

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION  
NOVEMBER 6, 2017

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The Work Session of the Tobyhanna Township Board of Supervisors was held on November 6, 2017 in the meeting room at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

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

1. Chair Anne Lamberton calls the meeting to order at 8:00AM.
2. The Pledge of Allegiance is recited.
3. Announcements
  - a. Anne Lamberton states that the Board held an Executive Session on October 18, 2017, to discuss potential litigation and personnel.
  - b. Anne Lamberton asks for a moment of silence for the victims of the Texas church shooting.
4. Solicitor's Report – none.
5. Old Business – none.
6. New Business
  - a. 2018 Meeting Schedule – discussion. This topic is tabled because an updated list was emailed, and the list before the Board is moot.
  - b. RKR Hess Act 537 Plan – Pinecrest. Wayne Gross states that the map before the Board demonstrates the current treatment plan service area, and the red line indicates the proposed service area. The EDU's for the Pinecrest Plant are currently at 263 gallons per day per EDU. RKR Hess is working to lower the EDU's to better reflect actual usage. A three-month average for the summer months is 200 gal/day, with an annual flow of 150 gal/day.

Brendon Carroll states that the original Pinecrest Plant was approved for, but not built out to, 500,000 gal/day, and is only functioning at about 100,000 gal/day.

Wayne Gross states that the next step in the process, with the Board's approval, is to take RKR Hess's findings to DEP and go through the process of justification to connect new areas to the Pinecrest Plant. The new proposed service area spans from Pocono Mountain High School to the intersection of 940 and 380. RKR Hess has reached out to neighboring properties concerning effluent disposal, and everyone has said no so far.

John Jablowski inquires about a timeline. Gross replies that they are being held up because of Blakeslee; if the projects were split, Pocono Summit could move forward. The Board directs Wayne Gross to split the projects so Pocono Summit can move forward.

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The Board discusses splitting Pocono Summit into East and West components, because I-380 splits the Broadhead Watershed. Gross states that the largest factor delaying the project is knowing the cost per EDU. Jonathan Reiss states that DEP may not be amenable to multiple projects. Gross replies that he will talk to them. Reiss states that the Planning Commission recommended the approval of the transfer of the Tobyhanna Plant, and asks if Gross is drafting the legal notice and resolution. Gross replies that the resolution is already prepared for the 537 Plan, and is in a 30-day comment period that ends on November 9<sup>th</sup>.

- c. LERTA Agreement – discussion. Heidi Pickard states that the area already has a tax benefit because of a KOZ. Alyson Fritzges (SIDE’s lawyer) explains where the LERTA zone would be. When SIDE does improvements, the LERTA would reassess the value of the land. A KOZ means there is no tax on the buildings. When the KOZ expires, the LERTA would go into effect.

Anne Lamberton states that the KOZ is valid until 2027, and clarifies that SIDE is requesting a seven-year LERTA, so they would have a tax incentive until 2034.

John Holahan states that this seems premature. Sam Keiper asks if SIDE can request the LERTA after the KOZ is complete, because asking now for the LERTA seems premature.

Jonathan Reiss states that the reason SIDE is applying for a LERTA now is to get the designation on the land. In order to qualify for LERTA designation, the area must be deteriorated, unsafe, unsanitary, overcrowded, vacant, overgrown, unsightly, have a disproportionate amount of tax delinquent properties, be economically undesirable; have high instances of unemployment or underemployment, public assistance, overcrowded or unsanitary conditions, crime, inadequate housing, or low educational attainment. Alyson Fritzges confirms; if SIDE waits until the KOZ is over, the land may not qualify for LERTA designation.

Heidi Pickard states the warehouses on the land were projected to bring 600-800 jobs to the area; so far, that number is 40.

Anne Lamberton states that the Board is in the process of forming an Economic Development Authority, and would like to table this matter until the EDA is formed. John Kerrick disagrees.

- d. DRAFT Resolution – paying bills between meetings. The Board will look over the resolution for approval at the next meeting. Brendon Carroll asks if the Board must specifically say “ratify” at meetings when approving the bill pack. Jonathan Reiss states that if the bills appear on the bills list, they will be approved without using the word “ratify.”
- e. Consider awarding the 2017-18 Equipment Rental Road Maintenance (winter operations). The Board will review this for award at the Board’s Regular Business Meeting. Ed Tutrone states that the bid stated that it would be awarded either on the 6<sup>th</sup> or 13<sup>th</sup> just in case there was snow early. There was only one submission, but only for two of the three requested trucks. Jonathan Reiss states that as long as the bid has the language of “accepting irregularities” and those irregularities do not run afoul of state law, the Board will be able to accept the bid.

- f. Discussion – Proposed resolution for SR940 & I-380 NB off ramp traffic signal permit. Heidi Pickard states that this is for the left turn lane. John Jablowski states that the permitting process requires a resolution. John

signal permit. Heidi Pickard states that this is for the left turn lane. John Jablowski states that the permitting process requires a resolution. John Kerrick asks for a price for the project. Ed Tutrone states that the project is under the LSA grant, and is under \$16,000. This includes the new signal head, changing out a black plate that must now be reflective, and the new camera system. Tutrone will forward the actual price to the Board.

