

TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS SESSION
MAY 2, 2022

The May Regular Business Meeting of the Tobyhanna Township Board of Supervisors (“Board”) was held on May 2, 2022, at the Tobyhanna Township Government Center located at 105 Government Center Way, Pocono Pines, PA 18350.

John Kerrick, David Carbone, Brendon Carroll, and Joseph Colyer are present. Also present is Solicitor Harry Coleman, Robert Bartal, Manager, and Autumn Canfield, Assistant Manager. Rachel Schickling is absent.

1. John Kerrick calls the meeting to order at 9:31AM, a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements:
 - a. John Kerrick announces this meeting is being recorded for the TEC 4th Grade Students to review. He continues stating they were notified on April 20, 2022 they were unable to attend due to PSSA Testing
 - b. John Kerrick announces that an executive session was held May 2, 2022 from 9:00AM to 9:27AM for possible litigation.
 - c. John Kerrick announces the Phase 1 I-380 Construction Bid prepared by Pennoni and awarded to Pioneer Construction Company Inc. at the April 4th, 2022 Regular Business Meeting was in the amount of \$1,868,147.25
 - d. John Kerrick announces PMREMS is holding their annual subscription drive and more information can be found on our website.

4. Solicitor’s Report:

- a. Public Hearing for Zoning Ordinance Amendment – Noise Exceptions – Ordinance No. 567: Brendon Carroll motions to open the hearing, David Carbone and Joseph Colyer seconds. Vote: all in favor; the hearing is open. Harry Coleman reviews the proposed zoning ordinance amendment explaining the exceptions added to the “Noise” section of the Zoning Ordinance. There is no public comment. David Carbone motions to close the hearing, Joseph Colyer seconds. Vote: all in favor; the hearing is close.

Brendon Carroll motions to approve Ordinance 567 Noise Exceptions, Joseph Colyer seconds. Vote: all in favor; the ordinance is adopted.

- b. Public Hearing for Zoning Ordinance Amendment – Country Resort – Ordinance No. 568: John Kerrick recuses from discussion and action on this proposed ordinance. Brendon Carroll motions to open the hearing, Joseph Colyer seconds. Vote: David Carbone, Brendon Carroll, and Joseph Colyer in favor, the hearing is open. Harry Coleman reviews the proposed zoning ordinance amendment explaining the permitted

use of country resorts in Open Space Zoning Districts. Sam Keiper reviews and presents the ordinance process conducted by the planning commission. He also reviews Monroe County Planning Commission's comments. He explains the concept of the use is to promote recreational activities, which is consistent with open space conversation districts. Brendon Carroll asks about current permitted uses and restrictions of the Open Space Zoning District. Sam Keiper reviews the current restrictions and permitted uses and notes that the ordinances are available on the township website. Harry Coleman opens up the hearing to public comments.

Geoff Rogalsky states he represents several environmental conservation organizations and feels this ordinance will reduce protections of open space zoning.

Vicki Mebus opposes the ordinance and sites the Tobyhanna Creek Watershed Act.

Jeffrey Best speaks against the ordinance and believes the resort definition in commercial zones should be changed.

Kim Williams states the zoning does not need to be changed to comprise the open spaces of the township.

Kim Ouzarowkz states the changes should be special use.

Jill Seigel expresses concerns of the fragile area and asks if retirement homes and nursing homes have been considered.

Barbara Schorr asks why commercial space is not being used for this use verses the open space district and urges the Board to not make this change.

Kathie Hall declares her opposition and states this will take a habitat away from the animals and create more pollution.

Susan Bush opposes the ordinance.

Janet Elliot states the area needs to be protected from being over developed and opposes the ordinance.

Ed Riznyk states he opposes the ordinance.

Deborah Slattery states it is easier to change the definition of resort in commercial zones and recycling commercial sites that are in disuse.

Bill VanGilder states that allowable uses such as hunting or fishing clubs in Open Space Zoning have heavier restrictions on the percent of development than this new proposed use. He also states setbacks are less restrictive with the new proposed use than current approved uses.

Sam Lisk reviews spot zoning definition and talks about stormwater and conservation land.

Richard Trosciaveck sites the Pennsylvania Constitution about perseveration of land.

Terry Oliver opposes the ordinance.

Doreen Stacy states another resort is not needed.

Jay Oliver wants to conserve what is left of the open spaces.

Louise Troutman believes the definition of resort should be changed and land should be preserved.

Tammy Livziey discusses other locations for possible developments and expresses health concerns.

Kim Kerrick opposes the ordinance and expresses concerns about increased traffic.

Dave Wood expresses concerns about the creeks and water ways in the area.

Christina Peters believes the Zonning Ordinance should be more restrictive to protect these open space areas.

Safe Zirbee urges the Board to deny the ordinance and protect the open space.

