

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
SPECIAL MEETING
SEPTEMBER 22, 2017

A Special Meeting of the Tobyhanna Township Board of Supervisors was held on September 22, 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, John E. Kerrick, Solicitor Jonathan J. Reiss, Esquire, and Township Manager John Jablowski Jr.

1. Chair Anne Lamberton called the meeting to order at 11:00AM. It was determined that a quorum was present.
2. The Pledge of Allegiance was recited.
3. Announcement
 - a. An Executive Session was held on September 22nd from 10:00AM-10:55AM to discuss potential litigation concerning the Pocono Mountain Regional Police Department (PMRPD).
4. Solicitor's Report

- a. Public Hearing – Proposed Ordinance amending Chapter 9 Fire Companies. John Holahan motions to open the public hearing, Heidi Pickard seconds; the hearing is open. Jonathan Reiss states that the ordinance was advertised for public hearing, and has been available for public inspection at the Township building and at the Pocono Record. If adopted, the ordinance would derecognize the Pocono Summit Volunteer Fire Company (PSVFC) as an official fire protection unit for the Township, and recognize the Tobyhanna Township Volunteer Fire Company (TTVFC) and the Pocono Mountain Volunteer Fire Company (PMVFC) as the official fire protection units for the Township. There is a provision regarding worker's compensation coverage. Another provision establishes a Fire Commission and sets forth the Commission's purpose and the number of members.

Thomas Campson is part of the PSVFC and requests a 60-day hold on the ordinance. He lives on Butz Lane, and states that the closest fire company to his house is PSVFC. He believes it would take any other fire company fifteen minutes to reach his residence. He asks for sixty days to allow PSVFC a chance to provide the requested documentation.

Jason Gonzalez believes that the Board is opening themselves up to a class-action lawsuit. Disabled and elderly citizens already have trouble staying financially solvent, and an increase in fire insurance rates would exacerbate their situation. The paperwork was sitting in the township's accountant's office, and all the Board had to do was call. Gonzalez states that the Township's accountant said that he does not know what the Board wants. The Board is misleading the public, because it was a million dollars over thirty-two years, not two, which comes out to \$657. The fire company does not handle any tax payer dollars; when the fire company needs something, they must go through the Board of Supervisors. None of the money allocated by the Board went to buildings or trusts. He is flabbergasted that the Board demanded PSVFC's equipment and buildings, and states that Ed and

needs something, they must go through the Board of Supervisors. None of the money allocated by the Board went to buildings or trusts. He is flabbergasted that the Board demanded PSVFC's equipment and buildings, and states that Ed and someone else went to PSVFC and demanded the equipment. Gonzalez states that there is a camera recording stating that the TTVFC Fire Chief stated that he turned in his financial paperwork in March of 2017. This is a gross overreach of government.

Anne Lamberton states that the Board never requested ownership of real estate or equipment. The Board requested a financial statement, and has not received one since 2015. The Board is responsible for the taxpayers' dollars.

John Jablowski states that everyone is entitled to their opinions, but they are not entitled to false facts. He has an email from the General Manager of Kalahari stating that his staff had received correspondence from Mr. Gonzalez on 9/11/17, who was representing himself as a representative of PSVFC, stating that Kalahari was now without fire protection. Jason Gonzalez does not recall calling Kalahari or sending them an email.

John Jablowski states that the International Safety Organization (ISO) calculates fire insurance ratings by the distance from a fire hydrant and whether the residence is within five miles of a fire station. From the driveway of Kalahari to the PMVFC is 4.2 miles. Just because an engine is in a station does not mean it is qualified and capable of responding. This Board took a thoughtful action to ensure the fire safety occurred. Jablowski questions PSVFC's ability to run a fire scene if they are having trouble running meetings.

Jason Gonzalez states that problems and internal business of PSVFC has nothing to do with the Board of Supervisors. John Jablowski states that it has a lot to do with the operation and dysfunction of a fire company.

