

To the Residents of Tobyhanna,

It saddens us, your Board of Supervisors, to have to report to you very SHAMEFUL AND ILLEGAL ACTIVITY that has occurred involving the approximately \$6 million in fire equipment that was held hostage by the Tobyhanna Township Volunteer Fire Company (TTVFC) for the past year, unable to be used to protect you, our Taxpayers, along with your family, property, guests and the local businesses you support ... putting EVERYONE AT GREAT RISK!

We thought this risk was over now that the Judge ruled that Tobyhanna Township has control of the fire trucks and firehouses, along with the excellent volunteers of Company #44 - Tobyhanna Township Bureau of Fire, our new fire company.

However TTVFC, IN VIOLATION OF THE COURT ORDER, STRIPPED THE FIRE TRUCKS CLEAN! THEY ARE UNABLE TO BE USED UNTIL RE-EQUIPPED WITH HOSES, RADIOS, BREATHING EQUIPMENT, FIRE TOOLS, AND MORE!

THIS DEFIANT ACTIVITY MAY COST TOBYHANNY TOWNSHIP TAXPAYERS HUNDREDS OF THOUSANDS OF DOLLARS TO GET THE EQUIPMENT BACK IN WORKING ORDER!

More details are included below.

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As most of you are aware, the Tobyhanna Township Volunteer Fire Company (TTVFC) voluntarily TOOK THEMSELVES OUT OF SERVICE in August 2022. This was relayed via a letter from TTVFC's attorney stating they would NOT provide fire service to the Township if the Board of Supervisors passed the Fire Ordinance, which was enacted for ALL fire companies located in Tobyhanna Township to follow.

Since TTVFC removed its fire company from service, they should have, at that time, returned ALL of the equipment to the Township since that equipment was primarily and significantly paid for with TAXPAYER FUNDS. They also should have vacated the TWO township owned firehouses.

TTVFC refused to return the equipment, so on August 25, 2022, the Township filed a Declaratory Judgment for the Court to decide who owned the equipment, a date to vacate the fire buildings, and authorization for an Audit of Funds to determine if there were TAX DOLLARS remaining with TTVFC that should be returned to the Township. Two hearings were held in December 2022 in front of the Honorable Judge Higgins.

On July 19, 2023, Judge Higgins issued an Order wherein the TITLES on ALL but two of the fire vehicles (one owned by Monroe County) were to be transferred back to the TAXPAYERS of Tobyhanna Township within 20 days. The order also stated that the FIRE TRUCKS and ALL of the EQUIPMENT on them must be turned over to the taxpayers of Tobyhanna Township within 30 days.

After the Judge's Order was issued on July 19th, TTVFC filed for a Stay, claiming the Judge's decision was wrong and that they owned some of the equipment. Instead of waiting for a ruling on their Stay, TTVFC decided to VIOLATE the Judge's ruling. They sent a letter via their attorney stating they were going to STRIP ALL OF THE FIRE TRUCKS and BUILDINGS of equipment they believe belongs to them.

On August 18, 2023, Judge Higgins DENIED THE STAY and refused to hear oral arguments, so his original Order stood.

The Township took possession of the two firehouses and the fire trucks on Monday, August 21, 2023 ... and discovered that ALL OF THE FIRE TRUCKS WERE COMPLETELY STRIPPED OF ALL EQUIPMENT, RENDERING THEM USELESS. Everything was removed: hoses, breathing equipment, fire tools and ALL OF THE RADIOS used for fire communication. These fire vehicles are **NO LONGER ABLE TO BE USED TO RESPOND TO A FIRE OR ANY OTHER EMERGENCY.**

The ACTIONS by the TTVFC are in DIRECT VIOLATION of BOTH the Judge's original Court Order and the Stay. In fact, they removed the equipment without even waiting for the Judge's ruling on their Stay.

The ACTIONS by TTVFC's LEADERSHIP are CONTEMPTUOUS!

They viciously criticized the Board of Supervisors with claims about the Fire Ordinance that were NOT TRUE. They wanted their day in Court to prove their point. They got their day in Court, and the Court RULED that the Fire Trucks and Fire Equipment BELONG to the TAXPAYERS of Tobyhanna Township. The behavior and actions by the leadership of TTVFC will now COST THE TAXPAYERS of Tobyhanna Township HUNDREDS OF THOUSANDS of dollars to get the Fire Equipment back in service to protect the residents and businesses unless TTVFC is forced by the Court to correct their misdeeds. A Motion for Contempt and Sanctions against TTVFC has been filed.

Respectfully submitted,

Tobyhanna Township Board of Supervisors

