

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
OCTOBER 2, 2017

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The October 2017 Regular Business Meeting of the Tobyhanna Township Board of Supervisors was held on October 2, 2017, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

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

1. Chair Anne Lamberton calls the meeting to order at 7:00PM. It is determined that a quorum was present.

2. Chair Anne Lamberton asks for a moment of silence for Las Vegas.

3. The Pledge of Allegiance is recited.

4. Announcements

a. Trick-or-Treat Hours are on Tuesday, October 31 from 6:00PM-8:00PM.

b. The Board held an executive session on September 22, 2017 from 6:00PM-6:52PM to discuss real estate, personnel, and litigation.

5. Minutes

a. John Holahan moves to accept the meeting minutes for the September 5, 2017, Work Session, Brendon Carroll seconds. Vote: all in favor; minutes accepted.

b. Brendon Carroll moves to accept the meeting minutes for the September 11, 2017, Regular Business Meeting, John Kerrick seconds. Vote: All in favor; minutes accepted.

6. Solicitor's Report

a. Jonathan Reiss asks the Board to consider and adopt Resolution 2017-17, authorizing the condemnation of a sanitary sewer line easement on the property of John S. Fetch, III, located at 173 Meadow Road. This property is described in Deed Book 1453, page 734. The security for compensation would pledge the Township's taxing authority. John Holahan motions to approve the adoption of Resolution 2017-17, Heidi Pickard seconds. Vote: all in favor; motion carries.

7. Old Business

a. None

8. New Business

a. Item G – Authorize advertisement of the Tobyhanna Township Economic Development Authority (TTEDA) Resolution. Jonathan Reiss states that he drafted a resolution to create the TTEDA under the Municipal Authorities Act. The Board must authorize to advertise the resolution for public hearing 30 days in advance of the hearing. The draft resolution includes the articles of incorporation, and will be filed with the PA State

Authorities Act. The Board must authorize to advertise the resolution for public hearing 30 days in advance of the hearing. The draft resolution includes the articles of incorporation, and will be filed with the PA State Corporation Bureau if it is adopted. John Holahan motions to direct the staff to advertise the public hearing for the resolution, Heidi Pickard seconds. Vote: all in favor; motion carries.

Jonathan Reiss states that the names, addresses, and terms for the initial members must be written in the resolution.

Jason Fitzgerald states that the terms are staggered, and that the EDA must get final approval from the Board if it wants to spend money.

Jonathan Reiss states that the Board will send names of potential candidates to John Jablowski, who will compile them into one list. The names of the initial members do not need to be advertised with the public hearing, but they are necessary for the creation of the resolution.

- b. Item A – Road Maintenance – Snow Plowing, Tree Trimming. John Jablowski wanted to give the Board an update. In conjunction with DPW and engineering, there will shortly be a bid for three vehicles: 1 single axle, 1 tandem axle, 1 tri-axle, all equipped with plows and spreaders. This should be sufficient to manage any snowfall in the coming season.

Ed Tutrone states that tree trimming for Camelot Forest and a few other areas will be out for bid soon. In a sample document from PennDOT, there is a discretion clause that states the low bidder performs a trial run. If the Township does not find the low bidder's work acceptable, the Township may use the next lowest bidder and still be covered. The Township should have enough money for the main loop of Camelot, and then to proceed from there as funds allow.

- c. Item B – Pocono Summit West Improvement Project Update. John Jablowski states that Autumn Canfield sent out an update on the Pocono Summit Project. There have been further positive changes as of this afternoon. Jablowski and others are meeting with Pocono Mountain School District on October 4, 2017, to provide an update on the water supply system. This update, along with the hydrological studies RKR Hess completed, will be presented.

- d. Item C – Acquisition of Abbie Hennings Property 115 Stillwater Drive. This discussion is tabled due to recent developments.