- g. Discussion – Proposed Resolution – use of Township Buildings. John Jablowski states that the Township received a request to have a Christmas Party and monthly meetings. The Christmas Party has already been denied. This resolution would not allow for Township building use by organizations unaffiliated with the township. Jonathan Reiss states that putting an effective date in the resolution would change the policy going forward. The Board states that the policy should go into effect immediately, and the fee schedule should be amended to delete the fee for renting the conference room. Jonathan Reiss states that this resolution would apply to all buildings. John Jablowski states that it should be changed to apply to only the Government Center, because the Township rents the main lodge in Blanche D. Price Park.
- h. Discussion on Potential Milling Usage. Anne Lamberton states that Blueberry Estates is asking for help with a road, and that the Township has a pile of millings at the Transfer Station. Ed Tutrone states that when a contractor was milling at the school, DPW used our trucks to haul the millings to the Transfer Station. There are about 500 tons of millings. Tutrone spoke with Diane Caldwell, the president of Emerald Lakes. Emerald Lakes owned 15-20 lots in Blueberry Estates, and has since sold them. The roads in the Pocono Township part of Blueberry Estates are township roads, but the roads in Tobyhanna Township are private. Emerald Lakes said that they would help repair the road, and then it was not in their budget. The road in question is 200-300 ft. long, and needs to be scarified, regraded, and filled. Emerald Lakes wants the Township to fix the road because someone higher up in the government told the president that the road would get fixed. The Board comes to a consensus that this is not the Township's responsibility; it should fall to Emerald Lakes. Anne Lamberton states that Tobyhanna trucks should not have gone to pick up the millings; that is the responsibility of the contractor. This topic will be on the agenda for November 13, 2017.
- i. Sam Keiper proposed 940 Development Discussion. Sam Keiper states that he inherited a piece of property from his mother. Summit Motors used the property until they moved due to a change in their lease from yearly to month-to-month, because Keiper was trying to sell the property. Keiper would like to put a new building on the property and install a fence. He presents an amended land development plan (LDP) to the Board. Jonathan Reiss states that if the Zoning Officer and Township Engineer stated that Keiper only needed a building permit, this conversation and any debate on the subject are rendered moot. The Board thanks Keiper for presenting the revised LDP.
- j. Bureau Veritas Lease Agreement. The Board agrees that John Jablowski should move forward with the lease agreement.
- k. Personnel Policy Update/Manager's Authority Ordinance. The Board tables this discussion until Monday.
- l. Pennoni Engineering General Traffic Engineering Services Proposal. Anne Lamberton states that the Board has next year's fee schedule, and to please look over it for the Regular Business meeting on the 13<sup>th</sup>. John Jablowski states that from time to time, the Township has turned to Pennoni to solve

Lamberton states that the Board has next year's fee schedule, and to please look over it for the Regular Business meeting on the 13<sup>th</sup>. John Jablowski states that from time to time, the Township has turned to Pennoni to solve unexpected issues, like the one with 423. The proposal allows the Township to use Pennoni with a set fee schedule for services. The Board decides to vote on this during the Regular Business Meeting.

- m. Clymer Library Proposed Maintenance List. Anne Lamberton states that thus far, the Township will take over the following duties for Clymer Library: snowplowing and cindering the parking lot (sidewalks not included), providing a dumpster for garbage, and lawn cutting. The Board will not pay for the library's oil, but will make sure that oil is available at a discounted rate. Ed Tutrone states that they have a long-standing agreement concerning a portable generator: DPW stores it at the Government Center, and if something happens, DPW will bring it over and turn it on.

John Kerrick suggests bidding out plowing for the library with sidewalks, because it may be cheaper than paying DPW overtime, and take liability off of the Township. Additionally, installing a fixed generator would lessen the demand on DPW's time during events that require generators.

Jonathan Reiss states that the services for the library must be put into a contract, and the contract will state that the library is an additional insured.

Ed Tutrone states that he will look into pricing for the Clymer parking lot and sidewalks, as well as cost for a fixed generator. The lawn care will be bundled with the Township's lawn care bid to save money.

- n. Economic Development Authority (EDA). Jonathan Reiss states that in order to advertise for the EDA, the names of the initial members must be present. The Board discusses Sam Keiper and Bill Van Gilder. Other names must be to Jonathan Reiss by Thursday for consideration.
- o. Blakeslee Overlay Ordinance. Anne Lamberton states that the Planning Commission recommended to send the ordinance to the Board of Supervisors for approval. The Board will review this for Monday.

## 7. Public Comment

- a. Heidi Pickard states that there will be a Wreath Ceremony at Pocono Lake Cemetery on Saturday, November 11, 2017 at 11:00AM for Veteran's Day.

8. Heidi Pickard motions to adjourn meeting. Meeting adjourned at 9:30AM.

Minutes recorded by Julia Heilakka