Douglas Mensing oppose the ordinance and wants to retain the protections for these open spaces areas.

Jennifer Beardsly states possible proposals of development for agritourism in these open space areas may be things like a nature retreats leading to conservation efforts.

Jenna Best believes the Board should take in to consideration the public's opinion on this ordinance.

Amber McKenzie opposes the ordinance and asks about recusals. Harry Coleman states John Kerrick has recused himself and has had no involvement in this ordinance.

Max Schafer states a natural resort will not be a natural resort when you're not able to conserve the nature.

Brendon Carroll motions to close the hearing, Joseph Colyer seconds. Vote: David Carbone, Brendon Carroll, and Joseph Colyer in favor; hearing is closed.

Brendon Carroll motions to table and then the motion is withdrawn. Joseph Colyer motions to adopt Ordinance No. 568 Country Resort, Brendon Carroll seconds. Vote: David Carbone, Brendon Carroll, and Joseph Colyer in favor; the ordinance is adopted.

{The Board goes into an executive secession from 11:09AM to 11:14AM}

- c. Dunne Manning License Agreement: Harry Coleman reviews the agreement with Dunne Manning; Harry Coleman reviews the Dunne Manning License Agreement and

recommends the Board to authorize the Manager to sign the agreement. Brendon Carroll motions to authorize the Manger to sign the agreement following legal and engineering review, Joseph Colyer seconds. Vote: all in favor; motion carries.

- d. Update and Recommended Approach for 274 Route 940 Land Development: Harry Coleman reviews the developer's prior request to review the previous land development/fire loss on the site. He states a one-story building with a second story facade could be executed without land development based on his research and seeks approval from the Board to memorialize in a letter to the developer. Brendon Carroll motions to authorize the Solicitor to draft a letter, David Carbone seconds. Vote: al in favor; motion carries.

5. Manager's Report:

- a. Memorial Day Parade 2022: Robert Bartal reviews the Memorial Day Parade and asks if any of the Supervisors will be presenting the wreath this year. David Carbone volunteers to present the wreath.

6. Discussion Items: None.

7. Action Items:

- a. Consider Ratifying Resolution 2022-014 – Authorizing Acquisition of Portion of Land Owned by SEPOA: Harry Coleman reviews the resolution. Brendon Carroll motions to approve the resolution, Joseph Colyer seconds. Vote: all in favor; motion carries.
- b. Consider Accepting PennDOT Multimodal Transportation Grant in the Amount of \$2,985,371.00: Robert Bartal reviews the awarded grant stating it needs to be accepted by June 4, 2022 and is a 30% match. David Carbone motions to accept the grant, Brendon Carroll seconds. Vote: all in favor; motion carries.
- c. Consider Authorizing Manage to Execute Transfer of Two 2013 Escapes for a 2022 Explorer: Brendon Carroll authorizes Robert Bartal to execute the transfer, David Carbone seconds. Vote: all in favor; motion carries.
- d. Consider Request from PSVFC to Release Fire Funds: Robert Bartal reviews the request for both the traffic vehicle for \$14,000.00 and the fire hose for \$25,428.00. David Carbone motions to approve the release of Fire Funds in the amount of \$39,428.00, Brendon Carroll seconds. Vote: all in favor; motion carries.
- e. Consider Proposal from Pennoni for Stillwater Drive Construction Services with an Estimated Cost of \$155,000.00: David Carbone motions to approve the proposal estimated at \$155,000.00, Brendon Carroll seconds. Vote: all in favor; motion carries.
- f. Consider Retaining L & V Engineering for PennDOT Scoping Meeting – Project Back Road Studios: The Board discusses the need for traffic engineering services for the year. The Board direct the staff to plan for the yearly appointment at the next appointment.

David Carbone motions to approve L & V Engineering for the scoping project at \$90.00 per hour, Brendon Carroll seconds. Vote: all in favor; motion carries.

8. Consider May 2, 2022 Bill Pack: seconds. David Carbone motions to approve the bill pack in the amount of \$88,842.10, Brendon Carroll seconds. Vote: all in favor; motion carries.

9. Board of Supervisors Report/Comment: None.

10. Public Comment:

- a. David Meany thanks the Board for their support.
- b. Ed Tutrone asks when there will be another meeting between the Board and fire company. The Board direct Crystal Butler to schedule the meeting.
- c. Mike Lynn asks the Board to make comments about Ordinance 568. The Board has no comments at this time.
- d. Kelly Hole has a property maintenance complaint about a neighboring property owner.
- e. Wendy Manley asks for an update on STR. The Board states they are still reviewing the ordinance and are looking to have a hearing in June.

11. Adjournment: The meeting adjourns at 11:45AM

Minutes recorded by Crystal Butler



Crystal Butler
Township Secretary

