

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Reorganization Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, January 7, 2013, beginning at 3:30 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
DONALD MOYER, Board Member
ANNE LAMBERTON, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ROBERT J. McHALE, Township
Engineer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. ARMSTRONG: Welcome you all
2 to the reorganization meeting of the Tobyhanna
3 Township Board of Supervisors for 2013. Would you
4 please rise for the pledge of allegiance?

5 (Pledge of allegiance was
6 recited.)

7 MR. ARMSTRONG: Thank you.
8 With that, this is the reorganization meeting of
9 the Tobyhanna Township Board of Supervisors for the
10 year 2013.

11 We'll start with, if there are
12 any nominations to serve as the chairman of the
13 board of supervisors for 2013.

14 MR. HOLAHAN: I'll nominate
15 John Kerrick to serve as interim chairman of the
16 board.

17 MS. LAMBERTON: I'll second.
18 MR. ARMSTRONG: Motion and
19 second.
20 All those in favor?
21 MR. HOLAHAN: Aye.
22 MR. MOYER: Aye.
23 MS. LAMBERTON: Aye.
24 MS. PICKARD: Aye.
25 MR. ARMSTRONG: Motion carries.

3

1 That was unanimous, correct?
2 MR. MOYER: It was.
3 MR. ARMSTRONG: With that, I
4 can hand it over to -- with that, I can hand it
5 over to the chairman.
6 MR. KERRICK: Thank you, Pat.
7 I'd like to welcome everyone
8 here today.
9 Next we have a nominee for
10 vice-chair of the board of supervisors.
11 Come on, it can't be that

12 difficult.

13 MR. MOYER: I'll nominate Heidi

14 Pickard.

15 MR. HOLAHAN: I'll second.

16 MR. KERRICK: Motion and

17 second.

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I'll vote in

22 favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I'll vote in favor.

25 MR. KERRICK: Heidi.

4

1 MS. PICKARD: I'll abstain.

2 MR. KERRICK: I'll vote in

3 favor.

4 Next item on our agenda,

5 township secretary. What's the board's pleasure?

6 MR. HOLAHAN: I make a motion

7 that we appoint Heidi Pickard as township
8 secretary.

9 MR. KERRICK: Do we have a
10 second?

11 MS. LAMBERTON: I'll second.

12 MR. KERRICK: Questions or
13 comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in
18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I'll abstain.

23 MR. KERRICK: I'll vote in
24 favor.

25 Next item on our agenda,

1 assistant township secretary: to assist and

2 perform duties of the township secretary in the
3 absence or the disability of the township
4 secretary.

5 MS. PICKARD: I make a motion
6 we appoint Margie Argot.

7 MS. LAMBERTON: I second.

8 MR. KERRICK: Questions or
9 comments?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. KERRICK: I'll vote in
20 favor.

21 Nominee to serve as township
22 treasurer.

23 MR. HOLAHAN: Make a motion
24 that we appoint Terry Dougherty as the township

25 treasurer.

6

1 MS. LAMBERTON: I'll second.

2 MR. KERRICK: Questions or
3 comments from the board?

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in
8 favor.

9 MR. KERRICK: Donald?

10 MR. MOYER: I'll vote in favor.

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

13 MR. KERRICK: I'll vote in
14 favor. The motion carries.

15 Nominee to serve as assistant
16 township treasurer.

17 MR. MOYER: I'll nominate Heidi
18 Pickard.

19 MR. HOLAHAN: And I'll second.

20 MR. KERRICK: Questions or
21 comments from the board?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I'll vote in

7

1 favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I'll vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I'll abstain.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Next item, a nominee to serve as

9 chief administrator to the Township Nonuniformed

10 Pension Plan.

11 MR. MOYER: I nominate John

12 Kerrick.

13 MS. LAMBERTON: I'll second.

14 MR. KERRICK: Questions or

15 comments?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in

20 favor.

21 MR. KERRICK: Donald?

22 MR. MOYER: I'll vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: I'll abstain.

8

1 Next item, a nominee to serve as
2 township emergency management coordinator.

3 MS. PICKARD: I make a motion
4 we appoint Phyllis Haase.

5 MS. LAMBERTON: I'll second.

6 MR. KERRICK: Questions or
7 comments from the board?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?
11 MS. LAMBERTON: I vote in
12 favor.
13 MR. KERRICK: Donny?
14 MR. MOYER: I'll vote in favor.
15 MR. KERRICK: Heidi?
16 MS. PICKARD: Vote in favor.
17 MR. KERRICK: I'll vote in
18 favor.
19 Next item, a nominee to serve as
20 township emergency management deputy.
21 MS. LAMBERTON: I'll nominate
22 John Holahan.
23 MS. PICKARD: I'll second that.
24 MR. KERRICK: Questions or
25 comments?

9

1 Call the vote. John?
2 MR. HOLAHAN: I'll abstain.
3 MR. KERRICK: Anne?
4 MS. LAMBERTON: I vote in

5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I'll vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

12 A nominee, it has to be a
13 township supervisor, to serve as representative to
14 the Pocono Mountain Regional Police Commission.

15 MS. LAMBERTON: I'll nominate
16 John Kerrick.

17 MR. HOLAHAN: I'll second.

18 MR. KERRICK: Questions or
19 comments?

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in

24 favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: Vote in favor.

4 MR. KERRICK: I'll abstain.

5 We need another nominee,

6 township supervisor, to serve the second

7 representative to the Pocono Mountain Regional

8 Police Commission.

9 MS. LAMBERTON: I'll nominate

10 Donald Moyer.

11 MR. HOLAHAN: I'll second that.

12 MR. KERRICK: Questions or

13 comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in

18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I'll abstain.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor.

25 A nominee, a township

11

1 resident/taxpayer, to serve as township

2 representative to the Pocono Mountain Regional

3 Police Commission.

4 MR. HOLAHAN: I'll make a

5 motion that we nominate David Moyer.

6 MR. KERRICK: Do I have a

7 second?

8 MS. PICKARD: I'll second it.

9 MR. KERRICK: Questions or

10 comments?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?
19 MS. PICKARD: I vote in favor.
20 MR. KERRICK: I'll vote in
21 favor. Motion carried.
22 Nominate a member of the board
23 of supervisors to serve as township representative
24 to the Pocono Mountain Council of Governments.
25 MR. MOYER: I'll nominate Anne

12

1 Lamberton.
2 MS. PICKARD: I'll second.
3 MR. HOLAHAN: I'll second.
4 MR. KERRICK: I didn't -- I
5 didn't hear what you said.
6 MS. LAMBERTON: I said, oh,
7 thanks.
8 MR. MOYER: We got Annie.
9 MR. KERRICK: It was Anne?
10 MR. MOYER: Anne and then we
11 have a second from John or Heidi, it was pretty
12 close.

13 MR. KERRICK: Questions or

14 comments?

15 Call the vote. John?

16 MR. HOLAHAN: I vote in favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I'll abstain.

19 MR. KERRICK: Donald?

20 MR. MOYER: I'll abstain.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: Vote in favor.

23 MR. KERRICK: I'll vote in

24 favor.

25 MR. MOYER: I vote in favor,

13

1 I'm sorry.

2 MR. KERRICK: Nominee, township

3 supervisor to serve as a representative to the

4 Pocono Mountain Regional Emergency Services

5 Commission.

6 MS. LAMBERTON: I think we need

7 a second on COG.

8 MR. KERRICK: We need two
9 people on COG?

10 MS. PICKARD: We both -- with
11 second and alternate.

12 MR. MOYER: Yeah. I'll alter --
13 well --

14 MS. PICKARD: I'll make a
15 motion that we appoint Donald Moyer as alternate.

16 MS. LAMBERTON: I'll second.

17 MR. KERRICK: How come it's not
18 on my sheet?

19 MS. PICKARD: I don't know.

20 MS. LAMBERTON: It's on mine.

21 MR. MOYER: Yeah, we had that
22 last year.

23 MR. KERRICK: Donald Moyer it
24 is. It's not on my sheet.

25 MS. LAMBERTON: Oh, sorry.

14

1 MR. KERRICK: No problem.

2 Any questions or comments?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in
7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I abstain.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in
13 favor. Motion carried.

14 Now we're back to the township
15 supervisor to serve as a representative to the
16 Pocono Mountain Regional Emergency Services
17 Commission.

18 MR. MOYER: Okay. Now we're
19 back.

20 MR. KERRICK: Do we have one?
21 If not, we'll come back to that.

22 MS. LAMBERTON: I'll nominate
23 John Holahan.

24 MR. KERRICK: We have a motion.
25 Do we have a second?

1 MR. MOYER: I'll second.

2 MR. KERRICK: You second it,

3 Donny?

4 MR. MOYER: Sure.

5 MR. KERRICK: Motion and

6 second.

7 Questions or comments?

8 Call the vote. John?

9 MR. HOLAHAN: I'll abstain.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in

12 favor.

13 MR. KERRICK: Donny?

14 MR. MOYER: I'll vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in

18 favor. Motion carried.

19 Nominate -- or nominee, a

20 township supervisor to serve as a representative to

21 the Top of the Mountain Open Space Advisory
22 Committee.

23 MS. LAMBERTON: I'll nominate
24 Heidi Pickard.

25 MR. HOLAHAN: I'll second.

16

1 MR. KERRICK: Questions or
2 comments?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll vote in
7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I'll vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: Vote in favor --
12 I'll abstain.

13 MR. KERRICK: You abstain?

14 MS. PICKARD: Umm-hmm.

15 MR. KERRICK: I'll vote in

16 favor. Motion carried.

17 Nominate a township supervisor
18 to serve as a representative to the Regional
19 Comprehensive Plan Committee.

20 MS. LAMBERTON: I'll nominate
21 John Holahan.

22 MR. KERRICK: Do we have a
23 second?

24 MR. MOYER: I'll second that.

25 MR. KERRICK: Motion and

17

1 second.

2 Questions or comments?

3 Call the vote. John?

4 MR. HOLAHAN: I'll abstain.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll vote in

7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in
13 favor. Motion carried.

14 Appoint/nominate -- I guess it
15 would be appoint a representative to serve as open
16 records officer in accordance with the Pennsylvania
17 Right-To-Know Law.

18 MR. MOYER: I'll nominate Heidi
19 Pickard.

20 MR. HOLAHAN: I'll second.

21 MR. KERRICK: Motion and
22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

18

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in
3 favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: Vote in favor.

8 MR. KERRICK: I'll vote in
9 favor. Motion carried.

10 Nominate a township supervisor
11 to serve as representative to the Monroe County Tax
12 Collection Committee.

13 MR. HOLAHAN: I'll nominate
14 Heidi Pickard to fill that position.

15 MS. LAMBERTON: I'll second.

16 MR. KERRICK: Questions or
17 comments -- motion and second.

18 Questions or comments?

19 Call the vote. John?

20 MR. HOLAHAN: I vote in favor.

21 MR. KERRICK: Anne?

22 MS. LAMBERTON: I vote in
23 favor.

24 MR. KERRICK: Donny?

25 MR. MOYER: I'll vote in favor.

1 MR. KERRICK: Heidi?

2 MS. PICKARD: I'll abstain.

3 MR. KERRICK: I'll vote in
4 favor. Motion carried.

5 A township resident -- appoint a
6 township resident to serve as chair of the Vacancy
7 Board.

8 MS. PICKARD: I make a motion
9 we appoint Mark Argot.

10 MR. HOLAHAN: I'll second.

11 MR. KERRICK: Motion and second
12 to appoint Mark.

13 Questions or comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in
18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I'll vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor.

25 Appoint a nominee to -- as

20

1 recording secretary to the board of supervisors.

2 MS. PICKARD: I make a motion

3 we appoint Panko Reporting.

4 MR. HOLAHAN: I'll second.

5 MR. KERRICK: Motion and

6 second.

7 Questions or comments?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in

12 favor.

13 MR. KERRICK: Donald?

14 MR. MOYER: I'll vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in

18 favor. Motion carried.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in
17 favor.

18 MR. ARMSTRONG: Thank you.

19 MR. HOLAHAN: You're welcome.

20 MR. KERRICK: We have to
21 appoint a firm to act as township planning
22 commission solicitor and set the rate and the per
23 meeting rate.

24 What's the board's pleasure? Do
25 we have a motion?

22

1 MR. HOLAHAN: Yes. I'll make a
2 motion that we appoint Grim, Brim (sic) and
3 Thatcher.

4 MS. LAMBERTON: I'll second.

5 MR. KERRICK: Is that the same
6 rate?

7 MS. LAMBERTON: Yeah, it looks
8 like it.

9 MS. PICKARD: It's Grim, Biehn

10 and Thatcher.

11 MR. KERRICK: Close enough.

12 Any questions or comments?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I vote in

17 favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I'll vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I'll vote in

23 favor. Motion carried.

24 Entertain a motion establishing

25 the payment of employee salaries and wages on a

23

1 biweekly basis.

2 Do we have a motion?

3 MS. LAMBERTON: I'll make a

4 motion.

5 MR. KERRICK: Do we have a
6 second?

7 MR. MOYER: Second.

8 MR. KERRICK: Questions or
9 comments?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: Vote in favor.

19 MR. KERRICK: I'll vote in
20 favor.

21 Entertain a motion establishing
22 the 2013 holiday schedule for the township
23 employees. It's in your packet.

24 MR. HOLAHAN: I'll make that
25 motion.

1 MR. MOYER: So moved. I'll
2 second it.

3 MR. KERRICK: Motion and
4 second.

5 Questions or comments?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in
10 favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. KERRICK: I'll vote in
16 favor. Motion carried.

17 Entertain a motion establishing
18 the tax assessor's bond at 40,000.

19 MR. MOYER: So moved.

20 MS. PICKARD: I'll second it.

21 MR. KERRICK: Motion and

22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

25

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in

3 favor.

4 MR. KERRICK: Donald?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I'll vote in

8 favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Entertain a motion establishing

12 the 2013 mileage rate. Which is?

13 MR. HOLAHAN: 56 and a half.

14 MR. KERRICK: 56 and a half?

15 MS. PICKARD: We usually take

16 whatever the IRS --

17 MR. KERRICK: Is that the --

18 MR. HOLAHAN: I'm pretty sure
19 that's there new big bump --

20 MS. PICKARD: It is the new
21 one.

22 MR. HOLAHAN: That's their new
23 one.

24 MS. PICKARD: But if we make
25 the motion so we take the IRS rate, if it changes

26

1 during the year, we wouldn't have to --

2 MR. HOLAHAN: Yeah, that
3 probably works better.

4 MR. KERRICK: So that's your
5 motion, Heidi?

6 MS. PICKARD: Well, it was
7 John's motion.

8 MR. HOLAHAN: Yeah. So I'll
9 make a motion that we establish the rate
10 commensurate with the IRS rules.

11 MS. PICKARD: I'll second that.

12 MR. KERRICK: Questions or
13 comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in
18 favor.

19 MR. KERRICK: Donald?

20 MR. MOYER: I'll vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor. Motion carried.

25 Certify the five township board

27

1 of supervisors, township engineer and township
2 solicitor as delegates to the Pennsylvania Township
3 Supervisors 2013 Annual Convention.

4 MS. PICKARD: So moved.

5 MR. HOLAHAN: Second.

6 MR. KERRICK: Motion and

7 second.

8 Questions or comments?

9 Call the vote. John?

10 MR. HOLAHAN: I vote in favor.

11 MR. KERRICK: Anne?

12 MS. LAMBERTON: I vote in

13 favor.

14 MR. KERRICK: Donald?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. KERRICK: I'll vote in

19 favor.

20 Certify to serve as voting -- a

21 member to serve as voting delegate to the

22 Pennsylvania State Association Township Supervisors

23 2013 Annual Convention. Last year we had an

24 alternate as well.

25 MS. LAMBERTON: I'll nominate

2 MS. PICKARD: I'll second that.

3 MR. KERRICK: In your motion,
4 do you want to have an alternate?

5 MS. LAMBERTON: Heidi Pickard.

6 MR. KERRICK: Do we have a
7 second?

8 MR. MOYER: So it's John and
9 Heidi.

10 MR. KERRICK: You seconded it?

11 MS. PICKARD: Yeah.

12 MR. KERRICK: Any questions or
13 comments on the motion?

14 Call the vote. John?

15 MR. HOLAHAN: I'll vote in
16 favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I vote in
19 favor.

20 MR. KERRICK: Donald?

21 MR. MOYER: I vote in favor.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. KERRICK: I'll vote in

25 favor. Motion carried.

29

1 Approve agreement to retain

2 Brian Oram -- is that his name?

3 MR. MOYER: Yeah.

4 MS. PICKARD: Yeah.

5 MR. KERRICK: -- PG for the

6 year 2013 as the professional soil scientist for

7 the township as the rates set forth in this

8 agreement.

9 MR. MOYER: I'll make that

10 motion.

11 MS. PICKARD: I'll second the

12 motion.

13 MR. KERRICK: We have a motion

14 and second.

15 Any questions or comments?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I'll vote in

20 favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I'll vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: Vote in favor.

25 MR. KERRICK: I'll vote in

30

1 favor. Motion carried.

2 Next item, approve L&V

3 Engineering proposal for traffic engineering

4 service on an as-needed basis for the year 2013.

5 Do we have a motion?

6 MR. MOYER: I'll make a motion.

7 MR. HOLAHAN: And I'll second.

8 MR. KERRICK: Motion and

9 second.

10 Questions or comments?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. KERRICK: Donald?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 Nominate an alternate sewage

23 officer for the year 2013.

24 MS. LAMBERTON: I'll nominate

25 Jeryl Rinehart.

31

1 MR. HOLAHAN: I'll second.

2 MR. KERRICK: I didn't hear

3 what you said, Anne.

4 MS. LAMBERTON: I'm sorry Jeryl

5 Rinehart.

6 MR. KERRICK: Jeryl Rinehart?

7 MS. LAMBERTON: Umm-hmm.

8 MR. HOLAHAN: And I'll second

9 that.

10 MR. KERRICK: And a second.

11 MS. PICKARD: I just want to
12 mention that we -- that rate is \$35 an hour plus
13 expenses and mileage.

14 MR. KERRICK: Plus expense and
15 mileage.

16 MR. HOLAHAN: Okay.

17 MR. KERRICK: Motion and
18 second.

19 Still okay?

20 MR. HOLAHAN: Yes.

21 MS. LAMBERTON: Umm-hmm.

22 MR. KERRICK: Any questions or
23 comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

32

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in
3 favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I'll vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I'll vote in
8 favor.

9 MR. KERRICK: I'll vote in
10 favor. Motion carried.

11 Appoint or nominate someone to
12 our sewage hearing board for the year 2013. I
13 believe we tabled that last January and I don't
14 think we came back to it.

15 MS. PICKARD: Yeah, I think we
16 did. We appointed George. I think we were okay
17 with that.

18 MS. PICKARD: I'll nominate
19 George Ewald.

20 MR. KERRICK: We have a motion
21 for George Ewald. Do we have a second?

22 MR. HOLAHAN: I'll second that.

23 MR. KERRICK: Motion and
24 second.

25 Questions or comments?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I'll vote in

5 favor.

6 MR. KERRICK: Donald?

7 MR. MOYER: I'll vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

12 Consider the enactment of
13 Resolution No. 2013 dash 001, setting the dates and
14 times and place for the township public meetings to
15 be held.

16 MS. PICKARD: I make a motion we
17 approve Resolution 2013 dash 001.

18 MR. KERRICK: Do we have a
19 second?

20 MR. MOYER: I'll second.

21 MR. KERRICK: Questions or
22 comments?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

34

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: I'll vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll vote in

8 favor. Motion carried.

9 Consider enactment of Resolution

10 No. 2013 dash 002, designating certain financial

11 institutions as depositories for township monies.

12 MS. PICKARD: I make a motion

13 we approve Resolution No. 2013 dash 002.

14 MS. LAMBERTON: I'll second.

15 MR. KERRICK: Motion and

16 second.

17 Questions or comments?

18 Call the vote. John?
19 MR. HOLAHAN: I vote in favor.
20 MR. KERRICK: Anne?
21 MS. LAMBERTON: I vote in
22 favor.
23 MR. KERRICK: Donny?
24 MR. MOYER: I'll vote in favor.
25 MR. KERRICK: Heidi?

35

1 MS. PICKARD: I vote in favor.
2 MR. KERRICK: I'll vote in
3 favor. Motion carried.
4 Consider the enactment of
5 Resolution No. 2013 dash 003, appointing a firm as
6 public accounting firm to the township replacing
7 the elected/appointed township auditors.
8 MS. LAMBERTON: I'll a make a
9 motion for Resolution No. 2013 dash 003 appointing
10 Riley and Company and as a public accounting firm
11 of the township replacing the elected/appointed
12 township auditors.

13 MR. HOLAHAN: I'll second.

14 MR. KERRICK: Motion and

15 second.

16 Questions or comments?

17 Call the vote. John?

18 MR. HOLAHAN: I vote in favor.

19 MR. KERRICK: Anne?

20 MS. LAMBERTON: I vote in

21 favor.

22 MR. KERRICK: Donny?

23 MR. MOYER: I'll vote in favor.

24 MR. KERRICK: Heidi?

25 MS. PICKARD: I vote in favor.

36

1 MR. KERRICK: I'll vote in

2 favor. Motion carried.

3 Consider the enactment of

4 Resolution No. 2013 dash 004, establishing tax

5 rates for the calendar year 2013.

6 MS. PICKARD: Make a motion that

7 we approve Resolution 2013 dash 004.

8 MR. KERRICK: Do we have a

9 second?

10 MS. LAMBERTON: I'll second.

11 MR. KERRICK: Motion and

12 second.

13 Questions or comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in

18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I'll vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor. Motion carried.

25 Next, consider the enactment of

1 Resolution No. 2013 dash 005, appointing to serve

2 as special counsel to the board on any legal matter

3 that becomes a conflict with the township solicitor
4 and set the rate.

5 What's the board's pleasure?

6 MS. PICKARD: Make a motion we
7 appoint McNamara, Bolla and Panzer at a rate of
8 \$185 with a \$100 flat travel free.

9 MR. KERRICK: What was the name
10 again?

11 MS. PICKARD: It's William
12 Bolla from McNamara, Bolla and Panzer.

13 MR. KERRICK: That's who we had
14 last year.

15 MS. PICKARD: Yeah.

16 MR. KERRICK: We have a motion
17 on the floor. Do we have a second?

18 MR. MOYER: I'll second.

19 MR. KERRICK: Motion and
20 second.

21 Questions or comments?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I'll vote in

1 favor.

2 MR. KERRICK: Donald?

3 MR. MOYER: I'll vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Consider the enactment of
9 Resolution No. 2013 dash 006, setting a fee
10 schedule for subdivision and land development,
11 planned residential development, zoning hearing
12 board, board of supervisors and other miscellaneous
13 fees.

14 Do we have a motion?

15 MS. PICKARD: I make a motion
16 we approve Resolution 2013 dash 006.

17 MR. KERRICK: Do we have a
18 second?

19 MS. LAMBERTON: I'll second.

20 MR. KERRICK: Questions or

21 comments on the motion?

22 MS. LAMBERTON: Did we change
23 any of the fees?

24 MR. KERRICK: Did we change any
25 of the fees?

39

1 MS. PICKARD: No.

2 MR. KERRICK: Same as last
3 year.

4 Any other questions?

5 Call the vote. John?

6 MR. HOLAHAN: I vote in favor.

7 MR. KERRICK: Anne?

8 MS. LAMBERTON: I vote in
9 favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I'll vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. KERRICK: I'll vote in

15 favor. Motion carried.

16 We have to appoint a township
17 auditor. What's the board's pleasure?

18 MR. HOLAHAN: I'll make a
19 motion that we appoint Patricia Ising, I-S-I-N-G,
20 to serve as township auditor.

21 MS. LAMBERTON: I'll second.

22 MR. KERRICK: Motion and
23 second. I have a question. Is that -- what's the
24 term limit on that? Is that --

25 MR. ARMSTRONG: It's -

40

1 MS. LAMBERTON: It's annually,
2 right?

3 MR. ARMSTRONG: No, it's --

4 MS. PICKARD: It's municipal --

5 MR. ARMSTRONG: It's an elected
6 position, but your current auditor resigned.

7 MR. MOYER: We got to fill it
8 until --

9 MR. ARMSTRONG: You have a
10 certain period of time to appoint and they'll --

11 she'll keep office until the next --

12 MR. MOYER: -- the next
13 election.

14 MR. KERRICK: This year was a
15 municipal election. That was my question, does she
16 have to run?

17 MS. LAMBERTON: Do you know
18 what the balance of a term is?

19 MS. PICKARD: This is a
20 municipal election.

21 MR. ARMSTRONG: If she wants to
22 stay on, yes.

23 MR. KERRICK: Okay. That's my
24 question.

25 Any other questions?

41

1 MR. MOYER: And then it's for
2 30 years.

3 MR. KERRICK: Call the vote.
4 John?

5 MS. LAMBERTON: And it's for 30

6 years.

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: 30 years?

9 Anne?

10 MS. LAMBERTON: I vote in

11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in

17 favor. Motion carried.

18 That concludes our

19 reorganization meeting for 2013.

20 (Meeting concluded at 3:55 p.m.)

21 ---

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I hereby certify that the
proceedings and evidence are contained fully and
accurately, to the best of my ability, in the notes
taken by me at the meeting in the above matter; and
that the foregoing is a true and correct transcript
of the same.

TARA FIGUCCIO, C.R.

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting/Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, January 7, 2013 beginning at 4:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ROBERT J. McHALE, Township Engineer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. KERRICK: Do you want to
2 combine the work session in with the business
3 meeting? Is that okay? Everybody all right with
4 that?

5 MR. MOYER: Yeah.

6 MR. HOLAHAN: Yeah.

7 MR. KERRICK: First item of
8 business on our regular meeting, consider the
9 minutes from December 3, 2012 work session and
10 December 21, 2012 special meeting.

11 What's the board's pleasure?

12 MR. HOLAHAN: I make a motion
13 that we approve those minutes.

14 MR. KERRICK: Do we have a
15 second?

16 MS. PICKARD: I'll second it.
17 MR. KERRICK: Who seconded it?
18 MS. PICKARD: I did.
19 MR. KERRICK: Heidi.
20 MS. PICKARD: Donny did --
21 MR. KERRICK: Is there any
22 questions or comments on the minutes from the
23 board? Do you have any questions?
24 From the public on the motion,
25 any questions?

3

1 Call the vote. John?
2 MR. HOLAHAN: I vote in favor.
3 MR. KERRICK: Anne?
4 MS. LAMBERTON: I vote in
5 favor.
6 MR. KERRICK: Donald?
7 MR. MOYER: I'll vote in favor.
8 MR. KERRICK: Heidi?
9 MS. PICKARD: I vote in favor.
10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

12 Next item on our agenda,
13 consider the treasurer report bill pack dated --

14 MS. PICKARD: Today, January 7.

15 MR. KERRICK: -- January 7,

16 total amount for board approval is \$214,115.49.

17 Bills are up front in the boxes
18 if anybody cares to take a look.

19 MS. PICKARD: I'll make that
20 motion.

21 MR. HOLAHAN: I'll second.

22 MR. KERRICK: Motion and second
23 on the floor.

24 Any questions or comments from
25 the board?

4

1 Questions or comments from the
2 public on the motion?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I'll vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in

13 favor. Motion carried.

14 Solicitor's report.

15 MR. ARMSTRONG: Thank you, Mr.

16 Chairman. Two items under my report. One is, as

17 you're aware, Arcadia and New Ventures Park, Lots

18 100 and 110, they have a pending preliminary

19 approval before this board. They are in the

20 process of attempting to proceed with their PennDOT

21 HOP application.

22 And in doing so, you're aware

23 their engineer is going to be submitting the

24 submission to PennDOT on behalf of the township

25 because the township is the permittee and what we

1 had -- Bob and I, back and forth via email, talked
2 about doing a brief agreement with the engineer,
3 between the engineer and the township to make sure
4 that everyone's roles was explained properly.
5 Meaning that, we're not going to be responsible for
6 any payments to the engineer; they have proper
7 insurance, identification.

8 And I sent out a memorandum
9 indicating for that agreement on Friday. I don't
10 know if you've all had a chance to look at it. Bob
11 responded. I think Bob's okay with it.

12 MR. McHALE: Yes.

13 MR. ARMSTRONG: So all I would
14 need from the board is, if you're okay with it, I
15 can forward it on to the applicant's engineer to
16 review and execute it in the event that they're
17 okay with it.

18 MR. HOLAHAN: Do you need a
19 motion that we approve that?

20 MR. ARMSTRONG: Yes.

21 MR. HOLAHAN: Then I make a
22 motion that we approve the agreement that you had
23 sent out.

24 MR. ARMSTRONG: Yep.

25 MR. HOLAHAN: Yes.

6

1 MR. ARMSTRONG: And then
2 what'll happen is I'll forward it to them. If
3 they're okay with it, we'll sign it, send it back
4 and we can have that executed here or if they have
5 issues with it or want to make some certain
6 changes, they'll let me know.

7 MR. KERRICK: Do we have a
8 second?

9 MS. PICKARD: I'll second it.

10 MR. KERRICK: I have a
11 question. This is just -- one time they started
12 their application process and we were in discussion
13 with them on realigning our township road in that
14 area. Is that off the table now or are they
15 starting from square one? Or is this agreement
16 something totally separate?

17 MR. McHALE: They basically --

18 MR. KERRICK: I just want to

19 understand.

20 MR. McHALE: They basically
21 took all the paper permit applications that they
22 had submitted to PennDOT and they're now
23 transferring it into the electronic permitting
24 process. So as far as drainage improvements, the
25 access to the Klock Road and such, we're still in

7

1 the process and we'll be reviewing that along with
2 PennDOT.

3 MR. ARMSTRONG: This is just --

4 MR. KERRICK: This is just a --

5 MR. ARMSTRONG: This is just
6 allowing them to submit --

7 MR. McHALE: In electronic
8 form.

9 MR. ARMSTRONG: -- the
10 application in electronic format to PennDOT on the
11 -- actually I didn't talk about it, but one of the
12 provisions in the agreement is that they send any
13 and all plans, design plans to the township before

14 they submit it to PennDOT to get your approval, get
15 your stamp of approval.

16 MR. KERRICK: Going forward
17 with other applicants this would be because PennDOT
18 has switched to electronic, this would be the
19 common --

20 MR. McHALE: Yes.

21 MR KERRICK: -- with land
22 development.

23 MR. ARMSTRONG: In the event
24 that the township is the permittee.

25 MR. McHALE: For the traffic

8

1 signals.

2 MR. KERRICK: Well, if it's a
3 land development, it's a large residential, we
4 would be probably.

5 MR. ARMSTRONG: You would be,
6 yes.

7 MR. KERRICK: Any other
8 questions?

9 Questions from the public on the

10 motion?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MR. LAMBERTON: I vote in

15 favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 Next item.

23 MR. ARMSTRONG: The other item,

24 I don't know how much you want to discuss it, but

25 the Venezia land development, I don't know if you

9

1 all recall it, it's been a -- it's been a number of

2 years. It's -- their proposal was to construct a

3 parking lot storage facility. And as of last

4 month, it looks like they're ready to start moving
5 forward with it. And I already put together the
6 storm water maintenance and monitoring agreement.
7 I added a few provi -- revisions that Bob suggested
8 in his email. There's also the general development
9 agreement that goes along with these types of
10 applications.

11 The only outstanding item is the
12 potential financial securities that they would be
13 on the hook for. Given the fact that it's a
14 parking lot storage facility, I don't know if we
15 actually ever had that conversation as to what you
16 would require as a financial security.

17 MR. McHALE: Actually --

18 MR. ARMSTRONG: I looked -- I
19 looked at the letter that went out --

20 MR. McHALE: From Phyllis?

21 MR. ARMSTRONG: Yes.

22 If you recall, the parking lot,
23 it's -- they're not going to pave it at this time
24 because they fall under that dual provision in your
25 ordinance where if they would -- if they would be

1 granted a waiver at this point in time given the
2 traffic -- the anticipated traffic, that they fell
3 under that category.

4 It's not going to be paved at
5 this point in time, but the development agreement
6 and actually the approval leaves the door open in
7 the event that down the road, if the township feels
8 that it does need to be paved, if their traffic is
9 more than they anticipated at this point in time,
10 then it gives you the ability to require that at
11 that time.

12 MS. LAMBERTON: Do we look at
13 that, Bob, every year?

14 MR. McHALE: Pardon?

15 MS. LAMBERTON: Do we look at
16 that amount every year in case it escalates, be in
17 escalation?

18 MR. McHALE: That'd be
19 something that Pat would need to incorporate. This
20 doesn't include the paving cost only --

21 MS. LAMBERTON: Oh, oh, oh, this

22 is just --

23 MR. McHALE: -- the
24 installation of the -- correct.

25 MS. LAMBERTON: I thought it

11

1 was for future pave, I'm sorry.

2 MR. McHALE: That would be
3 another item --

4 MS. LAMBERTON: Okay.

5 MR. McHALE: -- if you all
6 wanted to consider, was to have them put up a
7 letter of credit for the paving.

8 MR. ARMSTRONG: Okay. So --

9 MR. McHALE: I don't remember
10 how much or if that was discussed in the past,
11 though, it's a good idea.

12 MR. ARMSTRONG: This is the
13 review letter from Bob and it looks like attached
14 to it is the cost estimate breakdown?

15 MR. McHALE: Yes.

16 MR. ARMSTRONG: For the

17 improvements on the property, right?

18 MR. McHALE: Correct. This
19 would have been somewhat higher than, you know, the
20 total estimate. However, they're using their own
21 tanks for underground storage, stainless steel
22 tankers, and so it reduced the cost of this
23 somewhat. But it does not include paving asphalt.

