

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
Work Session Notes
February 6, 2017

The work session was called to order by Chair Anne Lamberton at 8:00 a.m. in the meeting room of the Tobyhanna Township Municipal Building, 105 Government Center Way, Pocono Pines, PA.

Present were Supervisors Anne Lamberton, John J. Holahan III, Heidi A. Pickard, Brendon Carroll and John E. Kerrick and Township Manager John Jablowski Jr.

Pledge of Allegiance was recited.

1. **Solicitor Report**

A. **Amendment to Zoning Ordinance - Sign Regulations**

Mr. Jablowski Jr states that he and Mr. Jonathan Reiss had provided some additional comments and are welcoming any additional comments from the board.

Ms. Lamberton and Mr. Carroll recommend tabling for the opportunity to gather additional comments.

B. **Amendments to Zoning & SALDO - Exemption from Land Development**

Mr. Carroll questions that the ordinance says we're going to exempt under the SALDO 135-9D, yet there is no "D" and the way it is written is unclear.

Mr. Jablowski Jr will contact Mr. Reiss to clarify.

Maureen Minnick suggests that on this ordinance the 135 was to add "D" to it.

Mr. Carroll states that it is unclear the way it is written and Ms. Minnick says she will take another look at it.

Mr. Carroll suggests also that in Section 155 track 16, BK and I is out of order and there is no K in the ordinance. Ms. Minnick thinks that Mr. Reiss revised the three ordinances and that Mr. Carroll may be looking at an older version. There

should be 135, 155 for planning and 155 for medical marijuana.

Ms. Lamberton asks Ms. Minnick to look at it and review with Mr. Reiss.

C. Amendment to Zoning Ordinance - Medical Marijuana

Ms. Minnick states that there is a revision pertaining to the medical marijuana requires certain criteria for the use and we don't have that criteria to look at yet.

Ms. Lamberton expresses she thought Mr. Reiss would use what others were using within the State. Mr. Carroll agrees that criteria is set by State.

Heidi Pickard asks if we should look at the County because the County has an ordinance that they come up with regarding medical marijuana.

Ms. Minnick states that the dispensaries were permitted use, as a retail store in the commercial district. Growers and processors were allowed to be in a commercial industrial district with conditional use. That conditional use didn't have any criteria to put in that proposed ordinance.

Ms. Lamberton clarifies that this is just for Board's review and that no action is being taken at this time.

Mr. Jablowski confirms and states that Ms. Minnick has comments to add.

Mr. Carroll stresses that he thought they were coming together to discuss it and move it to next. Ms. Lamberton says yes that the Board's comments will be added to what needs to be changed. Ms. Pickard says then it will go to the PC and then to the County and then back to the Board.

2. Old Business

A. Panther Lane/Route 940 Traffic Light Dedication

Mr. Jablowski says they're moving ahead with the traffic light dedication of the school district and that Mr. Reiss had met with their attorney regarding outstanding issues.

3. New Business

A. Kalahari Boulevard Agreement

Mr. Jablowski says that they are working with Kalahari to come up with a plan to most effectively use the resources of Kalahari and the township; the township is responsible for ½ mile in and ½ mile out of Kalahari Boulevard for snow plowing. Kalahari wants to ensure that the roadways are free as quick as possible of any ice and snow. Our DPW has about 52 miles of roadway to clear so we may not be as quick to get to Kalahari Boulevard. In a partnership with Kalahari we came up with a plan that they would be responsible for the maintenance of the snow and ice removal of that section, in return of alleviating us of that responsibility, we would turn back an allocation of \$5,000. From the State, we get about \$5,900 per mile of roadway, Kalahari will now be responsible for that mile of roadway. In conjunction with our DPW we did a cost analysis and it costs us well in excess of \$5,900 to maintain the roads so we'll be saving the taxpayers money and in addition Kalahari will be out there as soon as the snow is on the ground, which is what they want.

Mr. Holahan asks if this absolves us of liability on that road. Mr. Jablowski responds that there is a liability for any snow removal issue.

