

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
DECEMBER 4, 2017

The Work Session of the Tobyhanna Township Board of Supervisors was held on December 4, 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, 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 8:01AM.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. The Board held an executive session on November 29, 2017 to discuss personnel matters.
4. Solicitor's Report – none.
5. Old Business
 - a. 2018 Meeting Schedule – discussion. John Jablowski states that the meetings were changed to Tuesdays to avoid Monday holidays. Tuesday also gives staff more time to compile the binders. The only conflict with Tuesdays is on Election Day. Jonathan Reiss states that on the 16th, he has a meeting at 4PM at Newtown, so he will be late. He will be unable to attend the joint meetings due to the Williams Township Supervisor meetings, so someone else from the law firm will attend in his stead. The Board will take action at their regular business meeting. Stanley Menking states that the website is incorrect for next week's meeting; it says "Tuesday, December 11" where it should say "Monday."
 - b. Sign Ordinance – discussion. Anne Lamberton states that digital signs and feather flags have been removed from the ordinance. Heidi Pickard states that she does not like the wording for A frame signs where the ordinance states "setbacks shall be 10ft back from the cartway," as she feels they belong near doors and on sidewalks. Brendon Carroll states that this document is so modified from its original form, he doesn't remember where the changes begin or who authorized them. Anne Lamberton proposes positioning the signs in relation to the building, discussion ensues. Jonathan Reiss will amend item C to state that "the sandwich board is not allowed within the right-of-way, and shall be within 10 feet of the building."

Brendon Carroll states that he is not a fan of digital signs, but putting no regulations on them may lead to more problems. Jonathan Reiss states that digital signs will be allowed in two locations – the proposed entertainment district and the proposed resort district - and suggests adding "unless expressly allowed in a zoning district, CEVM signs are prohibited" to the definition of changeable electronic variable message (CEVM) sign. There is nothing the Board can do to address what Carroll sees as a deficiency in the ordinance until the sign ordinance is adopted.

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Dave Carbone enquires about business openings and the use of flags for that event, and suggests having a 10-day permit. Jonathan Reiss states that permits are required for temporary signs and standards, and the provisions are drafted broadly to cover events like grand openings and other events, but the process becomes an enforcement headache for the zoning officer. The Board will leave this part of the ordinance as is.

The Board directs Reiss to make the discussed changes in the ordinance, and to have it prepared for the meeting on Monday, December 11th.

6. New Business

- a. 2018 Budget – Tabled until later in the meeting.
- b. NID Authority Appointments. The Board has reviewed appointments for the NID Authority and will vote on Monday.
- c. EDA Solicitor. Anne Lamberton asks if it is a conflict if Jonathan Reiss acts as the solicitor for the EDA. Jonathan Reiss states that it is not, because anything the EDA recommends must then go to the Board for approval. The Board has considered solicitors, and plans to vote on Monday.
- d. Use of Twp. Building by Third Parties Resolution. Brendon Carroll states that the language at the beginning seems harsh. Jonathan Reiss states that “prohibiting” references the old resolution and cannot be changed. John Jablowski states that the Fire Commission recommended that the two emergency services buildings are added to the resolution. The only organization that uses one of the buildings is the Boy Scouts, but they were chartered by the fire company so they will be unaffected by this resolution. Jonathan Reiss clarifies that the resolution’s title will now state “use of township government center building and emergency services buildings owned by the township.”
- e. L & V Engineering Proposal – retiming of two existing traffic lights (940 & Long Pond / 940 & I-380 NB ramp). Brendon Carroll asks if we have already engaged Pennoni to do part of this work, specifically light traffic counts? John Kerrick states that after three cars stack on Long Pond Rd, it triggers 940 to red. This was originally implemented to mitigate school traffic, but there was supposed to be a right turn lane there, and it was never complete. This severely backs up 940 all the way to Panther Lane. Changing the Long Pond trigger to wait until there are more cars stacked may help. Ed Tutrone states that the 380 light is going to be retimed for the left turn arrow. [Bob McHale arrives]. The Harvest Lane loop is broken, and the township is looking at a Green Light Go grant to get it fixed. John Kerrick states that the Board has the proposal for the retiming of Long Pond & 940 from L & V, and asks Bob McHale if the information Pennoni collected could help L & V. Bob McHale states that L & V is acquiring information from Pennoni, and they are looking to extend the three-car backup on Long Pond to a longer backup. [Bob McHale leaves.]
- f. Item G – Petition of Pocono Manor Investors, LP to amend the Zoning Ordinance (Pocono Village Entertainment Zoning District). Ralph Matergia. Ralph Matergia states, concerning §155-20, he did not compare the definitions of electronic signs in the petition against the draft to ensure the definitions match. If the sign ordinance prohibits electronic signs except expressly provided for, it should be designated in the master signage as well. Jonathan Reiss states that Ralph Matergia can reference

the definitions match. If the sign ordinance prohibits electronic signs except expressly provided for, it should be designated in the master signage as well. Jonathan Reiss states that Ralph Matergia can reference the definition instead of changing it.