24 MR. ARMSTRONG: And that's
25 because they were granted that?

12

1 MR. McHALE: Correct.

2 MR. HOLAHAN: Are you
3 requesting action from us, Patrick?

4 MR. ARMSTRONG: What I -- I
5 have the development agreement pretty much ready to
6 go, but I don't have a number in there for
7 financial security.

8 MR. HOLAHAN: What's
9 reasonable? Bob, is there something you calculated
10 from your part?

11 MR. McHALE: Well, the number

12 they provided to us was that \$235,000.

13 MR. HOLAHAN: Right.

14 MR. McHALE: And of course
15 that's without asphalt. So that's up to you all to
16 -- I mean, the most important items that we would
17 be concerned with is to make sure that they would
18 construct their storm water management facilities,
19 E&S controls and those type of items.

20 As far as the stone material
21 itself, that's something they've got to put down,
22 but it's not something that is of much concern to
23 us. So that item could actually be deducted out of
24 this estimate if you wanted to reduce the number.

25 MR. ARMSTRONG: That would be

13

1 -- I'm looking at the cost estimate, looks like No.
2 5, the parking area?

3 MR. McHALE: Correct.

4 MR. ARMSTRONG: That's
5 50,136.92.

6 MR. HOLAHAN: For a permit,

7 185.

8 MS. LAMBERTON: Give me
9 something that's reasonable. What's reasonable?

10 MR. ARMSTRONG: The way you
11 left the paving requirement is that they're not
12 responsible to pave it right now because their
13 traffic -- their anticipated traffic hit is below
14 that threshold in your ordinance, but it does leave
15 the door open in the event that the county road, if
16 the township thinks they need to pave it, they can
17 pave it. It's not only in that letter from Phyllis
18 for the conditional approval, it's also in the
19 development agreement that I've already drafted,
20 just haven't sent out yet.

21 MR. KERRICK: Wouldn't that
22 have to have some sort of numbers on it or -- so
23 it's fair to the applicant, as well as us? I mean,
24 it doesn't meet the threshold now. When are you
25 going to revisit it? If the board changes it and

1 all of a sudden they say now pave it, if there's no

2 reason to, I mean, it's kind of -- it's an
3 open-ended agreement that I don't care much for.

4 MR. McHALE: Okay.

5 MR. KERRICK: Is there any way
6 we could tighten that up a little bit?

7 MS. LAMBERTON: There's
8 obviously a traffic volume count that you're
9 thinking of, right?

10 MR. KERRICK: So it's fair for
11 the applicant. I understand now they're not able
12 to hear it.

13 MR. McHALE: It's probably
14 related more to, I think, if it's a nuisance, like
15 if there's dust problems that they won't address or
16 -- control. Other than that, it's --

17 MS. HAASE: Change of use.

18 MR. McHALE: Change of use,
19 that's another possibility.

20 MR. KERRICK: Could we list
21 those in the agreement so that it's clear?

22 MR. McHALE: That might be a
23 good idea to clarify that, yeah. And that way --

24 MR. KERRICK: As long as they

25 don't create a nuisance, there is no problem.

15

1 MR. McHALE: Correct.

2 MR. KERRICK: So how does the
3 board feel about that?

4 MR. MOYER: Do we want to take
5 it?

6 MR. HOLAHAN: I like it.

7 MS. LAMBERTON: I like it too.

8 MR. MOYER: Do you want to put
9 a time line on there to re -- reject it --

10 MS. LAMBERTON: There's nothing
11 around that, is there, residentially?

12 MR. MOYER: -- or we just gonna
13 wait and see if something comes up?

14 MR. KERRICK: Well, I would
15 assume if you had complaints from neighbors of dust
16 --

17 MS. LAMBERTON: Is there
18 anything surrounding it that's residential?

19 MR. MOYER: Yeah, it's gonna

20 come quick.

21 MR. KERRICK: The future boards
22 will be able to address it then.

23 MR. McHALE: It's in a
24 commercial industrial zone also.

25 MS. LAMBERTON: The 314 mark.

16

1 I mean, that's way out there.

2 MR. KERRICK: Well, if I
3 remember correctly, it was just for storage of
4 trailers.

5 MS. LAMBERTON: Right. No, I
6 was just --

7 MR. KERRICK: It wasn't like
8 they were going to move them every day.

9 MS. LAMBERTON: I was just
10 asking if there's any surrounding residential. I'm
11 thinking Summit Pointe to the left, but nothing
12 behind where they're going to put this, right?

13 MR. KERRICK: No. It goes up
14 against the Blue Ridge property and the Trevdan.

15 MR. MOYER: Yeah, they're
16 probably safe.

17 MR. KERRICK: So it's all
18 commercial industrial.

19 So do you need a motion?

20 MS. PICKARD: A motion with the
21 conditions added?

22 MR. ARMSTRONG: I can add that
23 with respect to adding the language with respect to
24 nuisance in the future for pa -- for requirement of
25 paving. I can add that and then --

17

1 MS. LAMBERTON: Or change of
2 use.

3 MR. ARMSTRONG: Or change of
4 use?

5 MR. HOLAHAN: But you still
6 need a number?

7 MR. ARMSTRONG: I still need a
8 number. And it sounds like -- I could be wrong,
9 but it sounds like the board would be agreeable to

10 this cost estimate minus --

11 MS. PICKARD: The stone.

12 MR. MOYER: The stone.

13 MR. ARMSTRONG: That's the
14 parking area number?

15 MR. HOLAHAN: Right.

16 MR. ARMSTRONG: Is that what I
17 -- am I correct in --

18 MR. KERRICK: I'm all right
19 with that.

20 MR. MOYER: Yeah.

21 MS. PICKARD: Yeah.

22 MR. MOYER: That sounds fair.

23 MR. ARMSTRONG: Bob, does that
24 sound --

25 MR. McHALE: Yes. Because

18

1 everything else is pretty much E&S and storm water.

2 MS. LAMBERTON: Which we want
3 done.

4 MR. ARMSTRONG: And Bob's

5 right, I mean, the E&S --

6 MS. LAMBERTON: Okay.

7 MR. ARMSTRONG: -- and the
8 storm water is particularly what you guys --

9 MS. LAMBERTON: I see what
10 you're saying.

11 MR. MOYER: That's the
12 important stuff.

13 MR. McHALE: And if they ever
14 defaulted and said, you know, they weren't going to
15 continue with the project, he doesn't want them to
16 stabilize the site --

17 MR. HOLAHAN: Right.

18 MR. MOYER: Doing what we got
19 to do.

20 MR. ARMSTRONG: So it would be
21 the two thirty-five six forty-seven fifty-eight
22 minus the fifty-one thirty-six, correct?

23 MR. HOLAHAN: Yes.

24 MR. KERRICK: Do we have a
25 motion?

1 MR. HOLAHAN: So moved.

2 MS. LAMBERTON: Second.

3 MR. KERRICK: That was the easy
4 way out.

5 MS. LAMBERTON: That was very
6 wordy.

7 MR. KERRICK: Questions or
8 comments on the motion?

9 Questions or comments from the
10 public on the motion?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I'll vote in
15 favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I'm in favor.

20 MR. KERRICK: Pardon?

21 MS. PICKARD: I'm in favor.

22 MR. KERRICK: Oh, okay. I'll

23 vote in favor. Motion carried.

24 Anything else, Pat?

25 MR. ARMSTRONG: Just a brief

20

1 executive session regarding personnel, that's it.

2 MR. KERRICK: Should we jump

3 back over?

4 MR. MOYER: To where?

5 MR. KERRICK: To the work

6 session.

7 MR. MOYER: Yeah, why not.

8 MR. KERRICK: We're almost

9 finished. You know what, we'll continue.

10 New business. We have today

11 with us our chief from Pocono Mountain Regional

12 Police.

13 It's good to see you. Do you

14 wish to address the board, any questions or

15 comments for us, while you're here?

16 CHIEF HARRY LEWIS: No. Just

17 again, looking forward to working with all of you

18 for this coming year and I appreciate your
19 continued support.

20 MR. MOYER: Thank you.

21 MR. KERRICK: Thank you.

22 MR. HOLAHAN: You have ours,
23 Chief.

24 CHIEF HARRY LEWIS: Thank you.
25 The officers appreciate that.

21

1 MR. KERRICK: I told you it was
2 our mission to keep things together.

3 CHIEF HARRY LEWIS: It'll
4 happen.

5 MR. KERRICK: Definitely will.

6 On new business, consider the
7 equipment rental bids. Did everyone have time to
8 go through those?

9 MR. MOYER: I didn't.

10 MR. KERRICK: That we got
11 earlier today? Material bids, do you want to hold
12 those for later or --

13 MR. MOYER: Yeah.

14 MR. HOLAHAN: Yeah, I didn't
15 get to read them yet.

16 MR. MOYER: I didn't get a
17 chance to really check them, but --

18 MR. KERRICK: How about the
19 American Red Cross, Run for the Red Marathon,
20 Sunday, May 19, 2013, 8 a.m., Pocono Mountain West
21 High School?

22 Do you have anything to add on
23 that, Harry, or have they been in contact with you?

24 CHIEF HARRY LEWIS: They
25 already had the planning meetings already.

22

1 MS. PICKARD: We just need to
2 authorize a letter to be sent that it's okay for
3 them to run through the township. We do have their
4 insurance. I've let Phyllis know. Phyllis has got
5 information. I didn't know if she had any comments
6 on it.

7 MR. KERRICK: I was going to

8 her next.

9 MR. PICKARD: It's not going on
10 in any of --

11 MR. KERRICK: It's all state
12 roads.

13 MS. PICKARD: I'm not sure
14 about Keiplers Lane.

15 MR. KERRICK: Where?

16 MS. PICKARD: They only say they
17 start Keiplers Lane and I don't even know where
18 that is.

19 MS. HAASE: There is -- I'll
20 reach out to American Red Cross just for them to
21 correct that, there is no such road in Tobyhanna.

22 MR. KERRICK: Unless it was next
23 to the entrance which is now Panther. The old
24 entrance in, it was a dirt road years ago.

25 MS. PICKARD: Yeah.

23

1 MR. KERRICK: Do you have any
2 emergency management coordinator to add to this?

3 MS. HAASE: No. I will just
4 make certain that Chief Lewis has sufficient
5 information that he's received and I will mark that
6 on my calendar.

7 MS. PICKARD: Can we authorize
8 a letter to be sent?

9 MR. KERRICK: I was going to
10 ask for a motion for that.

11 MS. PICKARD: I'll make the
12 motion.

13 MR. MOYER: I'll second it.

14 MR. KERRICK: Motion and second
15 to send a letter to the American Red Cross.

16 Questions or comment from the
17 board?

18 Questions or comments from the
19 public on the motion?

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in
24 favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: I'll vote in

5 favor.

6 Now we're going to jump over to

7 our --

8 MS. LAMBERTON: John, can I

9 discuss some new business?

10 MR. KERRICK: Sure.

11 MS. LAMBERTON: With

12 everybody's awareness of Kalahari coming on board,

13 hopefully, and we had looked at -- we actually did

14 put in our budget for a manager's position. I

15 would like to make a motion to appoint an interim

16 manager until we have the opportunity to do a

17 hiring process. And I would like to appoint Bob

18 McHale, if he would except.

19 MR. HOLAHAN: Well, I'll second

20 that.

21 MR. KERRICK: Motion and second
22 on the floor to appoint Bob as an interim manager.
23 Questions or comments from the
24 board?
25 MR. HOLAHAN: Now is that

25

1 something that -- I mean, this is board action, how
2 we would take care of this now?

3 Is this proper procedure,
4 Patrick?

5 MR. ARMSTRONG: I mean, it
6 would have to come from the board. The board's,
7 you know, tasked with hiring and firing.

8 MR. HOLAHAN: So appointment as
9 well.

10 MR. ARMSTRONG: You do -- you
11 do have -- you do have an ordinance on the books
12 with respect to a township manager, so this is
13 within your ability to do that. If that's the --
14 you know, if that's the -- where the board wants to
15 go, you have the ability to do it.

16 MS. PICKARD: I just had one
17 question with this too, with Kalahari and Bob doing
18 all the reviews that he's got done now, that he
19 would have enough time to be doing that position.

20 MR. HOLAHAN: Well, certainly
21 -- certainly that's a concern. And I'm also
22 concerned with the zoning having enough resources
23 as well. So on top of that, we're going to have to
24 take a look at increasing our resources. We're
25 going to have to hire somebody else. We're going

26

1 to have to hire somebody to help take care of the
2 increased workload that is going to be as a result
3 of Kalahari and other projects that are coming
4 before the township.

5 When do we have -- when we have
6 that discussion, Pat, that's just going to be --

7 MS. PICKARD: Are we looking at
8 outsourcing some of that or --

9 MR. HOLAHAN: Excuse me a
10 second. That's just going to be employment by -- a

11 manager could make that -- could hire somebody at
12 that point, correct?

13 MR. KERRICK: If we choose to,
14 the way it was set up before; but presently right
15 now we have a motion on the floor to appoint an
16 interim manager, that's what we should be
17 discussing. We can go in to talk about the other
18 --

19 MS. LAMBERTON: We're going to
20 need multitudes of things answered, yeah.
21 Absolutely.

22 MR. HOLAHAN: Yes, but my
23 concern was the workload coming on --

24 MR. KERRICK: I can appreciate
25 that --

27

1 MR. HOLAHAN: -- coming on Bob.

2 MR. KERRICK: -- but there's a
3 motion on the floor and we have to follow that.

4 MR. HOLAHAN: Right.

5 MR. KERRICK: If we want to get

6 into discussion later, no problem.

7 MR. HOLAHAN: Well, I think
8 that's part of the discussion, is Bob going to be
9 to handle that.

10 MR. ARMSTRONG: That might be a
11 question for Bob.

12 MS. LAMBERTON: Well, we can
13 outsource other projects as they come in as well.
14 And that would be, I mean, obviously something you
15 would have to let us know at that point, as with
16 the girls that are going to need help and we're
17 going to --

18 MR. HOLAHAN: And I'd agree, I
19 would think that it would be feedback coming back
20 from the interim manager coming to us and saying we
21 need resources, you know, this many hours,
22 something along those lines. It's not something I
23 necessarily want to micromanage. I want to be able
24 to put somebody in there that's capable of taking
25 care of that and then reporting back to us. I just

1 needed to say that, John.

2 MR. KERRICK: That's okay.

3 Any other discussion?

4 Any questions or comments?

5 Questions or comments from the

6 public on the motion?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in

11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I'll vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in

17 favor. Motion carried.

18 Do you want to jump over to work

19 session or do you want to discuss that further as

20 far as resources for that particular project?

21 MR. HOLAHAN: No, I don't.

22 MR. MOYER: Are you okay with

23 it, Bob?

24 MR. McHALE: Yes, sir.

25 MS. LAMBERTON: Yeah, by the

29

1 way.

2 MR. KERRICK: Well, this is

3 done.

4 MS. LAMBERTON: Sorry about

5 throwing you under the bus.

6 MR. KERRICK: With the

7 exception to this they said to wait. You have

8 something else on this, that's fine.

9 MS. PICKARD: Well, I can do it

10 here or there, it doesn't really matter. I needed

11 to vote on something.

12 MS. LAMBERTON: Oh, actually

13 yeah, John, I do have a question. I know there's a

14 number of outsourced firms that we could utilize

15 and I don't know if -- I'd like to mention of

16 Keystone Consulting, they're out of the West End

17 area, as maybe a backup to Bob. So let's say if

18 Bob is focused on the larger project, I don't think

19 it's necessary or I don't think it's fair, that any
20 other project that comes into the township should
21 have to be put on hold or have to wait for anything
22 on our end. So maybe we could outsource it to a
23 different firm.

24 MS. PICKARD: I think we should
25 get proposals.

30

1 MR. KERRICK: I'd like to get
2 some proposals, but that's fine.

3 MS. LAMBERTON: Okay.

4 MR. KERRICK: We can reach out
5 to them and others.

6 MS. LAMBERTON: Or whoever, but
7 I'm just saying it would be in our best interest
8 not to make sure anything else falls through the
9 cracks.

10 MR. MOYER: And I think what we
11 need to do is make that position, interim or not,
12 clear of what the duties are and the
13 responsibilities.

14 MS. LAMBERTON: Yeah.

15 MR. ARMSTRONG: I'll have a
16 conversation probably with coun -- with the board
17 and Bob just so we can make clear exactly, you know
18 --

19 MR. MOYER: In writing so we
20 have something.

21 MR. ARMSTRONG: Yeah, the scope
22 of the interiming and what interim means. If it's
23 --

24 MR. KERRICK: There's a
25 manager's ordinance so it's pretty much

31

1 self-explanatory.

2 MR. ARMSTRONG: Well, the
3 interim aspect of it is -- might be what we need to
4 talk about.

5 MS. LAMBERTON: I was thinking
6 basically on a time period that allows us to do a
7 hiring process. What that term may be, like you
8 said, I guess you need to put it out there.

9 MR. ARMSTRONG: You're right.

10 The ordinance, your Code of Ordinances has a whole
11 section on a manager and in there, if you look,
12 it's duties of manger is set right forth in the
13 ordinance itself.

14 MR. MOYER: Okay. So that's
15 what we'll go with.

16 MR. HOLAHAN: Are we -- work
17 session now?

18 MR. KERRICK: Heidi has -- is
19 that something for work session?

20 MS. PICKARD: Well, I wanted to
21 maybe vote on --

22 MR. KERRICK: We can't adjourn
23 the meeting because -- well, they're combined now.

24 MS. PICKARD: Yeah.

25 MR. KERRICK: But we still have

32

1 the equipment rental bids and material bids for
2 2013.

3 MS. LAMBERTON: I didn't see

4 them, I'm sorry.

5 MR. KERRICK: There's only
6 three. So it's -- it could be self-explanatory
7 when we get to it.

8 Go ahead, Heidi.

9 MS. PICKARD: I just wanted to
10 let everyone know that we received the engagement
11 letter from Riley and Associate, Riley and Company.
12 And I had Pat look at that, he had some comments.
13 I don't know if we could approve executing that
14 conditionally on getting some of those questions
15 answered?

16 MR. ARMSTRONG: Yeah, you can
17 do that. We can just reach out to them. They
18 have -- like every other organization, they have
19 their general terms and conditions. There was one
20 or two that jumped out at me as a red flag, but
21 chances are they'd be willing to delete those if
22 you ask. Sometimes they're not, but you never know
23 unless you ask.

24 MS. PICKARD: I was looking for
25 a motion to execute that agreement with --

1 MR. KERRICK: With Pat's
2 satisfaction?

3 MS. PICKARD: Yeah.

4 MR. HOLAHAN: So moved.

5 MR. KERRICK: Do we have a
6 second?

7 MR. MOYER: I'll second it.

8 MS. PICKARD: Donny second.

9 MR. KERRICK: Donny second.

10 Questions or comments from the
11 board on the motion?

12 Questions or comments from the
13 public on the motion?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in
18 favor.

19 MR. KERRICK: Donald?

20 MR. MOYER: I'll vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in
24 favor. Motion carried.

25 Anything under secretary's

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1 report?

2 MS. PICKARD: No, that was it.

3 MR. KERRICK: DPW and sewer
4 report and engineering report.

5 MR. McHALE: I just wanted to
6 add, in combination with the solicitor report also,
7 Pat, Phyllis and I, based upon your instructions
8 that were given recently, was to move forward with
9 a draft, floodplain management ordinance. So we
10 have a composite that was put together from all the
11 different ordinances from zoning to our stand alone
12 Chapter 77. We looked at that this afternoon.

13 Pat's going to put together a
14 draft template for us to look at with John Brogan
15 as well. He said that he could probably get that
16 done in a week or so and then we'll begin to move

17 forward with that presentation over the planning
18 commission.

19 MR. ARMSTRONG: That was me
20 being very optimistic, but, yeah, I'll get a
21 number.

22 MR. McHALE: Pat, do your best.
23 That would be great.

24 Equipment bid, did you all want
25 to talk about that now?

35

1 MR. KERRICK: Yes.

2 MS. PICKARD: Yeah.

3 MR. McHALE: The equipment bid,
4 Heidi, John and I had -- were here to open those
5 bids. There was only one equipment bid so that was
6 Papillion and Moyer. They did submit for -- with a
7 schedule for nonprevailing wage rates, as well as
8 prevailing wage rates. I don't know if you all
9 want to take action on that if you could.

10 MR. KERRICK: Do you want to
11 review it? Do you want to talk about it with Bob

12 now or --

13 MR. HOLAHAN: Let's talk about
14 it with Bob now. The rate over our previous
15 agreements.

16 MR. McHALE: They're pretty
17 well in line with the previous. This is the
18 Papillion and Moyer equipment bid and it's pretty
19 much in line.

20 MR. HOLAHAN: Pretty much the
21 same thing. But one says nonprevailing, one says
22 prevailing --

23 MR. McHALE: Yes, but the --

24 MR. HOLAHAN: But the numbers
25 the sa -- remains the same.

36

1 MR. McHALE: That's up to him
2 to do that.

3 MR. KERRICK: Whatever project
4 it is, whether it's prevailing or nonprevailing,
5 but he chooses to eat the additional for the
6 prevailing and has in the past.

7 MR. McHALE: There was 1100
8 difference in last year's between the two.

9 MR. KERRICK: If you recall
10 what we have in the budget this year, mostly for
11 continued oil and chip application. And I would
12 say the equipment bid is more on the lines of
13 emergency or some small projects unless we find
14 some additional funding.

15 MR. HOLAHAN: Then once I can
16 find my paperwork, but I'll make a motion that --
17 I'd make a motion that we accept the bid from
18 Papillion and Moyer on the equipment rental.

19 MR. MOYER: I'll second.

20 MR. KERRICK: Motion and second
21 on the floor.

22 Questions or comments from the
23 board on the motion?

24 Questions or comments from the
25 public on the motion?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I'll abstain.

5 MR. KERRICK: Donny?

6 MR. MOYER: I'll vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Next item we have is the

12 material bids.

13 Do you have that with you, Bob,

14 as well?

15 MR. McHALE: I've got a summary

16 of the material bids and I also have the actual

17 numbers being printed up right now.

18 Now, just looking at these

19 numbers as they are, we have Locust Ridge Quarry

20 and ER Linde Construction. This is the actual

21 numbers that came in, if I can just -- that were a

22 part of their bid package.

23 What we've done, because we've

24 had four municipalities join -- or three others

25 join with us, Coolbaugh Township, Borough of Mount

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1 Pocono and Tunkhannock Township, on the stone
2 materials and paving, but the majority of the
3 numbers are ours. What I do is, I just, by
4 coordinates, took from their locations and got kind
5 of a center of gravity, if you will, to a common
6 point for the haul distance justification. And
7 that location is just off of 940, kind of in the
8 Pocono Summit area. And then from that point we do
9 the haul justification to the different quarries
10 based upon their bid.

11 To refine it a little bit, we
12 could, just because the numbers are primarily out
13 of our township, we could even weight those
14 numbers. But to keep it as straightforward and
15 simple as we could, if you look at the stone
16 numbers, which are in the beige color, the stone
17 numbers come up in comparison between the two
18 companies within about 10,000 -- little less than
19 \$10,000 of each other.

15 MR. McHALE: Well, that was the
16 information we had received last year from them.
17 We can go back and reverify that. If it is
18 Honesdale, then it doesn't matter, it's so far away
19 that the numbers --

20 MS. LAMBERTON: It's even
21 worse.

22 MR. McHALE: -- it's even
23 worse.

24 MS. PICKARD: And Mount Pocono
25 and Tunk aren't on this and Coolbaugh as well?

40

1 MR. McHALE: Yes. They have
2 some numbers that they included with this, but the
3 majority of the numbers are ours.

4 MR. KERRICK: And we can go
5 over those numbers with any one of the
6 municipalities, this just was a number put in for a
7 bid.

8 MR. HOLAHAN: I'll make a
9 motion that we award the bid to Locust Ridge Quarry

10 for materials for the whole contract.

11 MS. LAMBERTON: I'll second it.

12 MR. KERRICK: Motion and --

13 Anne, you second?

14 MS. LAMBERTON: Yes, I did.

15 MR. KERRICK: Motion and second

16 for Locust Ridge Quarry for materials for 2013

17 which is stone and asphalt?

18 MR. HOLAHAN: Yes.

19 MR. KERRICK: Questions or

20 comments from the board on the motion?

21 Questions or comments from the

22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

41

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donald?

4 MR. MOYER: I'll vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll vote in
8 favor. Motion carried.

9 MR. McHALE: This is our DPW
10 engineering projects status report. And we already
11 covered the first item, which was the floodplain
12 management ordinance.

13 Fuel inventory management. This
14 is our December numbers backed up in front of the
15 summary of fuels and they're all charted as well,
16 as far as what we used this year for the 12-month
17 period and you can see there's averages also
18 bulleted at the bottom of the chart. So we have
19 the totals and the averages of the consumption that
20 was used.

21 Do you have any questions on the
22 fuel inventory? We are going to rerun the test for
23 the fuel oil. When we ran that test, John and I
24 believed, because it didn't indicate a failure, but
25 the -- the annual liqu -- the liquid status report

1 came up as normal, so there's no problems with
2 leakage. It's just that when we shut down the
3 pumps for the heating oil, there may have been --
4 if there's any differential at all that comes into
5 those tanks, it throws the test off, but we did get
6 a pass on the gasoline.

7 There was a low level test error
8 for the diesel just because it doesn't have enough
9 -- there's like a third of a tank, I think we have,
10 so the test does not run for that.

11 MR. KERRICK: We're going to
12 come in the middle of the night and do the -- I
13 think we didn't allow enough time at least these --
14 Bob, these are getting really small unless I'm
15 getting too old.

16 MR. McHALE: Well, I tried to
17 consolidate it.

18 MS. LAMBERTON: You're killing
19 me here.

20 MR. KERRICK: I mean, this was
21 bad enough, just this haul justification, I think
22 --

23 MR. MOYER: Is there any way we
24 can make them smaller?

25 MR. KERRICK: I need a

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1 magnifying glass. I think we didn't allow enough
2 time between the shutoff of the oil burner before
3 we ran the test. So we're going to try it -- the
4 next time we'll do it at night, where we don't
5 interrupt the flow of employees during the day.

6 MR. MCHALE: Similar to like
7 PennDOT's process and now DEP, everybody's going
8 electronic. We do have the electronic reporting
9 that we do to the DEP for our waste water treatment
10 facility and that's what this is here each month.
11 This notification was provided to John and myself.
12 We downloaded the reports and all I wanted to do
13 was just kind of over the -- if you just flip --

14 That first page is just
15 primarily the receipt in the back acknowledging,
16 you know, validation by Penn -- or DEP, but if you
17 go to the second page, just to give you an idea,

18 each parameter that's listed in that first column,
19 that is what is being tested and checked throughout
20 the year. So if you look down there you have
21 dissolved oxygen, the next one down is PH levels,
22 total suspended solids, so on and so forth.

23 Then if you look to the second
24 column, that has sample measurement and permit
25 requirement. Well, let's skip over the quantity

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1 you're loading, because that's pretty much just a
2 conversion to get it into the pounds per day, and
3 go over to the quality or concentration and that's
4 what's the permit requirement.

5 So if we look at dissolved
6 oxygen in the first column, we have a permit
7 requirement of 5-0 minimum and then you can see
8 what the testing actually came out for that month
9 was 7. And the same thing, if we go down to PH, we
10 have to have a minimum of six, maximum of nine. We
11 had 6.7 and 7.5. So you all can take time to look
12 over those, but that's generally how that's done on

13 the back side, there's a couple more parameters.

14 And then the others are just
15 supplementals, information that's provided with it,
16 but this is the printout of what actually goes to
17 the DEP every single month.

18 MR. HOLAHAN: Looks like
19 exciting reading.

20 MS. LAMBERTON: I just can't
21 wait to take it home.

22 MS. HAASE: Wait till I give
23 you your homework.

24 MS. LAMBERTON: She has more.

25 MR. McHALE: On the township

45

1 municipal water supply, we're required by the DEP
2 to put in a shutoff valve and smooth bore sampling
3 taps along with check valves. We already had a
4 check valve here at the township building, so those
5 were added for the building facilities, but we have
6 to do the park facilities in the spring. And
7 that's just something on the report, it's not gonna

8 have it till then. Then once we do those, we have
9 to notify DEP that it's been completed; but we have
10 to just before the start-up of the spring season.

11 As far as line painting, Stony
12 Hollow Road received centerline painting, but we
13 were unable to get the rest of the painting on the
14 bituminous seal coated roads due to temperature and
15 precipitation on the roads in November, December.
16 So we'll do that in spring 2013.

17 Pat already discussed the
18 memorandum of understanding for Arcadia. And we're
19 on hold also because I think, Phyllis, you're
20 waiting on some escrow money or something to be
21 replenished.

22 MS. HAASE: That is correct.

23 MR. McHALE: The Kalahari
24 project we teleconferenced. Phyllis can fill you
25 in on that. We did do a land development review

1 minus traffic and storm water. The traffic was
2 done by L&V Engineering. They did have comments

3 that they provided. Storm water we were planning
4 to meet with Pennoni Associates. If we can do it
5 this week before the planning commission meeting,
6 we'll do it. And then we'll also draft a letter
7 for all the remaining items that Phyllis and I and
8 John had sat in for a portion of that land
9 development review meeting.

10 Proposed schedule below there
11 shows -- well, today they had a meeting. Phyllis
12 and Annie, I think, attended the conservation
13 district, if they have any comments on that. And
14 we have a planning commission meeting on Thursday.

15 Venezia Trucking, I think we've
16 spoken to those items. Dollar General, we did one
17 land development review. Storm water management is
18 under review and they've responded to that first
19 set of land development comments. Hopefully we'll
20 have that letter out before the planning commission
21 meeting as well.

22 This is the plant as far as
23 monthly daily flows and what -- the spreadsheet
24 behind is listed by month, January through
25 December, and it gives each day of the month and

1 the flows of that particular day. And at the
2 bottom of the page, it has the averages and it has
3 the maximums for that particular flow.

4 This summary sheet that I put
5 together in the front is just a comparison of
6 previous years up to '06. So you can see the
7 comparison of our flow rates and the average daily
8 flow compared to years past.

9 MS. LAMBERTON: Thank you.

10 MR. McHALE: You're welcome.

11 This year was a good year for
12 our flows. And the lower the flows stay and the
13 less I&I we have --

14 MS. LAMBERTON: Yeah, the
15 better.

16 MR. McHALE: The better it is
17 when the time comes when we want to look to expand
18 or if we have to add EDUs and such.

19 MR. HOLAHAN: So, Bob, overall
20 we're doing pretty well with the sewer plant at

21 this point except for pumps and building, correct?

22 MR. McHALE: Yes. And -- as
23 far as the flows are, but we need to get back --
24 and we talked about for next year 2013, we'll be
25 moving that into the I&I and researching that a

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1 little bit more. We still have the issue of, what
2 we believe is sump pumps --

3 MR. HOLAHAN: Right.

4 MR. McHALE: -- that kick on.
5 That issue has to be -- and that will help. So if
6 we look at that and the spikes that you do get in
7 the plant from time to time, it's even going to
8 lower those numbers even all the more, which means
9 that opens up capacity for other people if we can
10 get those stabilized and the lower numbers.

11 I think that's it. You all have
12 any questions? Riley did send in -- sorry, one
13 last item, revised storm water management addendum
14 report. Every five years on the NPDES when they go
15 to renew, the conservation district via Penn -- or

16 DEP has the option of requiring them to bring it up
17 to current standards, so they've had to do that.
18 And that's what they submitted to us was that
19 update. What I'll do is I'll summarize some of
20 those items and send it you in an email.

21 MS. PICKARD: What was that
22 for, Bob?

23 MR. McHALE: That was for
24 Keswick Pointe.

25 MR. KERRICK: Thank you, Bob.

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1 Next item, zoning officer report
2 slash emergency management coordinator report.

3 MS. LAMBERTON: Slash slash
4 slash.

5 MS. HAASE: Slash, slash,
6 slash. As far as zoning, we had a hearing and
7 there was relief granted for a variance of a home
8 in Arrowhead. This past -- we had four lot
9 consolidations. The process is much easier for our
10 residents now, just go directly to my office. So

11 that -- that was, I think, greatly appreciated by
12 the residents.

13 With regard to the dangerous
14 property that we had discussed a few times in
15 Arrowhead, I was able to finally make contact with
16 the owner. She said it was never her intent not to
17 build. They still aren't through the appeal
18 process. The problem is with the monies refunded,
19 there is no more zoning application. She is going
20 to send a letter to my office what her intent is
21 for the property and then she will be notified at
22 that point, they will have to resubmit. Right now
23 there is no zoning application valid.

24 PP&L, they had the replacement
25 --

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1 MR. MOYER: Which one is that?

2 MR. KERRICK: Which property --
3 I'm sorry.

4 MR. MOYER: Is that the one
5 with the foundation?

6 MS. PICKARD: Yeah.

7 MR. KERRICK: Yes, Donny.

8 MR. HAASE: Yes.

9 MR. KERRICK: Why would we
10 refund it, if they still don't know what they're
11 doing?

12 MR. HAASE: It's my
13 understanding there was a call made to the township
14 asking for the monies to be refunded.

15 MR. KERRICK: Did they know
16 about that?

17 MR. HAASE: I can't answer
18 that. I would have to say, yes, because she said
19 to me the only reason why they were requesting
20 monies was because they were short on funds; but
21 they still are going through the review process
22 with DEP. So it's their intent, if that is
23 granted, to continue with construction.

24 MR. KERRICK: So now we're left
25 with a lot that has a foundation on it and no

1 zoning application?

2 MS. HAASE: Correct.

3 MR. KERRICK: Nice.

4 MS. HAASE: So once I receive

5 something from her, I will send something out from

6 the township stating that she'll have to resubmit.

