

TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS SESSION
NOVEMBER 7, 2022

The November Regular Business Meeting of the Tobyhanna Township Board of Supervisors ("Board") was held on November 7, 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 was absent.

1. John Kerrick calls the meeting to order at 6:00PM, a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements:
 - a. John Kerrick announces an executive session was held on October 17, 2022 from 6:45PM to 7:20PM for legal, on October 25, 2022 from 7:15PM to 8:00PM for legal, on October 26, 2022 from 6:15PM to 6:55PM for legal, November 3, 2022 from 9:00AM to 10:00AM for legal, and November 7, 2022 from 5:30PM to 6:00PM.
 - b. Proclamation for John W. Briggs: Crystal Butler reads the proclamation.
4. Consider Minutes: Brendon Carroll motions to accept the minutes of August 15, 2022 Regular Business Meeting, Joseph Colyer seconds. Vote: all in favor; motion carries. Brendon Carroll motions to accept the minutes of September 6, 2022 Regular Business Meeting, David Carbone seconds. Vote: all in favor; motion carries.
5. Solicitor's Report: Harry Coleman states he will provide a Solicitor's Report to the Board soon.
 - a. Public Hearing – Ordinance No. 573 Zoning Ordinance Amendment: Brendon Carroll motions to open the hearing, David Carbone seconds. Vote: all in favor; the hearing is open.

Harry Coleman reviews the hearing process and the Zoning Ordinance Amendment with regards to commercial districts and the land development process. He states this amendment would create consistency with the Zoning Ordinance and the Subdivision and Land Development Ordinance with the Municipalities Planning Code regarding Land Development Waivers. He reviews the section of the Zoning Ordinance that will be impacted by this amendment. Brendon Carroll motions to close the hearing, David Carbone seconds. Vote: all in favor; the hearing is closed.

Brendon Carroll motions to adopt Ordinance No. 573, David Carbone seconds. Vote: all in favor; motion carries.

- b. Public Hearing – Ordinance No. 574 – Subdivision and Land Development Ordinance Amendment: Brendon Carroll motions to open the hearing, Joseph Colyer seconds. Vote: all in favor; the hearing is open.

Harry Coleman reviews the hearing process again and states it is the subsequent Subdivision and Land Development Amendment to address the Land Development Waiver process as discussed in the prior public hearing. Brendon Carroll motions to close the hearing, Joseph Colyer seconds. Vote: all in favor; the hearing is closed.

Brendon Carroll motions to adopt Ordinance No. 574, David Carbone seconds. Vote: all in favor; motion carries.

- c. Deed of Easement Agreement with Dunne Manning: Harry Coleman reviews the easement agreement with Dunne Manning for the I 380 Project and states minor changes are needed from Dunne Manning. He recommends approval from the Board conditioned on Township Administration and Township Engineer's reviews of the agreement after Dunne Manning's changes. Brendon Carroll asks if the minor changes are arising from the change in footprint for the Dunne Manning building. Harry Coleman confirms. Brendon Carroll motions to approve the easement agreement with conditions as presented, David Carbone seconds. Vote: all in favor; motion carries.

6. Manager's Report:

- a. DPW Union's Letter of Disinterest: Robert Bartal reviews the letter received from the DPW Labor Union.

7. Discussion Items:

- a. Discuss ZHB Member Vacancy Appointment. Tabled.
- b. Discuss Volunteer Foreign Fire Relief Association Release: Robert Bartal reviews TTVFC recent Relief Audit and correspondence received from State Relief Association and the State Fire Commissioner. He continues stating a direct deposit of \$82,674.56 was received by the Township to release to the fire companies but received a contradictory letter from the State Fire Commissioner to decline payment to TTVFC until improperly expended monies identified in the audit are reimbursed to the Fire Relief Association's fund. Robert Bartal explains the deadline to expense the funds and the conflicting orders from the State. Harry Coleman provides an overview and recommends tabling the agenda item until a definitive direction is received. David Carbone motions to table, Brendon Carroll seconds. Ed Tutrone states the sales tax finding in the audit was already paid back from TTVFC's general fund and offers to provide proof of the correction. Vote: all in favor; motion carries.