Jonathan Reiss states that on December 11th, the Board could authorize to send this to the Monroe County Planning Commission (MCPC) and the Tobyhanna Township Planning Commission (TTPC), and advertise it for public comment. The petition needs 45 days (for the submission to the planning commission and the hearing), so February 6th would be the targeted date of enactment, as long as the MCPC and TTPC do not have any comments. If they do, the petition must be advertised again.

Ralph Matergia states that the goal of this is to allow for the planning process to take place at the time of the land development application. Master planning, sign planning, and cluster development will allow plans to be set without regard to the conventional setback and height requirements.

In §155-16.1-D, the Board chooses to strike number 2, “all uses permitted under C commercial zoning district,” and number 18, “cemeteries” from the list of allowable uses. Jonathan Reiss states that this should be sent to the TTPC today, with an understanding that they are expected to go through permitted uses. Anne Lamberton states that the TTPC will look at it on December 7, to make suggestions to the Board for Monday, December 11, at which point the Board will vote for or against advertising. There is discussion about what other items the TTPC may strike. The Board decides to send the document to the TTPC.

Anne Lamberton asks that if the Board acquires a second signalization for the highway improvement on 940, would Pocono Manor be interested in extending the area up to 940 for the off ramp of 314? Matergia suggests this issue be left alone; once the property is abandoned, it can be appropriated into the 174-acre parcel. If the Board proposes it in the zoning aspect now, PennDOT gets involved. Ralph Matergia states that someone affiliated with Pocono Manor will be present at the Planning Commission meeting on December 7th. [John Kerrick leaves the meeting space at 8:57AM.]

g. Item F – EConsult Solutions Proposals. John Jablowski states that in partnership with Alberta, Pocono Manor, Tobyhanna Township, and the Pocono Mountain Economic Development Council, the township is considering engaging a third party independent review for the financial metrics of the potential tax incremental financing and potential public infrastructure financing through the use of a sales levy on the property in Pocono Summit, as well as any other public financing that might occur. EConsult is a consulting firm from Philadelphia who studies sales statistics and assess valuation, which would help determine the amount of the TIF and other public financing. He is looking at cost sharing with Pocono Manor and Alberta. The township could be reimbursed for these costs. The RACP grant is due to open in early spring. [John Kerrick returns at 9:01AM.] Before the Board does a TIF, they need to meet with the school district. The Board directs John Jablowski to talk to Alberta and Pocono Manor to determine their thoughts on cost sharing, so the Board can make an informed decision on Monday.

h. John Kerrick asks for an executive session now. The Board enters executive session from 9:05-9:26AM. Upon return to the meeting room, Anne Lamberton states that the Board held an executive session on December 4, 2017 from 9:05-9:26AM to discuss personnel matters.

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- i. Item A – 2018 Budget. Heidi Pickard states in two, the budget reflects the letter to the library concerning payoffs. The funds went directly to the library and not through the fund, but they are coming out of the fund now.

John Jablowski states that Pocono Mountain Volunteer Fire Company (PMVFC) is asking for help with worker's compensation at approximately \$6,000 a year, and any contributions from the supervisors they deem fit. John Jablowski suggests at least an additional \$6,000 a year. The fire fund is for equipment and apparatus, but it is a non-binding referendum, so the fire company can use it however they want. The Board consensus is to donate \$6,000 for equipment/apparatus and approximately \$6,000 for worker's compensation per year to the PMVFC.

Heidi Pickard states that Sewer District No. 1 is the same as last year, and did what she could to estimate costs. Ed Tutrone states that rainwater is getting into the area between the inner and outer Bioxide tanks, and the concern is that freezing water could split the inner and outer tanks. [John Jablowski leaves at 9:43AM.] John Kerrick states that because flow rates have increased, that tank may no longer be needed. Tutrone states that another concern is that the panel boxes, while they are weatherproof, are not protected from the elements; if the box needs to be worked on in inclement conditions, the inside is exposed to any rain or snow. [John Jablowski returns at 9:45AM.] The Board directs Ed Tutrone to speak with Bob McHale about whether or not the Bioxide tank is still necessary.

Pickard discusses the Public Improvement Fund (PIF). These numbers include almost \$1,000,000 from closing the capital contingency fund and moving it to the PIF to cover Act 537. For the Act 537, budgeted was \$125,000, but so far only \$50,000 has been used.