7 I don't know how that's going to affect their

8 appeal process, but that's really something that --

9 MS. LAMBERTON: Is Arrowhead

10 concerned about that at all?

11 MS. HAASE: I have not -- the

12 complaints are coming from the residents. The

13 prior enforcement officer did have complaints. I

14 have not spoken to the enforcement officer that's

15 there now. So I'll keep you updated on that.

16 PP&L, as you're aware, they're

17 going to be running some replacement improvement

18 lines. There is a meeting on March 17. I do

19 believe you folks were --

20 MR. HOLAHAN: St. Patty's Day?

21 MS. HAASE: St. Patty's Day. I

22 am planning to attend the presentation, which I can

23 bring back a report to the board. I have also been

24 in discussion with PP&L working with their right of
25 way department meeting. They're going to be

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1 running some new lines that's not part of this
2 project; the north end of 115, on four large
3 parcels.

4 That's for you.

5 MS. LAMBERTON: Thank you.

6 MS. HAASE: Oh, you're more
7 than welcome.

8 You can attend, too, if you'd
9 want.

10 (Inaudible discussion among the
11 board members.)

12 MR. McHALE: Phyllis?

13 MS. HAASE: Yeah.

14 MR. McHALE: The PP&L meeting
15 is January?

16 MS. HAASE: January 17.

17 MR. McHALE: Because John
18 thinks it's March 17.

19 MS. HAASE: January 17, yes.
20 MS. LAMBERTON: What's January
21 17?
22 MR. McHALE: The PP&L thing.
23 MS. LAMBERTON: Oh, the other
24 line over there in Blakeslee, is that what you're
25 talking about?

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1 MR. ARMSTRONG: Phyllis, there's
2 nothing before the board today, this is just an FYI
3 from PP&L?
4 MS. HAASE: Yes. I believe
5 that they sent in --
6 MS. PICKARD: They sent in a
7 big packet to let us know. That's about the --
8 that's not -- that's a line crossing the Lehigh
9 that's clipping the area.
10 MS. HAASE: No. This seminar
11 is for the improvement of electric services.
12 MS. PICKARD: That's for the
13 Wagner substation and down by Pocono Lake Preserve.

14 MS. HAASE: Yeah. This is
15 running through multiple counties, is what this
16 was.

17 MS. LAMBERTON: It'll go out by
18 you?

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: Behind Lake
21 Naomi?

22 MS. PICKARD: Yeah, but that's
23 the one coming from in -- from Luzerne across the
24 Lehigh.

25 MS. HAASE: They're two

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1 separate.

2 MS. PICKARD: Yeah.

3 MS. HAASE: I'm working on the
4 one with the Luzerne. This here is regarding the
5 Carbon --

6 MS. PICKARD: That's the big --
7 the big binder, the northeast reliability --

8 MS. HAASE: Yeah, they're two

9 --

10 MS. PICKARD: -- project.

11 MS. HAASE: Two separate.

12 Emergency management, I had a briefing that I
13 attended on December 5 at the control center
14 regarding Hurricane Sandy. Bruce Henry and Guy
15 Miller both said that they were totally overwhelmed
16 with this storm. So there's some new -- more plans
17 that they're going to be putting in place and
18 they'll be working with emergency management
19 coordinators as well.

20 MR. KERRICK: Can you take back
21 a suggestion?

22 MS. HAASE: Absolutely.

23 MR. KERRICK: That the power
24 company gets in touch with the road departments and
25 the fire company --

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1 MS. LAMBERTON: Yeah, totally.

2 MS. HAASE: That was my --

3 MR. KERRICK: -- so we know

4 where they are and they know where we are?

5 MS. HAASE: Yes.

6 MR. KERRICK: Because it
7 doesn't work this way.

8 MS. HAASE: Yes. That was
9 brought up, because there's also concern with roads
10 being closed, that they had a concern with the
11 townships. So we're trying to get some type of way
12 that we can work together more. It's -- it would
13 be easier for the township, when we get phone calls
14 from our residents, to know where they're located
15 and where they're working.

16 If you go on the PP&L site, of
17 course they have bings, hits; but they're not as --
18 site specific to the properties they're working on.
19 So that is something --

20 MR. KERRICK: They need to put
21 someone in at the emergency operation center that
22 you could talk to.

23 MS. HAASE: They're working on
24 a connection either with PP&L or whoever the
25 carrier is for that area.

1 MR. KERRICK: Well, I -- yeah,
2 I say PP&L because that's what we deal with.

3 MS. HAASE: Right.

4 MR. KERRICK: This is very --
5 and it's been that way for years.

6 MS. LAMBERTON: Isn't it
7 because all the subs are from out of town, though,
8 and it's not really PP&L?

9 MS. PICKARD: Well, that's --

10 MR. KERRICK: No, no, because
11 they send a bird with them from PP&L.

12 MS. LAMBERTON: Oh, okay.

13 MS. PICKARD: A bird?

14 MR. KERRICK: Well, whatever
15 they call them, rover, ranger, bird.

16 MS. PICKARD: Well, I think
17 some of this upgrade is to get those switches so
18 they can fix things and reroute power right from
19 the office and know where it is and then --

20 MR. HAASE: That's the
21 improvement end of it.

22 MS. PICKARD: -- they have --
23 they may have a better idea of where things are to
24 begin with.

25 MS. HAASE: Continuing on

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1 emergency management, John Holahan and I had
2 attended and participated in the disaster strikes
3 webinar. I felt pretty good after the webinar
4 because many things they brought up we've already
5 implemented. There was one item that they
6 discussed that I was not aware of. And John I had
7 looked into that. One is a directive from 2008.

8 I'm sorry. Let's try this one
9 more time, John, that's my copy. Thank you.

10 Mine's highlighted, I cheat.

11 This directive speaks to issuing
12 authority to an individual that needs to be on our
13 roads in case our roads are shut down. As long as
14 they're passable, they would be allowed to be on
15 the road.

16 This would pertain to anyone

17 with a nursing home, a doctor would be -- example
18 would be, Bob, Bob plows for us. However, doesn't
19 have identification as such. If he's stopped by
20 the police or the State Police, this would give him
21 the authority to be on the roads. There is a
22 letter that is part of this FEMA directive, a
23 modeled letter, in essence, for the municipalities
24 to mirror off of, and which I've typed up on our
25 letterhead as a draft.

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1 I'm comfortable with the wording
2 that's in the letter. The only thing, as I was
3 discussing with John Holahan, was that it would be
4 appropriate that we have some type of an expiration
5 date in the letter instead of it being open-ended.
6 Now, if the individual that was assigned this
7 letter, if they were stopped by the police or the
8 State Police, they still have the authority to tell
9 them, no, you have no get off the roads, but
10 generally they will allow them to pass as long as
11 the roads are passable.

12 The other item that was
13 discussed at the meeting, and you folks may have
14 reviewed this, it's the emergency management
15 handbook for elected officials. So that is for you
16 to review. There's some reading material for you.

17 Through the discussion it came
18 up how we need to make certain that if we're
19 operating the meeting room or conference room as a
20 command center, that we have everything supplied
21 properly. So we're going to have to put a computer
22 back into the room again. The other item that we
23 had discussed is a Polycom to set up the conference
24 table. And that could be used for many facets.

25 It could be used for in case of

1 emergency. If all of the individuals are in the
2 room, we're gonna be able to have a conference call
3 and everyone can hear us appropriately. It could
4 also be used throughout the year for our
5 conferences or meetings that we have with any type
6 of agencies. So I did print out some material, I

7 haven't gotten a quote back from the company; but
8 once I do, I will pass that on to you folks.

9 There was damage to the transfer
10 station. I had spoken to Pat about this prior to
11 the meeting. I don't know if -- I believe John and
12 you looked at it -- I'm sorry, I only have one of
13 the images, but it was the three-sided building
14 that was torn off at the transfer station. The
15 lease with Panther Waste did not call out the
16 reimbursement of funds in haste of a disaster or
17 insurance proceeds where it's delegated to.

18 So I had spoken to the
19 individual, he's assured me that the monies will be
20 placed back into building. I instructed him that
21 the township would have to review his plans of what
22 he's proposing to put in place. We also will need
23 to bring that in front of the board for your
24 approval and request a waiver of land development.
25 Even though it's our property, we still have to

1 follow the same regulations.

2 The only thing is the agreement
3 and the contract that was put together, Pat didn't
4 put that lease together years ago, it was put
5 together by a previous solicitor. I think it's
6 appropriate that that is looked at so there is
7 language placed in it moving forward that if
8 there's any emergencies, disasters or insurance
9 proceeds, that at least we are issued on the check.
10 The check was solely distributed to him in their
11 name.

12 MS. LAMBERTON: Wow.

13 MS. HAASE: So it would be
14 appropriate that at least it would be both of our
15 names.

16 MS. LAMBERTON: I think so.

17 MS. HAASE: So that's something
18 that's acceptable to the board, that Pat should
19 look at that moving forward.

20 MR. ARMSTRONG: Yep.

21 MS. LAMBERTON: I think so,
22 yeah.

23 MR. ARMSTRONG: I might have a
24 copy of it. I don't know if I -- I didn't prepare

25 it, but I might have a copy of it. So I'll look at

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1 it, it should be easy as just a --

2 MS. PICKARD: You could just
3 start it and then there was that assignment that
4 happened in the middle of working was started.

5 MR. ARMSTRONG: Yeah, I
6 remember doing an assignment of the existing lease.
7 So what I can do is -- it sounds like it would be
8 an easy two-line fix just making clear that any
9 insurance proceeds for damages to the property
10 would be issued payable to not only the tenant but
11 also the landlord, Tobyhanna Township.

12 MS. HAASE: I have a meeting
13 set up for this coming week with the Lions Club.
14 They certainly saw the need for their participation
15 in emergencies off of what our last two storm
16 events, Hurricane Sandy and also we had last year.
17 So they would like to be active in the community
18 assisting us in emergency management, whether it's
19 transporting people, whether it's helping us

20 distribute supplies. So I will be meeting with
21 them and bringing back a report at the end of the
22 month -- or next month, I'm sorry.

23 The safety committee, there's a
24 few things that we had to put together. And the
25 safety committee had worked on an evacuation plan.

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1 This we will frame and it'll be at specific
2 locations throughout the township building. We
3 will also take it to the emergency service
4 building, we will have to do something there as
5 well. That will be, as I said, at specific
6 locations throughout the township.

7 We had a risk --

8 MR. HOLAHAN: We think Jeff
9 Evans just saw this and used it to plan his escape.

10 MS. LAMBERTON: He evacuated.

11 MR. MOYER: He went with that
12 exit sign.

13 MS. LAMBERTON: I saw him. I'm
14 just saying --

15 MS. HAASE: We had a risk
16 management assessment done of the township, which
17 actually we came through quite well. The company
18 was very pleased with the safety committee. In
19 fact out of 10 we scored a perfect 10. So that was
20 a good --

21 MR. MOYER: That was with
22 John (inaudible), whatever --

23 MS. HAASE: The only thing you
24 will see in the back of it, that there was a lower
25 score that was for the police department and fire

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1 department. We don't have control over that. They
2 scored us a five and these are the minutes from our
3 last meeting. They had given us a five. They did
4 have a suggestion, which the safety committee
5 discussed and thought it would be appropriate that
6 we present it to the board.

7 On the assessment they are
8 suggesting that our fire department, the volunteers
9 go through physicals to start off with the newly

10 appointed volunteers. It's mandatory they have
11 physicals and then for the existing they do it over
12 a time period. They feel that that is a liability.

13 The other two items that they
14 had commented about in the risk assessment was
15 accountability for the supervisors and with that,
16 they're talking about more the department heads to
17 make certain that there's written safety programs
18 and performance programs in place, which we are
19 working on that.

20 And the third comment would be
21 the use of personnel vehicles for township
22 business. Right now Heidi and myself we are using
23 our own vehicles because we are short a vehicle,
24 which we keep track of the mileage and submit it to
25 the township. What they are suggesting that if we

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1 do that, that we need have our insurance and
2 declaration page on file. So that's something that
3 we will need to address as well.

4 MR. HOLAHAN: That's something

5 the insurance company could certainly supply the
6 language for you?

7 MS. HAASE: I'm sorry, John, as
8 far as a policy?

9 MR. HOLAHAN: Are we -- well,
10 our insurance should be covering you as well.

11 MS. PICKARD: No.

12 MR. HOLAHAN: Even in your
13 personal --

14 MS. PICKARD: They just talked
15 about it, I think.

16 MS. LAMBERTON: Oh, as an
17 employee.

18 MR. HOLAHAN: It's probably
19 something in writing.

20 MS. HAASE: I think one
21 insurance would go after the other insurance
22 company, I believe that that happens; but they feel
23 that it would be appropriate that at least if there
24 was a declaration on file with the township at
25 least the supervisors are aware we do have

1 insurance.

2 MR. HOLAHAN: Be a certificate
3 holder?

4 MS. HAASE: That is correct.

5 We do have a training scheduled
6 for the 15th of January, at 10 o'clock with the DPW
7 staff for blood born pathogens and lockout tag
8 training. After that the company is going to go
9 through our building again so we are going to make
10 certain that we're all tuned up for next week,
11 which we're in pretty good shape.

12 As far as US Census, that
13 happens on this month. Working on the boundary and
14 annexation surveys for our legal boundaries,
15 there's nothing to be changed. So I will put that
16 report together and submit that.

17 Land development, Kalahari
18 Resort, as you're aware of, have submitted the
19 plans to the township as Bob stated. We had begun
20 the review process last week and they are on the
21 planning commission schedule for Thursday. Dollar
22 General has resubmitted as well and hopefully we

23 can proceed with that to the board.

24 That's it for today.

25 MR. KERRICK: Could we look

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1 into paperless?

2 MS. LAMBERTON: I just said,
3 you don't work for the conservation district.

4 MS. HAASE: Not so much.

5 MR. HOLAHAN: Do we -- Heidi,
6 do you know, did we fund the emergency management
7 system here?

8 MS. PICKARD: Yeah, but I don't
9 know the numbers off my head.

10 MR. HOLAHAN: I'm trying to
11 look it up here to see.

12 MS. HAASE: I believe there's
13 \$1,000 in there. A lot of that we're going to need
14 --

15 MS. PICKARD: I think we had
16 more than that.

17 MS. HAASE: -- computers.

18 We'll need a computer to place into the meeting
19 room. My census computer, that we had to have a
20 separate computer when I did the census, I no
21 longer needed that until the next time that comes
22 around. That could be cleaned up and used. That's
23 a possibility.

24 MS. PICKARD: Could we use a
25 laptop for now or it just has to stay in there?

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1 MS. HAASE: No, it has to be a
2 hard wire, yeah.

3 MS. PICKARD: It has to, okay.

4 MS. HAASE: We will need to
5 have computers. Everything with the county now,
6 when we go down there, it's going to be computer
7 oriented so we will be working on computers. The
8 Polycom as well, that, I imagine, would come out of
9 that, maybe you could split between two budgets,
10 line items. I'm thinking that's probably around 3
11 or 400. That's what I think.

12 MS. PICKARD: We had some more

13 money in for training and for operational expense.
14 I don't know, we had like 4 or \$5,000 total for
15 that.

16 MR. KERRICK: Anything else on
17 emergency management or zoning?

18 MS. HAASE: No, sir.

19 MR. KERRICK: Thank you very
20 much.

21 Next item, committee reports.

22 Pocono Mountain Regional EMS.

23 Do we have a report? You sent us stats, I believe.

24 MS. PICKARD: No. Yeah, that
25 was for the full year.

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1 MR. KERRICK: Heidi?

2 MS. PICKARD: No, no. I'll
3 talk with John after.

4 MR. KERRICK: Pocono Mountain
5 Regional Police Commission. Obviously there's been
6 some things in the newspaper. We're going to work
7 on the issues and make sure that we stay together.

8 I'm very confident that we can. That's all I have
9 to report.

10 Do you have anything, Anne?

11 MS. LAMBERTON: No, that pretty
12 much wraps it up.

13 MR. KERRICK: Don will be
14 thrown into the fire tomorrow night.

15 MR. MOYER: Right.

16 MR. KERRICK: Open space, did
17 we have a report?

18 MS. PICKARD: No, we haven't
19 heard anything from --

20 MR. KERRICK: Regional Comp?

21 MR. HOLAHAN: Nothing.

22 MR. KERRICK: TIF?

23 MS. LAMBERTON: Yes. Actually
24 I had forwarded everybody the minutes and the
25 reporting from the first official committee

1 meeting. I didn't know if anybody had any
2 questions on how the TIF works or any comments on

3 the economic impact study that was done. It's
4 impressive.

5 MR. KERRICK: It's very
6 impressive.

7 MS. LAMBERTON: Very
8 impressive.

9 MR. MOYER: Looked nice.

10 MS. LAMBERTON: What they --

11 MR. KERRICK: This ought to
12 bring a few dollars to our area.

13 MS. LAMBERTON: Hallelujah
14 Hollywood. What they are trying to achieve from
15 the three agencies is a hundred percent funding,
16 'cause that's the number they need to work with
17 their infrastructure and costs.

18 And also, Heidi, I wanted to
19 mention to you and the rest of the board, I'd like
20 to have all -- since it's Tobyhanna Township TIF,
21 everything's going to filter through our building.
22 So as secretary I think everything should go to
23 you, one person. And then you'll be in touch with
24 Michelle and Chuck Leonard at DCED. And it can
25 stay all in one spot. That way we have that

1 organized through our secretary over to one agency
2 and there's no confusion. I would just like to
3 just mention that and throw that out there.

4 MR. KERRICK: Does she need any
5 --

6 MS. LAMBERTON: There's an
7 awful lot of paperwork that I would --

8 MS. PICKARD: Yeah, I might
9 have some questions. I know I didn't bring it with
10 me, but I have questions just with the numbers and
11 there seems to be some disparity from the county.
12 I didn't -- I wasn't prepared really to ask you,
13 but I'll --

14 MS. LAMBERTON: Also, too,
15 Pocono Mountain School District is holding an open
16 meeting on the 15th, which is a Tuesday, at 3 p.m.,
17 anyone's invited. I believe the location -- I can
18 check on it, I can email everybody, but I think
19 it's down at east campus, and that it'll be a great
20 informational tool.

21 MR. MOYER: When is that?

22 MS. LAMBERTON: It is Tuesday,
23 the 15th, at 3.

24 MR. KERRICK: Better check on
25 the location. Last time --

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1 MS. PICKARD: Is this another
2 one like they had before?

3 MS. LAMBERTON: No. This is
4 Michelle, Joe Hogan, the guy who is writing the TIF
5 and pretty much putting the package together.

6 MS. PICKARD: Are they going to
7 -- is somebody going to advertise it, though, this
8 time?

9 MS. LAMBERTON: The school
10 district, they're hosting it. It should be out for
11 advertisement.

12 MS. PICKARD: Well, the last
13 one they had they just put it on the website,
14 nobody --

15 MS. LAMBERTON: I believe the

16 last one was just put on their agenda at the school
17 board meeting, to be honest.

18 MS. PICKARD: Maybe it'd be
19 nice if --

20 MS. LAMBERTON: Yeah, yes.
21 It'll be very interesting.

22 MS. PICKARD: -- if somebody
23 would like alert the public.

24 MR. MOYER: Joe Hogan, not Hulk
25 Hogan?

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1 MS. LAMBERTON: No, not Hulk
2 Hogan, Joe Hogan.

3 MR. HOLAHAN: Annie, are they
4 going to be voting? Are they gonna be taking
5 action?

6 MS. LAMBERTON: No, no. It's
7 informative, and they want to explain the numbers
8 if anyone has any questions. And also to show
9 their goal of what percentages they need in order
10 to make the infrastructure work fund work for

11 what's being brought to the site, that can be used
12 by other properties as well along the way.

13 There's a huge advantage with
14 gas line proposal that's coming from the industrial
15 park up by Johnson and Johnson in Coolbaugh
16 Township, which will tie in, hopefully, all of the
17 industrial park, through Mount Pocono Industrial
18 Park, come behind Lowe's and tie in as many
19 properties as possible for that as well. So that's
20 a huge plus, which those tax dollars are going to
21 be paying for that. So that's a big plug.

22 MR. McHALE: As I recall,
23 several million dollars?

24 MS. LAMBERTON: Yes, several
25 million just for that alone. I believe the amount

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1 in their proposal natural gas connection, 4.5. And
2 they've whittled it down, it started at seven or
3 eight, if I remember correctly.

4 MS. PICKARD: We had that
5 Williams that was coming in and they were talking

6 about coming up from this side, Bob?

7 MS. LAMBERTON: It wasn't
8 feasible.

9 MR. McHALE: They were wanting
10 to do a loop, they never got back to discuss
11 further.

12 MS. LAMBERTON: It also was --
13 wasn't feasible with the numbers they originally
14 came back with.

15 MR. McHALE: But this is
16 independent --

17 MS. LAMBERTON: Oh, I'm sorry.

18 MR. KERRICK: That's totally
19 separate.

20 MS. LAMBERTON: They actually
21 did approach Williams for 423, to tie into that.

22 MR. McHALE: The Williams folks
23 do want to come in and talk to you.

24 MS. LAMBERTON: Good. Gas is
25 good.

1 MS. HAASE: Mr. Chairman, I did
2 forget something.

3 MR. KERRICK: Are we finished
4 with the TIF?

5 MS. LAMBERTON: Yes, unless
6 anybody has any questions.

7 MS. PICKARD: Or just that we
8 did -- Tom Hill did that all by himself?

9 MS. LAMBERTON: Yes. He worked
10 with -- well, Tom Hill bought to DCED, who worked
11 with Joe Hogan, who is the company that is writing
12 this entire TIF; but he cannot move forward until
13 all three of our agencies have said, we are fine
14 with giving them a hundred percent. And I think I
15 just kind of want to know if there's any questions
16 on that figure because then we can at least say
17 Toby's good, county commissioners are good and now
18 we're waiting to hear from the school.

19 MR. KERRICK: I have no problem
20 with it.

21 MS. LAMBERTON: It's the number
22 that's necessary in order to do the infrastructure,
23 so in my mind it makes all sense.

24 MR. HOLAHAN: John, is that
25 something that we think we can take care of now at

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1 this meeting? Is that the board supervisors go
2 ahead and make the recommendation?

3 Annie, is that something that
4 your committee is asking for?

5 MS. LAMBERTON: They're asking
6 for a verbal, that he can then produce a plan based
7 on a hundred percent. That's what he needs to know
8 in order to know what numbers --

9 MS. PICKARD: What is that
10 number now?

11 MS. LAMBERTON: The number is
12 -- the total TIF is 22,600,000 over 20 year.

13 MR. HOLAHAN: I'll make a
14 motion that we accept the TIF at the hundred
15 percent level.

16 MR. KERRICK: We have a motion.
17 Do we have a second?

18 MS. LAMBERTON: I'd love to

19 second it.

20 MR. MOYER: Go ahead.

21 MS. LAMBERTON: I'll second it.

22 MR. ARMSTRONG: The county's
23 already --

24 MS. LAMBERTON: No. We have to
25 actually -- they will vote on it separately, the

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1 school will vote it on separately and then they
2 bring it to us. And then we have a meeting where
3 we accept the TIF through the Tobyhanna Township
4 TIF. At that point, you get all the paperwork.

5 MR. HOLAHAN: So I suppose that
6 the motion should be that we --

7 MS. LAMBERTON: I don't even
8 know that we need a motion.

9 MS. PICKARD: Yeah.

10 MR. HOLAHAN: -- would draft a
11 letter or that the board of supervisors supports --

12 MS. LAMBERTON: Support a
13 hundred percent.

14 MR. HOLAHAN: At this point it

15 --

16 MS. PICKARD: What we'll need

17 then to move forward, we'll have -- it'll have to

18 be advertised in --

19 MS. LAMBERTON: Oh, absolutely,

20 yes.

21 MS. PICKARD: I don't know if

22 it's an ordinance or --

23 MR. ARMSTRONG: You can't do

24 anything definitively tonight. You're --

25 MR. KERRICK: No, we're just

77

1 writing a letter of support.

2 MR. ARMSTRONG: -- it sounds

3 like you're looking for a hey, we're in favor at

4 this point in time --

5 MS. LAMBERTON: He needs to

6 know, are you at 80, 85, 90, 95, in order to

7 present a TIF.

8 MR. KERRICK: I think a letter

9 would be in order and -- in support so they can put
10 the plan together.

11 MS. LAMBERTON: Correct.

12 That's all --

13 MR. KERRICK: I think that's
14 what you're asking for.

15 MS. LAMBERTON: That's all
16 they're looking for.

17 MR. HOLAHAN: Well, then I will
18 --

19 MR. ARMSTRONG: Why don't you
20 just do it by consensus tonight --

21 MS. LAMBERTON: And they're
22 fine with that.

23 MR. ARMSTRONG: -- if they're
24 not looking for any formal action at this point in
25 time? I mean, it's up to you as a board.

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1 MS. LAMBERTON: Well, he can't
2 conclude numbers until he knows what percentages
3 they're working with. And since that's his

4 question --

5 MR. KERRICK: So you don't
6 think a letter is in order?

7 MS. PICKARD: You think that's
8 the consensus of the school district and the
9 county? Then I'm good with that.

10 MR. ARMSTRONG: Well, you can
11 do a letter just giving the consensus of the board
12 that everyone seems to be in agreement with x
13 percent.

14 MR. HOLAHAN: I'm all right with
15 that.

16 MR. KERRICK: That's your
17 motion then. That's your second.

18 MS. PICKARD: I'll coordinate
19 with you and get a --

20 MR. HOLAHAN: It didn't seem
21 like it needed to be a motion other than --

22 MS. LAMBERTON: I don't think
23 it does honestly.

24 MR. KERRICK: Well, then we'll
25 withdraw your second and withdraw your motion.

1 MR. MOYER: We're in favor of a
2 letter.

3 MS. LAMBERTON: I'll withdraw
4 my second, you can withdraw your motion.

5 MR. KERRICK: You withdraw your
6 motion?

7 MR. HOLAHAN: I do.

8 MR. KERRICK: Done.

9 MR. ARMSTRONG: So I guess now
10 just --

11 MR. MOYER: Draft the letter.

12 MR. ARMSTRONG: -- poll each
13 other, consensus is you'll all --

14 MR. KERRICK: I already said
15 that I was in favor.

16 MR. MOYER: Favor. Favor,
17 favor.

18 MS. LAMBERTON: Everybody good
19 with it? I'll take it back to the committee then?
20 Very good.

21 MS. PICKARD: So we don't need

22 a letter?

23 MS. LAMBERTON: We don't need a
24 letter.

25 MR MOYER: Okay. You're just

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1 going to tell them.

2 MS. LAMBERTON: I will be a
3 delivery person. No. It's on record, I mean, that
4 we all agreed.

5 MR. KERRICK: Phyllis, you said
6 you had one more thing.

7 MS. HAASE: Yes. I'm sorry. I
8 forgot to mention to the board that I will be
9 attending a meeting at the county public safety
10 center regarding our hazard mitigation plan.
11 There's some items in there, they need updated
12 information and they also need to update them on
13 where we're at with some improvements that we need
14 to do and some projects that we've been working on.
15 So I will be meeting with them at the end of the
16 month and I will report on that in February.

17 MR. KERRICK: Thank you.
18 Anything else?
19 Anyone from the board have
20 anything else?
21 Bob?
22 Phyllis?
23 MR. McHALE: No, sir.
24 MR. KERRICK: Open it up to the
25 floor?

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1 Does anyone have anything they
2 wish to address the board?
3 Nothing?
4 MS. LAMBERTON: Nothing?
5 Jeff, come on, a little
6 something?
7 MR. JEFF EVANS: Five o'clock,
8 you all need to go home.
9 MR. KERRICK: Why?
10 MR. MOYER: Just feels right.
11 MR. JEFF EVANS: I'm sure you

12 have other things to do.

13 MS. LAMBERTON: My day's only
14 half done, Jeff.

15 MR. HOLAHAN: Were we still
16 going into executive session?

17 MR. KERRICK: Yes. And we do
18 not need a return.

19 MR. ARMSTRONG: I will just
20 mention, and it just dawned on me, Bob brought up
21 about the I&I in his report. We had talked about
22 back in December how we wanted to address that, if
23 you wanted to move forward with something or if you
24 wanted me to get with Bob to see if there's -- we
25 talked about a number of things.

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1 One was -- it sounded like what
2 you may be inclined to, be most adhered to, at
3 least for now, is to whenever the properties change
4 names or sold, that there's an inspection
5 associated with that from the sewage enforcement
6 officer, to make sure there are no improper

7 hookups, sump pumps --

8 MR. KERRICK: Bob and I have
9 some ideas and thoughts. Why don't we get with you
10 at a conference call and report back to the rest of
11 the board next month?

12 MR. ARMSTRONG: Perfect.

13 MR. KERRICK: Thank you. We're
14 adjourned.

15 (Meeting concluded at 5:05 p.m.)

16 ---

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I hereby certify that the
proceedings and evidence are contained fully and
accurately, to the best of my ability, in the notes
taken by me at the meeting in the above matter; and
that the foregoing is a true and correct transcript
of the same.

TARA FIGUCCIO, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, February 11, 2013 beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

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1 MR. KERRICK: Call the meeting
2 to order with the pledge of allegiance, please.

3 (Pledge of allegiance was
4 recited.)

5 MR. KERRICK: First item on our
6 agenda, announcements.

7 Do you have any, Heidi?

8 MS. PICKARD: I don't have any.

9 MR. KERRICK: Next item,
10 consider the minutes of December 10, 2012 regular
11 business meeting; January 7, 2013 reorg meeting;
12 and January 7, 2013 work session slash regular
13 business meeting.

14 What's the board's pleasure?

15 MS. PICKARD: I had a couple

16 corrections on the December 10 meeting, Page 15,
17 Line 21 should be, I've tried.

18 MR. KERRICK: Line 21?

19 MS. PICKARD: Yes. And on Page
20 31 of the December 10 meeting it's Line 12 and 15
21 should be River Otters, O-T-T-E-R-S. And January 7
22 regular business meeting/work session Page 20, Line
23 18 should be year instead of here, for this coming
24 year.

25 With that, I'll make a motion

3

1 that we approve the December 10, January 7
2 reorganization meeting, and the January 7 work
3 session/regular business meeting for 2013.

4 MR. KERRICK: With corrections?

5 MS. PICKARD: With the
6 corrections.

7 MR. KERRICK: Do we have a
8 second?

9 MS. LAMBERTON: Second.

10 MR. KERRICK: Questions or

11 comments from the board?

12 MR. HOLAHAN: Yes. What were
13 we just doing?

14 MS. LAMBERTON: Oh, the
15 minutes.

16 MR. KERRICK: The minutes.

17 MR. HOLAHAN: Oh, I read those.
18 And what were the changes that Heidi made?

19 MR. KERRICK: Just a couple
20 corrections.

21 MS. PICKARD: Just a couple of
22 typos.

23 MR. HOLAHAN: Okay. I'm good.

24 MR. KERRICK: Questions or
25 comments from the public on the motion?

4

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in

5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I'll vote in
10 favor.

11 MR. KERRICK: I'll vote in
12 favor. Motion carried.

13 Next item on our agenda,
14 consider the bill pack dated February 11, 2013,
15 total amount for board approval \$492,243.81.

16 What's the board's pleasure?

17 MR. HOLAHAN: I'll make a
18 motion that we approve the bill pack for
19 \$492,243.81.

20 MR. KERRICK: Do we have a
21 second?

22 MR. MOYER: I'll second.

23 MR. KERRICK: Questions or
24 comments from the board on the motion?

25 Questions from the public?

1 Bills are up front if anybody
2 wants to take a look.

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll abstain.

7 MR. KERRICK: Donny?

8 MR. MOYER: I'll vote in favor.

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. KERRICK: I'll vote in
12 favor. Motion carried.

13 Next item, solicitor's report.

14 MR. ARMSTRONG: Thank you, Mr.

15 Chairman. There's nothing listed under my report.

16 I just have two -- two items to report on. Phyllis

17 Haase and Bob McHale and I, we met a little bit

18 before the meeting this evening with respect to the

19 building code and the UCC and Chapter 60 and 64 and

20 potential revisions needed for those sections.

21 Based on our discussions last
22 week, I think we have a game plan moving forward so
23 I think what's going to happen is I will follow up

24 sometime towards the middle of this week with Bill
25 Burton, the building code official, make sure the

6

1 revisions that we're proposing to those two
2 chapters in the Tobyhanna Township Code of
3 Ordinances is done properly. So we're not deleting
4 anything that we need given the fact that you
5 adopted the UCC.

6 MS. LAMBERTON: It's going to
7 make them easier, right?

8 MR. ARMSTRONG: Yes. Well, less
9 confusing --

10 MS. LAMBERTON: Okay.

11 MR. ARMSTRONG: -- because some
12 things were still carried over from before the UCC.

13 MS. LAMBERTON: Okay.

14 MR. ARMSTRONG: And the other
15 item is just a status, the Dollar General land
16 development plan, I see they're not before you this
17 evening or on the plan. We do have time extensions
18 for action on that plan for the board in the

19 beginning of March, I think March 11. Just so the
20 board's aware. They're not on your agenda, they're
21 not here this evening.

22 I think -- I guess they're still
23 working on some things based on the recommendation
24 from the planning commission; but given that fact,
25 I would suggest in the event that they're not

7

1 planning on coming to your March meeting, that
2 someone reach out to them to get another time
3 extension for action on the plan.

4 MR. KERRICK: That would be
5 Phyllis?

6 MR. ARMSTRONG: Yes.

7 MS. HAASE: I will reach out
8 tomorrow.

9 MR. ARMSTRONG: Perfect.

10 That's all I have. Thank you.

11 MR. KERRICK: Thank you.

12 Next item, new business. First
13 item under new business, consider Resolution 2013

14 dash 008, price adjustment for bituminous materials
15 for small quantities.