Jason Gonzalez states that there have been no problems for 32 years, but now that the Board wants to merge— [Jablowski and Kerrick both say no, Gonzalez is cut off].

John Jablowski states that the fire engines do not belong to Tobyhanna Township, and no one is saying a merge is necessary. It is the Board's responsibility to ensure fire protection occurs in this community, it does not matter what color the fire engine is or where it is coming from. The Board never demanded the equipment; if Gonzalez's wife shared the memo Jablowski gave to her on 9/12/2017, the expectation is that the equipment that was paid for by taxpayer dollars should remain in taxpayer hands. It should not be sold or given away. The \$1,000,000 plus that was given to the fire company was taxpayer money, and should thus remain in the taxpayer's hands; it is not PSVFC's equipment, it is the community's equipment. John Jablowski asks if Jason Gonzalez believes that the equipment should stay part of the community.

Jason Gonzalez states that the equipment should not stay part of the community, especially because the Board only gave the PSFVC money for gear. The Board never contributed anything to [can't understand]; that was done through fundraising, and the Board is not entitled to that.

Jason Gonzalez states that on the day PSVFC was deactivated, he called Jablowski, and says that Jablowski said that PSVFC swindled over \$1,000,000. John Jablowski states that that statement is not true, and that he never said that. Jablowski states that he said that the Board was concerned about the financial operations of that institution; however that was interpreted is up to Jason Gonzalez.

Ed Tutrone states that he is an employee of Tobyhanna Township and the President and Assistant Fire Chief of TTVFC. He has not been involved in

Ed Tutrone states that he is an employee of Tobyhanna Township and the President and Assistant Fire Chief for TTVFC. He wants on record, correct, two items. First, he and Troy Counterman (Fire Chief for TTVFC) went over to see if PSVFC would let TTVFC take them over, and keep the equipment there. It was not solicited by the Board, or any member sitting at the front table; Ed and Troy acted as a fire company to try and keep PSVFC in their home, with their people and equipment, under the leadership of TTVFC, in an effort to keep responding out of that fire station. Second, the statement Jason Gonzalez made concerning March: during the March meeting, the Board put into effect that financial statements for the previous year needed to be turned in by August 1st. TTVFC normally has theirs turned in no later than November, but they moved it up to the August 1st date because that is what the Board required. The financial statement for the TTVFC was turned in before the August 1st deadline.

Patrick Timothy, President of the PSVFC, states that when Ed Tutrone and Troy Counterman came to the PSVFC on September 12th, Troy stated that he had officially been given the power from the Township to tell PSVFC that they were taking over PSVFC. Troy was going to inform the Board he wanted everything, including the social side of the company, or nothing. Troy said that this was not a merger, it was a takeover. The members of the PSVFC can apply and be on a six-month probation.

Patrick Timothy states that he has a response from the Board's lawyer, where the lawyer states that in regards to the declaration to grab the fire company assets, the Board of Supervisors will not be successful in making a claim for any of the assets. Timothy states that the Board did say they were going to take everything; it was the in the Emerald Lakes magazine. Timothy states that the Board went on camera stating that they were going to take everything because of a misappropriation of funds. There is no misappropriation of funds; the Board cannot prove that there ever was. If the Board can prove misappropriation of funds, some member of the fire company would have been arrested or charged.

Patrick Timothy states that PSVFC has asked the Board specifically what it wants for the audit. The response was that the audit done by the previous accountant was insufficient. John Jablowski states that what the Board received was not an audit. Timothy states that when he asked for what the Township wants so that they can ensure that the Board gets what they want, the response given was that he was not an accountant, and cannot say. It was agreed that the PSVFC would send their paperwork to Riley & Company, which they did. He spoke with a gentleman at Riley, named Scott, who said that he had called Heidi Pickard numerous times and she did not call him back until the day that PSVFC was declared deactivated via a television interview.