B. Kalahari Resorts LDP - [Revision 1; Stage C-Snow Tubing Facility]

Mr. Jablowski states that Steve Pine informed him that they are not moving ahead.

C. Consider Resolution 2017-007 approve submission of Redevelopment Assistance Capital Program Grant to PA DCED - [Blakeslee Village]

Mr. Jablowski explains this is a municipal grant program to help complete the study for the Blakeslee Village concept as we've been discussing for the past several months. This is a match program through the DCED. We're applying for

\$25,000 for a \$60,000 proposed study so it meets the guidelines of the 50-50 match. We have a letter of resolution of support from the board which is required by the State. We have also received letters of support from Senator Scavello and Representative Rader, the minority chair of the Agricultural Affairs Committee, and Pocono Mountains Development Council. Our proposal is to contact some of the developers that will be positively impacted by the study to ask them to share in the cost. Hoping that at the end of the day it won't cost us anything for the \$60,000 study which will be economic impact, preliminary design and concept and proposed transportation improvement.

Mr. Holahan makes a motion to do case resolution 2017-007 which is the resolution of Tobyhanna Township Board of Supervisors approve the submission of the Redevelopment Assistance Capital Program Grant. Mr. Carroll seconded.
Vote: All in favor; motion carried.

Ms. Pickard asks if this was going to be on next week's bill pack, and Mr. Jablowski says yes to putting it on the bill pack.

Ms. Lamberton asks who funds NEPA and Mr. Jablowski explains that it is a combination of membership, development administration through the federal government, some state funding, counties and a variety of different sources, primarily federal and state dollars.

4. **Department updates:**

A. **Public Works**

Ed Tutrone explains that they have a 2003 Ford Explorer that has an issue with the transmission. The retail value of the vehicle is approximately \$3,800 - \$4,200. Minimum to fix the transmission would be \$1,000, maximum would be about \$2,800 for new transmission. What does the Board want to do?

Ms. Lamberton asks how many miles are on it. Mr. Tutrone responds 80 to 82,000.

Mr. Jablowski states that we don't have a need for it. Mr. Holahan says sell it. Other Board members agree.

Mr. Tutrone also advises that there is a rototiller that we could sell as well. All of them agree to sell both the Explorer and the rototiller and Mr. Tutrone agrees to get a list together of what he finds is sellable.

Mr. Tutrone says that regarding the materials bid, that we are a Costars member which means that we can get a better deal through Costars for our materials. In comparing last year's pricing list, we were paying \$1.50 to \$2.00 more per ton of blacktop by having our own bid instead of going through Costars. Mr. Tutrone asks if the Board wants to go through Costars or put material bids out ourselves? The board all agrees to go through Costars. Mr. Tutrone summarizes that they will continue to put out equipment bids but will go through Costars for materials.

Mr. Tutrone explains problem with Gordon Lane. When the materials came, someone from the Conservation District who was here to accept the loads and they were too wet; never had a chance to dry out. We are now having major issues with the road. Using the FEMA pricing list, we are about \$19,000 in to it between our equipment and our labor. The road is half a mile.

Ms. Lamberton asks how much the grant was. Ms. Pickard respond around 22, 23. Mr. Tutrone states that the total cost of the project was \$45,889.94.

Mr. Jablowski asks if the Conservation District will reimburse us and Mr. Tutrone says they are in discussion with Hanson about the issue.

John Kerrick suggests writing a letter to the Commission noting that we expect help from them in correcting the problem.

Mr. Jablowski suggests a meeting with Motts, with Hanson, regarding the options in resolving this issue. Mr. Tutrone agrees.

Mr. Kerrick asks if the cover still okay on the pool. Mr. Tutrone says that he checks it but now there is ice on the top of the cover; so far, the cover is okay. Mr. Kerrick suggests doing something else with the pool such as fill it in. Mr. Holahan suggest filling in and making a splash park. Ms. Lamberton suggests Mr. Turtone get pricing for splash park and Board can have further discussion on it. Mr. Jablowski suggests checking with other townships to see what they have done. What are the pros, cons?