- e. Items D and F. It is the pleasure of the Board to table these items so that the Fire Commission can handle them. The Fire Commission meeting was originally scheduled for October 4, 2017 at 4:00PM, but the meeting must be advertised at least 24 hours in advance. Thus, the meeting will be rescheduled. Troy Counterman states that he does not believe this is right: the relief money must be paid to Tobyhanna Township Volunteer Fire Company (TTVFC). Anne Lamberton tells TTVFC that the Board is aware that the TTVFC needs the money by the end of the month.

- f. Item E – Hungry Hill – Donation. John Jablowski states that he was contacted by Rick Bodenschatz concerning conversations with the Monroe County Commissioners. The Commissioners would like a letter of interest stating that the Board would be interested in discussing the potential purchase of Hungry Hill. It makes sense to own one of the most important historical tourism areas in the Township. This way, it could be included in the Bike and Hike Trail. The Board is interested, and authorizes the creation of a letter on behalf of the Township, to be sent to the county Commissioners expressing the Board's interest to potentially take over

creation of a letter on behalf of the Township, to be sent to the county Commissioners expressing the Board's interest to potentially take over ownership of Hungry Hill.

- g. Item H – WB&E (Wilkes-Barre & Easton) and Trail Head Parking Lot – Autumn Canfield. Due to the evolution of the project, Terry Martin (the original surveyor) is no longer able to complete the survey. HRG has proposed to take over the project. For \$10,000-\$12,500, HRG will survey the whole WB&E trail and the proposed trail head, with wetland delineation, and provides the needed documentation to move forward with easements from the school. This information arrived at 3PM today; Autumn apologizes to the Board that they did not have it ahead of the meeting. Heidi Pickard asks why the wetlands delineation is necessary.

John Jablowski states that the WB&E is 1.7 miles of trail, from 451 Panther Ln to Route 940 and Long Pond Rd. The \$550,000 Transportation Alternative Program (TAP) grant the Township is applying for requires a wetlands delineation survey, so the work HRG is proposing needs to be completed.

- h. John Jablowski asks the Board to authorize Tobyhanna Township to become debt free. There are two loans the Township has at this moment; one is for the police building, and the other is a Gradall. The first loan is already in the process of being paid off. Concerning the machinery, the loan is on track to be paid off in 2022. If the loan is paid off now from the Township's capital reserve, at the amount of \$159,428, the Township will free approximately \$30,000 a year in the budget. Also, the Township pays 3% while earnings are 1%.

Anne Lamberton states that paying off this loan would make Tobyhanna Township very marketable. The Township will be debt-free, have an over-funded pension plan, and have a healthy capital reserve, which would ensure competitive interest rates on future loans.

Heidi Pickard motions to use capital reserve funds to pay off the Gradall loan at \$159,428, Brendon Carroll seconds. Vote: all in favor; motion carries.

John Kerrick states that he agrees with this, but does not understand why the Board was not informed of this earlier. This could have been emailed so it was not sprung on the Board. Communication is key.

## 9. Board of Supervisors' Report

- a. Heidi Pickard has a report/comment. Pickard met with Stroud Township to plan the Monroe County Association of Township Officials (MCATO) meeting. It will occur at the Stroud Township Municipal Building on November 9, 2017. Food will be served in a buffet setting at 6:00PM, the program starts at 7:00PM. Cindy Tribal from Monroe County and Tyler Technologies will attend to give an update. Pickard requests the Board send anything worthy of resolutions, so she can pass it on to PSATS for lobbying. Any requests should be sent to John Jablowski and Heidi Pickard.

## 10. Public Comment

- a. Joseph Colyer states that the Zoning Officer is selectively enforcing zoning ordinances. The zoning ordinances applicable to his towing business are insufficient and outdated. He has to jump through hoops to use the 3 ½ acres of commercial property he owns, and it is unfair. Colyer states that he can have 200 cars on his property, but if he wants to dispose of them, he needs to be a licensed junkyard.

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Jonathan Reiss believes there are two issues in play. The first is if a towing business is allowed in a particular zoning district. The second is the stand-alone ordinance regarding a junkyard license.

