

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, July 18, 2016, beginning at 4 p.m.

PRESENT: ANNE LAMBERTON, Chairperson
DONALD J. MOYER, Vice Chairperson
JOHN J. HOLAHAN, III, Board Member
JOHN E. KERRICK, Board Member
HEIDI A. PICKARD, Board Member

JONATHAN J. REISS, ESQUIRE, Solicitor
(Via Telephone)

ALSO PRESENT: ROBERT McHALE, Township Engineer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

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1 MS. LAMBERTON: Good afternoon.

2 I'd like to call the board of supervisors special
3 meeting of Monday, July 18th, 2016, to order.

4 We'll start with the pledge of allegiance, please.

5 (Pledge of Allegiance.)

6 MR. HOLAHAN: Chair?

7 MS. LAMBERTON: Yes, sir.

8 MR. HOLAHAN: Could I recognize
9 a special guest?

10 MS. LAMBERTON: Absolutely.
11 Absolutely.

12 MR. HOLAHAN: Mr. Snyder, young
13 Mr. Snyder, would you stand and introduce yourself
14 to us.

15 MR. COLEY SNYDER: I'm Coley
16 Snyder. I'm a boy scout. And I have to attend a
17 meeting, so --

18 MR. HOLAHAN: He's here under

19 duress.

20 MS. LAMBERTON: Well, welcome.

21 Thank you for coming. And we'll sign whatever you

22 need signed.

23 MR. HOLAHAN: But not until the

24 end of the meeting.

25 MS. LAMBERTON: You'll have to

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1 suffer through it, right? That's cute. Well,

2 welcome. Thank you for coming. And thank you,

3 John.

4 Old business. Consider township

5 manager's search for proposals. Everyone have a

6 chance to look at everything?

7 MR. MOYER: Yeah, I looked at

8 everything.

9 MR. HOLAHAN: Yes. I'd like to

10 make a motion that we engage the services of

11 Management Matters, LLC.

12 MS. PICKARD: I'll second the

13 motion.

14 MS. LAMBERTON: I have a motion

15 and second. Any questions or comments from the

16 board? Any questions or comments from the public?

17 Seeing none, call the vote. John?

18 MR. KERRICK: I vote in favor.

19 MS. LAMBERTON: Heidi?

20 MS. PICKARD: I vote in favor.

21 MS. LAMBERTON: John.

22 MR. HOLAHAN: Yes.

23 MS. LAMBERTON: Donny?

24 MR. MOYER: I vote in favor.

25 MS. LAMBERTON: I vote in favor.

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1 Motion carries.

2 Moving on to new business.

3 MS. PICKARD: Before we move on,
4 is there a time that we can get together with Mr.
5 Evans?

6 MS. LAMBERTON: Well, if we get
7 through this meeting quickly we can maybe at least
8 have 5, 10 minutes of your time, Jeff, if that's
9 okay?

10 MR. EVANS: I'm available.

11 MS. LAMBERTON: Wonderful.

12 Thank you. Consider advertising proposed township
13 manager ordinance amendment. Everyone have a
14 chance to review?

15 MS. PICKARD: Yeah, I did. I
16 had some questions or concerns. I was just trying
17 to talk to John. John is available for the next
18 half hour if we needed to.

19 MR. HOLAHAN: Jonathan?

20 MS. PICKARD: Did I say that?

21 MR. HOLAHAN: You said John.

22 MS. PICKARD: Jonathan Reiss,
23 Jon Reiss, I get confused. I just had some
24 concerns and, you know, whatever we do we'll
25 probably need to make changes in the personnel

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1 manual. But I was a little concerned that we were
2 hamstringing somebody new. I mean, I understand,
3 but the disciplinary thing I think needs to be
4 clarified a little bit. And as it's set up in our
5 personnel manual the board is the grievance. If
6 somebody gets suspended and is not happy with that,
7 they can appeal it to the board. That's part of
8 our grievance procedure. So that's one thing that

9 if we get involved, as this is saying, more or less
10 was suspension and discipline. That's one issue.

