett and Ralph Matergia are present. The Subdivision Plan was revised to show a right of way with the adjoining property owner in kind with previous circumstance. This changed the road right of way dedication calculation. The relocated road bisects the property but it is being taken as one parcel so the group needs clarification on how to show. Is 1a, 1b, 1c reflection acceptable? The revised site plan reflects a WB-67 auto turn template. Deanna Schmoyer explains the template and how it affects the width of road, shoulders, and curbing, requiring certain requested waivers. The group is still working with UGI and PPL. The grading plan has been revised and stormwater calculations are being completed. The lighting plan is under review and landscaping is finalized. The posted speed limit on the proposed road will be lowered based on AASHTO requirements. The traffic report has been submitted and comments were received from the Township Traffic Engineer. Bob McHale feels the road will be better than what is in existence but still not in accordance with the SALDO. Deanna Schmoyer discusses the waivers being requested.

Regarding the current stormwater ditch in the PennDOT Right of Way, the group intends to fill it in and use conveyance. It will need to be submitted through Township even though it is PennDOT ROW per requirements as Township is responsible for maintenance. An agreement is in discussion to pass this responsibility through to the property owner. Bob McHale explains there are forms that need to be signed off on by the Township.

Brendon Carroll motions to conditionally approve based on Bob McHale’s letter of May 15, 2021 with approved conditions set forth and to include the maintenance agreement on the stormwater, David Carbone seconds. Vote: David Carbone, Brendon Carroll, and John Holahan in favor, John Kerrick abstains; Motion carries.

Joe Bennett requests approval to do underground plumbing at the developer’s risk as well as the stormwater management work on site to be allowed. Bob McHale clarifies that this request would be like the footer foundation within a certain building envelope.

David Carbone motions to add approval of underground plumbing at the developer’s risk to the original footer foundation approved in the building framework plus ten feet or whatever is appropriate for the building code official, Brendon Carroll seconds. Vote: David Carbone, Brendon Carroll, and John Holahan in favor, John Kerrick abstains; Motion carries.

Joe Bennett asks again about stormwater. Bob McHale explains the final plan needs to be completed first.

- h. Act 167 committee: [Item not on agenda, taken as first item under New Business] John Kerrick suggests having local business people and private entities review as changes may be coming to our area. Brendon Carroll and John Holahan volunteer.

- i. Tobyhanna Township Volunteer Fire Company Request to release Fire Fund monies: [Item not on agenda] David Carbone motions to release the funds in good faith as they met with the Solicitor and agreed to sit down over the next 45 days and come up with an MOU, John Holahan seconds.

John Holahan asks Harry Coleman how the meeting went. Harry Coleman states it was a pleasure meeting the company, it went very well, and he was received very well. Vote: all in favor; motion carries.

13. Board of Supervisors Report: None.

14. Public Questions and Comments:

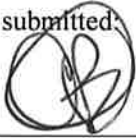
a. Edward Tutrone thanks the Board and states a meeting date will be set up with Harry Coleman.

15. Meeting adjourned at 10:59AM.

---

Minutes recorded by Autumn Canfield

Respectfully submitted:



---

Crystal Butler, Township Secretary