

TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
SEPTEMBER 15, 2025

The September 2025 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on September 15, 2025, at the Tobyhanna Township Government Center Building located at 105 Government Center Way, Pocono Pines, PA 18350.

Present are Supervisors John Kerrick, Joseph Colyer, Rachel Schickling, Edward Tutrone and Ted Wolski. Also, present are Manager Robert Bartal, Assistant Manager Crystal Butler and Solicitor, Harry Coleman, Esquire.

1. John Kerrick calls the meeting to order at 6:01PM; a quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements: John Kerrick announces that the 2025 Volunteer Relief Allocation will be moved to the budget meeting on September 24th. Mr. Kerrick states that the Fire Leases for buildings and equipment will also be moved to that same budget meeting.
 - a. Robert Bartal announces that an executive session was held on August 18, 2025, from 5:30PM to 6:00PM for information collecting education.
 - b. Robert Bartal announces that an executive session was held on August 18, 2025, from 8:15PM to 8:20PM for personnel.
 - c. Robert Bartal announces that an executive session was held on September 12, 2025, from 6:00PM to 7:35PM for litigation.
4. Solicitors' Report: Harry Coleman states that there are two public hearings before the Board this evening.
 - a. Public Hearing – Ordinance No. 578 – Non-Uniform Pension Plan Amendments: Joseph Colyer motions to open the hearing. Rachel Schickling seconds. Vote: all in favor, motion carries.

Harry Coleman states that this amendment is to the Tobyhanna Township Non-Uniformed Pension Plan authorized by Section 9.2 of the Tobyhanna Township Non-Uniformed Pension Plan as amended and restated effective January 1, 2001. Mr. Coleman states that Section 3.2(a) is going to be amended to change the normal retirement date. Mr. Coleman states that the normal retirement date of each participant shall be the day they satisfy the following requirements: attain age 62 and complete 5 years of vesting service. Mr. Coleman states that this does not withstand the preceding retirement date which shall be no later than the attainment of age 70.

Robert Bartal states that Conrad Segal had made a presentation at the August meeting. Mr. Bartal states that this is to bring the entire Ordinance into the same framework.

Edward Tutrone motions to close the hearing. Joseph Colyer seconds. Vote: all in favor, motion carries.

Joseph Colyer motions to approve Ordinance No. 578 changes and amendments. Rachel Schickling seconds. Edward Tutrone asks if he can vote as he is part of the pension. Mr. Coleman states that it might be best to abstain. Mr. Tutrone abstains as being a part of the pension. Vote: all in favor, motion carries.

- b. Public Hearing – Ordinance No. 579 – Zoning Ordinance for Data Center Overlay: Crystal Butler states that this was initially brought in by a Petition in which a draft Zoning Ordinance Amendment was crafted and brought to the Board of Supervisors with authorization to sent to the Monroe County Planning Commission along with the Township's Planning Commission. Ms. Butler states that this Zoning Ordinance was advertised in the local paper. Joseph Colyer makes a motion to open the public hearing for Ordinance No, 579 Zoning Ordinance for Data Center Overlay. Edward Tutrone seconds. Vote: all in favor, motion carries.

Ralph Matergia, representing Petitioner Pocono Manor Investors, is here to present. Ms. Matergia states that this Ordinance has been the subject of review and the Petition was filed in May of this year. Mr. Matergia states that the Board of Supervisors asked for input from the Planning Commissions and to work with staff on a redraft of the Ordinance. Mr. Matergia states that they are trying to provide a new use available to the Township and requests that they consider enacting this Ordinance Amendment to accommodate a use for a data center. He states that this Ordinance defines the data center itself. He states that that this use is conducted indoors with computers in banks, and these are typically constructed vertically within a building. Mr. Matergia states that generally the concerns are that they emanate noise from the large banks of computers, and these buildings have been engineered to deal with computers themselves, electricity and water demand which are generated for cooling. Mr. Matergia states the Jim Cahill, managing partner of Pocono Manor Investors, will speak to the site and why they believe this site is appropriate to be zoned for this particular use.