11 The other issue is I personally
12 am concerned with people coming to me and wanting
13 to get hired, that I didn't want to get too
14 involved. Especially in non-supervisory positions.
15 So --

16 MS. LAMBERTON: So why would
17 they come to you, Heidi, as a --

18 MS. PICKARD: Well, just the way
19 that the changes in this ordinance are saying
20 that --

21 MS. LAMBERTON: Well, they're
22 saying the board. You don't feel comfortable with
23 them coming to the board?

24 MS. PICKARD: No, but I meant
25 the public as a whole, going up to us individually

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1 as supervisors. I would like to say, well, the
2 manager does the interviewing and the hiring and we
3 don't have anything to do with that. So I feel
4 like non-supervisory, I don't have a problem, like

5 if there is a clerical secretary, I don't know
6 where we need to get involved with, but if it's a
7 supervisory or a department head, I think the board
8 should.

9 Those were one of the things
10 that Jonathan said would be easy to insert if we
11 wanted to change that to that the manager would
12 have the ability to hire non-supervisory positions.

13 MS. LAMBERTON: I see what
14 you're saying.

15 MR. HOLAHAN: Without us.

16 MS. PICKARD: You know.

17 MS. LAMBERTON: So would you
18 like to amend that section?

19 MS. PICKARD: If we could amend
20 that section and then I just wanted some
21 clarification on the discipline. Like if something
22 egregious happens and somebody needs to be
23 immediately suspended, the way I'm reading this is
24 that she has to contact the board and --

25 MS. LAMBERTON: So should we get

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1 Jonathan on the phone and he can clear this up?

2 MS. PICKARD: If that would make
3 everybody feel more comfortable, because I've had a
4 conversation with him, but I can't translate
5 everything that he said. But whatever we do, we'll
6 have to go to the personnel manual. I was just
7 saying that as we have it set up now, they can
8 appeal to us because we are not involved in the
9 disciplinary procedure initially, only if there is
10 an appeal. So we didn't get involved, so we can
11 arbitrate it. You know what I mean?

12 MS. LAMBERTON: Yeah, I do.

13 MS. PICKARD: But if we are
14 involved with making that decision -- I don't want
15 to get involved in day to day stuff. Obviously if
16 it's something higher up where somebody is being
17 disciplined, it's been our experience that that was
18 always brought to the board and we were always
19 aware something was going on. So I just want to be
20 clear how we put that there, because I don't want
21 to -- and maybe Jeff can weigh in on this too, that
22 we're going to hire somebody and then completely
23 tie their hands so they can't make any decisions
24 or, you know, work here. So I get both sides of it
25 but.

1 MS. LAMBERTON: So shall we
2 place a call to him?

3 MS. PICKARD: You can. I'm one
4 person here. I don't want to sit here and argue
5 it, you know what I mean? If that would make it go
6 faster, yeah.

7 MR. McHALE: If Jonathan knows
8 how to pull the language together for what you're
9 speaking to, then if the board is in agreement, he
10 can circulate the language before we advertise it.

11 MS. PICKARD: He said we can
12 authorize advertising based on that and he can
13 tweak that.

14 MR. HOLAHAN: I'm in agreement
15 with that.

16 MS. PICKARD: Did you understand
17 what I'm saying?

18 MR. HOLAHAN: Yes, surprisingly.

19 MS. LAMBERTON: Hey, Jonathan,
20 it's Anne Lambertson, how are you? Can I put on
21 speaker, we are in our board meeting and we just
22 need some clarification about a discussion you had

23 with Heidi? Okay. I'm going to put you on
24 speaker.

25 MS. PICKARD: Hi, Jonathan.

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1 MR. REISS: Hi everybody.

2 MR. MOYER: Hi, Jon.

3 MS. PICKARD: I think, if I'm
4 not mistaken, we're cool with the putting in that
5 the manager has the ability to hire non-supervisory
6 and non-department heads, but if you could help us
7 clarify the disciplinary, what would be a good way
8 to --

9 MR. REISS: Well, it's really a
10 policy decision for the five of you to decide what
11 authority the manager has or doesn't have. What
12 Heidi and I talked about was modifying the amended
13 language that the manager would have the authority
14 to discipline, to issue all discipline except for
15 either just terminations or suspensions and
16 terminations. I think that's how we talked about
17 it, right?