Anne Lamberton asks for a project status on the Hike and Bike Trail. Autumn Canfield states that the project is on hold pending the acceptance of a grant application. Anne Lamberton states that the sign for the trail head looks great. Autumn Canfield states that the sign was part of a reimbursement; the township pays for it now and will be reimbursed later.

Anne Lamberton states that the BCRA is rerating streams in the area, and the Board needs to decide on what their ask will be. The Board needs to meet with the BCRA first, but Anne Lamberton wanted to make fellow members aware of the situation. Heidi Pickard suggests also talking to the BCRA about sewer EDUs. Anne Lamberton states that there is a different group of people dealing with that situation. John Jablowski states that the MAP grant can be used anywhere in the township.

John Kerrick asks for a GIS update. Tutrone states that it is now a web-based system, so DPW updates the system, and there is a yearly maintenance fee.

Heidi Pickard states that she allocated money for property acquisition, which can be used for legal fees, easements, and surveys, just in case. Jonathan Reiss states that this is in case someone does not want to sell their property. The Board discusses potential situations where this fund may apply.

Heidi Pickard discusses park improvements. John Jablowski states that this will help evaluate electrical services, because the lodge does not have enough power to support a live band and other power demands during community events. John Kerrick asks about a potential pole barn for the equipment. Ed Tutrone states that someone else just constructed a 60 x 120 building for approximately \$68,000. While the \$50,000 for park improvements will not complete the project, it could get the project started.

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Heidi Pickard states that concerning pensions, Rita is eligible, Terri just started collecting, and Mark will collect soon. It is a guess how much money will be spent.

Concerning, the General Fund, Heidi Pickard allocated \$15,000 for increases in health insurance for salary raises. Anne Lamberton asks if we know the revenue for zoning. John Holahan states that permit fees are \$32,500, and sewer is \$22,500. There is discussion over how salaries are split out on the budget. Heidi Pickard adds as \$12,000 fire service line item, for donation to PMVFC.

The Board discusses that the township's liability concerning Pocono Summit Volunteer Fire Company (PSVFC), specifically, that the township is not liable. Tutrone states that PSVFC was fundraising at Exxon over the weekend. He called Chief George Tallmadge and they quickly left. Jonathan Reiss states that by law, if they want to fundraise, they need the municipality's express permission. Heidi Pickard suggests a public service announcement so residents of the township know who their fire service protection providers are. The Board decides to add this to their agenda for Monday, December 11th, and direct John Jablowski to put something together.

John Jablowski states that he is meeting with Coolbaugh Township to discuss yard waste. John Kerrick states that this is ridiculous, just make residents go to Coolbaugh. Coolbaugh only complained about the additional labor costs, so Tobyhanna Township could reimburse them. Tutrone states that contractors will go directly to Coolbaugh; a site in Tobyhanna Township is for noncommercial residents only. Kerrick states that the township cannot afford this expense. The Board scratches yard waste from the budget.

Concerning DPW, Ed Tutrone states that he is working on job costs, so they know actual costs of projects, including labor and trucks. John Kerrick asks if there are procedures in place to fix problems with the ground above the sewer pipes, specifically: on a township road, there is broken pipe near a manhole, who is liable? Tutrone states that if the pipe breaks or there is a new user, AQUA is responsible. Ferncrest and Sir Bradford settle, but as long as the pipe does not break, it's the township's responsibility. Jonathan Reiss suggests calling AQUA and telling them a sink hole has formed over their lines when this happens in the future.

Heidi Pickard states that insurance and social security decreased. Anne Lamberton requests to view the employee evaluations that justify salary raises.

John Holahan motions to approved the budget, with aforementioned changes, for advertisement, Heidi Pickard seconds. John Kerrick appreciates that the Board did not raise taxes. Jonathan Reiss states that the budget must sit for 20 days before a public hearing to adopt it. If, at the hearing, the Board changes any specific line item by 10%, or the overall budget by 25%, the budget will need to be advertised again. If the budget is not approved by December 31, it affects the ability to levy taxes and spend money. Once the budget is approved, it can be reopened in January, but must be approved by February. Jonathan Reiss tells that Board that they can determine that line items cannot be spent without further authorization, which would waive the necessity to strike items from the budget. Vote: John Kerrick and Brendon Carroll vote in favor but are unhappy about doing so because the rushed nature of the budget, all else in favor; motion carries.

7. Public Comment

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b. Dave Carbone states that the Lions Club is donating \$300 to help with the Hurricane Relief effort. John Jablowski states that the cost for the project was about \$320.

8. John Holahan motions to adjourn the meeting, meeting adjourned at 10:49AM.