B. Zoning

Ms. Minnick states that staff members and FedEx met last week and they're looking to expand their facility in three stages. They are running out of space for their maintenance shop and they want to put a 30 x 52 carport in, a prefab building and they are requesting a waiver for that. The other portion will be a land development that would have to be done on conditional use. Mr. Jablowski states that one of their biggest issue of their future growth is about sewer, water and perhaps natural gas.

Mr. Kerrick explains that a resident approached him at the bank feeling uncomfortable about the FedEx property. Asks Ms. Minnick to check to see if the trees were put in to create a screening to the property with the last expansion. Ms. Minnick said FedEx is willing to look in to the screening issue and take care to make it accommodating. They have also asked for input on what sorts of trees are native to the area.

Mr. Jablowski explains that he had heard complaints on back-up noises from the trucks. Mr. Jablowski also notes that there are school buses nearby that could also be contributing to the noise. Ms. Pickard asks if there are any sound barrier options. Ms. Minnick states there are also ATV tracks in the back that could also be contributing. Ms. Lamberton suggests that Board needs to be sensitive to these issues. Ms. Minnick adds that FedEx said their expansion will bring 100 jobs to area.

Ms. Minnick discusses Rob Forrester situation with property on Stoney Hollow Road asking to consider change the zoning there and our attorney suggested they appeal the zoning hearing decision and they are moving forward with that process. Ms. Lamberton clarifies that it will then come back to the Board after the appeal process. Mr. Jablowski asks Ms. Minnick to update Mr. Reiss with the progress.

Ms. Minnick discusses the fire loss property that the township has been trying to work with the property owner to tear the building down. We offered to help him by supplying a dumpster, gain a permit and he said when the weather breaks he has enough volunteers to help. Ms. Pickard advises he owes sewer fees. Ms. Minnick suggests he has been paying his taxes and association fees and he is capped. He is also in agreement to pay the zoning fee. Ms. Pickard suggests discussing amounts in arrears at a later date. Mr. Kerrick asks if everything will fit in one dumpster. Mr. Tutrone responds that it will but he may use two dumpsters to separate the metals. Mr. Kerrick suggests we try to get a machine over there to help if needed. Ms. Lamberton states the Board is willing to help.

C. Other Comments from the Board

Ms. Pickard said that Mr. Jablowski and she have been working together to compose a letter letting those concerned know the plans of selling the plant. Also, have to find a way to collect all outstanding fees before switching to AQUA. Mr. Kerrick asks if there is a report showing outstanding amounts. Ms. Pickard responds that is it not a detailed by account holder. Explains that there are two parts; there's about 170k on the assessments and 80 or 90 percent are with one individual. As properties get sold and settle we get paid. Suggests the Board considers making an offer to that one individual to clear up accounts. Liens were for \$1,500 a piece originally but now are \$4,000 with late fees. Assessment liens and 25 accounts that account for \$100,000 in late fees. There are two that are over \$10,000, a couple at \$8,000. Ms. Lamberton asks if someone is late on AQUA what do they do? They shut them off. Ms. Pickard states that we do not have the ability to do that. Only the Municipal Authority can do that; we can only lien the property. The other option would be to sell them to a collection agency.

Mr. Holahan suggests taking a look at which ones we should discount the note, sell the notes off. Mr. Kerrick requests a report of all before making any decisions.

Mr. Holahan discusses being invited to Arrowhead Lakes Board of Directors meeting to speak to them about the differences in restrictions of size of building that can be built there. They were not aware of how we did it. Discussed with them the formula for figuring out the percent of lot coverage to determine the square footage of building. Also, discussed the difference of Coolbaugh Townships ridge height of 35 feet compared to our 29 feet. Mr. Holahan suggests attacking zoning ordinances sections at time. Referred Jerry Burke, POA President of Arrowhead to contact Mr. Jablowski to discuss what's happening in the area.