18 MS. PICKARD: Yes. My only
19 concern was if there was an allowance for an

20 emergency situation, if somebody needed to be
21 immediately suspended and removed from the
22 premises.

23 MR. REISS: Right.

24 MS. PICKARD: Is there an
25 emergency clause that can be --

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1 MR. REISS: Right. So under
2 that scenario you could say that the manager would
3 have the authority to issue all discipline except
4 for termination -- except for suspensions in excess
5 of, and then you can make it a certain number of
6 days, and terminations.

7 MS. PICKARD: Okay.

8 MR. REISS: And if you did that,
9 you'd want to make it a certain number of days so
10 that you could have an executive session and
11 advertise a special meeting if you needed to. So
12 it would probably be something like five days.

13 MS. PICKARD: Well, I'm just
14 saying like even one day, you know --

15 MS. LAMBERTON: Well, he has a

16 reason, though, for making it longer, which I
17 understand. I think that would give --

18 MR. HOLAHAN: Because we
19 couldn't advertise the meeting --

20 MS. PICKARD: Oh, okay, yeah.
21 I'm cool with that.

22 MS. LAMBERTON: Even 5 to 7 days
23 if you want to give some leeway, because schedules
24 aren't always --

25 MS. PICKARD: But that can be

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1 done in executive session?

2 MR. REISS: I'm sorry, I didn't
3 hear that.

4 MS. PICKARD: If there was a
5 need for a further suspension, would we be able --
6 we would be able to do that without advertising.
7 We could do that in an executive session.

8 MR. REISS: Well, you'd talk
9 about it in executive session, you may need to come
10 out and actually vote on that at a public meeting,
11 but, if you have the suspensions 5 or 7 days that
12 the manager could do, that would give you enough

13 time to get it at a special meeting advertised.

14 MS. PICKARD: Okay. I agree
15 with that.

16 MR. REISS: So all you need to
17 do is make sure Bob takes down notes as far as what
18 changes you want in that ordinance and then what
19 I'll do is I'll make that -- I'll circulate it, but
20 we'll also get it out and advertise, because the
21 changes aren't based on the way the questions Heidi
22 had about it. They are not going to be that
23 difficult for me to do first thing tomorrow
24 morning.

25 MR. McHALE: Anne or Donny, do

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1 you want to just finish the clarity right now and
2 let him draft it tonight or first thing in the
3 morning and just send it to us? Because I don't
4 want to be in the middle of translating this.

5 MS. LAMBERTON: No. Hang on one
6 second, Jonathan. Bob McHale requested that you
7 could clarify the changes now and then Bob doesn't
8 have to worry about interpreting something

6 then for the discipline, the manager has the
7 authority to issue all discipline except for
8 suspensions over -- what's the date?

9 MS. PICKARD: We're up to --

10 MR. MOYER: Seven day.

11 MS. LAMBERTON: Yeah, can you do
12 five to seven days or you want to do seven days?
13 That gives everybody -- let's go with seven if
14 that's okay with everyone.

15 MR. REISS: So up to seven days.
16 Okay. And terminations. Okay.

17 I'm sorry, so, basically, it
18 would be the manager has the authority -- and I'm
19 paraphrasing now. The manager has the authority to
20 issue all discipline except for suspensions in
21 excess of seven days and terminations.

22 MR. MOYER: Correct.

23 MS. PICKARD: Yes.

24 MR. REISS: Okay. So I'm not
25 going to have time to make that right now because I

1 have to leave in a few minutes for a zoning

2 hearing, but I'll make that tomorrow morning and
3 get it to Bob so they can get it out to the law
4 library. And at the same time I'll send it out to
5 everybody else.

6 MR. McHALE: Yes, because we
7 need to advertise tomorrow and that's why we need
8 him to clean that up in the morning, yep.