Mr. Matergia states that this is an overlay use which is a zoning technique intended to allow an option for a property owner to opt into specific requirements related to this use and create an overlay district. He states that this overlay district is constructed and mapped on a portion of the Tourist Development Project District. He states that the staff concerns addressed in the draft Ordinance were taken from sample Ordinances from other Municipalities. Mr. Matergia states that they brought into the Ordinance noise provisions, power generation as an accessory use and addressed required separation distances and setbacks particularly those related to any residential areas. He states that the overlay will not affect the underlying district. He states that they do not have a development project at this point and that they want to get in the game and need enabling legislation. Mr. Matergia states that when there is a developer, there will be substantial studies done, and they are addressed in the Ordinance.

Harry Coleman states that the vehicle that was chosen during the proposed Ordinance is an overlay district and states that the vehicle to be used is to designate a use in another district. Mr. Matergia states that that is correct. A discussion was held.

Jim Cahill, managing partner of Pocono Manor Investors, discusses data centers and their uses.

Joseph Colyer states that they are in a tough spot. He states that one way or another this could happen with some of their insight or without any oversight. He states that they do not allow for this anywhere in the Township and if they don't do something tonight, there will be a validity challenge of the Ordinance. Mr. Colyer states that he does not like overlay and thinks it is a tool for when there is another way to do it. Mr. Colyer states that he would like to see it as permitted use in the TDP. Mr. Coleman states that what is proposed before the Board is Ordinance No. 579, which is a by right use of a data center in an overlay district. Edward Tutrone states that he is not a fan overlay and is also not a fan of that district which was proposed for a resort district. He states that the site is tucked away off Sullivan Trail and is an old gravel pit. Mr. Tutrone states that he is more in favor of doing an overlay than a permitted used across the entire district. He states that he is not in favor of this Ordinance but there are things in this Ordinance that need to be tightened up to protect the residents of Tobyhanna Township. A discussion was held.

Public Comment:

Alfred Johnson, longtime resident of Monroe County, is here representing Peter Gonz who is the president of Lake Swiftwater and was unable to attend. Mr. Johnson read Mr. Gonz's statement. Rachel Schickling states that there are 24 items that the Board of Supervisors can make them get and discusses these items. Edward Tutrone states his concern and wants this tightened up.

Mike Erlsten, Pocono Pines, discusses what he knows about data centers.

Vicki Mebus, Pocono Pines, discusses data centers and her concerns with wells going dry.

Thomas Tonnessen, resident of Mount Pocono, lives across the street from the proposed area. Mr. Tonnessen states that data centers belong in big cities and doesn't want it in his backyard.

Thomas Wise, Scotrun, states that data centers are a different beast that we don't know enough about. He states that there are being put up all over the state and there is no site that he is aware of that can handle this.

Joseph Colyer states that he understands that no wants it, but they don't have a choice. He states that they cannot deny it. Edward Tutrone states that he wants to tighten it up because if the property can't support it then they can't build it. He states that they should all work together to make a spot for it. Ted Wolski asks about curative amendment. Harry Coleman discusses curative amendment. Mr. Coleman suggests that from what he is hearing this should be returned for revisions. A discussion was held.

Abby Jones, Penn Futures, discusses the Ordinance and states that our Ordinance is good. Ms. Jones states that this should be conditional use and discusses why she feels this should be conditional use. Edward Tutrones states that he is trying to put more teeth in the Ordinance. A discussion was held.

Brigitte Meyer, resident of Tobyhanna Township, states that this should be a conditional use and discusses her opinion on this use. Ted Wolski asks if a curative amendment would be appropriate here. A discussion was held.

Ellen Lott, rents in Tobyhanna Township, states that this is a great effort in trying to move this forward and urges the Board to please consider this as a conditional use and be able to place conditions as they learn more about this use.

Michelle Farley, resident and former solicitor for Paradise Township and a member of the Brodhead Watershed Association Board of Directors asks the Board to stop feeling pressured.

Joseph Colyer makes a motion to close hearing for Ordinance 579. Ted Wolski seconds. Vote: all in favor; motion carries.

Ted Wolski makes a motion to consider Ordinance 579 Zoning Ordinance for the Data Center Overlay as a conditional use. Harry Coleman states that this should be returned to administration for revisions. As there was not a second, this motion died.

