

TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
NOVEMBER 20, 2023

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The November Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on November 20, 2023, at the Tobyhanna Township Government Center Building located at 105 Government Center Way, Pocono Pines, PA 18350.

Present are Supervisors David Carbone, Brendon Carroll, Rachel Schickling and Joseph Colyer. Also present are Solicitor, Harry Coleman, Esquire, Manager Robert Bartal, and Assistant Manager Crystal Butler. Supervisor, John Kerrick, is not present.

1. David Carbone calls the meeting to order at 6:00PM; a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements: Mr. Carbone states there was an executive session held November 20, 2023, from 5:30PM to 6:00PM for legal.
4. Consider Minutes: Brendon Carroll motions to approve the minutes of the September 26, 2023, Budget Meeting; October 2, 2023, Regular Business Meeting and October 10, 2023, Budget Meeting as presented, Joseph Colyer seconds. Vote: all in favor; motion carries.
5. Solicitor Report: Mr. Coleman states that there is one matter this evening involving the litigation between Tobyhanna For All and Tobyhanna Township which is the subject of hearing before Judge Zulick in early February. Mr. Coleman states that through negotiations between counsel and representatives of Tobyhanna For All and Township officials, they have worked out an agreement in principle which is subject to the Board's approval. Mr. Coleman is asking the Board to allow Township Manager, Mr. Bartal and Assistant Township Manager, Ms. Butler, to work on an Amendment to bring to the Board at the December meeting. Mr. Coleman states that there are two slight tweaks to the Ordinance. The first concerns maximum occupancy and the second concerns the minimum/maximum fines. Mr. Coleman asks the Board for a Motion to allow Ms. Butler and himself to prepare the Ordinance amendment for consideration at the December meeting. Rachel Schickling makes the motion, Brendon Carroll seconds. Vote: all in favor; motion carries.
6. Manager's Report:
  - a. Penn Strategies Report: Robert Bartal states that the state still has not opened the RACP Grant and that is not going to happen until early 2024. Mr. Bartal states that when it opens, they will make sure to get the application submitted to get grant monies to do improvements at the Emergency Services Building and the Blakeslee Firehouse.
  - b. Zoning and Septic Reports: Robert Bartal reviews the September 2022 and October 2022 and September 2023 and October 2023 zoning and septic reports.

7. Committee Reports:

- a. PMRPC: Brendon Carroll states that calls and crime have been down. Mr. Carroll states that they are 312 hours over purchased hours for the year.
- b. PMREMS: Joseph Colyer states that the audit is complete and there were no discrepancies. Mr. Colyer states that they will have a copy to the Township at the end of the week.
- c. TTBF: Peter Huff states that they have received a quote for new insurance which has better coverage and for less money. Mr. Huff asked the Board for consideration of this new insurance. Joseph Colyer asks that the Supervisors be listed as additional insurers. Mr. Bartal states that this change can be implemented and brought to the Board at the December meeting to be voted on.
- d. PSVFC: Nothing.
- e. NID: Crystal Butler states there is no meeting scheduled until next year and that the Reorg Meeting would be held on the second Monday in March.
- f. PM COG: Crystal Butler states that they opened bids for 2024 quantities. Ms. Butler states that they put in a bid for bulk fuel, and they only had one bid from Suburban Propane.
- g. MCATO: Crystal Butler states there was no meeting last month. Ms. Butler states they are hopeful to reorg at the beginning of the year.
- h. Library: No one is here.
- i. DPW/Vehicle Report: Mr. Rafferty is on vacation.

8. Discussion Items:

- a. Discuss Evergreen Detox Facilities' Petition to Establish a New Class. Ralph Matergia states that they have submitted a proposed zoning amendment to Mr. Coleman for review. Harry Coleman states that the Board is proposing to look at this and have it place on the December meeting for passage. Crystal Butler stated that the draft Ordinance would need to go to Monroe County Planning Commission and Tobyhanna Township Planning Commission for review and once we get their comments back, we can then hold a public hearing. This matter is tabled until January.
- b. Discuss Payoff of Aerial Truck. Harry Coleman states that the Township has title to the aerial truck and is subject to 2 liens by 2 lienholders and the Board is considering paying off the liens on the ladder truck. David Carbone entertains a motion to pay off the aerial ladder. Rachel Schickling motions to payoff of aerial truck; Brendon Carroll seconds. Ed Tutrone asks what the amount is. Robert Bartal states that the Kansas State Bank amount is \$250,496.02 and he has not been able to get the actual amount from PEMA. Mr. Tutrone asks where the money is coming from. David Carbone states the American Relief Fund. Vote: all in favor, motion carries.