16 What's the board's pleasure?

17 MS. PICKARD: I make a motion
18 that we approve Resolution 2013 dash 008.

19 MR. KERRICK: Do we have a
20 second?

21 MR. MOYER: Second.

22 MR. KERRICK: Questions or
23 comments from the board?

24 Questions or comments from the
25 public on the motion?

8

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in
5 favor.

6 MR. KERRICK: Donald?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in
11 favor. Motion carried.

12 Next item, consider Resolution
13 2013 dash 009, township tax collector's annual
14 compensation.

15 MR. HOLAHAN: I'll make a
16 motion that we approve Resolution 2013 dash 009.

17 MS. LAMBERTON: I will second.

18 MR. KERRICK: That's staying
19 the same?

20 MS. PICKARD: That's everything
21 staying the same, but updated with updates in it.

22 MR. KERRICK: Motion and
23 second.

24 Any questions or comments from
25 the board?

9

1 Questions from the public?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in
6 favor.

7 MR. KERRICK: Donald?

8 MR. MOYER: I'll vote in favor.

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. KERRICK: I'll vote in
12 favor. Motion carried.

13 Kalahari we can table?

14 MS. PICKARD: I don't know, do
15 we need to authorize the advertising on the --

16 MR. ARMSTRONG: Yeah. If the
17 -- if, you know -- the resolution I don't think
18 you're in a position to act on this evening given
19 the notice requirements, but if you did want to
20 authorize the publication for the advertising for
21 that public comment period, I think it would be
22 appropriate at this time.

23 MR. KERRICK: Entertain a
24 motion?

25 MS. PICKARD: So moved.

1 MR. MOYER: Second.

2 MR. KERRICK: Donny, you
3 seconded it?

4 MR. MOYER: Yes.

5 MR. KERRICK: Motion and
6 second.

7 Questions or comments from the
8 board?

9 MR. HOLAHAN: Yes. What
10 exactly is the motion again?

11 MR. ARMSTRONG: My
12 understanding is it's the motion to authorize the
13 advertisement for the public comment period
14 relating to the Kalahari sewer facilities planning
15 module plan revision.

16 MR. HOLAHAN: Okay.

17 MR. ARMSTRONG: That's my
18 understanding.

19 MR. KERRICK: When does that
20 30-day time frame start?

21 MR. ARMSTRONG: From the date

22 of the public notice. It's my understanding that
23 there was discussion this evening that it is 30
24 days. There's been -- whatever the time period,
25 whether it be 30, whether it be 45, the appropriate

11

1 public notice will be provided.

2 MR. HOLAHAN: I would like that
3 in the motion that we're not -- that we're not
4 being specific to the time period, but whatever the
5 time is that's required, be it 30 or 45 days.

6 MR. KERRICK: You amend your
7 motion, Heidi?

8 MS. PICKARD: Yeah.

9 MS. PICKARD: Donald, your
10 second?

11 MR. MOYER: I amend my second.

12 MR. KERRICK: Questions or
13 comments from the public?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in

18 favor.

19 MR. KERRICK: Donald?

20 MR. MOYER: I vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor. Motion carried.

25 Next item on our agenda,

12

1 consider tobacco free premise policy.

2 MR. HOLAHAN: I'll make a

3 motion that we adopt the tobacco free premise

4 policy.

5 MS. LAMBERTON: I will second

6 it.

7 MR. KERRICK: Motion and

8 second.

9 Questions from the board?

10 MR. HOLAHAN: Yes. We have --

11 it was no smoking of tobacco products. I believe

12 we got in our packet that we -- are we looking to
13 update that to no tobacco products at all to be
14 used?

15 MS. HAASE: Yes, sir. There's
16 an amended copy that should've been in front of you
17 when you sat down, unless it was removed.

18 MS. PICKARD: It should be
19 right on your table.

20 MR. HOLAHAN: Oh, I didn't -- I
21 was only following what was in my book, sorry.

22 MS. HAASE: That's all right.
23 I had sent an email out today, the safety committee
24 (phonetic) had further discussions, as well as we
25 had some emails going back from Pat. So we did

13

1 amend that to speak to no tobacco use and remove
2 the no smoking.

3 MR. HOLAHAN: Okay.

4 MS. HAASE: Also the policy
5 will not be a tobacco free premise property, it's a
6 tobacco free policy. That was the other amendment.

7 MR. HOLAHAN: Okay.

8 MR. KERRICK: Any other
9 questions from the board?

10 MR. HOLAHAN: Yes. We're
11 talking about not having any designated areas as
12 well, correct? This is not on any township
13 property?

14 MS. HAASE: That is correct.

15 MR. HOLAHAN: Any idea on what
16 we'll do to enforce this?

17 MR. ARMSTRONG: Just as an
18 aside, Phyllis and I had a brief conversation
19 before the meeting this evening. And this is a
20 policy. If you're looking at having this as an
21 enforceable rule on your parks and -- you know, if
22 you have an issue with your ball fields or someone
23 on public property like your parks and if you want
24 the police to be able to enforce this, it would
25 have to be -- it should be an ordinance in your

1 Code of Ordinances for -- otherwise, this -- I mean

2 this is a policy -- I understand that this is for
3 purposes of the township's property, employees of
4 the township.

5 With that being said, this isn't
6 -- if you're thinking this is going to allow the
7 township -- if you're having an issue with someone
8 at a ball field smoking during a Little League game
9 and you call the Regional Police to come in and you
10 show them a policy, they're not going to be able to
11 enforce this. You're going to need an ordinance
12 for the Regional Police to get involved. And I --

13 I don't know, Phyllis, I don't
14 know what the intent is from the board with respect
15 to this, but that's just something you should be
16 aware of.

17 MR. HOLAHAN: I believe --

18 MR. KERRICK: I would hope
19 people would be able to police themselves.

20 MR. HOLAHAN: I believe the
21 intent was to have a healthy workplace and premises
22 for the township, for the employees and residents
23 and visitors as well. I don't think we should be
24 going to an ordinance at this point. Having it

25 clarified as a policy, I'm in favor of that.

15

1 MS. HAASE: To answer your
2 question as far as enforcement regarding to
3 employees, we do have specific items in our
4 employee manual that I believe is going to be
5 intergrated. We had discussion about that as well.

6 As far as the residents, we
7 certainly hope that they respect the policy and
8 respect the signage that's there for the children
9 and the use of the parks. Regarding the ambulance
10 building, the EMS building -- I'm sorry, emergency
11 service building is township property. And we
12 certainly hope that the individuals that use that
13 respect that as well. That is always an option
14 down the road, if there's an issue, that you do
15 adopt an ordinance.

16 MR. KERRICK: Thank you.

17 Any other questions?

18 MS. PICKARD: I just wanted to
19 go on the record to say I support this for our

15 speak more to that if there's a way that we can
16 rewrite and, again, it is our property.

17 MR. ARMSTRONG: Yeah. You have
18 the ability to restrict the use of tobacco on
19 township property, if that's the question.
20 Employee or nonemployee, you have the ability to do
21 that.

22 MR. HOLAHAN: But with employee
23 we have recourse over volunteer?

24 MR. ARMSTRONG: Right.

25 MS. PICKARD: But we don't have

17

1 a personnel policy to enforce for the Pocono
2 Mountain Regional EMS, they have their own
3 personnel policy and three stations.

4 MS. LAMBERTON: Well, I would
5 hope that if that's a policy of the township, that
6 they would be respectful of it. I mean, it's a
7 great role model, you have functions with children
8 and, I mean, it's healthier for the environment. I
9 think that's the purpose of this.

10 MS. PICKARD: I'm just saying
11 because if they're there 24/7 and some of them live
12 and sleep there, it's just a little bit more
13 difficult. They can't leave their ambulance and
14 take a ride down the street. They have to be with
15 their vehicle. It's just a little bit more --

16 MS. LAMBERTON: I respect that.
17 We're making it healthier for them.

18 MS. PICKARD: Well --

19 MS. LAMBERTON: Right?

20 MS. PICKARD: Well, I don't
21 know that that's necessarily our role.

22 MR. HOLAHAN: Well, I think I'm
23 still in favor of it. I think it's a start, I
24 think it's a start.

25 MS. LAMBERTON: The police

18

1 department, John, correct me if I'm wrong, didn't
2 they enforce it?

3 MR. KERRICK: Yes. At the
4 station.

5 MS. LAMBERTON: And in the cars
6 and transport.

7 MS. HAASE: And certainly
8 that's a stressful position as well.

9 MS. LAMBERTON: Yeah, it
10 doesn't get any worse than that. Okay.

11 MR. KERRICK: What's the
12 board's pleasure?

13 MS. PICKARD: Is there any
14 public comment?

15 MR. KERRICK: I didn't get that
16 far. I wanted to get this finished before I went
17 to the public.

18 MR. HOLAHAN: I'm finished,
19 John.

20 MR. KERRICK: Anyone from the
21 public?

22 MS. DENISE DOREMUS: I do
23 respect your --

24 MR. KERRICK: Denise, your name
25 for the record, please?

1 MS. DENISE DOREMUS: Oh, sorry.

2 MR. KERRICK: I mean, I know
3 who you are.

4 MS. LAMBERTON: She doesn't.

5 MS. DENISE DOREMUS: Denise
6 Doremus, Pocono Mountain Regional EMS. I respect
7 your decision on trying to make it a tobacco free
8 environment, but it is our -- it is the person's
9 choice to smoke and especially at the ambulance
10 building. And I understand the cops have enforced
11 it. They have eight hour shifts, they're on --
12 they're on the road all day long, that's their job.
13 We sat at the building most of the time, not to
14 waste fuel, to run out to have a cigarette and, you
15 know what I mean, ride around. We are there 24
16 hours a day, some people do work 24 hour shifts.

17 I am concerned about the person
18 that does listen to the rule and walks out to 940
19 to have a cigarette. I mean, so it's just -- it's
20 dangerous and I mean, I -- the building is already
21 tobacco free, even our Coolbaugh Township building.
22 We respect that, we don't smoke in the building.

23 I am asking for a designated
24 area for us at a certain area away from the
25 building. This way we don't have to go out to the

20

1 road or some -- you know what I mean, and God for
2 bid get hit by a vehicle. Somewhere safe on the
3 property away from the building. They clean up
4 their butts most -- I mean, all the time. And we
5 can enforce that just to make sure it says clean,
6 but I mean, it is our -- their choice to smoke and
7 I just don't feel like it's necessary to not smoke
8 at all on the premises.

9 Thanks.

10 MR. KERRICK: Thank you.

11 Ed?

12 MR. ED TUTRONE: Ed Tutrone.

13 I'm a member of the fire company, nonsmoker, but I
14 kind have to agree with what Denise said. My
15 concern is -- well, my question is and I'm willing
16 to respect and I hope everybody would respect the
17 policy when it does go into place, but I'm here to

18 request that you look into possibly a designated
19 smoking area away from the common areas where
20 people would be walking into the building because I
21 have the same concern walking down to 940.

22 Most of -- well, all of our fire
23 company members are volunteer. We do fund-raisers
24 up there. You're there for eight, ten hours doing
25 fund-raisers and you have the public coming in.

21

1 You have the beef roast. If someone wants to go
2 out into the back parking lot and look at the fire
3 trucks, like they normally do, they light up a
4 cigarette after dinner away from all the other
5 people.

6 So I'm kind of here for the same
7 reason she is, if we can see if we get a designated
8 smoking area somewhere away from the main area of
9 the building.

10 MR. KERRICK: Thank you.

11 What's the board pleasure? You
12 want to make a spot in the back?

13 MS. PICKARD: You got another
14 one.

15 MR. KERRICK: Oh, I'm sorry.
16 Go ahead, sir.

17 MR. BRAD GRAHAM: Brad Graham,
18 G-R-A-H-A-M. I just have a question here. I don't
19 smoke myself, but where did this policy come from?
20 Where is this policy directed? Is it for civilians
21 or employees? Because if it's just for employees,
22 then it doesn't even belong on this floor. It
23 should be handled somewhat within yourselves and
24 all the township employees, it doesn't belong here.

25 If you're looking for stop

22

1 smoking on the property that is owned by the
2 township, includes all vehicles, includes a plow
3 truck that's out there 12 hours a night. I'm sure
4 he's not going to pull over and have a smoke.
5 Besides, the point is, the way to go is you have to
6 have an ordinance.

7 If Jimmy or John or Betty wants

8 to come up and have a smoke in front of this
9 building, you're not going to be able to enforce
10 it. This has absolutely no guts to it. So my
11 suggestion would be, if you want to ban smoking,
12 you have to have an ordinance. Policy, it's --
13 there's nothing to it, there's nothing to it. And
14 if it's just for employees, then it doesn't even
15 belong on this floor. We spent more time on this
16 talking about this than you did on Kalahari, which
17 is ridiculous.

18 MR. KERRICK: Thank you for
19 your comment.

20 MR. BRAD GRAHAM: Thank you.
21 Think about it, it's -- before you go forward.

22 MR. KERRICK: What's the
23 board's pleasure?

24 MR. HOLAHAN: Well, the policy
25 says that it applies to both employees and the

23

1 nonemployee visitors of Tobyhanna Township. So I
2 think it's pretty clear.

3 I still maintain my motion to
4 approve the tobacco free premise policy.

5 MS. LAMBERTON: I second.

6 MR. KERRICK: Motion and
7 second?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in
12 favor.

13 MR. KERRICK: Donald?

14 MR. MOYER: I vote in favor,
15 but does anybody want to even give them the option
16 to have a -- what they're asking?

17 MR. KERRICK: Well, this is
18 what's on the floor right now. We can --

19 MR. MOYER: Right. Okay.

20 MS. PICKARD: I vote not in
21 favor unless there's a designated smoking area on
22 the EMS.

23 MR. KERRICK: I'll vote in
24 favor. Motion carried.

25 What's the board's pleasure on a

1 designated area for the EMS or study it? EMS
2 building?

3 MS. PICKARD: Is there an area
4 that you --

5 MR. HOLAHAN: I would think
6 that maybe they --

7 MR. KERRICK: Want them to
8 present something to us?

9 MR. HOLAHAN: I might -- I
10 would be open to listening to something from EMS
11 and fire company.

12 MR. KERRICK: Okay.

13 Yes, sir?

14 MR. ED TUTRONE: What I was
15 going to say, if you do decide to do a designated
16 smoking area -- and this is a big pet peeve of mine
17 and most of the fire company members, any members,
18 about the butts being on the ground. I would say
19 if it's not maintained, then it goes away. We
20 would have to police ourselves also, if we are

21 granted that.

22 MR. HOLAHAN: I would like to
23 make a comment that number of places say there's no
24 smoking within 20 feet of the door. I smoke
25 cigars, good cigars. And something that does

25

1 bother me when I'm walking into a public building
2 is a number of people standing out there smoking
3 right by the door. So I still have to go through
4 that cloud of smoke and I don't appreciate that.

5 So if there's any ideas on a
6 designated smoking area, that it would have to be
7 in a place -- I don't smoke cigars -- I'm banished
8 to, you know, the corner of my property to be able
9 to do that, making sure the wind is blowing the
10 other direction so that my wife doesn't smell it.
11 That if there's any consideration that way that --
12 that's what you would be looking for.

13 MR. ED TUTRONE: We have a
14 perfect spot right next to the dumpster and the
15 shed.

16 MR. HOLAHAN: Next to the
17 dumpster, that sounds good.

18 MS. LAMBERTON: Bring something
19 to us, that way you have an option.

20 MR. HOLAHAN: But for now we
21 have a policy.

22 MS. LAMBERTON: Yes.

23 MR. KERRICK: Anything else
24 from the board?

25 Anything else from the public on

26

1 the mo -- or for public comment? Pardon me.

2 MR. BRAD GRAHAM: We're done
3 with that, we're on public comment now?

4 MR. KERRICK: Yes, sir.

5 MR. BRAD GRAHAM: Just one
6 thing. Brad Graham, G-R-A-H-A-M, again. Probably
7 put this towards Phyllis.

8 We have a wonderful tag on the
9 website that takes us to Blakeslee, Blakeslee
10 Village in the corner. I think we need to get

6 you have something to say?

7 Anyone else from the public?

8 We'll stand adjourned. Thank

9 you for attending.

10 (Meeting concluded at 7:24 p.m.)

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I hereby certify that the
proceedings and evidence are contained fully and
accurately, to the best of my ability, in the notes
taken by me at the meeting in the above matter; and
that the foregoing is a true and correct transcript
of the same.

TARA FIGUCCIO, C.R.

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, March 11, 2013 beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer
ROBERT J. McHALE, Township Engineer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. KERRICK: Call the meeting
2 to order with the pledge of allegiance, please.
3 (Pledge of allegiance was
4 recited.)
5 MR. KERRICK: First item on our
6 agenda, announcements.
7 MS. PICKARD: I had a couple
8 announcements.
9 I did want to make mention -- we
10 may have some people here -- if you did not get
11 your county and township tax bill, you need to make
12 sure that your new address is changed at the
13 county; otherwise it's going to your old address
14 and they're not forwarding them anymore. So I know
15 Linda Woehrle got back like almost 400 bills.
16 So you are responsible and if
17 you didn't get your bill or you know somebody, they
18 need to go see Linda and get their address changed.
19 So we do have a notice on our website, we have
20 forms here and on the website to send down to the
21 county.
22 I just want to mention, we did
23 get our notification for our liquid fuels payment,
24 it'll be two hundred and fifteen seventy-two
25 sixty-two. That includes the 10 percent for the

1 Act 44.
 2 That's all I have.
 3 MR. KERRICK: Thank you. Any
 4 other announcements?
 5 Next item, consider the minutes
 6 of February 4, 2012 (sic) work session, February
 7 11, 2012 (sic), regular business.
 8 What's the board's pleasure?
 9 MR. HOLAHAN: I'll make a
 10 motion that we approve the minutes of the February
 11 4 work session.
 12 MR. KERRICK: Do we have a
 13 second?
 14 MR. MOYER: I'll second.
 15 MR. KERRICK: Questions or
 16 comments from the board on the motion?
 17 Questions or comments from the
 18 public on the motion?
 19 Call the vote. John?
 20 MR. HOLAHAN: I vote in favor.
 21 MR. KERRICK: Anne?
 22 MS. LAMBERTON: I vote in
 23 favor.
 24 MR. KERRICK: Donny?
 25 MR. MOYER: I'll vote in favor.

1 MR. KERRICK: Heidi?
 2 MS. PICKARD: I vote in favor.
 3 MR. KERRICK: Motion carried.
 4 Next item on our agenda,
 5 consider treasurer's report. Total amount for
 6 board approval \$289,847.79.
 7 MS. PICKARD: We just did the
 8 February 4 minutes.
 9 MS. LAMBERTON: Yeah.
 10 MS. PICKARD: He just approved
 11 the work session.
 12 MR. KERRICK: I thought he did
 13 both, I apologize. I'll go back, we got the bill
 14 pack now.
 15 MS. PICKARD: All right. Okay.
 16 MR. HOLAHAN: So are we still
 17 on treasurer's report, John?
 18 MR. KERRICK: Yes.
 19 MR. HOLAHAN: I'll make a
 20 motion that we approve the treasurer's report for
 21 \$289,847.79.
 22 MR. KERRICK: Do we have a
 23 second?
 24 MR. MOYER: I'll second.
 25 MR. KERRICK: Motion and

1 second.
 2 Questions or comments from the

3 board?
4 Questions or comment from the
5 public on the motion?
6 Yes, sir?
7 MR. TROY COUNTERMAN: I'm Troy
8 Counterman. Just wondering why there was no bill
9 pack on the door for us to look at, what you guys
10 were approving up there.
11 MR. KERRICK: Packet in the box
12 right there you can go through.
13 MS. PICKARD: The bill pack's
14 in the box.
15 MR. TROY COUNTERMAN: When do
16 we do that before, during, after?
17 MR. KERRICK: You can come in
18 before the meeting and go through it if you want.
19 MR. TROY COUNTERMAN: Thank
20 you.
21 MR. KERRICK: Any other
22 questions from the public?
23 Call the vote. John?
24 MR. HOLAHAN: I vote in favor.
25 MR. KERRICK: Anne?

6

1 MS. LAMBERTON: I vote in
2 favor.
3 MR. KERRICK: Donny?
4 MR. MOYER: I'll vote in favor.
5 MR. KERRICK: Heidi?
6 MS. PICKARD: I vote in favor.
7 MR. KERRICK: Motion carried.
8 Next item, solicitor's report.
9 MS. PICKARD: You're not going
10 to go back to the minutes?
11 MR. KERRICK: We'll go back to
12 the minutes, I apologize.
13 MS. PICKARD: I'm sorry. I had
14 a couple corrections on the February 11 regular
15 business meeting. On Page 12, it should be safety
16 committee and on Page 15, Line 5, it should be
17 integrated.
18 With that, I'll make a motion to
19 approve the February 11 regular business meeting
20 minutes.
21 MR. KERRICK: We have a motion,
22 do we have a second?
23 MR. HOLAHAN: I'll second.
24 MR. KERRICK: Motion and
25 second.

7

1 Questions or comments?
2 Questions or comments from the
3 public?
4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.
6 MR. KERRICK: Anne?
7 MS. LAMBERTON: I'll vote in
8 favor.
9 MR. KERRICK: Donny?
10 MR. MOYER: I vote in favor.
11 MR. KERRICK: Heidi?
12 MS. PICKARD: I vote in favor.
13 MR. KERRICK: Motion carried.
14 Pat, solicitor's report.
15 MR. ARMSTRONG: Thank you, Mr.
16 Chairman. There's nothing listed in my report. I
17 do have just a status. The Clymer Library, after
18 meeting last week I did reach out to their counsel,
19 I have not heard back from her yet. What I was
20 planning on doing is just making those two minor
21 changes with respect to punitive damages, as well
22 as definition of library, but I have not heard back
23 from her. So I'll wait to send her a revised
24 version until I actually speak with her.
25 The planning -- the planning

8

1 commission did discuss and make a recommendation to
2 move the flood plain ordinance forward earlier this
3 evening. It was conditional upon -- they're going
4 to look at it a little bit more. If they have any
5 additional comments, they'll email them before the
6 end of March, I believe; but given the time frame
7 -- I was talking with Bob a little bit after the
8 planning commission meeting and, as you're all
9 aware, we do have a time frame to move this flood
10 plain management ordinance forward in the beginning
11 of May.

12 And given the advertising
13 requirements, have you all -- I don't know where
14 you are in reviewing it, if you have yet or not.
15 If not, what I would suggest is, I'll forward it
16 out again and I guess just be prepared to move it
17 forward at your April --

18 MR. KERRICK: Will it have to
19 be advertised?

20 MR. ARMSTRONG: Yeah, it'll
21 have to be advertised. It is not a zoning ordinance,
22 but it will need to be advertised appropriately.
23 And your --

24 MS. HAASE: First Monday.

25 MR. ARMSTRONG: April 1, is it?

9

1 MR. HAASE: 1st is the work
2 session, 8th is the regular meeting.

3 MS. PICKARD: Work session --
4 the 8th.

5 MR. ARMSTRONG: So given the
6 time constraints, I would request that the board be
7 ready to discuss and at least authorize it for

8 advertising at that point in time.
9 MR. KERRICK: At the April 1
10 meeting?
11 MR. ARMSTRONG: Yeah. I'll
12 look at the -- I believe it's May 2 is when it
13 needs to be -- I'm not sure if it needs to be
14 adopted or at least needs to be in the process of
15 being adopted at that point in time. I'll look at
16 that and I'll look at the time period. And if
17 there's a need to at least get it advertised before
18 your April 1 meeting, I will send an email to
19 everyone on the board.
20 MS. PICKARD: You said their
21 conditions would be in by the end of March from the
22 PC?
23 MR. ARMSTRONG: Planning
24 commission? Yes.
25 MS. LAMBERTON: Comments, for

10

1 comments.
2 MR. ARMSTRONG: 27th, March 27.
3 MS. PICKARD: You don't expect
4 that anything's really going to materialistically
5 change?
6 MS. LAMBERTON: No, I don't
7 think so.
8 MR. ARMSTRONG: I didn't hear
9 any significant questions or comments from the
10 planning commission.
11 MS. LAMBERTON: Just wanted an
12 additional chance to finish the review.
13 MR. ARMSTRONG: Right. And the
14 one other item, and I believe you may have all been
15 copied on an email, the Kalahari Resort. One of
16 their proposed issues is water servicing. I
17 believe there has been a change initially --
18 Kalahari, the land development application, before
19 Tobyhanna Township.
20 They were initially going to use
21 on-lot wells for water service, but now they're --
22 it's my understanding that they're changing that
23 and now they're going to be requesting the Brodhead
24 Creek Regional Authority to provide the water
25 service to the property. And given the fact that

11

1 the BCRA is not within Tobyhanna Township, the
2 township is going to have to submit at least a
3 written request to BCRA to service customers within
4 Tobyhanna Township.
5 So this evening if the board is
6 ready and willing to entertain a motion to
7 authorize at least that written request to go out
8 to get the ball rolling with that process.
9 Obviously there will need to be an

10 intergovernmental agreement between, you know,
11 Tobyhanna Township, BCRA and possibly Pocono
12 Township; but at this point in time it would -- the
13 next time would be to send a written request to
14 BCRA to allow -- to request service within
15 Tobyhanna Township.
16 MS. LAMBERTON: Would you like
17 us to make a motion at this time?
18 MS. PICKARD: Yeah.
19 MR. ARMSTRONG: Just
20 authorizing that request --
21 MS. LAMBERTON: I'll make a
22 motion.
23 MR. ARMSTRONG: -- if that's
24 the position of the board.
25 MS. PICKARD: I'll second the

12

1 motion.
2 MR. KERRICK: Motion and second
3 to send a letter.
4 Would that be you who'd author
5 that letter?
6 MR. ARMSTRONG: That could be
7 Bob, it could be me. I don't think it -- it's up
8 to the board. I guess you could make that part of
9 the motion, who you want to author the letter.
10 MR. HOLAHAN: Should have Bob do
11 it.
12 MR. MOYER: Are you going to
13 amend your motion?
14 MS. LAMBERTON: I'll amend my
15 motion to request Bob McHale, our township
16 engineer, to author a letter to request service to
17 the Brodhead Regional.
18 MS. PICKARD: I'll amend my
19 second.
20 MR. KERRICK: You amend your
21 second? Okay.
22 Questions or comments from the
23 board?
24 Questions or comments from the
25 public?

13

1 Call the vote. John?
2 MR. HOLAHAN: I vote in favor.
3 MR. KERRICK: Anne?
4 MS. LAMBERTON: I vote in
5 favor.
6 MR. KERRICK: Donny?
7 MR. MOYER: I'll vote in favor.
8 MR. KERRICK: Heidi?
9 MS. PICKARD: I vote in favor.
10 MR. KERRICK: Motion carried.
11 Anything else, Pat?
12 MR. ARMSTRONG: That's all I

13 have for my report. Thank you, Mr. Chairman.
14 MR. KERRICK: Next item on our
15 agenda, new business, Lands of Pocono Manor
16 Investors, LP.
17 Bob, do you want to take that
18 one?
19 MR. McHALE: Is there no one
20 here representing Ireland?
21 MR. ROCCO CARACCILO: Good
22 evening. Rocco Carcciolo, engineer from Pennoni
23 Associates, and Don Schneider representing Ireland
24 Liquidation Trust.
25 THE REPORTER: Could you just

14

1 spell your name for me, please?
2 MR. ROCCO CARACCILO: Rocco,
3 R-O-C-C-O, last name Caracciolo,
4 C-A-R-A-C-C-I-O-L-O.
5 THE REPORTER: Thank you.
6 MR. ROCCO CARACCILO: We are
7 here for a subdivision. It's the tract that's on
8 the west side of 380. As part of the original land
9 transfer, this certain tract of land would be
10 subdivided, ran it back to Jim Ireland. It's been
11 a long process and finally have things in order.
12 We have suitable perk for each lot. There was no
13 land developmental at all, we have all the notes in
14 the plan that when this does come in for land
15 development, we will have to meet with PennDOT and
16 meet all the requirements of the SALDO.
17 There were just two waivers
18 which deal with the -- showing the existing
19 features within 500 feet of the site. For this
20 subdivision plan we're requesting a waiver of such
21 and then when it does come in for land development,
22 you know, that will be provided per the -- per
23 condition of the township engineer and the
24 township.
25 MR. ARMSTRONG: You're talking

15

1 about waivers from the SALDO Section 135-17.L and
2 M.
3 MR. ROCCO CARACCILO: Yes.
4 MR. ARMSTRONG: No other
5 waivers are being requested by the applicant?
6 MR. ROCCO CARACCILO: No.
7 MR. KERRICK: Any questions
8 from the board for the applicant?
9 MR. ARMSTRONG: You're aware
10 that the planning module for the subdivision plan
11 was before the planning commission this evening?
12 MR. ROCCO CARACCILO: Yes.
13 MR. ARMSTRONG: And the
14 planning commission, I believe, did make a

15 conditional recommendation for approval?
16 MR. ROCCO CARACCIOLO: Yes.
17 MS. LAMBERTON: Yes.
18 MR. ARMSTRONG: So that will be
19 before this board as well. Bob was just reminding
20 me that it would probably be more appropriate for
21 the planning module to be approved by the board
22 prior to the actual subdivision plan.
23 MR. ROCCO CARACCIOLO: Right.
24 For the planning module we just -- we needed to
25 prove that there was suitability on the remaining

16

1 lands. We met with Pocono Manor, they have their
2 own plan, but on this side we did actually go to a
3 place, have the location, which we had a perks and
4 probes done and everything was submitted to the
5 engineer.
6 MR. McHALE: The township
7 sewage enforcement officer, John Brogan, reviewed
8 it and signed off on it. And as Pat indicated, it
9 went to the planning commission tonight and they
10 made recommendation for approval also.
11 MR. ROCCO CARACCIOLO: Thank
12 you.
13 MR. HOLAHAN: Do we need to
14 take these separately?
15 MR. McHALE: Yes.
16 MR. HOLAHAN: The --
17 MR. McHALE: Planning module.
18 MR. HOLAHAN: Sewage module
19 first?
20 MS. LAMBERTON: Yes.
21 MR. HOLAHAN: I'll make a
22 motion that we approve the sewage facilities
23 planning module.
24 MS. LAMBERTON: I will second.
25 MR. KERRICK: Motion and

17

1 second.
2 MS. PICKARD: That's Resolution
3 2013 dash 0127
4 MR. McHALE: Yes.
5 MR. KERRICK: Questions or
6 comments from the board?
7 Questions or comments from the
8 public on the motion?
9 Call the vote. John?
10 MR. HOLAHAN: I vote in favor.
11 MR. KERRICK: Anne?
12 MS. LAMBERTON: I vote in
13 favor.
14 MR. KERRICK: Donny?
15 MR. MOYER: I'll vote in favor.
16 MR. KERRICK: Heidi?
17 MS. PICKARD: I'll vote in

18 favor.
19 MR. KERRICK: Motion carried.
20 Next item.
21 MR. ARMSTRONG: Now, the
22 applicant is also before you for their minor
23 subdivision plan. I believe the applicant began
24 discussing the plan with the board before the
25 planning module. There is a review letter from the

18

1 township engineer dated March 9, 2013.
2 Is the applicant in agreement
3 and will comply with all the comments and
4 requirements set forth in that March 9, 2013 review
5 letter?

6 MR. ROCCO CARACCILO: Yes.

7 MR. ARMSTRONG: Can you just
8 for the purposes of the board and just my
9 understanding, the access road, can you describe
10 what the status of that is?

11 MR. ROCCO CARACCILO: The
12 access road off of Long Pond Road, this is where there's
13 an existing driveway at this time. We show an
14 access easement because this -- the remaining lands
15 are landlocked because of a railroad right of way.
16 So any development of this parcel, when it comes
17 with land development, we need a finalized access
18 agreement to be signed and considered by both
19 parties.

20 And since this, we do not have a
21 land development plan at this time, there's no --
22 we have a note on the plan that since it is
23 PennDOT, we would have to go to PennDOT for the
24 access. That would all be addressed at the land
25 development phase.

19

1 MR. KERRICK: Any other
2 questions?

3 MR. ARMSTRONG: Now, that
4 access drive, that's not going to move, that's
5 staying where it's --

6 MR. McHALE: Well, depending on
7 PennDOT's review it could move.

8 MR. ROCCO CARACCILO: Because
9 we don't have a land development, we don't know
10 what the trips would be. That'll be the next step
11 as they move forward. When that happens, an ITE
12 evaluation will have to be done and we'll have to
13 submit to both the township and to PennDOT. This
14 is the most suitable place for it, but it may
15 slide. I would say it may slide further way from
16 the intersection of 940.

17 This at this time is just to
18 show graphically the display that we can provide
19 the access to the remaining lands. Depending on

20 the development plan there may be, you know, a
21 different way to get down to that point.
22 MS. PICKARD: How far is that
23 from 940?
24 MR. ROCCO CARACCILO: Right
25 now it is a little bit over 400 feet from 940.

20

1 MR. ARMSTRONG: So any action
2 by the board tonight would be not only conditional
3 upon the March 9, 2013 review letter of the
4 township engineer, but also conditional upon when
5 and if that access road is to be revised pursuant
6 to PennDOT, that the revision be also reviewed and
7 acceptable to the township.