Joseph Colyer makes a motion to send Ordinance 579 for the Data Center as a permitted use in the TDP and return to the administration for revisions to the Ordinance to tighten it up. Rachel Schickling seconds. Vote: Ed Tutrone – no; Ted Wolski – no; Joseph Colyer – yes; Rachel Schickling – yes; John Kerrick – yes.

5. Manager's Report:

- a. Penn Strategies Report: Robert Bartal discusses the Penn Strategies report.

A break was taken from 7:27PM to 7:30PM.

- b. Zoning and Septic Reports: Robert Bartal reviews the August 2024 and August 2025 zoning and septic reports.
- c. Legacy Donation for Tobyhanna Elementary Center PTO Annual Trunk or Treat & Trail of Treats – Saturday, October 18, 2025: Robert Bartal discusses the legacy donation and states that the check is in the bill pack, and they will be sending it out tomorrow.
- d. SCBA Cylinders Payment Source: Robert Bartal states that there was a special meeting on August 26th and they were waiting to hear back from Tobyhanna Township Bureau of Fire regarding payment of \$5,400.00. Tobyhanna Township Bureau of Fire Board voted that they would not pay for them. Mr. Bartal states that it is currently coming out of the vehicle maintenance fund which sits at \$52,000. Edward Tutrone asks if they can take that out of the tax fund. Mr. Bartal states that this would be discussed at the budget meeting.

6. Committee Reports:

- a. PMRPC: Joseph Colyer states that they are having their budget meeting. Mr. Colyer states that they have no numbers as they are working on the contract and should have preliminary numbers within two weeks.
- b. PMREMS: No one is here.
- c. TTBF: No one is here.
- d. PSVFC: Tyler Rispoli gives the report for PSVFC.

- e. TTVFC: Troy Counterman gives the report for TTVFC. Robert Bartal asks the fire companies to have discussions about a burn ban due to the drought conditions. Troy Counterman, Tyler Rispoli and the Board of Supervisors agreed to enact a burn ban. DPW will put out the signs in the morning.
 - f. Thornhurst VFC: No one is here.
 - g. NID: Crystal Butler advises that there is nothing new to report. Ms. Butler states that they are still waiting for a copy of the audit, and they may or may not be scheduling a special meeting at the end of the year or beginning of next year.
 - h. PM COG: Crystal Butler states that this month there will be a meeting, and they will be awarding their annual quantities bids.
 - i. MCATO: Crystal Butler states that no meeting has been held since the last Board of Supervisors meeting. Ms. Butler states that they will have one more meeting this year and they are in the process of getting things up and running.
 - j. Library: John Ryan gives the report for the Clymer Library.
 - k. DPW/Vehicle Report: James Rafferty gives the report for DPW.
 - l. STR: Crystal Butler states that as of September 12th they had 782 STR permits issued and that they continue to maintain a steady plateau.
 - m. Warehouse: Crystal Butler states that the Warehouse Ordinance is going to the Planning Commission and will be on their October Agenda.
7. Action Items:
- a. Consider Resolution No. 2025-012 Authorization to Make Application for Monroe County LSA Grant for Keiper Park Update: Joseph Colyer makes the motion. Rachel Schickling seconds. Vote: all in favor, motion carries.
 - b. Consider 2026 MMO Obligation of Tobyhanna Township Non-Uniformed Employee's Pension Plan. Joseph Colyer makes the motion. Rachel Schickling seconds. Edward Tutrone abstains. Vote: all in favor; motion carries.
 - c. Consider Authorization to Advertise Fireworks Ordinance Amendment. Rachel Schickling makes the motion. Joseph Colyer seconds. Vote: all in favor; motion carries.
 - d. Consider Wayco, Inc. First and Final Payment Application for 2025 Paving Project. Rachel Schickling makes the motion. Edward Tutrone seconds. Vote: all in favor; motion carries.
 - e. Consider RKR Hess Professional Consulting Agreement to Review Aqua Pump Station Special Study for Tobyhanna Township. Robert Bartal states that in August documents were received from GHD, Aqua's Consultants, relating to DEP Act 537 Planning Special Study for the replacement of 6 pump stations within the Pinecrest Development. Mr. Bartal states that they had a meeting with Vince Pompo, special counsel for sewer-related matters and RKR Hess who has handled the engineering services for sewer matters in the

Pocono Summit and Pinecrest Area. Mr. Bartal states that RKR Hess has sent a proposal of \$8,000.00 to review and provide comments. A discussion was held. Rachel Schickling makes the motion. Ted Wolski seconds. Vote: all in favor, motion carries.