9 MR. MOYER: Yeah, we have to
10 advertise it tomorrow.

11 MS. PICKARD: And we're going to
12 authorize this for advertisement of those changes.

13 MR. HOLAHAN: So I'll amend my
14 motion to --

15 MR. REISS: All right. So Bob,
16 do you know what time the advertisement has to be
17 in by?

18 MR. McHALE: I think as long as
19 we get something by noon, Jonathan, we should be
20 good.

21 MR. REISS: All right. So I
22 don't have anything scheduled tomorrow morning, so
23 when I get in this will be the first thing I do and
24 I'll email it out to you and Margie?

25 MR. McHALE: That'd be

24 Motion carries.

25 Pocono Summit Volunteer Fire

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1 Company request to release monies from the Fire
2 Fund. I'll entertain a motion.

3 MR. HOLAHAN: I'll make that
4 motion that we release the monies requested.

5 MS. PICKARD: I'll second the
6 motion.

7 MS. LAMBERTON: I have a motion
8 and a second. Questions or comments from the
9 board? Questions or comments from the public?
10 Seeing none, call the vote. John?

11 MR. KERRICK: In favor.

12 MS. LAMBERTON: Heidi?

13 MS. PICKARD: I vote in favor.

14 MS. LAMBERTON: John.

15 MR. HOLAHAN: Aye.

16 MS. LAMBERTON: Donny?

17 MR. MOYER: I vote in favor.

18 MS. LAMBERTON: I vote in favor.

19 Motion carries.

20 Jubilee Restaurant parking
21 improvement project. Waiver of the HOP application
22 fee.

23 MR. HOLAHAN: Make a motion that
24 we waive the HOP application fee.

25 MS. PICKARD: I'll second.

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1 MS. LAMBERTON: I have a motion
2 and second. Questions or comments from the board?
3 Questions or comments from the public? Seeing
4 none, call the vote. John?

5 MR. KERRICK: In favor.

6 MS. LAMBERTON: Heidi?

7 MS. PICKARD: I vote in favor.

8 MS. LAMBERTON: John.

9 MR. HOLAHAN: Aye.

10 MS. LAMBERTON: Donny?

11 MR. MOYER: I vote in favor.

12 MS. LAMBERTON: I vote in favor.

13 Motion carries.

14 Tobyhanna Township Venezia
15 Enterprises requesting direction from the board,
16 Bob is, for the township solicitor to prepare a

17 proposed amendment to the development agreement
18 dated January 26, 2016.

19 MS. PICKARD: What amendment is
20 it?

21 MR. McHALE: Well, the
22 development agreement, when it was put together
23 there was an opinion of probable cost for the
24 construction improvements for post construction,
25 stormwater management and E and S controls. It was

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1 about \$215,000.00, so they posted a letter of
2 credit as a part of that development agreement.
3 Right now what the folks at Venezia are asking is,
4 they're not going to proceed with that project at
5 this point in time. And it may be -- they do want
6 to do it at some point, but it may not be in the
7 near future. So what they're asking is if they
8 could have the release of their letter of credit
9 subject to this amendment where they would put it
10 together that additional monies would be posted
11 prior to the commencement of construction.

12 MS. LAMBERTON: Fair enough.

13 I'll entertain a motion.

14 MR. MOYER: So moved.

15 MS. LAMBERTON: I have a motion.

16 Do I have a second?

17 MR. HOLAHAN: Second.

18 MS. LAMBERTON: I have a motion

19 and a second. Any questions or comments from the

20 board? Any questions or comments from the public?

21 Seeing none, call the vote. John?

22 MR. KERRICK: In favor.

23 MS. LAMBERTON: Heidi?

24 MS. PICKARD: I vote in favor.

25 MS. LAMBERTON: John.

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1 MR. HOLAHAN: Aye.

2 MS. LAMBERTON: Donny?

3 MR. MOYER: I vote in favor.

4 MS. LAMBERTON: I vote in favor.

5 Motion carries.

6 MR. McHALE: And that is for

7 direction for Jonathan Reiss to proceed ahead?