8. Action Items:

- a. Consider Awarding 2022-2023 Winter Operations Bid: Robert Bartal reviews the only bid received which was from H&K. He states H&K was only able to provide one vehicle for 200 hours as they did not have the manpower to provide more vehicles. Robert Bartal

continues stating the Township is looking to hire a part time employee to help with the snow plowing. He recommends taking the bid as presented and doesn't believe a rebid of the Winter Operations will bring any better proposals this late in the year. Brendon Carroll motions to accept H&K's Bid as presented for 200 hours at \$253.00 per hour for their truck, David Carbone seconds. Trudi Denlinger asks about prior year cost verse the proposed costs and if all the plowing could be done in house. Robert Bartal explains the cost difference and the difficulty hiring plow drivers. Vote: all in favor; motion carries.

- b. Consider Application for Payment for Pioneer Construction: Brendon Carroll motions to approve Payment # 3 in the amount of \$284,467.27 and Payment # 4 in the amount of \$400,957.26, David Carbone seconds. Heino Fetty asks what the payments are for. John Kerrick reviews the items listed for the payments. Vote: all in favor; motion carries.
 - c. Consider EDA Loan Increase: Robert Bartal reviews the request in the amount of \$3,000.00 to meet financial obligations. Brendon Carroll motions to approve the loan increase, David Carbone seconds. Vote: all in favor; motion carries.
 - d. Consider Financial Security Reduction for Tobyhanna Site LLC:
 - i. Reduction # 2 for Hudock Road Work: Brandon Carroll motions to approve the reduction in the amount of \$134,881.90 on LOC #257 subject to the receipt of maintenance security in the amount of \$51,458.85 to be held for 18 months and stormwater security to be determined, David Carbone seconds. Vote: David Carbone, Brendon Carroll, and Joseph Colyer in favor, John Kerrick abstains; motion carries.
 - ii. Reduction # 2 for LDP Site Work: Brendon Carroll motions to approve the reduction in the amount of \$444,870.60 on LOC #257, David Carbone seconds. Vote: David Carbone, Brendon Carroll, and Joseph Colyer in favor, John Kerrick abstains; motion carries.
 - e. Consider Authorization to Advertise the 2023 Budget: David Carbone motions to authorize to advertise the 2023 budget, Brendon Carroll seconds. Trudi Denlinger asks about the millage increase for the Library and any contributions. The Board states there is no millage increase but a contribution of \$82,000.00. Trudi Denlinger reviews community outreach activities and budgeting hardships. Vicki Mebius asks if there are any monies devoted to the playground at Blanche Price Park. Robert Bartal states there is a grant being pursued for park equipment at Balance Price. Vote: all in favor; motion carries.
 - f. Consider Tax Anticipation Note for Clymer Library in the Amount of \$34,000.00: Brendon Carroll motions to approve the Tax Anticipation Note, Joseph Colyer seconds. Vote: all in favor; motion carries.
9. Consider November 7, 2022 Bill Pack: Brendon Carroll motions to approve the bill pack in the amount of \$1,072,834.65, Joseph Colyer seconds. Vote: all in favor; motion carries.

10. Board of Supervisors Report/Comment:

- a. Brendon Carroll states the Board has been very generous to the Library in the past but with substantial increases in prices the Board does not want to increase taxes at this time.

11. Public Comment:

- a. Vicki Mebius asks about the police service in the budget. The Board explains the cost for the services.
- b. Jim Fuller asks about the tennis court. Robert Bartal states the Township is looking to revamping the tennis ball court and consider turning them into pickle ball courts. Jim Fuller speaks against the idea of turning them into pickle ball courts.
- c. Joe Crandall asks for an update on the STR litigation. Harry Coleman states no hearing date has been set yet, but it will not impact the permitting program from moving forward.
- d. Ed Tutrone asks about Ordinance 571 and fundraising activities of PSVFC.
- e. Heino Fetty has questions and concerns about the new Stillwater Drive. He wants the Board to look into the construction of the road. The Board discusses the process for the road work and accepting the road.
- f. Joseph Buono thanks the Board and DPW for recent work completed on Aspen Road.
- g. Wendy Manley asks about STR applications and the Complaint Hotline. She also asks about the fees and expenses.

12. Adjournment: The meeting adjourns at 7:13PM.

Minutes recorded by Crystal Butler

Crystal Butler
Township Secretary