- f. Consider Salvage of 2008 Ford Expedition: Robert Bartal states this vehicle is owned by the Township and was used as the Chief's vehicle for Pocono Summit Volunteer Fire Company. Mr. Bartal states that this vehicle is in grave condition and after discussion with Mr. Colyer regarding putting it up on an open bid auction, Mr. Colyer felt that it could not pass inspection, and it could be salvaged for scrap. Mr. Bartal states that Mr. Colyer has generously agreed to, if approved, take it to a scrap yard at no cost to the Township. A discussion was held. Troy Counterman asks if Pocono Summit or the other 2 fire companies could use it for training. A discussion was held. Rachel Schickling makes a motion to salvage after training purposes. Ted Wolski seconds. Vote: all in favor; motion carries.

- g. Consider Requests of Pocono Summit Volunteer Fire Company

- i. \$5,553.46 for inspection of 2006 E-One Rescue Truck

- ii. \$9,688.72 for inspection of 1997 E One Fire Truck Yellow

Rachel Schickling makes a motion. Edward Tutrone seconds. Vote: all in favor; motion carries.

- h. Consider Well Isolation Waiver – 229 3rd Street: Rachel Schickling makes a motion to consider well isolation waiver for 229 3rd Street. Ted Wolski seconds. Vote: all in favor; motion carries.
- i. Consider Authorization to Advertise on Penn Bid for I-380 Project Traffic Signals: Joseph Colyer makes a motion. Rachel Schickling seconds. Vote: all in favor; motion carries.

8. Discussion Items:

- a. Discuss 2024 Volunteer Fire Relief Allocation. This will be placed on the Agenda for the September 22, 2025, Budget Meeting.
- b. Discuss Fire Leases for Buildings and Equipment Renewals for 2026. This will be placed on the Agenda for the September 22, 2025, Budget Meeting.
- c. Discuss Release of Documents Prepared by RKR Hess Regarding Pocono Summit West Sewage Facilities Planning for Proposed Development. Robert Bartal states that they received a request from a developer who has contracted with T&M Consultants for their 537 Plan. Mr. Bartal states that T&M Consultants has put in a request to RKR Hess for documents that the Township had previously obtained from studies that RKR Hess did for the Township. Mr. Bartal states that RKR Hess wanted the Township's permission to share those documents and there will be no cost to the Township. A discussion was held. Edward Tutrone makes that motion. Joseph Colyer seconds the motion. Vote: all in favor; motion carries.

- 9. Treasurer's Report: August's Treasurer's Report: Rachele Schickling makes the motion. Joseph Colyer seconds. Vote: all in favor; motion carries.

10. Consider September 15, 2025, Bill Pack: \$710,475.77: Joseph Colyer makes the motion; Ted Wolski seconds. Rachel Schickling abstains as there is a \$1500 check to Keiper Plumbing. Vote: all in favor; motion carries.

11. Board of Supervisors Report/Comment:

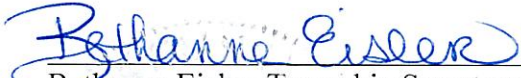
Ed Tutrone states that he would like to comment on an email received from President of Bureau of Fire, Tia Fritz, on August 28, 2025, regarding a discussion between Chief Counterman, Chief Switzer, Tia Fritz and another 41 member outside. Mr. Tutrone states that Mr. Bartal had met with the 3 chiefs prior to this conversation and they were advised to handle these issues amongst themselves. Mr. Tutrone states that Mr. Counterman did exactly that.

12. Public Comment:

Joe Buono, 266 Aspen Road. Edward Tutrone states that himself, John Kerrick and James Rafferty went out and took look at the property. Mr. Tutrone states that his recommendation to the Board is to have Jimmy do what needs to be done with the dirt and once that is done, it is done.

13. Adjournment: Meeting adjourned at 7:56PM.

Minutes recorded by Bethanne Eisler


Bethanne Eisler, Township Secretary