- c. Discuss Zoning Hearing Board Alternate Member. This matter is tabled until Reorg Meeting.

9. Action Items:

- a. Consider Authorization to Advertise 2024 Budget: Brendon Carroll motions to authorize to advertise 2024 Budget, Rachel Schickling seconds. Vote: all in favor; motion carries.
- b. Consider Conditional Land Development approval for Pinecrest Minor Subdivision: Rachel Schickling motions to consider conditional land development approval for Pinecrest Minor Subdivision; Joseph Colyer seconds. Brendon Carroll abstains. Seth Eisenberg asks about the project. Vote: Rachel Schickling, Joseph Colyer and David Carbone vote in favor; motion carries.
- c. Consider Clymer Library's Tax Anticipation Note of \$34,000.00: Brendon Carroll motions to consider Clymer Library's Tax Anticipation Note of \$34,000.00, Rachel Schickling seconds. Vote: all in favor; motion carries.
- d. Consider 2023 Volunteer Fire Relief Allocation: Joseph Colyer makes a motion to approve the 2023 Volunteer Relief Allocation on the basis of a mutual agreement between both fire companies with a 70/30 split. Jack Pollen asks who is getting a more percentage of it. Joseph Colyer states Tobyhanna Township Bureau of Fire. Brendon Carroll motions to approve the 2023 Volunteer Relief Allocation, Rachel Schickling seconds. Ed Tutrone states that it is his understanding that this is going to the Fire Relief Association and not the fire department. Joseph Colyer states yes. Vote: all in favor; motion carries.
- e. Consider Conditional Land Development approval of Beardsley-Humphreys & Kaspszyk Minor Subdivision.: Michael Kaspszyk discusses his land development project. Brendon Carroll motions to consider conditional land development approval of Beardsley-Humphreys & Kaspszyk Minor Subdivision, Rachel Schickling seconds. Vote: all in favor; motion carries.
- f. Consider legal representation – Pocono Summit West Act 537 Planning for Route 940 Commercial Corridor: Rachel Schickling motions to approve legal representation for Pocono Summit West Act 537 Planning for Route 940 Commercial Corridor, Brendon Carroll seconds. Vote: all in favor; motion carries.
- g. Consider replacement of gas heaters at the Emergency Services Building: Robert Bartal states that we received 3 estimates to replace the gas heaters at the Emergency Services Building. Brendon Carroll motions to approve the bid of Ultimate Plumbing & Heating in the amount of \$14,500.00, Rachel Schickling seconds. Vote: all in favor; motion carries.
- h. Consider Conditional Land Development approval for Diener Minor Subdivision: Brendon Carroll motions to conditionally approve the Diener Minor Subdivision, Rachel Schickling seconds. Vote: all in favor; motion carries.

- i. Consider Development Agreement and Stormwater Agreement of J Bar Realty, Inc.: Brendon Carroll motions to consider the Development Agreement and Stormwater Agreement of J Bar Realty, Inc., Rachel Schickling seconds. Joseph Colyer abstains. Vote: David Carbone, Brendon Carroll and Rachel Schickling vote in favor; motion carries.
- j. Consider Assignment and Assumption Agreement of Sewer District No. 1 Agreement {Agenda Item taken out of order} Harry Coleman reviews the Assignment and Assumption of Sewer District No. 1 Agreement from Pocono Manor Investors LP to Kalahari Resorts. Ed Tutrone asks if Pocono Manor Investors have no sewer rights, and the Kalahari has it all. Brendon Carroll motions to approve the Assignment and Assumption of Sewer District No. 1 Agreement, Rachel Schickling seconds. Vote: all in favor; motion carries.
- k. Consider Amendment #1 for 2019 PennDOT Multimodal Transportation Fund Grant Waiver of Match Funds: Crystal Butler discusses the Multimodal Transportation Fund Grant. Rachel Schickling motions to approve Amendment #1 for 2019 PennDOT Multimodal Transportation Fund Grant Waiver of Match Funds, Brendon Carroll seconds. Vote: all in favor; motion carries.
- l. Consider Resolution No. 2023-0014 Recognizing Locust Lake Village Property Owners' Association as a Civic and Service Organization for purposes of Small Games of Chance License. Harry Coleman discuss Resolution No. 2023-014. Brendon Carroll motions to consider Resolution No. 2023-0014 Recognizing Locust Lake Village Property Owners' Association as a Civic and Service Organization for purposes of Small Games of Chance License, Joseph Colyer seconds. Rachel Schickling asks if other associations have licenses. Vote: all in favor; motion carries.