Brendon Carroll states that the zoning needs to change, because there is a hole in the ordinance concerning the specific type of business Colyer owns.

John Jablowski states that the Township is working on a zoning update, and the changes can occur.

Joseph Colyer states that if he buys another tract of land, he was told he needs to go through a zoning hearing to run his business there, even though someone else had an automotive business there before.

Edward Walters, owner of Summit Motors, states that he never ran an establishing, public, 24/7 towing service out of his business. He never participated on a police rotation list or any offsite towing. He does own trucks, but he uses them solely for his own purposes.

John Jablowski states that the zoning update is headed by a third party, Jack Varaly. He encourages Colyer to find zoning ordinances from other second class townships that allow for his particular kind of business, so that the language may be added to the updated ordinances. Once he has sufficient documentation, Colyer is to contact the Township so they can set up a meeting with Joseph Colyer, Jack Varaly, John Jablowski, and another supervisor if Colyer wants one there.

- b. Lloyd Vought, representing Faith Lutheran Church. Lloyd Vought states that Pastor Moore from Faith Lutheran requested permission for signs for an Apple Fest, and the permit was denied. There are 50 different signs from Wawa to here. The Methodist Church has a sign. There are signs for three religions, six realtors. The Catholic Church has a temporary sign under their permanent one at the entrance, and that has been there for six weeks. He does not understand why their permit was denied.

John Jablowski states that he was not aware that the sign permit was denied.

Jonathan Reiss states that John Jablowski would like more detail, so he may speak with the Zoning Officer and find out why the sign permit was denied. John Jablowski states that he cannot answer as to why the permit was denied, but he would like to find out why.

John Holahan states the permit may have been denied based on the way the church asked. For example, sandwich signs are not allowed. The Board is not enforcing much of the sign ordinance because the Board is caught in the debate concerning digital signs.

- c. John Kerrick brings the sign ordinance to the Board's attention again, and wants to move forward.

Jonathan Reiss states that he has not seen the draft of the sign ordinance, and does not believe it has been changed. John Jablowski states that the proposed sign ordinance may move ahead, but the sign ordinance may be bogged down by discussion about the zoning ordinance not related to the signs.

John Kerrick motions to move the sign ordinance to the Planning Commission as is, with no changes, Anne Lamberton seconds.

John Holahan states that the proposed course of action is not efficient. He speaks

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Mike Christian thanks John Kerrick for wanting to move the sign ordinance forward, but after all the time that was spent on it, he wants the sign ordinance to move forward correctly. He asks that moving the ordinance forward be delayed until the digital overlay is designated.

Anne Lamberton states that there is an overlay. Jonathan Reiss states that the overlay is not in the ordinance. The ordinance must be changed. If it is sent to the Planning Commission as is and comes back to the Board approved, the Board will have to send it back and get approval again.

John Kerrick withdraws his motion.

John Jablowski suggests a special meeting, so Jonathan Reiss has a chance to look over and change the ordinance.

Jonathan Reiss states that the reason the sign ordinance was being delayed was due to a possible zoning map change. If what the Board wants to alter does not fit into the map change, this may mushroom into a much larger problem; it may lead to the creation of a new overlay district.

John Jablowski states that the sign ordinance has been delayed because the intention was to make signs a component of land use, which is slowing the process. The draft is very detailed and thorough, which may be a problem. Jablowski believe signs should move forward separately and then be incorporated into zoning.

Jonathan Reiss asks that Maureen Minnick send him detailed information with the map that the Board has already seen.

d. Heidi Pickard comments that from a financial side that she sees, the number of sewer permits has made it next to impossible for Maureen Minnick to do other things. Minnick is overrun with work duties since the Permit Extension Act ended.

John Jablowski states that Fran DiPiano from Tunkhannock Township is working on contracting their SEO work out to a 3<sup>rd</sup> party. Brendon Carroll questions if Minnick has reached out to the alternate Zoning Officer to help alleviate some of the workload.

11. Meeting adjourned at 7:54PM.