Ms. Lamberton states that the zoning issues will be addressed at the next work session so progress can be made a section at a time. Mr. Jablowski suggests starting with residential. Board agrees. Ms. Minnick asks Mr. Holahan what the biggest complaints were from Arrowhead regarding building a home. Mr. Holahan states that the building size is the biggest complaint; houses are too big. Ms. Lamberton asks that Ms. Minnick sets up a meeting with the POAs in the area to come in to discuss which architectural issues or questions they might have in the building process so that we can focus that in our conversations of zoning. Ms. Pickard states height is the biggest complaint.

Mr. Jablowski suggests scheduling a meeting and invite all 22 homeowner associations between now and our next work session so we can come back to next work session with more information. Mr. Holahan requests also reaching out to some of the larger builders and have a separate meeting with the same focus.

Mr. Jablowski discusses instituting a program that is basically a rapid response for small business that within 60 days from the time that the business comes in here to request the permitting process to be open. So, from the time that they come in and speak with Barbara or Maureen within 60 days they are in operation. We will have a schedule, set a meeting

up with Bill Burton that will be held here. Ms. Pickard suggests having a meeting with all involved to determine what is needed. Mr. Jablowski agrees adding that have all parties come together, the building and zoning officials, and address everything right away. Also, states that once the process is ironed out and a package put together a press release will be issued.

Mr. Jablowski describes the initiative being presented at the library by bringing in the Economic Development Council, The SBA, Score, the resources for businesses that are out there, letting small business owners know what to do. Also, looking to establish the Tobyhanna Township Business Association, where businesses can get together periodically and help one another out.

Mr. Holahan suggests everyone check out the website of Rutland, Vermont which has a business portal that allows you to click on various links to get exactly what you need to open a business within the township/county.

Mr. Jablowski describes the Innovation Cafes in Blakeslee where local craft beers donate beer and local coffeehouses donate coffee and member business owners go there and just hang out and talk, once a week for a few hours.

Mr. Jablowski brings up another zoning issue, the Riverwalk Campground. Ms. Minnick elaborates that the property owner created the Riverwalk Camp but didn't pull any permits. On Friday, Ms. Minnick, Bill Burton, Monroe County Conservation District and the police department went to the property and issued a cease and desist to the property owner. We will continue to work with her to try to get the property into the proper permitting. The property is currently zoned residential and she was operating a commercial business. Mr. Jablowski recommends bringing all parties together to sort it out. Ms. Minnick expresses the severity of the safety issues that exist on the property and need taken care of as well.

Mr. Jablowski brings up a request for Board's consideration from the Tobyhanna Township Fire Company asking for support in the purchase of SCBA (Self-contained breathing apparatus). Mr. Tutrone described the project as masks that fit so that no air leaks out, with a machine that indicates if there is a leak. Mr. Jablowski asks what the life span is on the machine? Mr. Tutrone is unsure of the life span. Ms. Pickard states that it was not budgeted this year and asks if they can use the relief funds that were budgeted. Mr. Kerrick explains that he would have liked to have seen this information earlier to review it prior to the meeting. He suggests that the fire company put a budget together and present it that way. Ms. Lamberton asks if the fire company reviews a budget when they have their monthly meeting. Mr. Tutrone responds that they do not because they know what their costs are that do not regularly change. When something comes up that they need they will budget putting money aside to pay it over a five or six-year period. Ms. Pickard explains that the fire budget is already exceeded due to workers' comp. Asks if they can put through the fire grant. Mr. Tutrone says that has already been used for their gear washer and dryer. Ms. Pickard asks to apply to next year's grant. Ms. Lamberton reiterates that they would like to see a budget. Mr. Tutrone says that they provide the Board with a 990. Mr. Jablowski asks if they have a 2017 budget and Mr. Tutrone says that they can provide their monthly reports. Board will await reports.

5. Public Comment - No comments.

6. Meeting adjourned at 9:40 a.m.

Board went into executive session to discuss personnel issues.

Notes recorded by Debra S. Jean.