8 MR. ROCCO CARACCILO: Yes,
9 definitely.

10 MR. ARMSTRONG: That clearly
11 will probably become a recordable document to, you
12 know, properly represent that.

13 MR. ROCCO CARACCILO: Yes.

14 MR. ARMSTRONG: Declaration of
15 covenants, restrictions and conditions.

16 MR. ROCCO CARACCILO: Right.
17 We agree to that.

18 MR. ARMSTRONG: Just looking
19 for a motion?

20 MR. KERRICK: Yes.

21 MR. HOLAHAN: So, um --

22 MR. ARMSTRONG: Would you --

23 MS. LAMBERTON: Yeah, why don't
24 you make the motion.

25 MR. MOYER: Is this just for

21

1 the waiver?

2 MR. ARMSTRONG: If the board of
3 supervisors were in a position to entertain a
4 motion this evening to approve the subdivision plan
5 of the Lands of Pocono Manor Investors, LP,
6 proposed minor subdivision, lands formerly of
7 Ireland subdivision, Project No. 2011 dash 003, the
8 motion to approve the plan -- would be:

9 Conditional upon the applicant's
10 compliance with all the requirements and conditions
11 set forth in the March 9, 2013 review letter of the
12 township engineer combined with the applicant
13 agreeing to and executing any and all agreements
14 necessary, including a unilateral declaration of
15 covenants, conditions and restrictions to properly
16 address and secure the access either as shown on
17 the plan and/or as revised pursuant to PennDOT
18 reviews and approvals, only to be subsequently
19 reviewed and approved by the township.

20 MR. ROCCO CARACCILO: That was
21 the two waivers?

22 MR. MOYER: So moved.

23 MS. LAMBERTON: So moved, he's
24 not done.
25 MR. ARMSTRONG: I did neglect

22

1 to include the two waivers, the waivers being from
2 Sections of the SALDO 135-17.L and M.
3 MR. KERRICK: Do we have a
4 motion?
5 MR. MOYER: So moved.
6 MR. KERRICK: Donny?
7 Do we have a second?
8 MS. LAMBERTON: I'll second.
9 MR. KERRICK: Questions or
10 comments from the board?
11 Questions or comments from the
12 public on the motion?
13 Call the vote. John?
14 MR. HOLAHAN: I vote in favor.
15 MR. KERRICK: Anne?
16 MS. LAMBERTON: I vote in
17 favor.
18 MR. KERRICK: Donny?
19 MR. MOYER: I vote in favor.
20 MR. KERRICK: Heidi?
21 MS. PICKARD: I vote in favor.
22 MR. KERRICK: Motion carried.
23 MR. ROCCO CARACCILO: Thank
24 you for your time.
25 MS. LAMBERTON: Thank you.

23

1 MR. KERRICK: Next item, Dollar
2 General. Anyone here represent Dollar General?
3 MR. SEAN McDERMOTT: Good
4 evening. Sean McDermott with Zaremba. We are
5 developer for Dollar General. We were last in
6 front of you on November 12 for approval of a lot
7 line -- I'm sorry, a zoning line adjustment. So we
8 want to provide a quick refresh here. Got a color
9 site plan.
10 So we have been working with the
11 planning commission since making some minor
12 modifications, adding some more landscaping,
13 working on signage, et cetera. We're here before
14 you tonight asking for conditional final approval.
15 We did receive the comment letter from Engineer
16 McHale and we are in agreement with all the
17 conditions that he is suggesting.
18 We're here asking for
19 conditional approval because we need to move the
20 project forward. We have some outstanding outside
21 agency permits that we're getting close to
22 securing. We want to be able to secure our final
23 land development so that we can then move towards
24 closing on the property and also securing our

25 PennDOT permit and our NPDES permit.

24

1 You've been copied on some
2 recent correspondence between the conservation
3 district, yourselves and Engineer McHale. And we
4 feel that we're at a point now, as of Friday, that
5 we've got our issues resolved with the conservation
6 district, let's hope that's the case. So we're
7 hoping that within several weeks we have our NPDES
8 permit.

9 We're also hoping that tonight
10 you can pass a resolution regarding the retimings
11 of the signal at 940 -- that's Route 940 and 115,
12 and also discuss our proposed fair share
13 contribution for the intersection improvements. So
14 those are four items, if you will. I can walk you
15 through the site plan if you want, if anybody wants
16 a quick refresher.

17 You've got a four-acre parcel,
18 we're developing the front half, the part that sits
19 primarily in a commercially zoned portion of the
20 parcel. The commercial line was moved back to
21 align with the neighboring church to the east.
22 That was done in November. We're leaving the rear
23 portion of the site wooded with the exception of a
24 swale that we will be cutting through for our
25 drainage. Now, we will be reducing the outflow to

25

1 go from existing conditions to proposed conditions.
2 So although we still have to cut in a swale per the
3 request of the conservation district, downstream
4 drainage is not impacted by our developer.

5 We will be sharing an access to
6 940 with the bank that was originally platted in
7 that location. We've been working with the bank.
8 We will also be purchasing a small portion of land
9 from them and giving them back an easement. We're
10 also working with the church next door. We will be
11 securing our emergency access through their
12 driveway.

13 That's the big picture. I can
14 go into as much detail as you care to know. I will
15 be happy to answer any questions you have.

16 MS. LAMBERTON: Bob, anything
17 specific on your comment letter?

18 MR. McHALE: The only thing I
19 wanted to highlight was that they originally had
20 submitted storm water calculations and they had
21 made revisions to those calculations and
22 resubmitted them. I believe they've addressed
23 probably the majority of those comments, if not
24 all. However, I have not had time to go back in
25 detail and look through those final calcs.

1 So subject to a condition upon a
2 final review of the storm water, the board can move
3 that along with that as a condition and that's
4 spelled out in the review letter as well.

5 MR. SEAN McDERMOTT: Do we need
6 to discuss the waivers at all, since they're on
7 here or are they part of the record?

8 MR. ARMSTRONG: Yes, you will
9 need to discuss the waivers.

10 MR. SEAN McDERMOTT: So we
11 requested several waivers, most of which had to do
12 with the land development ordinance requiring
13 utilities, buildings, et cetera, shown within 500
14 feet. For a small commercial development of this
15 nature, we didn't feel that it was truly necessary
16 so we've asked for that waiver -- those waivers
17 associated with that requirement.

18 The other waiver was requested
19 to not show profiles, if you will, of our on-site
20 storm sewer. We don't have a lot of storm sewer,
21 it is a private development. So we typically don't
22 show profiles, so we ask for a waiver from that.

23 MR. ARMSTRONG: The actual
24 sections for the waivers at least --

25 MR. MOYER: 135 dash 17.

1 MR. ARMSTRONG: According to my
2 notes is 135-15.A.15, 135 dash 12.D.2 and 135-17.L
3 and M, as well as Section 124 dash 86.B.17.H of the
4 Township Code of Ordinances.

5 MR. McHALE: Now, the waivers
6 are indicated on the drawing.

7 MR. ARMSTRONG: The applicant
8 did bring up the issue of the fair share
9 contribution in lieu of trafficking permits at 115
10 and 940. I believe the board has the
11 correspondence from October 12, 2012 from L&V
12 Engineering. There is an amount discussed in that
13 letter of \$7,818. It's my understanding that the
14 township engineer is going to be reviewing that to
15 see if he agrees with that amount.

16 L&V Engineering is the
17 consultant representing the applicant in this plan.

18 MR. KERRICK: That dollar
19 amount is for the improvement, the future
20 improvement?

21 MR. ARMSTRONG: Fair share
22 contribution in lieu thereof.

23 MR. KERRICK: But it's not --
24 that doesn't include the retiming?

25 MR. McHALE: Correct.

1 MR. SEAN McDERMOTT: Retiming

2 is separate.

3 MR. KERRICK: Retiming is paid
4 for separately.

5 MS. PICKARD: I just have a
6 question, Bob, on the lighting, there was initially
7 a concern on the -- county planning commission was
8 resolved, but the planning commission, I didn't see
9 anything on that, with the spillover.

10 MR. McHALE: There is no issue
11 at this point. They've modified the lighting.

12 MS. PICKARD: Just then the
13 sewage, is that just one EDU on this?

14 MR. McHALE: Yes.

15 MR. ARMSTRONG: So I'm not sure
16 if Bob's in a position to agree with the \$7,818
17 amount tonight, but if after reviewing the planning
18 and discussing it further this evening, the board
19 could always condition their approval on having
20 that amount to be reviewed and agreed to by the
21 township engineer subsequent to this evening.

22 MS. LAMBERTON: Is that your
23 motion?

24 MR. ARMSTRONG: No, not yet.

25 MS. LAMBERTON: That sounds

29

1 fair.

2 MR. ARMSTRONG: Since the
3 applicant also brought it up, there will be a need
4 to apply for and move forward with retiming at the
5 traffic light.

6 The applicant is agreeable to
7 entering into any agreement that would be required
8 for purposes of funding and reviewing that
9 application and the work associated therewith?

10 MR. SEAN McDERMOTT: Yes. The
11 application is actually -- the retiming is already
12 approved by PennDOT, but if there's any additional
13 review by the township, we'll cooperate.

14 MR. ARMSTRONG: Now, there is a
15 review letter from the township engineer dated
16 March 9, 2013, the applicant has reviewed that?

17 MR. SEAN McDERMOTT: We have
18 and we are accepting of all conditions and
19 comments.

20 MR. ARMSTRONG: You understand
21 that the township engineer has not fully reviewed
22 the storm water maintenance plan completely thus
23 far? It's my understanding that there's still
24 potential revisions to the storm water?

25 MR. SEAN McDERMOTT: Depending

30

1 upon the review of the conservation district, yes.

2 MR. ARMSTRONG: So any action
3 by the board tonight would need to be conditional
4 upon the township engineer reviewing and finding

5 the storm water management aspect of the plan
6 acceptable pursuant to the township ordinances as
7 well.
8 And the applicant's agreeable to
9 that?
10 MR. SEAN McDERMOTT: Yes.
11 MR. KERRICK: What's the
12 board's pleasure?
13 MS. LAMBERTON: I'd like to
14 make a motion, but Patrick's going to have to do
15 it, just so we cover all of the issues.
16 MR. HOLAHAN: Are we going to
17 take this all at once? Are you going do --
18 MR. ARMSTRONG: There is going
19 to be -- the township will need to submit the
20 application for the retiming of the traffic signal.
21 That can be a separate -- can and should be a
22 separate motion.
23 MS. LAMBERTON: Okay.
24 MR. ARMSTRONG: So what we can
25 do is, so long as the applicant's agreeable to

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1 entering into any necessary agreements in order to,
2 you know, ensure that the township's not going to
3 be footing the bill for the application of the work
4 associated therewith, we can move forward with the
5 -- if the board deems appropriate, move forward
6 with the motion related to the actual land
7 development plan before.
8 MR. SEAN McDERMOTT: We are in
9 agreement.
10 MR. ARMSTRONG: With that being
11 said, if the board were to entertain a motion this
12 evening to approve the Dollar General Zaremba Group
13 land development plan and lot line adjustment plan,
14 Project 2012 dash 005, it would be conditional
15 upon:
16 The applicant complying with the
17 requirements and conditions set forth in the March
18 9, 2013 township engineer review letter; as well as
19 agreeing to a fair share contribution in lieu of
20 the traffic improvements needed at the intersection
21 of 115 and 940 in an amount acceptable to the
22 township engineer; as well as conditional upon the
23 applicant submitting revised and final subdivision
24 or storm water --
25 MR. SEAN McDERMOTT: Storm

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1 water.
2 MR. ARMSTRONG: -- management
3 plans for the township engineer's review and
4 approval subsequent to this evening; as well as the
5 applicant agreeing to enter into any and all
6 agreements necessary to ensure the applicant will

7 fund the application for the traffic signal of
8 retiming at 115 and 940; as well as the work
9 associated therewith; and comply with any and all
10 additional requirements of the Township of
11 Tobyhanna Code of Ordinances, Monroe County and the
12 State of Pennsylvania requirements.

13 MR. KERRICK: Can you do the
14 waivers?

15 MR. ARMSTRONG: It'll also be
16 conditional upon the applicant agreeing to
17 executing and recording the appropriate development
18 agreement and financial securities as with any
19 other plan before this board. And --

20 MR. HOLAHAN: Granting the
21 waivers.

22 MR. ARMSTRONG: -- the waivers
23 as earlier discussed are Sections 135-15.A.15,
24 135-12.D.2, 135-017.L and M and Section 124 dash
25 86.B.17.H of the Township of Tobyhanna Code of

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1 Ordinances.

2 Before, if that motion is to be
3 made by the board of supervisors, the applicant did
4 hand some plans up this evening.

5 Is there a latest revised date
6 for the plan?

7 MR. SEAN McDERMOTT: No. Those
8 are basically dictorial. There is a date on the
9 bottom of the color --

10 MS. LAMBERTON: 10/26.

11 MR. SEAN McDERMOTT: October
12 26.

13 MR. ARMSTRONG: I think there
14 have been revisions since that date.

15 MR. SEAN McDERMOTT: There
16 have.

17 MR. ARMSTRONG: These are
18 conceptuals, I think.

19 MR. McDERMOTT: It's an aide.

20 MR. KERRICK: Make that a
21 motion?

22 MS. LAMBERTON: So moved.

23 MR. KERRICK: You good? You
24 finished?

25 MR. ARMSTRONG: I do have -- we

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1 didn't talk about it, there is a low level -- a low
2 lying monumental type sign plan that was previously
3 submitted dated 6/19/09, is that still the monument
4 type sign proposed by the applicant?

5 MR. SEAN McDERMOTT: It is.

6 MR. KERRICK: Anything else?

7 MR. ARMSTRONG: That's all I
8 have.

9 MR. KERRICK: Thanks.

10 We have a motion, do we have a
11 second?
12 MR. HOLAHAN: Second.
13 MR. KERRICK: Questions or
14 comments from the board on the motion?
15 Questions or comments from the
16 public on the motion?
17 Troy?
18 MR. TROY COUNTERMAN: When
19 they're coming out of the bank parking lot, I'm
20 assuming, Bob, they're still sharing the bank
21 entrance coming out?
22 MR. McHALE: Yes.
23 MR. TROY COUNTERMAN: Are those
24 trees to the east, are they going to be trimmed
25 back so you can see?

35

1 MR. McHALE: Yes.
2 MR. TROY COUNTERMAN: There's
3 trees that stick out there now that are kind of
4 hard to look around.
5 MR. McHALE: They'll be removed
6 and there's also going to be right turn decel lane
7 that PennDOT has required as part of the HOP that
8 will be going in.
9 MR. KERRICK: Any other
10 questions or comments?
11 Call the vote. John?
12 MR. HOLAHAN: I vote in favor.
13 MR. KERRICK: Anne?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. KERRICK: Donny?
17 MR. MOYER: I'll vote in favor.
18 MR. KERRICK: Heidi?
19 MS. PICKARD: Vote in favor.
20 MR. KERRICK: Motion carried.
21 MR. SEAN McDERMOTT: Thank you.
22 MR. KERRICK: Thank you.
23 Next item on our agenda, Thomas
24 Darling Preserve signage. Anyone here from Thomas
25 Darling?

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1 Mr. Cook?
2 MR. BUDD COOK: Budd Cook,
3 Pocono Lake for Blakeslee. I'm with the
4 conservancy. I'm with the Nature Conservancy and
5 I'm here for two reasons. One is to talk to you
6 about our -- well, talking about the Thomas Darling
7 Preserve which is one of the most significant
8 wetlands systems in Pennsylvania. It's located
9 west of Locust Ridge Road, north of 940, south of
10 the Lehigh River and east of Route 115.
11 The preserve is about 2,500

12 acres. Acquisition by the conservancy started
13 there in 1991 and has proceeded over the past 20
14 years or so in cooperation with the township and
15 Wildlands Conservancy, a regional land trust based
16 in the Lehigh Valley. The township owns 134 acres
17 and has a management agreement with the Nature
18 Conservancy, which was signed probably about 15
19 years ago.

20 Wildlands Conservancy also has a
21 management agreement with the Nature Conservancy.
22 So the Nature Conservancy manages the preserve even
23 though there are various ownerships. We have
24 aspired for a number of years to improve access to
25 the preserve. The preserve has been open to the

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1 public for many years, but access has been
2 problematic.

3 We applied several years ago to
4 DCNR for a grant to create a trail head and a
5 nature trail off of the end of Burger Road where we
6 had acquired some property. The township
7 graciously agreed to endorse that grant
8 application, which I think we submitted four years
9 ago. We were turned down by DCNR so we have been
10 beating the bushes for private funding ever since.
11 We now have the funding, we have all the permits
12 for that trail, which is a little over -- it's a
13 circular -- what do you call it?

14 MR. McHALE: Loop.

15 MR. BUDD COOK: -- it's a loop,
16 a loop. We have the funding, we have all the
17 permits. Part of the trail is a plank trail and
18 part of it is a boardwalk and then part of it is
19 gravel and part of it is on terra firma, just a
20 dirt -- an existing dirt trail. Most of the trail
21 is on Nature Conservancy owned property. Some of
22 it is on neighboring property and we've already
23 signed a nominal lease agreement with that
24 landowner.

25 We expect to finish the work

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1 within the next couple of months and have a
2 dedication sometime midsummer to which you all
3 would be invited. Any questions about the trail?
4 It's off the end kind of -- kind of right where the
5 pavement on Burger Road ends.

6 Any questions about that before
7 I go to No. 2?

8 MS. PICKARD: Where does the
9 loop go? Can you -- is it a couple miles or two
10 mile run?

11 MR. BUDD COOK: It's a little
12 over, it's about 5400 feet. And it starts -- the
13 yellow line is Nature Conservancy property so the
14 trail starts here on Burger Road, and what's red

15 stand for? It's hard to read.
16 MS. PICKARD: Adjacent property
17 boundary, um, proposed trail is the dots.
18 MR. BUDD COOK: Okay. So
19 that's the proposed trail. And then the blue is
20 boardwalk?
21 MS. PICKARD: Proposed
22 boardwalk.
23 MR. BUDD COOK: And then this
24 is more trail and then it loops around.
25 MR. MOYER: What's yellow, the

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1 plank?
2 MR. BUDD COOK: And this is the
3 plank.
4 MR. PICKARD: The plank, orange
5 is plank.
6 MR. BUDD COOK: Then we follow
7 our property line here and then loop around here on
8 the Kiss Corporation property.
9 MR. MOYER: Is there any
10 existing trail there now?
11 MR. BUDD COOK: Yeah. A good
12 bit of the upland -- the upland segments of the
13 trail are existing. The wetland are not and we're
14 building boardwalk and plank.
15 The trail will be marked with
16 interpretative signage. There will be a kiosk at
17 the trail head with interpretive material and there
18 will be parking for eight to ten cars. There
19 actually, I think, already is. There's a school
20 bus turnaround on that trail head property, which
21 is rough stone. We'll be putting finer gravel on
22 top of that.
23 MS. LAMBERTON: How can we help
24 you?
25 MR. HOLAHAN: Well, that's just

40

1 the one thing. Now you're --
2 MR. MOYER: He's not done.
3 MR. BUDD COOK: Yeah, I'm just
4 letting you know.
5 MS. LAMBERTON: Oh, okay. Just
6 wondering where it was going.
7 MR. HOLAHAN: We're waiting for
8 him to ask for money.
9 MR. MOYER: That's Project 1.
10 MS. LAMBERTON: Just thought
11 I'd ask.
12 MR. BUDD COOK: I'm not going
13 to ask you for money.
14 MS. LAMBERTON: Really?
15 MR. BUDD COOK: The second item
16 is that -- this also has to do with improving

17 public access to the property -- is that there --
18 you can see from that colored parcel, the ownership
19 map, that there is some frontage on the Caughbaugh
20 Road and the purple parcel is owned by the
21 township.
22 The Caughbaugh Road frontage had
23 been marked with like boundary marker signs maybe
24 this big. Many of this was in the '90s, many of
25 them have disappeared over the years. We would

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1 like to put a bigger sign, say, three by four feet
2 at a point on the township road frontage that says
3 the township owns the property, it's open to the
4 public, for further information, and then put the
5 Nature Conservancy's website there.
6 It's open to public hunting, but
7 people often contact us for details about hunting
8 access and this would be a way to provide it. The
9 location we're suggesting is pretty much right
10 across the Caughbaugh Road from the one in-holding
11 in the property which is owned by Jim Millington
12 (phonetic) and Dean Ruppel (phonetic), they have a
13 house there, a funky three-story house.

14 I think it burned down maybe ten
15 years ago and they rebuilt it. I think they're now
16 on the grid, last I heard. There is a rough trail
17 across the road from their house, so seems to me
18 that would be a good place to put the sign.
19 There'd be an opportunity to improve that trail
20 over time, but in the meantime, for rough hiking
21 and hunting access, that would serve the purpose.

22 Also anything we do there, the
23 fact that it's across the road from a house means
24 that there's more security for signage and trail
25 maintenance. If we end up being able to park a

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1 couple of cars there in the future, there's just
2 more security if there are eyes across the road
3 looking at the site. Now, that's not the only
4 place that the sign could be put, but that's one
5 that I think would be the best.

6 MS. PICKARD: You said there
7 were some pull-off spots there or --

8 MR. BUDD COOK: There are.
9 Now, I haven't been on the road for a while and I
10 know there's more truck traffic on the road. We
11 had cleared that spot a number of years ago just as
12 a -- you know, it's a grassy spot. We just cleared
13 it so people could pull over, but I don't know what
14 the condition of it is right now. We can certainly
15 do that again.

16 MR. KERRICK: Are you looking
17 for us for permission for the signage?

18 MR. BUDD COOK: We would like
19 to reach a consensus with the township that that is

20 the best place for a sign, it would be about three
21 feet by four feet. And, you know, if you, John, or
22 Bob, think that hey, that's -- there's a problem
23 there and it should go somewhere else, then, you
24 know, we're open to that too. We'd rather not do
25 it without an on-site consultation with the

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1 township.
2 MR. KERRICK: What's the
3 board's pleasure?
4 MS. LAMBERTON: Do you know if
5 we have any ordinance or anything, a sign ordinance
6 that --
7 MS. HAASE: Yeah. Mr. Cook
8 would have to submit to my office, also the
9 building code official, the kiosk, the proposed
10 signage to make certain he's compliant with the
11 ordinance and certainly the erection of a sign has
12 to meet the State Code.
13 MS. PICKARD: But you have to
14 find a location first before?
15 MR. KERRICK: We can do that.
16 MS. LAMBERTON: Why not you and
17 Bob go and view the property and find the best
18 location that would work with what your needs are?
19 MR. KERRICK: Okay.
20 MS. LAMBERTON: I'm fine -- I'm
21 fine with that.
22 MR. KERRICK: We'll take a look
23 and be in contact with you.
24 MR. BUDD COOK: Thank you very
25 much.

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1 MR. KERRICK: Thank you.
2 MS. PICKARD: Thank you for the
3 update.
4 MR. KERRICK: Next item on our
5 agenda is Wilkes-Barre Eastern Trail Greenway
6 feasibility study.
7 MS. LAMBERTON: She was unable
8 to attend this evening, she asked to be rescheduled
9 for our work session.
10 MR. KERRICK: Reschedule for
11 the work session?
12 MS. LAMBERTON: Yes, please.
13 MR. KERRICK: Next item on our
14 agenda, consider Resolution 2013 dash 012, tobacco
15 free policy.
16 What's the board's pleasure?
17 MR. HOLAHAN: John, what's the
18 resolution number again, John?
19 MR. KERRICK: 2013 dash 010.
20 MR. HOLAHAN: I make a motion
21 that we approve Resolution 2013 dash 010 on the

22 tobacco free policy.
23 MS. LAMBERTON: I will second.
24 MR. KERRICK: Do we want to
25 identify the areas at the emergency services

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1 building in your motion that we did at the work
2 session?
3 MS. PICKARD: No. 4 on the
4 motion says the only exception to this tobacco free
5 policy shall be in certain areas that are
6 specifically designated, identified and authorized
7 by the township in writing. So that would be my
8 question also. I don't know if Eddie's here, I
9 thought he was going to --
10 MR. KERRICK: Well, we looked
11 at that at the work session and --
12 MS. PICKARD: Yeah, Eddie's back
13 there.
14 MR. KERRICK: I don't see him.
15 MS. PICKARD: Well, he's short.
16 MR. KERRICK: There he is.
17 MS. PICKARD: So is everybody
18 in consensus with the location that he said at the
19 end of the building by the berm?
20 MR. KERRICK: Absolutely.
21 MR. MOYER: Where do they keep
22 the gas cans?
23 MR. ED TUTRONE: I was supposed
24 to get together with Bob and go over the area and
25 what we're gonna put there, but I didn't get a

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1 chance to do that yet.
2 MR. HOLAHAN: Pretty sure those
3 guys could work that out.
4 MR. KERRICK: Absolutely.
5 MR. HOLAHAN: I think the
6 resolution, the way we've got it stated here, is
7 sufficient.
8 MR. KERRICK: Any other
9 questions from the board?
10 Questions from the public?
11 Call the vote. John?
12 MR. HOLAHAN: I vote in favor.
13 MR. KERRICK: Anne?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. KERRICK: Donny?
17 MR. MOYER: I vote in favor.
18 MR. KERRICK: Heidi?
19 MS. PICKARD: I'll vote in
20 favor.
21 MR. KERRICK: Motion carried.
22 Next item, consider Resolution
23 2013 dash 011, it'd be the authorization to submit
24 PennDOT application for traffic signal approval

1 General.
2 MR. HOLAHAN: So that was not
3 part of our Dollar General --
4 MS. LAMBERTON: Didn't we
5 already do that?
6 MR. ARMSTRONG: It was not,
7 this is separate.
8 MR. KERRICK: No, it was not.
9 MR. MOYER: This is different.
10 MS. LAMBERTON: A separate
11 resolution.
12 MR. ARMSTRONG: This is
13 authorizing the township to proceed with submitting
14 that application to PennDOT for the retiming.
15 MR. McHALE: The applicant
16 agreed to do the retiming at their cost. This is
17 just to authorize the signature of the application
18 to go into PennDOT.
19 MS. PICKARD: I'll make a
20 motion we approve Resolution 2013 dash 011.
21 MS. LAMBERTON: I'll second.
22 MR. KERRICK: Motion and
23 second.
24 Questions or comments from the
25 board?

1 Questions or comments from the
2 public?
3 Call the vote. John?
4 MR. HOLAHAN: I vote in favor.
5 MR. KERRICK: Anne?
6 MS. LAMBERTON: I vote in favor.
7 MR. KERRICK: Donny?
8 MR. MOYER: I vote in favor.
9 MR. KERRICK: Heidi?
10 MS. PICKARD: I vote in favor.
11 MR. KERRICK: Motion carried.
12 We already did 2012.
13 Do we have anything else from
14 the board?
15 MS. PICKARD: I did have one
16 thing I wanted to bring up and we can discuss it
17 further at our work session, but I had a meeting
18 with our healthcare management and it looks like
19 we're going to more than likely get some money
20 back. So this is just a preliminary number that
21 hasn't been worked out, but it should pretty much
22 hold. I did give Bob a copy of that.
23 So if we could think about this
24 I'd like to suggest -- I know some of the other
25 municipalities put this in a fund to offset the

1 increases that we have down the road and also
 2 propose like maybe putting 10 percent back into a
 3 wellness plan or wellness benefits for the
 4 employees to encourage them to be healthy.

5 MR. HOLAHAN: I think it's a
 6 good idea.

7 MS. PICKARD: Keep our costs
 8 down.

9 MR. HOLAHAN: I'd like to
 10 pursue that.

11 MS. LAMBERTON: I'm fine with
 12 that as well, I think that's a good idea, save the
 13 money for next year.

14 MR. MOYER: It was a good
 15 chunk.

16 MS. PICKARD: That was really
 17 nice. I was kind of convoluted in this with our
 18 cross share, we're in the small group, but -- you
 19 know, because we had the cross share twice.

20 MR. MOYER: It was a good
 21 chunk.

22 MS. PICKARD: What's that?

23 MR. MOYER: I said, it's a good
 24 chunk.

25 MS. PICKARD: Yeah, yeah.

1 Really good chunk, so that was nice.

2 That's all.

3 MR. KERRICK: We have a little
 4 something for Bob McHale. There's a plaque I'd
 5 like to read: National Engineer's Week February
 6 2013, presented to Robert McHale in recognition of
 7 his outstanding service and dedication to Tobyhanna
 8 Township by the Tobyhanna Township Supervisors.

9 (Audience applauds.)

10 MR. KERRICK: Anyone from the
 11 board have anything else?

12 MS. LAMBERTON: Does Bob have a
 13 few words?

14 MR. KERRICK: Anyone from the
 15 public?

16 Yes, sir?

17 MR. TROY COUNTERMAN: I have
 18 two questions real quick. Do you guys as members
 19 of the board have a policy or resolution in place
 20 allowing you guys to commission work, to have it
 21 done, without bringing it to the board for
 22 discussion or vote?

23 MR. ARMSTRONG: Just identify
 24 yourself for the purposes of the record.

25 MR. TROY COUNTERMAN: Troy

1 Counterman.

2 MR. ARMSTRONG: I know you,
3 but --
4 MR. TROY COUNTERMAN: Not a
5 problem.
6 MR. KERRICK: What was your
7 question?
8 MR. TROY COUNTERMAN: Do you
9 have a policy or resolution in place that allows
10 any one of you commission members to commission
11 work to be done without bringing it here for
12 approval or vote?
13 MR. KERRICK: I don't think we
14 have a resolution or a policy.
15 MR. TROY COUNTERMAN: Okay.
16 Thanks.
17 And then my second question is,
18 in the awarded machine and labor rental bid, I
19 noticed through the prevailing wage and
20 nonprevailing wage, the rates are exactly the same,
21 is there a reason for that.
22 MR. KERRICK: I'd have to ask
23 the contractor that.
24 MR. McHALE: That's how the bid
25 was received.

52

1 MR. KERRICK: Any other
2 questions from the public?
3 We're adjourned. Thank you for
4 attending.
5 (Meeting concluded at 7:55 p.m.)
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I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the notes taken by me at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.

TARA WILSON, C.R.

Before

THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

In Re: Regular Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Wednesday, March 27, 2013 beginning at 5:30 p.m.

PRESENT: MARK SINCAVAGE, Chairperson
JOSEPH MILLER, Vice-Chairperson
ROBERT BAXTER, Board Member
ANNE LAMBERTON, Board Member

KELLY EBERLE, ESQUIRE,
Alternate Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer
ROBERT J. McHALE, Township Engineer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. SINCAVAGE: I'll call the
2 regularly scheduled meeting of Tobyhanna Township
3 Planning Commission to order for March 27, 2013.
4 Any public comment in general?
5 Move on to -- I'd like to
6 suggest that we table the minutes because we just
7 received them today electronically and I only got
8 about halfway through them.
9 I'll entertain a motion to table
10 the March 7, 2013 meeting minutes.
11 MR. MILLER: So moved.

12 MR. BAXTER: Second.
13 MR. SINCAVAGE: I have a motion
14 and second.
15 All those in favor, please say
16 aye?
17 BOARD MEMBERS: Aye.
18 MR. SINCAVAGE: Under old
19 business, anything under Wee Wons? Is there
20 anything new?
21 I'll entertain a motion to table
22 Wee Wons land development plan.
23 MR. MILLER: So moved.
24 MR. BAXTER: Second.
25 MR. SINCAVAGE: Motion and

3

1 seconded.
2 All those in favor, please say
3 aye?
4 BOARD MEMBERS: Aye.
5 MR. SINCAVAGE: Anything new on
6 Locust Ridge?
7 MR. McHALE: No, sir.
8 MR. SINCAVAGE: I'll entertain
9 a motion we table the Locust Ridge land development
10 plan.
11 MR. MILLER: So moved.
12 MR. BAXTER: Second.
13 MR. SINCAVAGE: Motion and
14 seconded.
15 All those in favor, please say
16 aye?
17 BOARD MEMBERS: Aye.
18 MR. SINCAVAGE: Kalahari land
19 development.
20 Would you like to talk about
21 anything?
22 MR. RALPH MATERGIA: I think
23 we're here on the planning module.
24 MR. McHALE: Yes, but he was
25 just asking, do you have anything you want to add

1 or just present to them as far as an update on the
2 land development portion of it? And then we'll get
3 to the planning module here in a second.

4 MR. JOSEPH MULLEN: Well, I
5 just --

6 THE REPORTER: Would you just
7 state your name, please?

8 MR. JOSEPH MULLEN: Joseph
9 Mullen, M-U-L-L-E-N.

10 THE REPORTER: Thank you.

11 MR. JOSEPH MULLEN: Where we
12 stand is we have received the latest and greatest
13 letter from Bob on the storm water -- storm water
14 management comments. We will be making any
15 miscellaneous revisions that we need to make and
16 then resubmitting the documents for your review.
17 Okay?

18 Uhm, just in general we're -- we
19 are in the process with Monroe County Conservation
20 District. We have a meeting tomorrow afternoon to
21 discuss the first review letter. We think we're
22 making great progress with that process, it's been
23 very quick. We are currently -- we have a planning
24 module in front of you this evening and we can also
25 -- we have moved down to Brodhead Creek water.

1 We're going to be getting our water from Brodhead
2 Creek. So that changes some of the dynamics here
3 that we had prior.

4 We have received a highway
5 occupancy approval for our highway occupancy study.
6 In the process of preparing the drawings for
7 District 5 for the interim entrance or the entrance
8 for the first phase of the Kalahari project. The
9 complete full build study is underway; it should be
10 finished shortly. So we can also present that to
11 you for review along with District 5.

12 And at that point, I think we're

13 -- we're set. We have a meeting next week to talk
14 about the site and fire flow and distribution for
15 fire fighting on the site itself. I know the
16 conversations that had been had with the internal
17 for the building sprinklers and such with the
18 architect. Next week, next Wednesday we have a
19 meeting at 9:30 here at the township for that
20 purpose.