Patrick Timothy states that there was no professionalism regarding the TV interview. He states that John Jablowski called the day before the television interview to tell him about a press conference at 1:30PM on the next day. On the day of the conference, he left work early only to find out that the press conference had been moved to 11:00AM. John Jablowski states that he does not remember calling Timothy, Timothy states that Jablowski called. Timothy states that the Board has been very misleading in handling of this situation. Further, when PSVFC needs something, they submit it to the board, who then must approve or revoke it. PSVFC never touches any money received from the Township. The way the situation was presented to the public was that the Board gave PSVFC the money, and that PSVFC did whatever they wanted with that money. Because the Board ultimately pays the bill, it is unfair to say that PSVFC has mismanaged over \$1,000,000.

Patrick Timothy asks if the following statement is correct: no money from this Township hits the PSVFC's account. John Jablowski responds that Timothy is

Patrick Timothy asks if the following statement is correct: no money from this Township hits the PSVFC's account. John Jablowski responds that Timothy is half right and half wrong; the monies expended and raised in the PSVFC do not just come from Tobyhanna Township, there are other public monies that are used for the operation of PSVFC. Timothy says yes, there are monies that the fire company raises in their accounts. Jablowski asks after the accountability for that money, as the Board has not received financial statements. Timothy states that the Board cannot demand an account of the money that PSVFC raises for itself. John Jablowski brings up a statement about the public demanding an account of all public monies, and states that public monies are not only taxpayer dollars.

Patrick Timothy states that Jablowski has slandered his name in this community, and that members of PSVFC have been accosted because of what Jablowski said. A 14-year-old was attacked by two people telling him that PSVFC is stealing [can't understand, Timothy and Jablowski talk simultaneously over each other]. Timothy says that Jablowski should make proper statements. Jablowski replies that if the leadership of the fire company had proper accountability to the public dollars that were used for the operation of that facility, this conversation would not be occurring.

John Jablowski states that the paperwork turned into the Board was created by and out-of-state individual who is not a CPA. Timothy states that he was talking about the paperwork the Board requested concerning all minutes and financial reports from 2015 to present. Those documents were given to the Board. In July, when Timothy asked Brendon Carroll about the paperwork, Carroll said that the paperwork was irrelevant.

Patrick Timothy states that calling PSVFC meetings disorganized and tumultuous is unfair. People stand up and state their opinions. This special meeting is the same as PSVFC meetings are, and thus this meeting is disorganized.

Anne Lamberton states that the police were called because founding fathers were not allowed into the building. She finds that unfair, and believes that incident was the catalyst for this situation. The Board's primary concern is for the health, safety, and welfare of the people that live in and visit Tobyhanna Township. The Board is here to serve everyone, not just a small group.

Patrick Timothy questions the factual content of Anne Lamberton's statement. Anne Lamberton says she called the police, Patrick Timothy states that his secretary did. Anne Lamberton offers to contact the police department and get the officer she called. Michelle Gonzalez states that she has phone records, and that she called the Control Center.

Patrick Timothy states that the members denied access to the fire company were on suspension. Those members had the option to go to a grievance hearing, and did not attend. Instead, they showed up at the regular fire company meeting with Brendon Carroll, who insisted that the suspended members still attend the meeting. The PSVFC bylaws state that members on suspension are not allowed at fire company meetings. Patrick Timothy states that John Jablowski told the police officer that because they are tax-paying citizens, they are allowed in. Anne Lamberton states that because they are tax-paying citizens, they are allowed in. Patrick Timothy replies that because those people chose to become members, they are not just tax-paying citizens, and thus must respect the bylaws of the fire company. Timothy states that the Board is being unfair and unjust toward PSVFC. The report that they turned in this year has been the same for previous years, and now the Board refuses to accept it. Timothy states that the accountant used by PSVFC was Brendon Carroll's. The day after Brendon Carroll learned who PSVFC used as an accountant, PSVFC got a call from their accountant saying that he could not complete the paperwork. Brendon Carroll says that this is untrue.