8 MS. LAMBERTON: Yes.

9 Any public comment? Does our

10 boy scout want to say anything? I'm not putting
11 you on the spot, honey.

12 MR. MOYER: He got away with
13 murder today.

14 MS. LAMBERTON: This was an easy
15 one.

16 Any comments from the board?

17 MS. PICKARD: No, are we going
18 to talk to --

19 MS. LAMBERTON: Yes, if we could
20 have --

21 MR. McHALE: I just want to
22 throw out just a couple more things. PennDOT is in
23 the process of moving forward toward the paving of
24 Locust Ridge Road along that whole stretch. They
25 also have a bridge reconstruction project over

20

1 trout creek which you're also aware of. Ed is
2 going to be going to a precon meeting tomorrow to
3 talk to, you know, PennDOT about those items.
4 There was some communication questions between the
5 bridge project and the paving project, but it looks

3 talked about whether we wanted to do it in here, we
4 talked about out in the hall, so that we could have
5 that. We could also have TEC or the high school
6 also take a hall or whatever from time to time.
7 But the Arts Council defers that to an artist and
8 they're responsible and they have a liability and a
9 waiver form. So that I can send that form out and
10 maybe we can discuss it.

11 MS. LAMBERTON: Sure send us
12 what you have.

13 MS. McHALE: As Heidi and I were
14 talking about, one of the things that we would be
15 coordinating, not only the sales and that type of
16 thing of these art pieces, but how do we schedule
17 the corridors to be open? If it's only during
18 public meetings then people only have that time,
19 otherwise we have what is semi secured now by these
20 doors so that only people that are having business
21 that is being conducted here do they come back here
22 and we meet in the conference rooms or whatever.
23 So if we open that up to the public, now you have
24 people wondering in at all times. So those are the
25 kind of things that we talked that you will have to

1 figure out how that works.

2 MS. PICKARD: They're only
3 available during the times that the building is
4 open for meetings. That's just the way they are.
5 And Stroud and some of the others have done that.

6 MR. McHALE: If it's just for
7 meetings, that type of thing, then --

8 MS. PICKARD: Yeah. It's not
9 open all the time. No.

10 MR. McHALE: Okay. So, anyway,
11 but those kind of things are something you can talk
12 about at the work session and bring up. Okay. I'm
13 good. Thank you.

14 MS. LAMBERTON: Motion to
15 adjourn.

16 MR. KERRICK: I had a question
17 for Ed or Troy. What are they doing with emergency
18 services with the bridge out?

19 MR. TUTRONE: We have a plan
20 that we did the last time they were supposed to
21 start the bridge. So once I go to this meeting
22 tomorrow -- and then I spoke with Walsh
23 Construction directly and they were going to have a

24 precon meeting here on the 9th at 3 o'clock, from 3
25 to 6 for the public and emergency services and then

23

1 we're going to get together with Thornhurst and
2 then moving on our plan again the way we had it set
3 up.

4 MR. KERRICK: Okay.

5 MR. HOLAHAN: What's the
6 anticipated date of the start of construction?

7 MR. TUTRONE: For the bridge?

8 MR. HOLAHAN: Yes.

9 MR. TUTRONE: They said
10 September. They didn't give an actually date.
11 They said September. Hopefully on the 9th they
12 will provide us with a date.

13 MR. HOLAHAN: Do we have any
14 input to be able to like push after Labor Day or
15 something like that?

16 MR. McHALE: Ed can bring that
17 up at the meeting.

18 MR. TUTRONE: Yeah, it more than
19 likely will be after Labor Day because she told me
20 September, so I'm going to assume it will be after

21 Labor Day.

22 MR. HOLAHAN: All right.

23 MS. LAMBERTON: Anything else?

24 Motion to adjourn.

25 MR. HOLAHAN: So moved.

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1 MS. LAMBERTON: Okay.

2 (Meeting adjourned at 4:20 p.m.)

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I hereby certify that the
proceedings and evidence are contained fully and
accurately in the notes taken by me at the hearing
in the above matter; and that the foregoing is a
true and correct transcript of the same.

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JOSEPHINE HOLLMAN, C.R.

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