21 MR. SINCAVAGE: Just a
22 question, I see there's a letter here from the
23 Pennsylvania Department of Environmental Protection
24 for the NPDES permit.

25 Is the NPDES permit being

6

1 reviewed by --

2 MR. JOSEPH MULLEN: Yes. Well

3 --

4 MR. SINCAVAGE: By NERO?

5 MR. JOSEPH MULLEN: No. It's
6 being reviewed by Monroe County. There has been a
7 change in the policy at DEP, that DEP will now
8 review and issue all of the NPDES review letters.
9 So although Monroe County Conservation District
10 will do the review, they do the technical review,
11 they submit that technical review to DEP. DEP will
12 then review that and issue it from the DEP.

13 That was in an attempt, as I
14 understand it, what I was told, it was an attempt
15 to make sure there's uniformity on the reviews and
16 the comments on NPDES permits.

17 MR. SINCAVAGE: Okay.

18 Any questions from the board?

19 Any questions or comment from
20 the public?

21 Thank you.

22 Next item on our agenda is the
23 planning module for Kalahari.

24 MR. JOSEPH MULLEN: I'll stand
25 up. As you -- as you all know, we've been working

1 on this planning module since November. We've had
2 multiple, multiple revisions. Most of those
3 revisions have come through the Pocono Township's
4 comment side, they being the conveyors of the
5 sewage. And those questions are a broad spectrum,
6 a lot to do with ownership and whatnot.

7 What we have here is the
8 planning module, now, before you is, first of all,
9 a sewage area that is solely in Tobyhanna Township.
10 Previous versions had pieces in Pocono Township.
11 Attorneys met, attorneys decided that it should be
12 just in Tobyhanna Township. So it covers the
13 Kalahari project and it covers the proposed Pocono
14 Manor portion piece, no more, no less, in Tobyhanna
15 Township.

16 What we have -- in order to
17 sewerage that area, we will be picking up the sewer
18 at a common point on the access road into the
19 Kalahari Pocono Manor facility. We'll be taking it
20 cross country in a gravity line through Pocono
21 Manor property along the Swift -- along down by
22 the -- what they call Cliff Road down through here.
23 It'll come over through the Pocono Manor property
24 down to a point on State Route 314 where it'll
25 cross State Route 314 in Pocono Manor property.

1 And there'll be a sewage pumping
2 station at that point, which will pump the sewage
3 down to State Route 340. Will be in State Route
4 314 at that point, down State Route 314 through an
5 existing easement that Pocono Township has to their
6 Pump Station No. 1, which is in the vicinity of
7 Sanofi.

8 At the intersection where Pocono
9 Mountain School District is, there's a pump station
10 right down there. So we will be picking a new line
11 laid that's dry. Just for future purposes, we'll
12 be picking up a new eight inch line at that point,
13 which then will be pumped up to the -- to a gravity

14 system a little bit further down in Pocono Township
15 system. So that's the intent today.

16 A couple items in the latest and
17 greatest version of the planning module. You folks
18 are most likely going to be the owners of the line,
19 of the force main and the gravity line up from
20 Pocono Town -- Pocono Manor. On a similar note,
21 not only that we're getting water from Brodhead
22 Creek -- so sewer and water both Brodhead Creek --
23 we're picking up the water line right behind the
24 Amber Steakhouse.

25 There's an existing gravity

9

1 line -- there's a water tank that's built on this
2 side of 611 over here somewhere -- that will be in
3 a trench on State Route 314 -- not necessarily next
4 to this sewer line, but there's a separation
5 distance, et cetera -- coming up to about the same
6 point -- oh, excuse me, let me back up a little
7 bit. Coming up to a piece of property that Pocono
8 Manor owns right here.

9 A booster station is necessary
10 because the elevation change between 611 and the
11 project site, booster station back in 314. Once we
12 get across the new bridge, if you will, the
13 reconstructed bridge, we'll go onto Pocono Manor
14 property following the line of the old Pocono Manor
15 Road. It used to be there years and years ago.
16 We'll follow that alignment until it crosses 314.

17 It'll go up 314 a little
18 further, 314, before it gets to the carriage house
19 it will jump back to Pocono Manor side of the
20 property, go up to the Pocono -- the Pocono
21 Township/Tobyhanna Township line and make its way
22 to the water tank and then back down on a
23 transmission line that will facilitate the project.
24 So we have both sewer and water can happen at the
25 same time.

10

1 Both projects are TIF -- in the
2 TIF funding. Because they will be publically
3 owned, those are not taxable TIF funds. So that is
4 the intent.

5 With that, the planning module
6 is -- now it is -- DEP has seen our draft copy of
7 it so they could get their hands on it. And I know
8 that today I have received a letter from Bob on
9 some comments on the planning module. That's where
10 we stand.

11 MR. SINCAVAGE: Bob, any
12 questions?

13 MR. McHALE: Just on the
14 ownership or dedication of the line, again, is that
15 gravity and what? Just in Tobyhanna Township or
16 the entire --

17 MR. JOSEPH MULLEN: The entire
18 line.

19 MR. McHALE: -- gravity and
20 force main?

21 MR. JOSEPH MULLEN: Yes.

22 MR. McHALE: So the revised
23 planning module would be adjusted to clarify?

24 MR. JOSEPH MULLEN: The revised
25 planning module will be adjusted to that. It'll be

11

1 adjusted so that the comments that we've received
2 just early this week from Pocono Township --
3 they're similar comments.

4 There's comments about a sewage
5 drain. There's comments about financial analysis.
6 There's comments about some -- several minor things
7 and they will be picked up and that will become
8 part of your planning module. It'll be the same
9 planning module that will go to DEP eventually,
10 hopefully.

11 MR. SINCAVAGE: Has this been
12 reviewed in terms of the planning commission's
13 responsibility for approval?

14 MS. HAASE: Component 4A?

15 MR. McHALE: Yes. That's in
16 good order as well.
17 MR. SINCAVAGE: That's in --
18 MR. McHALE: Yes.
19 MR. SINCAVAGE: So the staff
20 recommendation is that the planning module is in
21 order for the planning commission to make the
22 recommendation to assign the 4E, is it?
23 MS. HAASE: 4A.
24 MR. McHALE: Yes.
25 MR. SINCAVAGE: Any questions

12

1 from the commission?
2 Any questions from the public?
3 MS. THERESA MERLI: Just a
4 comment.
5 MR. SINCAVAGE: Yes.
6 THE REPORTER: May I just have
7 your name, please?
8 MS. THERESA MERLI: I'm sorry,
9 Theresa Merli, Brodhead Watershed Association. I
10 just wanted to express how grateful we are that
11 folks were willing to listen to our concerns and we
12 feel that this is a much better solution. And we
13 add our hopes to yours that this is the last
14 version and that it moves forward for you.
15 MR. JOSEPH MULLEN: Thank you.
16 MS. THERESA MERLI: Thank you
17 for your civility.
18 MR. SINCAVAGE: Okay. So I
19 will entertain a motion to approve the planning
20 module as submitted authorizing the secretary to
21 sign Component 4A.
22 MR. MILLER: So moved.
23 MR. SINCAVAGE: I have a
24 motion. Do I have a second to the motion?
25 MR. BAXTER: Second.

13

1 MR. SINCAVAGE: Motion and

2 seconded.

3 All those this favor, please say
4 aye?

5 BOARD MEMBERS: Aye.

6 MR. SINCAVAGE: Visioning
7 process.

8 Did the supervisors give us a
9 couple million?

10 MS. HAASE: Well, I haven't had
11 the opportunity to meet with the supervisors as of
12 yet. We meet next -- or this coming Monday. The
13 one thing that I was thinking over and wanted to
14 run past you folks before we presented this to the
15 board of supervisors; for the Blakeslee Visioning
16 we formatted a steering committee. And we had
17 multiple meetings here with the public. We kind of
18 have a feel now of what the township is looking
19 for.

20 Would it be beneficial for us to
21 go through that same process or should we just jump
22 into trying to get an overlay in place for that
23 area?

24 MS. LAMBERTON: My opinion is
25 an overlay.

14

1 MR. SINCAVAGE: I agree.

2 MS. HAASE: And not go through
3 that whole first step again?

4 MS. LAMBERTON: I think we need
5 to move on this.

6 MR. SINCAVAGE: I think we've
7 given the public an opportunity to provide for
8 their input.

9 MS. HAASE: I agree.

10 MR. SINCAVAGE: They are aware
11 of it, people have talked about it. They were
12 excited about it two years ago or whenever it was.

13 MS. LAMBERTON: I think they're
14 waiting for us to make a move to be honest with
15 you.

16 MS. HAASE: So it's acceptable
17 to the planning commission that I present to the
18 board that we just would like to move forward with
19 an overlay of that area?

20 MR. SINCAVAGE: Yes. And then
21 once we have something in place or some direction,
22 you know, from the attorney and from -- I assume
23 we're going to have to have a planner come in on
24 this?

25 MS. HAASE: We may. Now, one

15

1 other question, are we looking for an overlay for
2 the visioning and then separate components for the
3 eastern, western and central areas? Or are we
4 looking at for one, for each specific area? You
5 understand what I'm saying?

6 MS. LAMBERTON: I think we
7 should look at a general one to get all three areas
8 started.

9 MR. SINCAVAGE: I'd like that
10 consistency.

11 MS. LAMBERTON: Yeah, I would
12 like that as well.

13 MS. HAASE: Okay. I'll present
14 that on Monday to the board of supervisors.

15 MR. SINCAVAGE: Okay.

16 MS. HAASE: Thank you.

17 MR. LAMBERTON: Thank you.

18 MR. SINCAVAGE: Any questions
19 or further comment from the commission?

20 Anything from the public?

21 All right. Thank you, Phyllis,
22 keep moving on that.

23 Next item on our agenda under
24 new business is -- well, Schaab?

25 MS. HAASE: I believe so.

16

1 THE REPORTER: May I just have
2 your name?

3 MR. JERRY HANNA: Jerry Hanna,
4 I'm here with my client Brendon Carroll, Pinecrest
5 Development Corp, who is also an applicant on that
6 matter. Now, the application is for a variance
7 before the zoning hearing board.

8 I didn't -- Phyllis had called
9 me last week and offered the opportunity to come
10 here tonight due only, I'll say, to the fact that
11 there's some issue as to the ordinance. The
12 township ordinance is really both 77 and the flood
13 plain ordinance, as well as the zoning between
14 special exception provisions and variance
15 provisions.

16 Now, we've decided, we applied
17 for a variance only, which goes before the zoning
18 hearing board, and that's been scheduled. And I'd
19 indicated to Phyllis, I guess yesterday, that we
20 did not intend to be here for a special exception
21 consideration, which would be required by you, not
22 for the variance, but we thought we should be --

23 And I indicated to her that we
24 wouldn't be here, therefore, but in order not to
25 have you react negatively to our not being here,

17

1 since we understood it was on your agenda, we're
2 here and we can answer any questions. Maybe
3 Phyllis can fill you in -- she has us here.

4 MR. SINCAVAGE: We've had you
5 off and on the agenda all afternoon.

6 MS. HAASE: All day. I
7 actually spoke with Attorney Hanna this morning.
8 It was off of some discussion that the solicitor
9 for the zoning hearing board had recommended that
10 we reach out to the applicant with trying to
11 alleviate any possibility for anyone possibly
12 appealing the decision from the zoning hearing
13 board.

14 There are definitely, for lack
15 of a better term, some sloppy draftmanship between
16 77 and Chapter 155. We felt, in fairness to the

17 applicant, that they needed to be aware of the
18 language it spoke to, a special exception and to a
19 variance. Attorney McDonald had thought that it
20 would be best for the applicant and Attorney Hanna
21 to make the decision on whether they wanted to move
22 forward with the special exception or variance.
23 And that is why they were placed on your agenda for
24 today.

25 Since then Attorney Hanna, as I

18

1 said we spoke this morning, and as he also stated
2 their intent is to move forward with the variance.
3 So in essence there'll be no action needed from the
4 planning commission.

5 MS. LAMBERTON: That was easy.

6 MS. HAASE: Did I say that
7 properly? Do you have anything else to add?

8 MR. JERRY HANNA: No.

9 MS. LAMBERTON: What's the
10 object of -- I mean, what do you guys need? What's
11 the outcome? I mean, we'll help you, what do you
12 need done? No, I'm serious. I mean --

13 MR. JERRY HANNA: Do you want
14 to jump on that?

15 MS. LAMBERTON: I'm willing to
16 listen.

17 MR. JERRY HANNA: I mean, what
18 this involves is a variance being sought for
19 construction of a home on an approved lot in
20 Pinecrest in -- that is allegedly in the flood
21 plain.

22 MS. LAMBERTON: With our new
23 ordinance that we're looking at or our current?

24 MR. JERRY HANNA: I know Mr.
25 McHale could probably answer that better than --

19

1 MS. HAASE: I believe it is --

2 MR. BRENDON CARROLL: I believe
3 it's on a revised map.

4 MR. McHALE: I haven't looked
5 at the application.

6 MS. LAMBERTON: Because I
7 (inaudible) in the benefit of the property owners
8 as well, that's what I'm asking.

9 MS. HAASE: It is on the
10 current as Zone A, where I believe that's -- it has
11 been delineated and on the proposed it is in a
12 flood plain. There was no maps presented with the
13 application to the zoning hearing board so I was
14 only able to do an aerial shot. There's water
15 around three sides of the parcel.

16 With it being in zoning and if
17 it's the intent of the applicant to move forward as
18 a variance, it would -- the proper board would be
19 in front of the zoning hearing board to make that
20 decision.

21 MR. LAMBERTON: But you got it
22 handled, Phyllis, or --

23 MS. HAASE: I wouldn't say I
24 have it handled, but I think I have the ordinance
25 straightened out and we certainly will correct the

20

1 areas that lead to some confusion.

2 MS. LAMBERTON: I was just
3 curious. Thank you.

4 MR. SINCAVAGE: Any further
5 questions on that item?

6 Bob, we had (inaudible) here in
7 the pile? I'm not sure if that was for me or it
8 just happened to show up in the pile.

9 MR. McHALE: I believe it's
10 just for your information.

11 MS. HAASE: I believe Maureen
12 was just distributing the information. That was a
13 question that we had. For those that aren't aware,
14 Maureen Minnick is back with Tobyhanna Township.
15 She's our land use and engineering assistant. So
16 she's helping Bob and myself and she's been a huge
17 asset in the last two weeks.

18 I do have three projects that
19 are pending right now that should be before you
20 folks in the next few months. I'm pretty excited
21 about that. So we will now start to have a lot of
22 correspondence going back and forth. We'd like to
23 start using the jump drives again to distribute the
24 information.
25 I believe, Joe, you'd like hard

21

1 copies, correct? You prefer a hard copy?
2 MS. LAMBERTON: He's a printer.
3 MS. HAASE: That's a hard copy.
4 Is that acceptable for everyone, if we just -- we
5 don't give you hard copies and we'll just have
6 something for Joe?
7 MR. SINCAVAGE: I'm fine with
8 it just be being emailed and we can upload it.
9 MS. HAASE: Okay.
10 MS. LAMBERTON: Yeah, I'm fine
11 with that as well. I was just -- once you say the
12 jump drive, what do you mean?
13 MS. HAASE: Just email them?
14 MS. LAMBERTON: Yeah, I'm fine
15 with being emailed.
16 MR. BAXTER: Easier.
17 MS. HAASE: Good enough.
18 MS. LAMBERTON: Are you good
19 with that? Just take care of Joe.
20 MS. HAASE: Okay. We'll take
21 of Joe.
22 MS. LAMBERTON: Just take of
23 care Joe in order to keep us happy.
24 MR. SINCAVAGE: You just upload
25 it to the Cloud and then you can do it out of

22

1 whatever device you want.
2 MS. LAMBERTON: Absolutely.
3 MR. SINCAVAGE: That's the
4 easiest way to do it.

5 MS. HAASE: Thank you.
6 MS. LAMBERTON: And make your
7 life easier too, Phyllis.
8 MR. SINCAVAGE: Yep. I'll just
9 announce it, it's just been sitting on the table.
10 Arcadia Properties did start building the road
11 across the wetlands, with all the proper permits,
12 in New Ventures Commercial Park to start the access
13 to lot 110.
14 MS. LAMBERTON: Good luck.
15 MR. SINCAVAGE: The project is
16 underway.
17 MS. LAMBERTON: Good to hear.
18 MS. HAASE: Good.
19 MR. SINCAVAGE: Anything else
20 to come before the board?
21 We stand adjourned. Thank you.
22 (Meeting concluded at 5:53 p.m.)
23 ---
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7 I hereby certify that the
8 proceedings and evidence are contained fully and
9 accurately, to the best of my ability, in the notes
10 taken by me at the meeting in the above matter; and
11 that the foregoing is a true and correct transcript
12 of the same.
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16 TARA WILSON, C.R.
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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

THE POCONO TOWNSHIP BOARD OF SUPERVISORS

and

THE BRODHEAD CREEK REGIONAL AUTHORITY

In Re: Joint special meeting to review and discuss
the sewer and water issues surrounding the
Kalahari Resorts proposed land development
plan and any other general issues relevant
to the same brought before the boards.

Pocono Township Building
112 Township Drive
Tannersville, Pennsylvania 18372
Thursday, March 28, 2013 beginning at 6:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
(TOBYHANNA) HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

JONATHAN REISS, ESQUIRE, Solicitor

PRESENT: FRANK HESS, Chairperson
(POCONO) HENRY BENGEL, Vice-Chairperson
HAROLD WERKHEISER, Board Member

TIMOTHY McMANUS, ESQUIRE, Solicitor

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

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PRESENT: JOSEPH T. SHAY, Chairperson
(BCRA) JOHN PARKER, Vice-Chairperson
CHARLES VOGT, Board Member
W. TAYLOR WENCK, Secretary
CHARLES GARRIS, Treasurer

JOHN C. PREVOZNIK, ESQUIRE,
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Tobyhanna Township
Zoning Officer
ROBERT J. McHALE, Tobyhanna Township
Engineer

FRANK FORIO, Pocono Township
Administrator

KENNETH R. BROWN, BCRA Manager
CHRIS BORGER, BCRA Engineer
MAX STONER, Engineer from
Glance Associates

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MR. HESS: Call the meeting to

2 order with the pledge of allegiance.

3 (Pledge of allegiance was
4 recited.)

5 MR. HESS: If everyone could do
6 me a favor in this meeting, when you stand up to
7 say whatever you have to say, say your name and
8 spell it for Tara, the stenographer, please. And
9 try to talk one person at a time and not over each
10 over so she could take the right notes. I'd
11 appreciate that.

12 And thank you.

13 MR. BROWN: Do you want to call
14 your board together for a quorum just for the
15 minutes, Frank?

16 MR. McMANUS: Yeah, you can
17 just call the meeting to order and just --

18 MR. HESS: Call the meeting to
19 order.

20 MR. McMANUS: Do a roll call.

21 MR. HESS: Roll call.

22 Henry Bengel?

23 MR. BENGEL: Here.

24 MR. HESS: Harold Werkheiser?

25

MR. WERKHEISER: Yes.

4

1

MR. HESS: Frank Hess? Yes.

2

Thank you.

3

MR. KERRICK: Want to do our

4

portion now?

5

Call the Tobyhanna portion to

6

order with a roll call.

7

John Holahan?

8

MR. HOLAHAN: Here.

9

MR. KERRICK: Heidi Pickard?

10

MS. PICKARD: Here.

11

MR. KERRICK: Don Moyer?

12

MR. MOYER: Here.

13

MR. KERRICK: Anne Lamberton?

14

MS. LAMBERTON: Here.

15

MR. KERRICK: And John Kerrick

16

is here.

17

MR. SHAY: Call the Brodhead

18

Creek Regional Authority meeting to order. Roll

19

call.

20 Is Mr. Vogt here?
21 MR. VOGT: Yes, here.
22 MR. SHAY: All right. Charlie,
23 I didn't see you.
24 MR. SHAY: Mr. Wenck?
25 MR. WENCK: Here.

5

1 MR. SHAY: Mr. Parker?
2 MR. PARKER: Here.
3 MR. SHAY: Mr. Shay is here.
4 And Mr. Garris?
5 MR. GARRIS: Yes.
6 MR. SHAY: Our manager, Mr.
7 Brown is here.
8 Is Mr. Borger here?
9 MR. BROWN: He'll be coming
10 shortly.
11 MR. SHAY: How about Max?
12 MR. BROWN: Max Stoner's --
13 MR. SHAY: And our solicitor.
14 All present.

15 MR. SHAY: Turn the meeting
16 over to Mr. Brown.

17 MR. BROWN: Just so that
18 everyone here understands, the purpose of tonight's
19 meeting is to address regional infrastructure needs
20 in order to serve the proposed Pocono
21 Manor/Kalahari project with public water and sewer
22 service.

23 The project has been generally
24 well received, if you're following in the paper, by
25 both the county and the municipalities and has

6

1 recently acquired TIF financing for the project.
2 The BCRA has, at the request of Pocono Township,
3 submitted a DRBC docket amendment for the regional
4 wastewater treatment plant, which is pending review
5 on May 8.

6 The intent of this is to accept
7 the sewer planning module for this project along
8 with other issues. It was submitted in January,
9 but since that time, several modifications have

10 occurred and this aspect of the project needs to be
11 revisited. Because of the time constraints set by
12 the developer to begin construction, this public
13 work session really was asked for by the Brodhead
14 Creek Regional Authority.

15 At the end of the meeting we'll
16 have -- we'll open it up to public comments from
17 the general public, but the real intent is to try
18 to discuss, because of the time schedule, these
19 issues among the three main parties, the two
20 townships and the authority.

21 Initially this project was
22 proposed to utilize its own water resources for the
23 project. However, because of concerns from
24 Brodhead Watershed Association and other planning
25 agencies, the developer has decided to ask the

1 Brodhead Creek Regional Authority to supply it with
2 water. On March 6, 2013, the authority did issue
3 the project a letter of intent to serve water. And
4 in order to accomplish this, there are several

5 steps involved, which were reviewed with the
6 developer at our last board meeting on March 20.
7 And I've given a handout to all of the municipal
8 people relative to the steps that need to be taken
9 to allow the authority to serve water in Tobyhanna
10 Township, how to get there and serve water.

11 While this may appear to be very
12 entailed and complex, it's really not and the
13 authority has done this many times. And we feel
14 that these issues could all be resolved in order to
15 submit permit applications for the authority to
16 DRBC and DEP by the end of May, so that we would be
17 on a docket in July for the water portion of the
18 approval process.

19 Now, at this point in time, if
20 you're looking at that handout, there's a lot of
21 obligations for Tobyhanna Township and well, one
22 smaller one, I guess, for Pocono Township. And,
23 you know, my question -- you know, are there any
24 questions from Tobyhanna Township or Pocono
25 Township as far as the steps that are needed? We

1 did get a letter from Tobyhanna saying that they
2 would like us to serve water to this portion of
3 their township.

4 So we're at that point where,
5 you know, I'd be glad to -- I think for Pocono it's
6 pretty straightforward. We already have a
7 relationship and --

8 Do we have a map, Max, that we
9 could -- on the proposed service areas for water?

10 MR. STONER: They're up front
11 in front of Frank.

12 MR. BROWN: Maybe we can -- you
13 and I will hold them up, maybe that would be the
14 best. If you don't mind --

15 MR. HESS: Actually, where is
16 the easel?

17 MR. BROWN: We'll turn our --

18 MR. PREVOZNIK: There's one in
19 the corner.

20 MR. BROWN: Yeah, maybe you can
21 pull them out if you want to look at them up front.

22 But basically -- yeah, get both

23 of them. Basically this -- okay. Well, I'm not
24 sure how well that's going to work. Right there
25 should be good, that's the best they're going to

9

1 be.

2 (Inaudible discussion.)

3 MR. BROWN: Basically what the
4 authority's going to need for the water service
5 area is simply for Pocono Township, since they're
6 already one of our owner municipalities and we have
7 service areas in place, is -- uhm, our last
8 project, when we ran water to Sanofi all the way at
9 the end in Pocono Township in 2004, basically put a
10 12-inch connection up 314 with a valve and a cap on
11 the end of it for future projects. At that time
12 there was talk of a casino on the property. So we
13 did that as part of, you know, potentially serving
14 the casino at that time. That didn't happen, so
15 that connection's still there.

16 But from that connection on 314
17 below the Amber Inn, we would need a very narrow

18 strip of service area in Pocono Township in order
19 for the water line to be run into Pocono Township
20 and then eventually into Tobyhanna Township.
21 Likewise the service area map we would need -- this
22 is preliminary, Tobyhanna actually has to tell us
23 what they want, but this is the project area. So
24 Tobyhanna would then ask us and provide us with a
25 map that would reflect everything inside of

10

1 Tobyhanna Township.

2 Correct, John?

3 MR. PREVOZNIK: Yes.

4 MR. BROWN: So that's what
5 would happen and then basically, you know, there
6 are several agreements. There's a mandatory
7 connection ordinance, an intermunicipal agreement,
8 the delineation of the service area and then like
9 they would have to amend their Act 537 Plan,
10 Tobyhanna, to show that we're serving water in that
11 area. You have an Act 167 Storm Water Plan that's
12 approved. DRBC has made us send them a copy of

13 that for any place that we serve. We had to do
14 that for the five municipalities when we went
15 regional and did the sewer projects.

16 So, otherwise, we would go
17 through and provide all the other things that are
18 listed under the BCRA and that, and then the
19 developer would enter into a developer's -- a
20 standard developer's agreement with the authority,
21 which we've done hundreds of times, and we would
22 run water. Basically the cost of the improvements
23 would be upon the developer and they would turn
24 those improvements over to the authority at the end
25 of the project.

11

1 So those -- that's basically the
2 outline there and for Pocono it's really pretty
3 simple too. I mean, it's an extension of an
4 existing area. This is beyond our current approved
5 service area in Pocono Township.

6 MR. PREVOZNIK: Is it -- it is
7 in the future service area though?

8 MR. BROWN: It was in the
9 future service area in the permits that we
10 currently have for DEP and DRBC.

11 So I don't know if there's any
12 questions from Tobyhanna?

13 MS. LAMBERTON: I actually have
14 -- Anne Lamberton, Tobyhanna Township. Are we
15 going to being required to own the water line in
16 Toby or just sewer?

17 MR. BROWN: No. The authority
18 would own and operate the water line once it was
19 built and turned over, dedicated from the developer
20 to us. Just like we've done for --

21 MS. LAMBERTON: I just know
22 that was a question --

23 MR. BROWN: -- many, many
24 projections.

25 MS. LAMBERTON: Okay. I just

1 wasn't sure.

2 MR. SHAY: You didn't address

3 the sewer line.

4 MR. BROWN: Well, I think
5 that's next on the agenda, so I'm just sticking
6 with the water for now. Probably the more complex
7 one's coming up, okay, but --

8 And, Ralph, anything from the
9 developer as far as the outline or the questions?

10 MR. RALPH MATERGIA: No. Just
11 a few comments. Ralph Matergia for Pocono Manor.
12 I guess I'm also speaking with, mutuality,
13 Kalahari, Bruce Harms, Kalahari's counsel is with
14 me.

15 MALE VOICE: Mike, and I'll
16 step in.

17 MR. RALPH MATERGIA: Tug at my
18 coat.

19 On the developer side, we will
20 have to -- we, meaning Pocono Manor, will have to
21 amend our DRBC water docket because it presently
22 encompasses area that will be served by the amended
23 BCRA docket. So that's something that we have to
24 do. And the only other thing is, I don't know if
25 tonight is the night to do this, I think we have

1 all the municipal solicitors and developers,
2 attorneys here, we could get maybe some consensus
3 or understanding of who's going to take the lead in
4 drafting the various agreements that are mentioned
5 in the outline.

6 MR. PREVOZNIK: We can do the
7 water stuff and tax --

8 MR. BROWN: Yeah, I think as
9 far as the water stuff, we can take the lead in
10 that area.

11 MR. RALPH MATERGIA: John will
12 take the lead on that and circulate those? Is Mr.
13 Rice here this evening?

14 MR. REISS: Yes, I'm right here.

15 MR. RALPH MATERGIA: How are
16 you? Ralph Matergia.

17 MR. REISS: Nice to meet you.

18 MR. RALPH MATERGIA: Nice to
19 meet you. So we'll coordinate that when John has a
20 draft circulating and we can review that then.

21 That's really it on the water side.

22 MR. BROWN: Is -- you know, is
23 there any questions from Tobyhanna? I mean,
24 basically we would take the lead and we would get
25 you the -- the, you know, the sample documents that

14

1 we have that we've signed with other municipalities
2 over the years and we would get that to your
3 attorney, Mr. Armstrong or Mr. Reiss.

4 MR. REISS: I don't have any
5 questions.

6 MR. BROWN: But that one's
7 pretty straightforward, so not hearing any issues
8 related to that, you know, that's the way we plan
9 on proceeding at this point for the water.

10 Now, on the sewer, the BCRA's
11 current DRBC docket application, which goes for
12 review May 8, contains an outdated planning module
13 as it was submitted in January of this year. The
14 new planning module that's being considered at the
15 Pocono level, now talks about a project that's

16 entirely within Tobyhanna Township with nothing in
17 Pocono, correct?

18 MR. McMANUS: Correct.

19 MR. BROWN: And the original
20 docket that we submitted or that had the planning
21 module in it, talked about water service from the
22 Pocono Manor Water Company, whatever that looks
23 like and now we're projecting to put the water
24 there for the project. So those two things have
25 changed in the docket that's pending now and would

15

1 require the authority to amend its planning mo --
2 or amend its docket in front of the DRBC for May 8.

3 Now, in order to expedite the
4 sewer issue, the BCRA believes that the most direct
5 path would be for some type of intermunicipal
6 agreement between us, Tobyhanna and Pocono
7 Townships relative to the sewer. And then there
8 would probably be Pocono and Toby separate of the
9 intermunicipal agreement with us and that it would
10 follow a similar tract as shown on the backside of

11 that handout for sewer, but I didn't put the
12 legal -- I didn't ask John for the legal
13 implications because I wasn't exactly sure how this
14 was going to pan out here at the meeting. And
15 that's one of the problems.

16 The BCRA's not clear at this
17 time, you know, if the path that we would
18 recommend, that tract very similar to water stuff
19 where Tobyhanna would -- or Tobyhanna Authority or
20 some authority would own the system, they would
21 designate a service area for sewer. They would
22 have the developer build the lines, turn stuff
23 over, you know, the same way we do through
24 developer's agreements. We're not sure whether
25 that's what Tobyhanna wants to do.

16

1 So that's one of the things we
2 needed to understand, what's the plan, because in
3 the five months we've been working with it, the
4 plan has been modified a lot. So we're trying to
5 find out what the plan is and get a clear path for

1 One, how's it all gonna be put
2 together? And as I mentioned, the authority's
3 pretty comfortable with intermunicipal government
4 arrangements, we've worked that way a lot. And
5 then, you know, there's some issues relative to --
6 there was some wastewater strength issues and
7 things like that, that needed to be addressed.

8 I know there's been discussions
9 back and forth with the various solicitors. And at
10 this point, I wanted to ask, Tim, if you can give
11 us any update on kind of what the discussions are
12 between Pocono, Tobyhanna and the developer.

13 MR. McMANUS: A lot has
14 actually gone on in the last planning module that
15 was submitted to Pocono Township. There's two
16 separate planning modules, one's pending in
17 Tobyhanna and one pending in Pocono Township. The
18 planning module currently in Pocono Township is
19 basically just providing for direct sewer service
20 really by Pocono Township to Kalahari and Pocono
21 Manor commercial development.

22 That proposes that a portion of
23 the line would be owned by a -- I'll call it for

24 purposes of discussion a joint venture of Pocono
25 Manor/Kalahari with the remaining section owned by

18

1 Pocono Township. There were a number of issues
2 raised, I won't bore you with the details on that;
3 but as a result of that, we looked at a redesign of
4 this. And the reason we looked at that is at one
5 time a portion of this project was proposed also in
6 Pocono Township. As Ken alluded to earlier, that
7 is no longer the case now, the project parameters
8 are all within Tobyhanna Township.

9 So the thought was floated to
10 address the various issues that are out there, was
11 to have Tobyhanna Township actually become the
12 owner of the various sewer lines all the way from
13 the project area. They would actually connect into
14 the Pocono Township system. Tobyhanna Township
15 would be a bulk sewer service customer of Pocono
16 Township and Pocono Manor/Kalahari would be
17 customers of Tobyhanna Township. So we're
18 basically putting everything where the project is.

14 that Pocono Township will commit 500,000 gallons
15 worth of sewage to this project without any
16 conditions on it.

17 It's my opinion that to approve
18 that module just the way it is without conditions,
19 we commit to Pocono Township to doing that and we
20 -- that's really not the understanding that we have
21 with the developer. The understanding is that
22 500,000 gallons will be made available for the
23 project, but they only need, I'm going to say, I
24 think it's 140,000 gallons for the first phase, my
25 number may be wrong. And as the developer goes

20

1 along, it will decide if it's going to do a second
2 phase and a third phase. And if they do complete
3 those second and third phases, eventually they'll
4 get up to, close to 500,000 gallons in conjunction
5 with a commercial project that's proposed by Pocono
6 Manor.

7 So what we were working on is we
8 had to get something -- we have to get something in

9 place to protect Pocono Township in case those
10 other phases never occur, that all of this sewage
11 is not kind of sitting up there under a dead
12 commitment that Pocono could never use again.

