

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING  
MARCH 13, 2017

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The March 2017 Regular Meeting of the Tobyhanna Township Board of Supervisors was held on March 13, 2017 at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania 18350.

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

1. Chair Anne Lamberton called the meeting to order at 7:00 p.m. It was determined that a quorum was present.
2. Pledge of Allegiance was recited.
3. Announcements:

Anne Lamberton requests that everyone take a moment of silence to remember Pocono Township Supervisor Henry Bangle who passed away suddenly.

Executive Session to discuss PMRPC Litigations was taken at the end of the meeting.

4. Brendon Carroll moved to accept the meeting minutes for the February 6, 2017 Work Session and the February 13, 2017 Regular Business Meeting. John Holahan seconded. Vote: All in favor; Minutes accepted.
5. Treasurer's Report - \$447,957.51

John Holahan moved to approve the Treasurer's Report in the amount of \$447,957.51. Brendon Carroll seconded. Vote: 4 in favor, John Kerrick abstains due to business relationship; Motion carries.

6. Solicitor Report:
  - A. Public Hearing - Proposed Ordinance amending zoning ordinance - Medical Marijuana Ordinance 529.

This affects various zoning districts. It was advertised for a hearing and has been sent to both the Township and the County Planning Commission. The Township Planning Commission recommended approval however they had an amendment to the attachment that states that the medical marijuana grower/processor should require a three-acre minimum lot area and have all the other dimensional requirements reflect the same as adult entertainment. Also, added that there be at least 1000 feet from any other dispensary and that it be more than 100 feet from any school or daycare center.

John Holahan moves to close hearing. Heidi Pickard seconded. Vote: All in favor; motion carries.

John Kerrick moves to adopt Medical Marijuana Ordinance 529. Heidi Pickard seconded. Vote: All in favor; motion carries.

B. Public Hearing - Proposed Ordinance 530 authorizing the Sale of Tobyhanna Township Wastewater Treatment Plant Collection System

Ordinance 530 was advertised and authorizes the Township to complete the transaction contemplated in the asset purchase agreement dated April 21, 2016. It tracks the resolution that the Sewer Authority adopted at its meeting earlier in the evening. We will be ready to move forward with closing.

John Kerrick moves to close hearing. Heidi Pickard seconded. Vote: All in favor; motion carries.

John Holahan moves to adopt Ordinance 530 authorizing the sale of the Tobyhanna Township Wastewater Treatment Plant and collection system. John Kerrick seconded. Vote: All in favor; motion carries.

7. Manager Report - John Jablowski Jr. reports that at 4:30 today the Board declared a state of snow emergency in the Township and respectfully requested that all follow the travel ban tomorrow.
8. Reports:  
PMREMS - Denise Doremus presented that there was a total of 462 calls for February. Tobyhanna is still on the rise at 20% more than

the same time last year. Easter Egg Hunt will be held on April 8<sup>th</sup> (Snow/Rain Date is April 9<sup>th</sup>) at the Mount Pocono Firehouse.

PMRPC - John Jablowski Jr. presented that he is working with the regional police and that is going well. The regional police department is very active in the community.

Open Space - Heidi Pickard presented that there is continuous work being done on the Hike & Bike Trail and that there will be more to present after they have their next meeting.

Overlay Committee - John Holahan presents about the Blakeslee planning. John Jablowski presents that there is a grant request in for \$40,000 which will be matched with funds from the Township. We are in the final round of the approval process.

## 9. Old Business

### A. Proclamation - Knights of Columbus 119<sup>th</sup> Convention at Kalahari Resorts

Anne Lamberton presents representatives of the Knights of Columbus, Steve Glinane and Jay Crandall with a proclamation honoring the Pennsylvania Knights of Columbus upon the occasion of its 119<sup>th</sup> State Convention. Ms. Lamberton, on behalf of the Tobyhanna Township Board of Supervisors and the residents of the Tobyhanna Township, welcomes the Knights of Columbus to hold their convention in Tobyhanna at the Kalahari Resort held on May 19<sup>th</sup> through May 21<sup>st</sup>, 2017.

### B. 580T, LLC-Stoney Hollow Road, TM#19/8/1/26 Settlement Stipulation

John Holahan makes motion to authorize Jonathan Reiss, Esquire to sign the 580T, LLC - Stoney Hollow Road, TM#19/8/1/26 Settlement Stipulation on behalf of the Township. Heidi Pickard seconded. Vote: All in favor; motion carries.

### C. John Holahan moves to authorize Jonathan Reiss to add to increasing the height in RR, R1, R2 to 38 feet. John Kerrick seconded. Vote: All in favor; motion carries.