10. Treasurer's Report:

- a. September's Treasurer's Report: Rachel Schickling motions to approve September Treasurer's Report, Joseph Colyer seconds. Vote: all in favor; motion carries.
- b. October's Treasurer's Report: Rachel Schickling motions to approve October's Treasurer's Report, Joseph Colyer seconds. Vote: all in favor; motion carries.

11. Consider November 20, 2023, Bill Pack: \$1,108,171.33. Brendon Carroll motions to consider November 20, 2023, Bill Pack in the amount of \$1,108,171.33, Rachel Schickling seconds. Vote: all in favor; motion carries.

12. Board of Supervisors Report/Comment: Joseph Colyer asks to be notified when the heaters are going to be put in.

13. Public Comment:

Kelly Hixon asks about the intersection in Blakeslee. Robert Bartal states that our traffic engineer who states that it does receive a passing grade and until it receives a passing grade, the Township is not going to take on the cost to revamp the intersection. Ms. Hixon asks

how the Evergreen Detox public hearing will be posted. Crystal Butler states that it will be posted in the Pocono Record as well as the Township website, Facebook page and the Township Building.

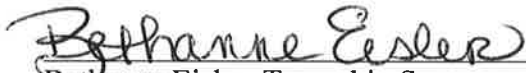
Ed Tutrone asks if the traffic engineer can look at extending the green traffic light on 940 westside. Robert Bartal will discuss this with Bob McHale.

Vicki Mebus asks if the Township has a civil defense plan in case of a disaster.

14. Adjournment: Meeting adjourned at 6:55PM.

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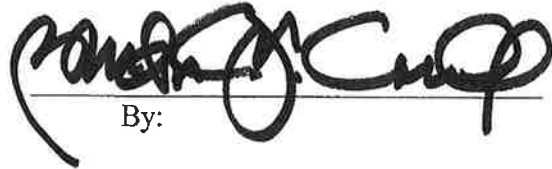
Minutes recorded by Bethanne Eisler

  
Bethanne Eisler, Township Secretary

CONFLICT OF INTEREST DISCLOSURE

I, BRINDON J.E. CARROLL, hereby disclose that I have a conflict of interest with regard to PINECREST DEVELOPMENT CORP. MINOR SUB-DIVISION I am unable to vote on; discuss; or participate in any Township action with respect to PINECREST DEVELOPMENT CORPORATION - MINOR SUB-DIVISION

\_\_\_\_\_ because of my relationship with the matter, as follows: I HAVE A PECUNIARY INTEREST IN PINECREST DEVELOPMENT CORPORATION, AND SERVE AS VICE PRES. OF THE CORPORATION.

  
By: \_\_\_\_\_

Dated: 11/20/2023

Received this 20<sup>th</sup> day of NOVEMBER, 2023

  
Assistant Township Secretary

CONFLICT OF INTEREST DISCLOSURE

I, Joseph C. Colyer, hereby disclose that I have a conflict of interest with regard to J Ber Realty, Inc. (RLE). I am unable to vote on; discuss; or participate in any Township action with respect to J Ber Realty Inc. (RLE)

\_\_\_\_\_ because of my relationship with the matter, as follows: I Joseph C. Colyer Do Business with RLE

Joseph C. Colyer  
By:

Dated: 11/20/2023

Received this 20<sup>th</sup> day of November, 2023.

Betsy D  
Township Secretary

Assistant