13 So I had floated last Friday a
14 suggestion to some of the solicitors and then some
15 of the township members in BCRA saying that maybe
16 the way around this would be that rather than
17 having two planning modules, one in Pocono and one
18 in Toby, that we just allow a module to proceed in
19 Tobyhanna Township; that Pocono Township would
20 merely sign off on that module as the owner of the
21 collection system saying that it was signing off
22 subject to the conditions that any necessary
23 intermunicipal agreements be entered into; and that
24 any Act 537 sewage planning approval be obtained.
25 And that the BCRA will also sign off on that module

21

1 subject to condition the intermunicipal agreements
2 being entered into and any Act 537 or DRBC
3 approvals that they need.

4 I had a call today from Mike
5 Bedrin and a number of other people up at DEP to go
6 over this in more detail. And while I didn't get
7 the impression that DEP necessarily had a problem
8 with the concept, they did have a concern that it
9 could be accomplished within the time constraints
10 that DEP is under to act on their various permits
11 to enable the project to commence in August.

12 So what DEP spoke to me about is
13 keeping the two module process in place, the one in
14 Toby, the one in Pocono. That the two modules --
15 the body of the two modules be revised to reflect
16 the fact of Tobyhanna Township owning the sewer
17 lines and becoming a sewer customer with Pocono.
18 DEP said they did not feel that that would require
19 a brand new comment period on these planning
20 modules. And I said, well, you know, that's all --
21 that's all fine and dandy, but we're back to the
22 same question again, is the planning modules are
23 once again going to just commit 500,000 gallons of
24 sewage.

25 And they said they understood my

1 concern and what they are looking at is the --
2 whether there's some legal mechanism that DEP could
3 somehow enforce what they call the disbursement
4 schedule or an implementation schedule that would
5 be attached to Pocono Township's approval of its
6 module. And basically that implementation schedule
7 is really a set of conditions and that Pocono
8 Township would say it's approving the planning
9 module subject to all of the agreements being
10 entered into and whatever else has to be done.

11 DEP said they have had in the
12 past a project like that, but they, as far as that
13 project, did not put a mechanism in force for DEP
14 to enforce that schedule, they kind of just
15 recognized that it was in the file and that was
16 pretty much the end of it. They said they
17 certainly recognized Pocono's concern that Pocono
18 does want to have some mechanism there that all
19 final permits would not be issued by DEP for all
20 construction to commence and this sewer project to
21 take on a life of its own, unless all these

17 So I guess the first question on
18 the whole thing is, do we have a structure down
19 where Tobyhanna Township would be willing to own
20 the lines and to have Kalahari and Pocono Manor as
21 its customer and where Toby would be our customer?
22 And I don't know if Toby wants to speak to that or
23 somebody from Toby or --

24 MR. REISS: I'm filling in --
25 I'm Jonathan Reiss, I'm filling in for Pat Armstrong

24

1 tonight. I don't think that that's a problem.
2 Unfortunately I haven't been able to speak to the
3 supervisors about it, but I don't see that as a
4 problem. And they would probably want to set up a
5 separate billing sewer district for this, since you
6 have this sewer on the other side of the township,
7 because your billing rates may be different; but
8 that would be the only thing that I would think you
9 would need to do for the township's purposes.

10 MR. McMANUS: And that, you
11 know -- knowing that, I think what the next step

12 would be is, obviously the developer would -- it
13 would have to change the body of the -- of the
14 module itself, I guess, both modules just to
15 reflect what the current plan would be. And I
16 think Toby, Pocono and, I guess, BCRA would have to
17 be involved in that too, along with the developers,
18 we'd have to kind of come up with a list of what
19 those -- you know, what those conditions are, that
20 implementation schedule, so that we could do that.

21 I don't know if the -- I haven't
22 discussed this with the Pocono Township Board of
23 Supervisors. It would pretty much be a conditional
24 approval saying you're giving Act 537 Plan approval
25 to this project as long as items, you know, one

25

1 through whatever are met before any final Part 2
2 permits are issued by DEP or something like that.
3 I don't expect that Pocono Township Supervisors
4 probably have a major issue with that. I don't
5 mean to speak for them, but -- but that would be
6 the next step in that process. And then when we

2 wouldn't think would be real long. We just have to
3 brainstorm that.

4 MR. RALPH MATERGIA: Ralph
5 Matergia. We can commit to the revisions in the
6 planning module to be done early next week, Monday,
7 I'm told by the engineers.

8 MR. McMANUS: Can't get any
9 earlier than that.

10 MR. MATERGIA: As far as the
11 implementation schedule, I think we -- the concept
12 of what we want to put in there --

13 MR. McMANUS: We have a pretty
14 good idea already, the solicitors do anyway.

15 MR. RALPH MATERGIA: It's been
16 crafted in a series of emails. I took up a
17 discussion yesterday with Mike Bedrin, Mike Brunamonti
18 --

19 MR. McMANUS: Brunamonti
20 (phonetic).

21 MR. RALPH MATERGIA:
22 Brunamonti, excuse me. I should be able to say
23 that name.

24 MR. McMANUS: Just say Mike B.

25 for the record, so we don't have to try spell it.

27

1 MR. RALPH MATERGIA: And Darryl
2 Fritz and their counsel again today. So I think
3 they're on board for what they expect to see in the
4 implementation schedule. There is a draft sewage
5 treatment agreement that I prepared, it has been
6 circulated. I believe the solicitors all have a
7 copy of that draft. That has to be revised,
8 obviously, because that agreement was drafted on
9 the original concept of joint ownership of the
10 sewer lines by Kalahari and Pocono Manor and that
11 will be recrafted to provide for Tobyhanna.

12 My suggestion is, is that, that
13 be the approach on the sewage treatment side, then
14 whatever other intermunicipal agreements have to
15 follow or separate agreements as between the
16 customers and Tobyhanna could be in a second
17 document.

18 But I think that the sewage
19 treatment agreement, which I know, Tim, you're very

15 time frame, is something on how like you started
16 the sewer project. Maybe an MOU between the
17 municipalities and the developer quickly outlining
18 what it is that we're discussing, what steps need
19 to be taken, so that we're all on the same page.
20 That we have an understanding from Tobyhanna that
21 they want this organization or this organization or
22 this organization to hold it and this is what we
23 need to get done -- okay? -- while working at the
24 same time on the documents that you have.

25 But a memorandum of

29

1 understanding where we're all kind of sitting down
2 and saying, yeah, this is what we agreed to and if
3 Pocono is comfortable with this, then we're
4 comfortable with that and you're committed to doing
5 this in this time frame, it's really just -- you
6 had the idea when you brought the BCRA in for sewer
7 and I think that's the quickest way of doing
8 something and getting an agreement between the
9 parties that everybody can kind of sit down and

10 grab a hold of it and rely.

11 MR. RALPH MATERGIA: Well, what
12 are you doing tomorrow?

13 MR. PREVOZNIK: Huh? Church is
14 between 12 and 3, you want to come?

15 MR. McMANUS: Let me throw out
16 the one immediate issue, though, and DEP is aware
17 of this and this will actually be --

18 MR. HESS: Excuse me a second.

19 Bob, can you hear back there?

20 MR. BOB DEMAREST: I'm reading
21 lips.

22 MR. McMANUS: I'll try to speak
23 up a little bit. This really is going to become a
24 question for the BCRA board, I guess, is that
25 there's been an issue going around about the sewer

30

1 strengths that the project would be putting into
2 the system. And obviously this is much more of an
3 engineering question than it is for lawyers to
4 resolve. But part of what the Brodhead Creek

5 Regional Authority has to sign off on, on the
6 planning module, there's a section that says
7 basically, as the wastewater treatment plant
8 operator, it has the ability to -- it not only has
9 the capacity to receive the sewage, but also the
10 ability to treat it in compliance with technical
11 requirements.

12 BCRA has expressed a concern to
13 Pocono Township and said, look, you know, for us to
14 sign that off -- sign off on that, we can only do
15 that if we basically know that what is going into
16 the sewer line and will eventually end up in our
17 plant is in full compliance with the sewer
18 treatment agreement that they have with Pocono
19 Township. There are certain sewer parameters in
20 there that can't be exceeded.

21 So they have said to Pocono
22 Township, you know, will your engineer provide a
23 letter saying that he's confident or can basically
24 assure that the waste strengths will meet all of
25 the parameters. Our engineers at this point, on

1 the information he has, said that he's not able to
2 do that at this point.

3 So the question will become,
4 even if we come up with the implementation
5 schedule, is how do we get BCRA to sign off on the
6 module, because we can't approve the module without
7 their signature and do -- does the BCRA maybe have
8 a separate implementation schedule, or John, Ralph,
9 whichever? I'm just bringing up the issue.

10 MR. RALPH MATERGIA: You know,
11 we've been struggling with this really for about a
12 week and a half now in an exchange -- me watching
13 and viewing an exchange of emails between the
14 engineers. And Joe Mullen is here this evening and
15 Jerry Loftus or -- is with Penonni working on this
16 with Sam.

17 MR. McMANUS: Do you want to
18 get Sam on for this part? I mean, he's there, if
19 he wants to listen, because it wouldn't hurt to
20 have him up-to-date.

21 MR. FORIO: Just dial in?

22 MR. McMANUS: Yeah, just put

23 him on speakerphone, so we don't have to explain
24 all this to him.

25 MR. HESS: You have his number?

32

1 MR. BROWN: No, no, we don't.

2 MR. HESS: Just put it on
3 speakerphone.

4 MR. RALPH MATERGIA: It's not
5 my purpose to have the engineers --

6 MR. McMANUS: No, no. I just
7 want him to hear it. I'm not going to bring him
8 in --

9 MR. RALPH MATERGIA: Well, I'm
10 just saying, it's not my purpose to have the
11 engineers defend their reason.

12 MR. McMANUS: And I don't want
13 to do that either. I just don't want to have to
14 explain it to him again.

15 MS. LAMBERTON: He can read the
16 minutes.

17 MR. FORIO: You have to dial

18 nine, John.

19 MR. PREVOZNIK: Okay.

20 MR. McMANUS: And I'll say that
21 when he gets on the phone.

22 MR. HESS: Sam D'Alessandro,
23 RKR Hess. Just push the up button so it's loud.

24 MR. PREVOZNIK: Okay.

25 THE REPORTER: Should I just go

33

1 off while you're getting him on the phone?

2 MR. HESS: Yeah, just wait.

3 (Brief recess was taken.)

4 MR. PREVOZNIK: We're at the
5 meeting and I'm going to turn you over to Tim.

6 MR. McMANUS: Sam, we dialed
7 you in. We've had the meeting going for a little
8 while. We dialed you in at this point -- you can
9 hear me, can't you? Sam?

10 MR. SAM D'ALESSANDRO: Yep, I'm
11 hearing you.

12 MR. McMANUS: We actually are

13 bringing you in at this point. We're just starting
14 to talk a little bit about the waste strengths and
15 the intention of the discussion is not to get a
16 back and forth between the engineers, but Ralph was
17 just getting started talking about the waste
18 strength. We're just trying to figure out how to
19 address BCRA's concern about signing off on the
20 wastewater treatment portion of the planning module
21 until the waste strengths are addressed. And I
22 just said, let's call in to have you so that you
23 can at least hear what we're talking about so I
24 don't have to explain it to you again.

25 So with that, I'll let Ralph go

34

1 ahead and pick up where he was.

2 MR. RALPH MATERGIA: The point
3 is, is that in the planning module we are committed
4 to -- we, meaning the developers are committed to
5 meet the waste strength requirements that are in --
6 that are in the agreement presently that's between
7 Pocono Township and BCRA.

3 for Sam -- show me. Show me that what you say the
4 flows are, what you say the makeups are and so
5 forth, is something that I can look at and feel
6 comfortable with from an engineer's analysis. And
7 that's what's going on back and forth between the
8 engineers.

9 My view of it is, is that it's
10 not only a worthy exercise, it's a welcomed
11 exercise, but it's one that gets accomplished
12 really at the Part 2 permitting stage. At this
13 stage, we would hope that Pocono Township is
14 comfortable knowing that we're committed to meet
15 those requirements and committed to pretreat, if we
16 have to, and we will contractually obligate
17 ourselves to do that. We would hope the BCRA
18 accepts that, you know, that contractual
19 obligation as being enough to get through the
20 initial stage of the planning process and then deal
21 with the details at a later date.

22 Now, I know from talking with
23 Tim and talking with John, that this is a little
24 different beast than you might see in a normal
25 planning process for a smaller user. I mean,

1 obviously this is a -- this is a lot of sewage so
2 you have heightened concerns about not only
3 capacity issues but waste strengths and that's
4 appropriate, we understand that.

5 I also know that you dealt with
6 this issue on the front end with the agreements
7 that were entered into with Sanofi. But I think,
8 you know, to me the distinction is, is Sanofi was
9 truly a pretreatment customer from the beginning,
10 from the get-go. And the kind of waste that a
11 resort and/or shopping center is going to put into
12 the system, not a whole lot different than domestic
13 waste, although a little different -- you know,
14 maybe in different amounts, concentrations at
15 different times, if I'm saying that --

16 MALE VOICE: It's correct.

17 MR. RALPH MATERGIA: --
18 correctly. So, I will -- you know, we're all
19 wrestling with the need to get through agreements
20 and timeliness. And that's the approach that I

21 would like to see accepted while these engineers
22 are working out where they need to go to really
23 detail and prove that they can do what they say
24 they can do and how they can do what they say they
25 can do once they have all the detail in front of

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1 them.

2 MR. PREVOZNIK: I'll tell you
3 where the --

4 MR. RALPH MATERGIA: I might
5 also comment, just so I don't forget to say this.
6 This issue came up yesterday in the meeting that I
7 had up at DEP with Mike Bedrin and his staff. And
8 because, you know, it was in -- it was in Tim's
9 proposal with one of the conditions appropriately
10 stated. I think I could say that the view of DEP
11 was that they understand, but it's a later issue
12 for them. It's something that -- it's something
13 that shouldn't necessarily be dealt with now. It
14 shouldn't hold us up on the planning modules and
15 the processing and approval of the planning

16 modules, that was their view.

17 MR. PREVOZNIK: And just so you
18 know and everybody understands the BCRA's position,
19 this is a different project in the sense that the
20 BCRA owns the treatment plant, but it has no
21 capacity in the treatment plant. It's all been
22 assigned to Pocono, Hamilton -- or Pocono,
23 Hamilton, Stroud -- Stroud Authority and Stroudsburg
24 Borough. So to come and ask the BCRA, do you have
25 capacity, the answer's no, we don't. Somebody's

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1 got to assign it to the project. So that's the
2 first question we said to Pocono.

3 The second is there are
4 limitations imposed on all the municipalities and
5 that's across the board. We don't -- and if they
6 don't meet -- the way it's contemplated in the ICA,
7 there are three customers to the BCRA, and that is
8 Pocono, Stroud Authority and Stroudsburg Borough.
9 And if they don't meet that at the point of
10 connection, there's a whole bunch of mechanisms

11 that come into play including surcharges. And the
12 other municipalities have the ability to jump in
13 and enforce that. All right?

14 All the agreements are signed
15 with the intent that the other wastewater
16 municipalities are third-party beneficiaries to
17 each other's sewer treatment agreements and have
18 the same rights as the BCRA. All right?

19 So what has been requested and
20 what is -- I mean, it sounds like a very simple
21 request from Pocono -- is, Pocono, before we can
22 say we have capacity and that the plant can treat
23 this, can you tell us that you're assigning
24 capacity and that you can meet your obligation at
25 the end of the line? What happens up the line

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1 isn't the BCRA's concern. All right?

2 How they work it out and how
3 they deal with it, we're looking at Pocono and is
4 the strength, are you happy with it? And that's
5 where the issue, I see, has been the general

6 unwillingness just to send a letter saying, yes, at
7 the end of the day, we can meet that requirement at
8 the end of the line. Okay?

9 Because there's an obligation on
10 behalf of the BCRA to say we can treat that. Well,
11 we have obligations to all the other municipalities
12 to accept only what everybody else has agreed to
13 accept. And so poor Pocono has been put in the
14 position of having to look to -- us to look to them
15 and say, are you satisfied?

16 And that's where I understand
17 your position, Ralph. If Pocono is satisfied and
18 can give us that letter just saying they're going
19 to have agreements and they can come and do that,
20 then I would look to my board and say, are you
21 satisfied with that?

22 MR. RALPH MATERGIA: Well,
23 clearly in the meetings yesterday that I had at the
24 department, the department made a statement very
25 clearly that those strengths would have to be met

1 or they would hold up the permit. So meaning, we
2 know -- we know we got to do that. We put it in
3 the planning module that we have to meet the
4 strength characteristics, they'll enforce that.

5 MR. McMANUS: They were not DEP
6 imposed strengths?

7 MR. RALPH MATERGIA: No. I'm
8 just saying, if you make it part of your --

9 MR. McMANUS: Oh, I'm saying
10 from our end, I think that could be done to say --
11 because we would say it's conditioned on the
12 agreements, part of the agreements would be, you
13 have to meet. What I was saying I didn't know if a
14 letter going from Pocono to BCRA just saying we are
15 -- intend to make sure that that happens via the
16 agreements that will happen after the planning
17 module, if that was enough get them to be able to
18 sign off on the planning module. That's --

19 MR. PREVOZNIK: Having to look
20 at your letter, if your commitment is that your
21 waste strengths are your waste strengths under the
22 sewage treatment agreement at the end of the line,
23 that's what we need to know.

24 MR. RALPH MATERGIA: Clearly
25 they cannot say that it will be anything different

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1 than that.

2 MR. McMANUS: That's where I'm

3 --

4 MR. PREVOZNIK: I -- I --

5 MR. RALPH MATERGIA: -- in the
6 first place.

7 MR. PREVOZNIK: I would agree
8 with you, Mr. Matergia, but we still need the
9 letter.

10 MR. RALPH MATERGIA: And that's
11 what I'm saying because they're obligated to do
12 that and we're going to say we're obligated.

13 MR. PREVOZNIK: If they have a
14 comfort level with what they've got, then I think
15 they can write us that letter.

16 MR. McMANUS: Would it probably
17 work, John, if our letter were to say that we are
18 going to give some assurance to you that we are

19 going to require, as part of all of our agreements,
20 that any sewage that we receive from Tobyhanna
21 Township is in compliance with the STA. I guess we
22 can't say we don't know for sure, we can't
23 guarantee what Pocono Manor/Kalahari is going to
24 put in, but we can say our agreements are all going
25 to require Tobyhanna not to exceed that.

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1 MR. PREVOZNIK: Well, you see
2 -- I mean, I -- and, again --

3 MR. McMANUS: And that's an
4 interim step for you --

5 MR. PREVOZNIK: I -- no, I
6 understand what you're saying, but I think it's
7 actually a simpler step and all you have to say is,
8 right here we meet our STA requirements and the
9 devil's in the detail between you and the developer
10 and --

11 MR. BROWN: Them and Tobyhanna.

12 MR. PREVOZNIK: -- and
13 Tobyhanna. I mean, that's -- regardless of what's

14 there --

15 MR. McMANUS: Well, to make
16 that statement, I'm saying that I do.

17 Sam, are you able to write that
18 kind of a letter?

19 MR. SAM D'ALESSANDRO: Yeah,
20 based on what I heard Ralph describe, if there's
21 going to be an agreement that says they will have
22 pretreatment and meet the criteria, prior
23 connection, I don't have a problem sending that
24 letter saying that, you know, we will -- anything
25 we deliver to BCRA will meet the requirements of

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1 the STA.

2 MR. McMANUS: Just so you know,
3 Sam, that agreement will not be in place prior to
4 sending that letter, just so you're aware of that.

5 MR. PREVOZNIK: Excuse me, and
6 my question, Tim, is that would be one of the
7 things you could put in an MOU if we can do it
8 quickly and pass it around, that it's contemplated

9 in the agreement.

10 MR. McMANUS: That's a good
11 thought, that's a good thought.

12 If that was even in the MOU
13 then, Sam, you'd feel comfortable enough as the
14 engineer to be able to let Pocono know that?

15 MR. SAM D'ALESSANDRO: Yeah.
16 As long as -- yes, I mean, 'cause I would just say
17 in the letter that, you know, you're going to do
18 the pretreatment. And it would be my position if
19 there's no pretreatment, you don't get a connection
20 ordinance -- you don't get a connection --

21 MR. KERRICK: That's not what
22 he said.

23 MR. SAM D'ALESSANDRO: --
24 permit.

25 MR. KERRICK: If needed.

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1 MR. SAM D'ALESSANDRO: Then
2 they send you a connection permit.

3 MR. KERRICK: That's not what

4 they said. They said, if needed. They didn't say
5 if they didn't pretreat it, they said if needed.

6 MR. McMANUS: That's pretty
7 much --

8 MR. PREVOZNIK: Well, no,
9 that's what my understanding is, we're not going to
10 require somebody -- we're not going to require Toby
11 to pretreat if it's not required and that's --

12 MR. HESS: So we got to move
13 forward.

14 MR. KERRICK: Who's going to
15 lead the MOU, let's get that on the table? Who's
16 taking the lead?

17 MR. RALPH MATERGIA: Well, let
18 me just say, let's use the term loosely MOU. The
19 last go around with the MOU was six and a half
20 months. So we don't have the time to do that, but
21 we surely have the time to create an outline of an
22 outstanding, okay?

23 MR. HOLAHAN: Want to borrow
24 my pen?

25 MR. BROWN: Is it full of ink?

1 MR. RALPH MATERGIA: No, I need
2 a -- to be serious about it. I think we all
3 recognize as lawyers, when you sit down and draft
4 an agreement, you need an outline of where you're
5 going. I don't think there's any disagreement
6 about that. How formal we get to that outline, you
7 know, I think we can -- we can do that rather
8 informally and then draft and deal with the issues
9 in the actual drafts. That would be my
10 recommendation.

11 MR. HESS: So what are you
12 saying? Tuesday?

13 MR. PREVOZNIK: No, I'm not
14 saying --

15 THE REPORTER: One at a time,
16 please.

17 MR. BROWN: The young lady
18 needs help.

19 MR. PREVOZNIK: Let me just
20 add, from my standpoint, I would look at you guys
21 to start the lead as to what it is you need from --

22 what we need from you is pretty simple. All right?

23 What we need from Tobyhanna
24 pretty much mirrors, for the service area, the
25 ordinance and the things like this. So if you were

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1 to start it and work with Ralph maybe we can get
2 this --

3 MR. McMANUS: Well, the other
4 thing I'm thinking, Ralph, what we're doing is, is
5 quite honestly, if we put that on as a requirement
6 on our implementation schedule, that our approval
7 of the module is subject to the waste strengths
8 being verified and any necessary pretreatment being
9 implemented by the developer, we then --

10 Sam, we may be able to provide
11 that letter on that basis because then that's the
12 condition going through the DEP.

13 MR. D'ALESSANDRO: Yeah, I just
14 -- I think I just heard a flip. I thought Ralph
15 said you were pretreating and now I hear, if
16 needed. How will we know if it's needed and when?

17 MR. BROWN: That'll be part --

18 MR. PREVOZNIK: That's part of
19 the agreement.

20 MR. RALPH MATERGIA: Well, it
21 would be part of the Part 2 permit, I would see it,
22 Sam.

23 MR. D'ALESSANDRO: Well, the
24 Part 2 is gonna happen according to the schedule
25 and the 537 Plan in a couple months. So as long as

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1 you understand that that pretreatment requirement
2 will have to be addressed within the next couple
3 months --

4 MR. RALPH MATERGIA: Right.

5 MR. D'ALESSANDRO: -- not after
6 you connect.

7 MR. McMANUS: Right.

8 MR. RALPH MATERGIA: My
9 engineers are saying they're going to do it in
10 weeks.

11 MR. SAM D'ALESSANDRO: Okay.

12 MR. HESS: All right. So we
13 can go back to which way the process is going to
14 start at this point so we all know exactly which
15 way we're going.

16 MR. PREVOZNIK: I think what we
17 need first and foremost is, is Tobyhanna in with
18 this and how they want it because that will then
19 structure how the MOU will be put out together and
20 what steps are required and what kind of amendment.

21 So I don't mean to push you
22 hard, but whether Tobyhanna is going to own the
23 lines, whether an authority is going to own the
24 lines or are we back to where we are currently
25 needs to be addressed sooner than later so that

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1 everybody has some kind of model in which to move
2 forward.

3 MS. LAMBERTON: Can we address
4 that right now?

5 MR. REISS: Sure.

6 MR. KERRICK: I think we said

7 that Tobyhanna would own the line.

8 MS. LAMBERTON: Can I make a
9 motion?

10 MR. REISS: I would recommend
11 that since you already have township owned sewer,
12 you just -- the township would own this sewer and
13 just set up a separate sewer -- set up a separate
14 sewer district itself.

15 MS. LAMBERTON: I'll make that
16 motion.

17 MR. HESS: So, John, you're
18 going to start that process?

19 MR. McMANUS: What was that,
20 she made a motion?

21 MR. KERRICK: We have a motion.
22 Do we have a second?

23 MR. HOLAHAN: I'll second.

24 MR. KERRICK: We have a motion
25 and second.

2 the public?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: I'll vote in

13 favor. Motion carried from Tobyhanna.

14 MR. McMANUS: I'm sorry, that
15 was that the township was going to own the line?

16 MR. KERRICK: Correct.

17 MR. HESS: What's next in the
18 process, Ralph?

19 MR. RALPH MATERGIA: Well, I
20 think from Pocono's standpoint your public meeting
21 is the 8th, I believe. Is that correct, of April?

22 MR. HESS: I believe so, yes.

23 MR. RALPH MATERGIA: So the
24 goal would be to get the planning module in front

25 of you in a manner that you can approve it based

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1 upon the advice of your engineer and solicitor.

2 So the next step I think is for
3 Tim and I to work on an outline.

4 MR. McMANUS: And we need --
5 yes. The other big step in the room is making sure
6 a lot of this is all contingent upon DEP being able
7 to put it in an enforcement mechanism for this,
8 because if they can't --

9 MR. RALPH MATERGIA: We're
10 going to be meeting on Monday.

11 MR. McMANUS: -- that'll be an
12 issue, right. We're going to talk to you more on
13 Monday.

14 MR. RALPH MATERGIA: We're
15 going to be in a meeting on Monday. I know Tim has
16 indicated an interest in being there. I would ask
17 that the township authorize him to be there.

18 MR. McMANUS: Well, Frank and
19 Harold mentioned that, they could certainly

20 formally do it and I think Harold's going to go up
21 with me if the board wants to authorize me
22 attending that, that will be great. Just a motion
23 to that effect.

24 MR. RALPH MATERGIA: The
25 meetings are -- I can tell you the meetings are

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1 worth the time that it takes to go there. You get
2 a lot of information and an exchange among a lot of
3 people on technical issues that are done at one
4 time that you would otherwise wait endlessly in
5 sequence.

6 MR. HESS: So I'll ask for a
7 motion for Harold and Tim to go the meeting Monday.

8 MR. BENGEL: I'll make the
9 motion.

10 MR. WERKHEISER: Second.

11 MR. HESS: Roll call. Henry
12 Bengel?

13 MR. BENGEL: Yes.

14 MR. HESS: Harold Werkheiser?

15 MR. WERKHEISER: Yes.

16 MR. HESS: Frank Hess, yes.

17 Yes, Bob?

18 MR. BOB DEMAREST: Question

19 here. I think I just --

20 THE REPORTER: May I just have

21 your name, sir, please?

22 MR. BOB DEMAREST: I'm sorry,

23 Bob Demarest. You need anything else? Age or

24 anything?

25 I believe the 8th of April is

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1 the planning commission meeting. The normal date

2 for our planning commission meeting is April 8.

3 MR. BENGEL: Second Monday.

4 MR. HESS: Second Monday, you're

5 right. All right.

6 MR. BENGEL: We're probably

7 following the -- we're probably --

8 MR. BOB DEMAREST: I just heard

9 the 8th mentioned in the meeting.

10 MR. HESS: We're Wednesday that
11 week. No, we're Wednesday next week.

12 MR. McMANUS: You're Wednesday
13 next week and then your regu -- you're still on the
14 first and third Monday. So your meeting would
15 really be the following week, whatever that is.

16 MR. HESS: The 15th.

17 MR. BOB DEMAREST: The 15th of
18 April?

19 MR. HESS: Yes.

20 MR. BOB DEMAREST: For anybody
21 who wrote down the 8th, you might want to change
22 that to 15th because there's a slight difference.

23 MR. RALPH MATERGIA: Our
24 comment period expires on the 8th. The planning
25 module is --

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1 MR. BENGEL: Sewer meeting on
2 the 10th?

3 MR. McMANUS: No. We have a
4 sewer meeting on this coming Wednesday.

5 MR. BENGEL: Right.

6 MR. McMANUS: Then you'll have
7 a regular supervisors meeting the following week
8 and then we have a sewer meeting a week after that.

9 MR. BENGEL: We have a
10 supervisors meeting the 1st, this coming Monday is
11 our regular meeting.

12 MR. HESS: The sewer meeting is
13 the 3rd and the 8th -- 18th.

14 MR. RALPH MATERGIA: You cannot
15 take -- Pocono Township cannot take action on the
16 planning module sooner than the 8th. Tobyhanna
17 Township, I believe, is taking action on the 8th of
18 April. From the developer's standpoint we would
19 like to see you take action on the 8th or as soon
20 after the 8th as possible, keeping in mind that
21 BCRA is waiting to receive an approved planning
22 module so that they have the comfort to know how to
23 proceed in front of the DRBC on May the 8th.
24 That's a good number by the way, the 8th.

25 So that being said, the sooner

1 you can act on the planning module --

2 MR. SHAY: Our second meeting
3 in April is going to be the 17th.

4 MR. BROWN: We have one on the
5 3rd.

6 MR. SHAY: We have one on the
7 3rd and one on the 17th.

8 MR. PREVOZNIK: One of my
9 questions is --

10 MR. RALPH MATERGIA: But it's
11 not your meeting so much as it is getting the
12 planning module approved at the township level so
13 the DEP can take action on the planning module.
14 They are -- DEP has simultaneously reviewed the
15 planning module, they're not sitting waiting for
16 it. They are reviewing it presently, but they
17 can't take any action until it gets to them
18 officially and that means that bodies have to move
19 it --

20 MR. HESS: We could schedule
21 another meeting?

22 MR. FORIO: Schedule it for the

23 8th, make it at 6?

24 MR. HESS: Yeah, let's do that.

25 MR. McMANUS: Why don't you

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1 just get -- we'll only need 24 hours notice, so why
2 don't you wait till you get the planning module in
3 so you can then pick a date that works around that
4 in case they get delayed for any reason.

5 MR. FORIO: I can put that on
6 the agenda for Monday's meeting, Frank.

7 MR. McMANUS: If everything's
8 in order, you can authorize the following Monday.

9 MR. HESS: Would you be all
10 right if we put it on?

11 MR. McMANUS: Yeah.

12 MR. HESS: Sam, are you going
13 to be back by the 8th?

14 MR. SAM D'ALESSANDRO: Yeah.

15 MR. BROWN: Can I make a
16 suggestion?

17 MR. McMANUS: One thing that

18 would be nice is to get people's signature on some
19 type of MOU, outline of understanding on these
20 conditions. If we could have that by the 3rd, then
21 -- which is next Wednesday, we both have
22 meetings -- okay? -- our board could consider it.
23 And then if something gets approved the 8th, 9th or
24 10th, we could notify DRBC of any of the change --
25 you know, the amendments, Ralph, that they're

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1 looking for and we can go forward with that.

2 MR. McMANUS: I'm not sure if
3 we could get this MOU signed by the 3rd, it's going
4 to require board action.

5 MR. PREVOZNIK: Well, what I
6 would think you would do is we would agree to a
7 form of what it is, put the conditions in --

8 MR. BROWN: And just sign it
9 off.

10 MR. PREVOZNIK: -- and the
11 developer would submit it signed, we would pass it
12 and then pass it on to everybody else.

13 MR. BROWN: Yeah, I'm just
14 seeing it being very quick.

15 MR. PREVOZNIK: They boom and
16 basically saying look, this is what we're going to
17 do, we understand this is the conditions and these
18 are the things that need to be done to get there.
19 Okay?

20 MR. BROWN: Yeah, MOU outline,
21 whatever you want to call it.

22 MR. RALPH MATERGIA:
23 Suggestion, why don't you just let the lawyers deal
24 with this?

25 MR. McMANUS: Won't happened

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1 Monday, John, we're going to be at DEP.

2 MR. PREVOZNIK: I understand.

3 MR. McMANUS: To get that done
4 by Wednesday, I'm just saying is --

5 MR. PREVOZNIK: I understand
6 that, but there is at some point a level of
7 commitment from everybody here that should

8 committed to writing before you pull the -- and
9 then -- I mean, maybe, Ralph, you want to make an
10 outline and say these are the things that you're
11 committed to do and bring it to the DRB -- bring it
12 to the --

13 MR. BROWN: BCRA.

14 MR. PREVOZNIK: -- BCRA?

15 MR. RALPH MATERGIA: My
16 suggestion -- that is a good suggestion. I'll
17 accept that as a task and I think the lawyers can
18 author it for their clients. In other words, I can
19 represent to you that the client will commit to
20 this, Tim can represent what Pocono needs in his
21 view, John or Pat from their standpoint.

22 MR. McMANUS: Now we're dealing
23 with public bodies here, Ralph, that's getting --
24 that's saying the solicitor's going to commit -- I
25 don't mean to give you a hard time, but saying a

1 solicitor's going to commit for public bodies,
2 without the public bodies even know what's going

3 on, is really not the way.

4 MR. PREVOZNIK: I mean, I guess
5 what we're looking at Ralph is at the end of the
6 day when we stand up and say we're going to commit
7 our resources, we need to know that you're going to
8 commit your resources and in writing tell us, we're
9 going to do this, this, this, this and this in
10 order for you to do that. And that may be the
11 thing that moves to the BCRA that then gets
12 forwarded to the other municipalities, but up to
13 this point, other than conversations, that's what's
14 been kind of lacking in this process.