PSVFC was Brendon Carroll's. The day after Brendon Carroll learned who PSVFC used as an accountant, PSVFC got a call from their accountant saying that he could not complete the paperwork. Brendon Carroll says that this is untrue. Timothy continues that the accountant refused to speak with him, and the PSVFC secretary picked up the paperwork. He remarks on the coincidence.

Jonathan Reiss states that this is a time for the public to provide public comment on the ordinance. This is not a back and forth conversation. Timothy should continue on his public comment without asking questions, and the Board should avoid interrupting him.

Patrick Timothy reads the right to know request from his lawyer [see Exhibit A]. In response to the letter, Timothy states that the Township requested a thirty-day extension due to the volume of paperwork requested. He suggests that the Township asked for the extension because they are unorganized.

Jason Gonzalez states that he hopes the Board has the community's best interest in mind. He believes that the Board is acting incorrectly, and that John Jablowski is the troublemaker in this situation. He does not understand why the Board called neighboring townships and said to not work with PSVFC. He suggests tabling this issue for six months to consider the situation. Further, the Board is acting in an unethical fashion, and he does not want to pay more money because Jablowski wants to turn PSVFC into a paid fire company. Firefighters spend a lot of money out of their own pockets.

Thomas Campson asks that the Board sit down with PSVFC so everyone can talk. There has been a lot of miscommunication on this subject. He asks again for a sixty-day extension, Jason Gonzalez agrees.

Irma Rodriguez states that she has been living in the community for twenty years, and just recently joined the fire company. The community has changed a lot in twenty years, and crime has risen. The community needs to come together and work this out; the problem is that no one wants to. This special meeting is running in a similar fashion to PSVFC's.

Anne Lamberton states that we need to focus on the togetherness and sense of community, and what brought the Board to this point is that they want to find a solution that works for everyone.

John Jablowski responds the problem is not firefighting, it is fire administration. One part of this ordinance is to create a Fire Commission, who will be responsible for sitting down with certain individuals, regardless of their station affiliation, to figure out the best and most efficient way to deliver fire service to the community. All the organizations the Township provides money to must provide basic information on how they spend the money, both the Township's and everyone else's. PSVFC spent money on an audit from someone who was not a CPA. The Township does not own the equipment or building, or any fire company. The Board cannot tell a fire company what to do, but can make suggestions and recommendations. The Board's expectation is that the fire equipment be used somewhere. The Board would love to have a fire company in the Pocono Summit building, and the Fire Commission would ensure that.

Jason Gonzalez states that everyone has issues, and those issues can be worked out. The volunteers are doing the best they can.

Patrick Timothy asks how long the Township knew about an administrative problem. The Township never offered any assistance and only communicated with George Tallmadge, who is the chief and treasurer. Timothy called the Township and asked for reports, but they were never given to him.

Michelle Gonzalez states that the problem was the financial. She personally took

Township and asked for reports, but they were never given to him.

Michelle Gonzalez states that the problem was the financial. She personally took the paperwork to Howard Goldstein in June of 2016. Until March 2017, the accountant had the paperwork. After he dropped the PSVFC as a client, they spent time trying to find another one.

Heidi Pickard states that phone calls to Riley were returned, and she spoke with Debbie Borger.

Michelle Gonzalez states that the paperwork was at Riley's for a whole month, and Scott was telling the PSVFC that the Township was not returning his phone calls.

John Jablowski states that there is an active District Attorney's investigation that has sealed the records.

Michelle Gonzalez states that yes, the DA acquisitioned the paperwork last week, but the paperwork was at Riley's from the beginning of August until September.

Jason Gonzalez states that if the DA's office is investigating, closing down PSVFC is premature. The DA has not come to any conclusions yet. The lifetime member that made the complaint to the Board was the person in charge of the files back in 2015, and the investigation should check on her.