10. New Business

- A. Consider Resolution 2017-008 - Condemnation and Easement of lands owned by Areva Financial, LLC, 451 Panther Lane TM#19/3/1/3-46 (Pocono Hike & Bike Trail)

Tabled until next meeting.

- B. Consider Resolution 2017-009 Panther Lane and Rt. 940 Traffic Signal

John Holahan moves to accept Resolution 2017-009 Panther Lane and Rt. 940 Traffic Signal conditional upon completion and receipt of signed bill of sale to the Township and the batteries being changed. Heidi Pickard seconded. Vote: 4 in favor; 1 opposed, Motion carries.

- C. Consider Resolution 2017-010 Authorizing the grant request from DCNR

John Holahan makes motion to adopt Resolution 2017-010 authorizing the grant request from DCNR. Heidi Pickard seconded. Vote: All in favor; Motion carries.

- D. Consider HRG Engineering Proposal - Hike & Bike Trail Plan  
John Jablowski shares that the proposal from HRG is coming in late so this should be tabled until the next meeting.  
John Holahan motions to table considering the HRG Engineering Proposal for the Hike & Bike Trail Plan. Brendon Carroll seconded. Vote: All in favor, motion carries.

- E. Consider 2017 Equipment Rental Bids

John Holahan states that most equipment on the bids is equipment we don't use. General discussion ensues to determine what can be done in house, what can be subbed out, what equipment is needed and what is not. John Kerrick suggests tabling this and discussing at the next work session.

John Holahan moves to table this discussion until next work session. Heidi Pickard seconded. Vote: All in favor; Motion carries.

- F. Consider denial of Anthony & Cathryn Morroni, Slutter Road Minor Sub-Division - John Jablowski states that this is a subdivision that's been here since 2014. We've tried to contact them several times with no response. The Planning

Commission recommended the plan be denied for failure to comply with the February 3, 2014, Monroe County Planning Commission letter and the February 20, 2014, Township Engineer letter as far as the comments in those letters.

John Holahan moves to deny Anthony & Cathryn Morrone, Slutter Road Minor Sub-Division. Heidi Pickard seconded. Vote: All in favor; motion carries.

G. Defense, Indemnification and Common Interest Agreement - Gary Gaus, PMRPD Litigation

Anne Lamberton states that the Board will go into Executive Session and that it is possible that they will act upon this when they return.

Upon returning from Executive Session, John Holahan made motion to a conditional approval of the agreement conditioned upon all the other participating municipalities approving the agreement, upon the Township's insurance carrier approving the agreement if they accept the underlying claim that's been submitted, if they don't then that condition would not be part of it, and that the Police Commission's insurance carrier approves the agreement. John Kerrick seconded. Vote: All in favor; motion carries.

11. Department Updates

- A. Public Works - Ed Tutrone presents that all material costs have been reimbursed by the Conservation District. Ed is compiling the labor costs that were involved as they will be reimbursing us for that as well.
- B. Zoning - No report at this time.
- C. Finance - Heidi Pickard presents that they are working through four years of pension audits. Asks the Board if Riley should come in to the Work Session meeting or Regular Business Meeting. Board responds; work session meeting.

John Kerrick moves to authorize Heidi Pickard to make payment up to \$200,000 to pay down the general obligation note on the sewer. Brendon Carroll seconded. Vote: All in favor; motion carries.

12. BOS Report

Nothing to report at this time.

13. Public Questions

Resident of Pocono Summit raises concern that the fire company has been terminating members since the water issue. Also, requests that someone review financial statements for the fire company. John Jablowski acknowledges that he has requested financial statements from the Chief and has not received anything as of yet. Heidi Pickard suggests putting a condition on funds given to emergency responders upon the receipt of audited financial statements to the Township.

14. Board leaves for Executive Session at 8:11 p.m.

Board returns from Executive Session at 8:25 p.m.

John Kerrick makes motion that as a condition to receiving tax dollars, any emergency program must, from this day forward, submit audited financial statements from the prior year by August 1<sup>st</sup>. John Holahan seconded. Vote: All in favor; motion carries.

Board authorizes John Jablowski to reach out to all emergency services affected by this motion to make them aware of the requirement.

15. John Holahan moved to adjourn the meeting; Heidi Pickard seconded. Vote: All in favor; Meeting adjourned at 8:29 p.m.

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Minutes recorded by Debra S. Jean.

Respectfully submitted:

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JOHN J. JABLOWSKI, JR., TOWNSHIP SECRETARY