John Holahan believes everything that needs to be said has been said, but not by every person. John Holahan motions to close the public hearing, Brendon Carroll seconds. Vote: all in favor; the public hearing is closed.

John Holahan motions to approve Ordinance 539, amending Part 1 Chapter 9 of the code of the Township of Tobyhanna by adding article 1 Fire Companies, and in Section 9-1, Fire Companies, recognizing the TTVFC and PMVFC as the official fire protection units for the Township of Tobyhanna, and removing PSVFC as a recognized, official fire protection unit for the Township. Heidi Pickard seconds. Vote: all in favor; motion carries.

5. New Business

- a. Appoint Julia Heilakka as Recording Secretary to the Board of Supervisors. Heidi Pickard motions to approve the appointment, John Holahan seconds. Vote: all in favor; motion carries.
- b. Clymer Library Financial Assistance – Trudi Denlinger and Anne Hogya. Denlinger has three questions to ask the Board. First, she asks for the Board's consideration to help the Clymer Library with snow removal, lawn mowing, trash removal, oil, and volunteerism of labor on an as-requested, time-permitting basis. Second, she asks for an estimated \$34,000 tax anticipation loan in January to purchase books. Third, she asks for an outright donation of \$65,871.54 to cover the existing mortgage as of September 21, 2017. These three requests do not contain any capital improvements, as those will be done through grant applications and fundraising.

John Jablowski states that the Township's Department of Public Works would handle maintenance. Tunkhannock Township is not in a financial position to assist at this time, but they support the endeavor. A tax anticipation note would allow the Board to forward money to the library in January, and once taxes are collected, the Township deducts the loan amount from the collected taxes.

Trudi Denlinger states that there is a list of 30 items the library needs, delineated

collected, the Township deducts the loan amount from the collected taxes.

Trudi Denlinger states that there is a list of 39 items the library needs, delineated in three tiers of necessity. There are 13 empty shelves in the children's section alone. She believes that complete documentation is imperative, and will send the minutes and all other documentation to Brendon Carroll so the Board stays informed of the library's situation.

John Kerrick motions to make a one-time donation of \$65,871.54 to cover the mortgage, plus potential per diem, and a \$34,000 tax anticipation loan, Brendon Carroll seconds. Vote: all in favor; motion carries.

John Kerrick motions to create a work agreement for labor and basic maintenance, John Holahan seconds. Vote: all in favor; motion carries.

c. Authorize the advertisement for the proposed amendment to the Pension Ordinance. John Kerrick motions to authorize the advertisement for the proposed amendment to the Pension Ordinance, Brendon Carroll seconds. Vote: all in favor; motion carries.

d. LERTA Designation – SIDE Corp Lots 12-15 New Ventures Park discussion. Dennis Noonan states that the LERTA Program (Local Economic Revitalization Tax Abatement) is a local initiative that does not require approval from the state. It is similar to a Keystone Opportunity Zone (KOZ). LERTA is project specific, and existing zones in Tobyhanna Township include all of SIDE Corp's industrial park.

Anne Lamberton asks if this is initiated out of the gate or when a project starts. The biggest misconception between KOZ and LERTA is that difference.

Dennis Noonan states that LERTA is project specific and is a step program. The project gets the benefit when the project starts. The benefit is for construction only; land is exempt. State legislation caps LERTA's step program at a 10-year max. All three taxing bodies must pass a resolution or ordinance authorizing the new LERTA zone or district.

Holahan motions to direct the Board's attorney to draft a resolution to support a LERTA zone for properties 12-15 for SIDE Corp. Heidi Pickard seconds. Vote: all in favor; motion carries.

Mark Sincavage provides an update on SIDE Corp. The 1,000,000 sq. ft. building is slated to open in August of 2018. The Lot 110 600,000 sq. ft. building is going well. New Ventures is updating their signage and street lighting. Liberty Plaza and Exeter will use black poles to offer some unity with the Township's village-style lighting.

e. Economic Development Authority (EDA). Jonathan Reiss states that Penn Strategies issued a memorandum and draft resolution to start the process of authorizing editing the resolution. It must be advertised thirty days in advance of the public hearing. If adopted, this resolution would establish the intent of Tobyhanna Township to create an authority, including terms for articles of incorporation. There are additional advertising requirements once the resolution is adopted. Jonathan Reiss and Jason Fitzgerald recommend enforcing the resolution township-wide. Jason Fitzgerald states that there are refunds that could help Mom & Pop shops.

John Jablowski states that it is hard and/or impossible to levy a tax against a certain district. If the tax is based on sales, not gross income, the rebate would be of use. The purpose of the EDA is to help stimulate economic development.

Jason Fitzgerald mentions Williamsport's Redevelopment Authority, which is a

of use. The purpose of the EDA is to help stimulate economic development.

Jason Fitzgerald mentions Williamsport's Redevelopment Authority, which is a pass-through entity for grants.

John Jablowski states that the goal is to rely less on property tax and more on consumption. Anne Lamberton makes an example of the hotel tax, because people visiting the area are giving money back to the community. John Holahan believes that this is a good idea.

Johnathan Reiss states that the resolution of intent contains the articles of incorporation; it is thus necessary to know the structure of the EDA. He suggests giving the EDA a broad authority to act, then reserving the right for the supervisors to approve the plan. Other necessities included in the resolution of intent are who the first board members will be and how many people make up the board. He also recommends a general description of authority's power. The Board will have the draft resolution by October 2nd, to advertise in October and adopt in November. Jason Fitzgerald will have an outline for the resolution to Jonathan Reiss by September 26, 2017.

- f. Abbie Hennings 115 Stillwater Drive – potential purchase. Heidi Pickard states that they have one estimate and are waiting on a second. In order to move forward, they need to order a title search. Anne Lamberton states that the first estimate was for \$82,000, the second is pending.

John Holahan motions to order the title search, John Kerrick seconds. Vote: all in favor; motion carries.

John Kerrick states that he has not received an update on Abbie Hennings' home since the original authorization for the appraisal. The Board designates Autumn Canfield to send out a weekly synopsis of the Township's progress, to be delivered via email every Friday morning.

- g. Rettew Proposal – Wetland Delineation Services for Alternate Stillwater Estates Access Road Alignment. John Holahan states that Rettew needs \$4,900 to continue: \$2,400 for the wetlands delineation and \$2,500 for a potential JD. Heidi Pickard motions to approve, John Holahan seconds. Vote: all in favor; motion carries.

- h. Project Planning Schedule Review. Tabled.

- i. Local Share Account Cooperation and Funding Procedures Agreement for the Long Pond Road & SR 940 Realignment Project, and the Multimodel Transportation Fund Grant Cooperation and Funding Procedures Agreement for the Long Pond Road & SR 940 Realignment Project. John Jablowski states that the Board has an LSA grant for the Stillwater project for the realignment of Long Pond Rd. and SR 940 as well as the Multimodel. The Board may use up to 10% of those grants for engineering costs. This agreement allows the Board to act to authorize the Board chair or John Jablowski to sign that agreement.

Heidi Pickard motions that we make a motion to approve and sign the reimbursement agreements with the IDA and the EDC, contingent upon Jonathan Reiss's review, John Holahan seconds. Vote: all in favor; motion carries.

Heidi Pickard motions to appoint John Jablowski, John Holahan, John Kerrick, Mark Argot, and George Planchock as members of the Fire Commission to the end of the year, after which point members will be named annually at the reorganizational meeting, Brendon Carroll seconds. Vote: John Kerrick abstains, all else in favor; motion carries.

reorganizational meeting, Brendon Carroll seconds. Vote: John Kerrick abstains, all else in favor; motion carries.

6. Public Comment – none.

7. John Holahan motions to adjourn the meeting; meeting adjourned at 12:55PM.

Minutes recorded by Julia Heilakka

Page **1** of **11**