15 What is it that you're committed
16 to do so that we can rely on you as the developer
17 for our actions on this? So if you want to put a
18 commitment sort of, if needed, we're going to
19 pretreat; if we need this, we need that, and maybe
20 you can ask Tim what he has a level of comfort
21 with.

22 MR. RALPH MATERGIA: What is
23 generally in Tim's email of last Friday, I guess it
24 was, those conditions, is generally accepted.

25 MR. PREVOZNIK: Then put it in

1 writing from your client and bring it --

2 MR. RALPH MATERGIA: That was
3 the commitment to meet the sewage strengths.

4 MR. McMANUS: Did it say
5 sewage -- i know I talk about the agreements
6 generally, we --

7 MR. RALPH MATERGIA: No, no.
8 You specified three conditions; meet the sewage
9 strengths --

10 MR. McMANUS: Yep.

11 MR. RALPH MATERGIA: -- reach
12 agreements --

13 MR. McMANUS: Yep.

14 MR. RALPH MATERGIA: -- and I
15 think by that you meant both intermunicipal
16 agreements and treatment agreements.

17 MR. McMANUS: That's correct.

18 MR. RALPH MATERGIA: And the --

19 MR. McMANUS: We also had in
20 there that there will be a -- I guess an issue for

21 -- that maybe has to be fleshed out some more,
22 about whether the Regional Act 537 is --

23 MR. PREVOZNIK: One of the
24 things that we had talked about was that the
25 intergovernmental agreement requires it. We have

60

1 gotten the answer back from the DRBC that the
2 DRBC will require it for even the May 8th
3 amendment.

4 MR. RALPH MATERGIA: Right.
5 Well, the Regional 537 is certainly something that
6 can be just addressed in terms of we'll agree to do
7 it in the process if it's necessary under any of
8 these agreements. The planning module now was --
9 assigned by Pocono Manor -- or excuse me, by Pocono
10 Township constitutes an amendment of your 537 Plan.

11 MR. McMANUS: For Pocono's
12 purposes, sure.

13 MR. RALPH MATERGIA: So when
14 Tim authored that it was as an alternative to the
15 adoption of a planning module. Now that you're

16 going to have a planning module, it will end up
17 being be a supplement to the planning module,
18 Regional 537.

19 MR. McMANUS: Yeah, and it's
20 for the ICA part -- the BCRA's part.

21 MR. RALPH MATERGIA: Right.

22 MR. McMANUS: We'll have to
23 probably do the regional.

24 MR. RALPH MATERGIA: Right.

25 MR. McMANUS: Unless there's

61

1 something --

2 MR. PREVOZNIK: There's two
3 parts, one for the ICA and one for the DRBC. The
4 DRBC will require that.

5 MR. McMANUS: Now, let me --
6 can we, on the DRBC -- I mean, a lot of the
7 problems we're running into is getting on the DRBC.
8 Can we amend that if -- if we went through the
9 process, if Pocono Manor/Kalahari amended their
10 requests to Toby with the new map, Toby sent it

11 down to Pocono, Pocono over to the BCRA, can we get
12 that through, because DRBC has to advertise that,
13 without having everything in place here on this MOU
14 and everything else we're talking about?

15 Could that move forward on that
16 request? Because I know you got a deadline to get
17 into DRBC with any submitted change.

18 MR. PREVOZNIK: I guess the
19 question to that is, are you comfortable, Pocono,
20 writing that letter and asking us to make that
21 amendment?

22 MR. McMANUS: Yeah.

23 MR. PREVOZNIK: That would be
24 -- can it be done in that time frame, Max?

25 MR. STONER: It's got to done

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1 very quickly.

2 MR. McMANUS: It would pretty
3 much be what I'm calling naked -- it would be a
4 naked request because the first one you put in, as
5 you know, had all the conditions we're talking

6 about. This would pretty much say, please revise
7 our prior letter to now just include the area shown
8 on the attached map that I guess Joe or somebody
9 else can supply to expand your service area and
10 also keep in the remain of our letter which
11 requested the removal of the 800 gallons and that
12 kind of thing. It would just be a -- really a
13 strip down request, if that would work to get it in
14 so you can get it advertised.

15 MR. RALPH MATERGIA: When can
16 you author that letter?

17 MR. McMANUS: Pardon me?

18 MR. RALPH MATERGIA: When can
19 Pocono Township author the letter to BCRA?

20 MR. McMANUS: If you just want
21 to get something down to us -- I mean, I started
22 working on a draft one for Pocono. If you could
23 get something, just so we have it through the
24 chain, because I attached -- I attached your
25 request and say, per the request of the developer

1 and Tobyhanna Township, we're passing this request
2 through, would you kindly do this.

3 So if you make it a request just
4 to amend it to revise the service area, to take --
5 let's do this, Ralph, to take out the reference to
6 Pocono Manor Inn and the houses and to reduce the
7 service area, just as shown on that new map, let's
8 just pass that through. I think that should be
9 enough to do it.

10 MR. BROWN: And the water.

11 MR. PREVOZNIK: Yes.

12 MR. BROWN: And the water
13 supply is ours, but that's already in there.

14 MR. PREVOZNIK: Yeah, my
15 understanding is, do we have the new Exhibit F?

16 MR. McMANUS: No. That's
17 something I think Pennoni was going to work on.

18 MR. BROWN: The new Exhibit
19 F -- Ralph, isn't that in the planning module?

20 MR. RALPH MATERGIA: Exhibit F
21 is the service area.

22 MR. BROWN: It's in the plan.

23 MR. McMANUS: Yeah, but that

24 one --

25 Sam, that one in the planning

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1 module wouldn't work as is, right?

2 MR. SAM D'ALESSANDRO: No. I
3 think there was a different map that went -- that
4 went to DRBC. I'm not sure if Pennoni did it or we
5 did it for Ken.

6 MR. BROWN: That was the first
7 planning module but -- the one that's sitting there
8 now, that was submitted in January, but the new
9 planning module that you're -- we currently
10 reviewed and I believe has the corrected service
11 area.

12 MR. SAM D'ALESSANDRO: Yeah,
13 but I think DRBC wanted to see the entire service
14 area present and expansion on one map. So I think
15 what I remember happened was, Pennoni prepared the
16 map for what was the expansion and we incorporated
17 that on another map for you, Ken, to submit. I may
18 be wrong, but I thought DRBC wanted to see all of

19 it on one map.

20 MR. McMANUS: Joe, do you
21 happen to remember on that, how we did that the
22 first time?

23 MR. BROWN: We can ask them on
24 Monday.

25 MR. PREVOZNIK: You can ask

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1 them Monday.

2 MR. McMANUS: On that Exhibit F
3 to the request --

4 MR. BROWN: We'll ask them
5 Monday.

6 MR. PREVOZNIK: We'll ask them
7 Monday.

8 MR. BROWN: We'll ask them
9 Monday.

10 MR. McMANUS: Wasn't that
11 carried by you?

12 MR. JOSEPH MULLEN: No, we had
13 -- we generated a similar map --

14 MR. BROWN: We'll ask them
15 Monday.

16 MR. JOE MULLEN: -- that Ralph
17 has right now -- Joe Mullen. We generated a map
18 similar to the one that Ralph has right now, which
19 is the latest and greatest version of the planning
20 module. It had other things on it, we took them
21 all off. So we regenerated this when it was
22 exclusively Tobyhanna.

23 MR. McMANUS: And that -- okay.

24 And so, Sam, the map that
25 they're holding up is just showing the service area

66

1 in Tobyhanna Township for Pocono -- for the Pocono
2 Manor property, it's not for the entire BCRA
3 service area.

4 MR. JOE MULLEN: Which is --
5 was in sync with what you wanted.

6 MR. McMANUS: Do you think DRBC
7 needs -- is there any way we could --

8 Max, is there any way we could

9 get that clarified?

10 MR. BROWN: Tim, Tim?

11 MR. STONER: DRBC does want the
12 updated entire service area.

13 MR. McMANUS: The entire serv
14 -- so a map has to be generated for that?

15 MR. BROWN: Right.

16 MR. STONER: And it's mostly
17 done by RKR Hess, but they just have to make some
18 adjustments for the changes that Ralph's holding up
19 right now.

20 MR. JOE MULLEN: We did a
21 similar thing with RKR Hess on the water. We have
22 our maps that look like this, gave them to RKR
23 Hess, they turned around and made their mosaic --

24 MR. BROWN: You're looking at
25 them in front -- they're right in front of you.

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1 MR. JOE MULLEN: They took the
2 map.

3 MR. McMANUS: So, Sam, I know

4 you're out of town, is there anybody at your office
5 that can coordinate with that Pennoni to get any
6 data files changed and do that?

7 MR. BROWN: No, no. We'll take
8 care of that.

9 MR. SAM D'ALESSANDRO: Yeah,
10 we'll --

11 MR. McMANUS: Oh, wait a
12 minute.

13 MR. HESS: Ken's saying the
14 update's here.

15 MR. BROWN: It's done. I mean,
16 it needs to be cleaned up a little bit, but
17 basically we're talking about this map we have in
18 draft, which is this. That shows all our service
19 areas, future and existing for water and then it
20 shows in blue the new Pocono and Tobyhanna.

21 So that's pretty much done,
22 other than it's being listed as a draft, but I
23 believe that's the docket they're looking for.
24 Unless you're talking about the 537 --

25 MR. McMANUS: So who can run

1 that off of the exhibit?

2 MR. BROWN: Or are they talking
3 about the 537?

4 MR. STONER: 537 Plan, sewer.

5 MR. BROWN: That's the water
6 one. If we need the one for -- the 537 for sewer?

7 MR. STONER: Yes, it's updated
8 with the --

9 MR. BROWN: That's going to be
10 a mess.

11 MR. STONER: -- recent changes.

12 MR. BROWN: Riley did that.
13 Riley Associates did the 537 Plan.

14 MR. McMANUS: No, but I think
15 -- I think what we're talking about, Ken, Sam last
16 time, when we made the request, I think the plan
17 that was attached to our last request to you for
18 DRBC and RKR Hess --

19 MR. BROWN: The January one?

20 MR. McMANUS: Yes, RKR Hess.

21 MR. BROWN: You know what

22 they're talking about?

23 MR. STONER: Yes, I do know
24 what they're talking about.

25 MR. BROWN: We'll get it done.

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1 You're going to give it to Max,
2 we'll get it done.

3 MR. STONER: RKR Hess updated
4 the plans too from the 537 Plan that was at DRBC
5 prior to this recent docket amendment of this year.

6 MR. McMANUS: So RKR Hess would
7 have to update this new map?

8 MR. STONER: Yes, because it'd
9 be easiest for them to do it.

10 MR. McMANUS: You're not going
11 to do it, RKR would do it?

12 MR. STONER: RKR Hess is going
13 to do it.

14 MR. McMANUS: That's why, back
15 to my question.

16 Sam, do you --

17 MR. BROWN: Mike -- Michael
18 Chang. I'll contact Michael Chang.
19 MR. SAM D'ALESSANDRO: It'll be
20 done tomorrow, Tim.
21 MS. LAMBERTON: Now, we're
22 getting somewhere.
23 MR. HESS: So be it done,
24 right?
25 MR. McMANUS: So if you -- I

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1 guess, Ralph, if your letter kind of just comes
2 down and says amend the service area to the
3 attached map and we'll just stick it on at the end.
4 MR. RALPH MATERGIA: All right.
5 Fine. We'll issue a letter tomorrow to that
6 effect.
7 MR. McMANUS: And if you
8 would -- what I was going to suggest to the Pocono
9 Township Supervisors, since that request would be
10 going in, if you want to authorize -- preauthorize
11 Frank Hess to sign that letter and deliver it to

12 BCRA when it's prepared, then I will prepare a
13 letter for the Township and Frank Hess will be
14 authorized to sign and deliver it to the BCRA, to
15 pass that request on to amend the DRBC docket.

16 MR. HESS: Do you want a motion
17 for the that now?

18 MR. McMANUS: Can I have a
19 motion for that?

20 MR. BENGEL: I'll make that
21 motion.

22 MR. WERKHEISER: Second.

23 MR. HESS: Roll call.

24 Henry Bengel?

25 MR. BENGEL: Yes.

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1 MR. HESS: Harold Werkheiser?

2 MR. WERKHEISER: Yes.

3 MR. HESS: Frank Hess, yes.

4 Just so you know the bible only
5 took seven hours on TV. I'll keep praying.

6 MR. BROWN: Ralph, just on a

7 follow-up, we do have this on our agenda for the
8 third -- meeting on the 3rd, so anything you want
9 to bring us, as you and John discussed, we had
10 invited Jim to come to that meeting to give us an
11 update so you're on the agenda for the BCRA meeting
12 on the 3rd. So anything you can get in writing to
13 reassure us we'll be glad to talk about that and
14 get it ahead of time. I'll get it distributed to
15 the board.

16 MR. KERRICK: Tobyhanna, what
17 do we need to do anything? Ralph? Tim?

18 MS. LAMBERTON: What do we
19 need?

20 MR. KERRICK: We need to do
21 anything in Tobyhanna?

22 MR. BROWN: Did we figure out
23 who's actually gonna do this MOU thing?

24 MR. McMANUS: Well, aside from
25 the -- part of the MOU stuff --

1 MR. KERRICK: I asked that

2 question twice and didn't get an answer.

3 MR. McMANUS: I guess we'll
4 talk to Jonathan about that. It's more -- that's
5 probably more of the brainstorming for lawyers,
6 quite honestly, that I would think that --

7 MR. KERRICK: I meant the
8 attorney -- solicitors.

9 MR. PREVOZNIK: I think the
10 next step for Tobyhanna would be to authorize your
11 solicitor to not only work on the MOU, but the
12 intergovernmental agreement, which will authorize
13 all of putting this together, okay?

14 MR. BROWN: And authorize the
15 service area maps.

16 MR. PREVOZNIK: The service
17 area maps and -- because at the end of the day,
18 you're going to need to pass ordinances, which will
19 establish the service area for both the water and
20 sewer. And we have models that we can get and move
21 forward, but if you authorize your solicitor to
22 start working with us on that, it will probably
23 move the situation a lot quicker.

24 MS. PICKARD: So moved.

25

MR. KERRICK: Entertain a

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1 motion?

2

MS. LAMBERTON: Yes.

3

MS. PICKARD: So moved.

4

MR. LAMBERTON: Second.

5

MR. KERRICK: First, second.

6

Questions or comments on the

7 motion?

8

Call the vote. John?

9

MR. HOLAHAN: I vote in favor.

10

MR. KERRICK: Anne?

11

MS. LAMBERTON: I vote in

12 favor.

13

MR. KERRICK: Heidi?

14

MS. PICKARD: I vote in favor.

15

MR. KERRICK: Donny?

16

MR. MOYER: I vote in favor.

17

MR. KERRICK: I'll vote in

18 favor. Motion carried.

19

MR. PREVOZNIK: And so I mean

20 --

21 MR. KERRICK: -- that's seven
22 hours.

23 MR. PREVOZNIK: From our
24 standpoint, we know where we're going with the
25 water. We'll work on -- and, Ralph, we'll be in

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1 contact to get something together for our third
2 meeting to pass around. In the meantime, we'll
3 call and get a conference just to discuss the --
4 and I mean, I don't even how much involved in the
5 intergovernmental agreement you need to be other
6 than you'd want to look at it and see the
7 commitments being made that you can --

8 MR. RALPH MATERGIA: That's
9 correct.

10 MR. PREVOZNIK: Okay? But this
11 is not that difficult.

12 MR. McMANUS: One thing Toby --
13 and they don't have to resolve tonight, but Toby
14 and Pocono are going to have to resolve and in turn

15 Toby and Pocono Manor/Kalahari will be structuring
16 the reservation of capacity and how that's going to
17 be looked at and (inaudible) going to have to be
18 paid. That's something that the board --

19 MR. HESS: We'll work that out.

20 MR. McMANUS: -- work that out
21 because that will be part of one of the agreements.

22 MR. PREVOZNIK: Ralph, the only
23 -- the only issues that I see that are out there on
24 -- regarding the ICA is, have we created a
25 wastewater municipality or a CSO by this? I think

75

1 they can sign an amended -- if we all agree to
2 that -- they can assign a second amendment to the
3 ICA in the same capacity that Stroud -- Stroud
4 Authority did, not as an owner, but as -- to this
5 paragraph, this paragraph and this paragraph and
6 your intended third-party beneficiary and everybody
7 can do it. Okay?

8 That can be on the list of
9 things --

10 MR. BROWN: Down the road.

11 MR. PREVOZNIK: -- that we need
12 to do.

13 MR. RALPH MATERGIA: Well,
14 John, I just happened to bring it with me this
15 evening.

16 MR. PREVOZNIK: I have it with
17 me too.

18 MR. McMANUS: Would you mind
19 reading us tonight, Ralph, we'll start on Page 1?

20 MR. RALPH MATERGIA: I would
21 very much --

22 MR. HESS: 911 --

23 MR. BROWN: 911?

24 MR. HESS: There's a sewer leak
25 down in Stroudsburg, a sewer leak. They called in

76

1 an emergency.

2 (Phone Interruption.)

3 (Discussion off the record.)

4 MR. BROWN: I do want to -- our

5 board is here and although we've taken a lot of
6 action and submitted stuff. I mean, actually the
7 authority's probably, actually, submitted more
8 stuff than anybody else here, but --

9 MR. PREVOZNIK: Any questions,
10 guys?

11 MR. BROWN: -- I didn't know if
12 they had any question. If our board had questions
13 for the group.

14 MR. VOGT: I don't think so. I
15 mean, I think this follows through what we've been
16 looking for all the way along, is some direction
17 from the townships and the developer.

18 MR. PARKER: If we can get the
19 letter that Pocono's proposing, then I'm very
20 comfortable on Wednesday, looking forward.

21 MR. HESS: We'll, move forward.

22 MR. RALPH MATERGIA: Well,
23 we're all here so there's no misunderstanding,
24 we're committed to April the 8th now for action on
25 the planning module assuming --

1 MR. McMANUS: Maybe not --
2 well, Pocono maybe, I mean, we get in a date --
3 because they have a conflicting meeting with the
4 planning commission that night, that's not their
5 regular meeting. They'll be setting up -- once
6 they get the planning module in they would then set
7 up a special meeting for it. It may not be right
8 on the 8th is what I'm telling you. Sometime
9 during that week probably.

10 MR. RALPH MATERGIA: Okay. I'm
11 being reminded, appropriately, that April 8 is the
12 end of comments and we're working on the assumption
13 we're not going to have any comments to respond to.
14 We may, so that may require, you know, a few days.
15 One day to address comments, so maybe it's the 9th.

16 When we conclude here, John and
17 Tim and John, we should maybe match up schedules
18 and get a little idea between us when we're
19 available to work over the next several days.

20 MR. SHAY: Okay. I'm going to
21 call for comments from the public and questions.

22 Steve?

23 MR. STEVE PINE: (Inaudible),
24 'cause I heard it talked about a little while ago
25 referring to Tim. I just wanted to encourage

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1 everybody, this meeting that's happening at DEP on
2 Monday at ten o'clock is very, very important. And
3 we're getting a lot of things accomplished here
4 tonight because we have board members and
5 solicitors here. So whoever can make that meeting
6 at DEP on Monday, it is invaluable.

7 So if you have to approve for
8 your solicitors to attend that meeting, this would
9 be the appropriate time to do it. I really
10 encourage that many of you to be there as possible.
11 And I appreciate everything that everybody's doing
12 for the Kalahari and -- but I do think that those
13 meetings are so helpful that it would be important
14 to have the solicitors there as well.

15 I just wanted to say that and I
16 appreciate it. Thanks.

17 MR. SHAY: Any questions or

18 comments from the public? If you do, please, raise
19 your hand. When you stand, announce your name,
20 please.

21 Yes, ma'am.

22 MS. MARIE GUIDRY: Marie
23 Guidry. I have some questions and this is really
24 preliminary. I'd like to know about the cash flow
25 for Pocono Township, is it tapping fees or the

79

1 hookup fees, who's doing the billing, that type of
2 thing. We have some questions and we'd just like
3 to have that clarified. Do you know that?

4 MR. HESS: We've collected the
5 tapping fees from Sanofi and the user fees so far.
6 We hopefully are going to have our billing done by
7 the authority, but that all has to be put into an
8 agreement of how we're going to do that and we
9 haven't got there yet, but --

10 MR. BROWN: We've talked about
11 it.

12 MR. HESS: We've talked about

13 it, but it's not official yet, that's --

14 MS. MARIE: So it's not in
15 place yet?

16 MR. HESS: No.

17 MR. MARIE: You can't tell us
18 about Kalahari.

19 MR. HESS: Not yet, no.

20 MS. MARIE GUIDRY: So do I
21 understand that the portion that's in Tobyhanna
22 Township, that will go under their sewer authority?

23 MR. McMANUS: It's actually
24 going to be handled by the township themselves.

25 And, yes, they would actually be billing --

80

1 Tobyhanna Township would bill Kalahari and Pocono
2 Manor directly for the sewer they're providing. We
3 in turn would bill Tobyhanna Township directly for
4 that sewage and then BCRA bills us.

5 MS. MARIE: Thank you. Thank
6 you for that clarification.

7 MR. SHAY: Anyone else?

8 MR. HESS: I have announced it
9 at other meetings, Sanofi has paid their tapping
10 fee in full and they have already started paying
11 user fee even though they're not using the line
12 because they was an agreement in place for that.

13 MR. SHAY: No other questions?
14 Comments? Observations?

15 MR. McMANUS: Now we'll move on
16 to the discussion about the Right to Marriage Act.

17 MR. HOLAHAN: I make a motion
18 to adjourn Tobyhanna Township meeting.

19 MR. KERRICK: Is there a
20 second?

21 MS. LAMBERTON: Second.

22 MR. KERRICK: Tobyhanna's
23 adjourned.

24 MR. HESS: Ask for a motion to
25 adjourn.

1 MR. WERKHEISER: I'll make a
2 motion.

3

MR. BENGEL: I'll second.

4

MR. HESS: Roll call.

5

Henry Bengel?

6

MR. BENGEL: Yes.

7

MR. HESS: Harold Werkheiser?

8

MR. WERKHEISER: Yes.

9

MR. HESS: We're adjourned

10

MR. BROWN: We're adjourned.

11

Thank you, very much.

12

(Meeting concluded at 7:30 p.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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accurately, to the best of my ability, in the notes

10

taken by me at the meeting in the above matter; and

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, April 8, 2013 beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer
ROBERT J. McHALE, Township Engineer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. KERRICK: Call the meeting
2 to order with the pledge of allegiance, please.

3 (Pledge of allegiance was
4 recited.)

5 MR. KERRICK: First item on our
6 agenda, announcements.

7 MS. PICKARD: I had a couple
8 announcements. One I just wanted to remind
9 everybody that spring cleanup is scheduled for
10 Saturday, April 20 through the 27th, at our
11 transfer station on Sullivan Trail Road; Monday
12 through Friday 8 to 4 and Saturday 8 to 3. And the
13 fees and all the other information's out in the
14 lobby or you can check online at Tobyhanna Township
15 dot org.

11 2013 work session minutes.

12 MR. MOYER: Second.

13 MR. KERRICK: Motion and

14 second.

15 Questions or comments?

16 Questions or comments from the

17 public?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in

22 favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

4

1 MS. PICKARD: I vote in favor.

2 MR. KERRICK: Motion carried.

3 Next item on our agenda,

4 consider treasurer's report. Total amount for

5 board approval \$284,604.07.

6 MR. HOLAHAN: I'll make a
7 motion that we approve the treasurer's report for
8 \$284,604.07.

9 MR. KERRICK: Do we have a
10 second?

11 MS. LAMBERTON: I'll second.

12 MR. KERRICK: Questions or
13 comments?

14 Questions or comments from the
15 public?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in
20 favor.

21 MR. KERRICK: Donny?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: Motion carried.

1 Next item, solicitor's report.

2 MR. ARMSTRONG: Thank you, Mr.
3 Chairman. There's nothing listed on my report. I
4 do have at least just a status. As you're aware,
5 at your last meeting you authorized the draft flood
6 plain management ordinance to be forwarded on to
7 DCED, as well as the Monroe County Conversation
8 District. We forwarded that on, we did get some
9 comments back from the conservation district.

10 This morning Phyllis, Bob and
11 myself, we had a conversation and we made certain
12 revisions pursuant to those suggested changes and
13 I have sent that draft ordinance back to the Monroe
14 County Conservation District for review and any
15 further comments.

16 That being said, as you're
17 aware, we do have a May 2 time frame. Apparently
18 your May 6 meeting won't make that. I was hoping
19 that there was some flexibility with respect to the
20 adoption of that ordinance, there is not. So I'm
21 not sure if the board is in a position to consider
22 maybe scheduling a special meeting some time before
23 the end of the month, so you can make that May 2

24 deadline for purposes of the flood plain management
25 ordinance.

6

1 We only need to advertise it
2 pursuant to the MPC, which would be 14 days and 7
3 days in advance. So we still have time to
4 advertise if we wanted to consider a meeting date
5 to make that May 2 time frame.

6 MS. PICKARD: We have a April
7 25 TIF meeting scheduled at 7.

8 MR. ARMSTRONG: Yeah, we've
9 talked about that this morning. I don't know if
10 the newspaper that you use for the advertising will
11 accept an ad tomorrow for -- Thursday? We would
12 need it for Thursday.

13 MS. HAASE: We could reach out
14 to them if that's the board's pleasure, but we'd
15 have to speak to them directly.

16 MS. LAMBERTON: Well, I saw a
17 date of Monday, April 29.

18 MS. PICKARD: April 29.

19 MR. MOYER: 9th.
20 MS. LAMBERTON: I was fine with
21 that.
22 MS. PICKARD: We could do it at
23 that work session.
24 MS. LAMBERTON: That works.
25 Does that give you enough time?

7

1 MS. ARMSTRONG: It's up to the
2 board.
3 MR. MOYER: Yeah, I emailed
4 back, Bob, it was late though. I was good with
5 that.
6 MR. HOLAHAN: Bring it up at
7 the work session, it's the 29th, certainly.
8 MS. PICKARD: And we have a
9 3:30 work session.
10 MR. ARMSTRONG: On --
11 MR. HOLAHAN: Does that give --
12 MR. KERRICK: 29 of April.
13 MR. HOLAHAN: -- us -- the

14 paper enough time?

15 MR. MOYER: 29th of April.

16 MR. ARMSTRONG: So schedule the
17 public hearing for your flood plain management
18 ordinance for April 29 at --

19 MR. MOYER: 3:30.

20 MR. KERRICK: 3:30.

21 MR. ARMSTRONG: -- 3:30?

22 MS. LAMBERTON: I think so,
23 right?

24 MR. MOYER: Yeah, we might as
25 well.

8

1 MS. PICKARD: -- the COG is at
2 7, so --

3 MS. LAMBERTON: Yep, I can make
4 it.

5 MR. KERRICK: Anything else,
6 Pat?

7 MR. ARMSTRONG: There is --
8 there was the -- your proposed -- well, not your

9 proposed, but remember a while back Phyllis, Bob
10 and I and Bill Burton from the Bureau Veritas
11 Inspection Company, we were coming up with a
12 revision to your Code of Ordinances with respect to
13 the building code, the universal -- or the
14 Uniformed Construction Code amending Chapter 60 and
15 64 to make sure that it's consistent with the UCC?

16 I believe we have a draft that's
17 ready probably for your consideration and a public
18 hearing, but that -- I mean, if you're okay with us
19 proceeding with advertising that ordinance, we can
20 do that for one of your May meetings, if the
21 board's okay with that.

22 MR. MOYER: Yeah, I'm fine with
23 it.

24 MR. ARMSTRONG: Okay?

25 MR. KERRICK: Yep.

9

1 MR. HOLAHAN: Yes.

2 MR. ARMSTRONG: With that, I
3 see there's a number of things that I'll be

4 probably involved in reporting on, but it looks
5 like it's going to be covered under new business
6 with Kalahari/Pocono Manor. And I think that's it.
7 Yep.

8 Thank you.

9 MR. KERRICK: Do you want to
10 stay right there, we switch to new business,
11 Kalahari Resort/Pocono Manor commercial project?

12 MR. McHALE: There's a sewage
13 facility's planning module in front of the board
14 with regard to the Kalahari Resort and the Pocono
15 Manor Investors commercial property. Joe Mullen is
16 here with Pennoni Associates. He could probably
17 just give a very short brief overview of where
18 we've been just in the last couple of weeks. Some
19 very minor modifications have been made, mostly
20 language.

21 There's some items here related
22 to the planning module, but at this point it's in
23 pretty good shape. There's a memorandum of
24 understanding that's been executed by the
25 municipalities and the BCRA, the Brodhead Creek

1 Regional Authority.

2 So, Joe, I don't know if you
3 want to just give a little synopsis of where we're
4 at right now.

5 MR. JOE MULLEN: Sure. Just in
6 general -- first of all, my name is Joe Mullen,
7 Pennoni Associates. Just in general the planning
8 module's been in some sort of a stable form, at
9 least for the intent of the technical part of the
10 planning module, in the sense that it's creating a
11 sewage area totally in Tobyhanna Township. That
12 sewage area will be connected to Pocono Township by
13 a transmission line.

14 Pocono Township will pass the
15 sewage out to Brodhead Creek for treatment and the
16 domestic water for this service area will also be
17 received from Brodhead Creek. So it is both sewer
18 and water from Brodhead Creek, creation of a
19 separate sewage area in Tobyhanna Township
20 transmitting the line through Pocono Township to
21 Brodhead Creek. That's pretty much what's been

22 stable.

23 What has kind of matured and
24 changed in the last few weeks is the arrangement
25 between the municipalities, Brodhead Creek and in

11

1 that -- formulated in the memorandum of
2 understanding as to who's doing what, who's
3 permissing (phonetic) certain things to transpire.
4 That's been kind of a fluctuating thing for us the
5 last two weeks, but it's come to fruition.

6 There's been some signatures put
7 on the paper and that is now bound with the
8 planning module as the understanding between the
9 municipalities and Brodhead Creek Regional
10 Authority as to how this whole situation with the
11 planning module is being handled. That's sort of
12 the status of where we are today at seven o'clock.

13 MS. LAMBERTON: It could
14 change. It could change in five minutes.

15 MR. JOE MULLEN: Any questions?

16 MR. McHALE: So the planning

17 module's ready to be acted upon by the board -- so
18 chooses. There's also a resolution for a plan
19 revision for new land development that's associated
20 with the planning module, and that was going to be
21 considered under Resolution 2013 dash 014, which
22 can be done later.

23 MS. PICKARD: The resolution
24 numbers are wrong.

25 MR. ARMSTRONG: What do you

12

1 mean?

2 MR. KERRICK: We don't act on
3 this before we do the resolution?

4 MR. ARMSTRONG: Just for the
5 board's clarification, Pocono Township has a
6 similar planning module before them, correct?

7 MR. JOE MULLEN: Absolutely.
8 They are the same -- aside from the title on them,
9 Tobyhanna/Pocono Township, they're exactly the
10 same. The front end documents, which are the
11 standard PA DEP documents for this process, are

12 exactly the same. And the second module, which is
13 the heavy technical section is exactly the same.
14 So they are the same planning module.

15 MR. ARMSTRONG: And the reason
16 for that, again, is the sewage from the proposed
17 plan would be conveyed through lines owned by
18 Tobyhanna Township to the collection system of
19 Pocono Township, down through Pocono Township's
20 system.

21 MR. KERRICK: What's the
22 board's pleasure? Do you want to act upon the
23 sewage facilities planning module?

24 MR. HOLAHAN: And are we
25 looking at that as the Resolution 2013 dash 014?

13

1 MS. PICKARD: They'll be out of
2 sequence.

3 MR. MOYER: Yeah, they're
4 different on the agenda, but --

5 MR. ARMSTRONG: Yeah. What Bob
6 had just indicated to me is why don't you go ahead

7 and if you want to consider for approval of the
8 actual planning module. And then if you want to
9 wait to actually adopt the actual resolution until
10 it's listed on your agenda, you can do that.

11 MR. HOLAHAN: Well, I'll make a
12 motion that we move forward with the planning
13 module then.

14 MS. PICKARD: This is an
15 amendment to our Act 537 Plan.

16 MR. ARMSTRONG: Yes. Just so
17 the record's clear, there was a 30 day time frame
18 to receive comment from the public and I don't
19 believe -- correct me if I'm a wrong -- has the
20 township received any comment on this proposed
21 planning module?

22 MS. HAASE: No.

23 MR. KERRICK: Do we have a
24 second?

25 MS. LAMBERTON: I'll second it.

1 MR. KERRICK: Motion and

2 second.

3 Questions or comments?

4 Questions or comments from the
5 public?

6 Yes?

7 MS. TRUDY QUINN DENLINGER: On
8 your memorandum of assignment should --

9 THE REPORTER: May I have your
10 name, please?

11 MR. KERRICK: State your name.

12 MS. TRUDY QUINN DENLINGER: Oh,
13 I'm terribly sorry. Let me stand too. My name is
14 Trudy Quinn Denlinger. Question about the
15 memorandum of assignment. What is -- happens with
16 Pocono Township should they default and what backup
17 does Tobyhanna Township have to follow through,
18 since it's our lines and their plant?

19 MR. ARMSTRONG: When you say
20 memorandum of assignment, do you mean memorandum --

21 MS. TRUDY QUINN DENLINGER:
22 Memorandum agreement.

23 MR. ARMSTRONG: Understanding.

24 MS. TRUDY QUINN DENLINGER:

25 Understanding, right.

15

1 MR. ARMSTRONG: In that
2 memorandum of understanding, there are a list of
3 documents and agreements that need to be finalized
4 yet in order for this project to receive sewer
5 service and those are not finalized yet; but sewer
6 service to that property is conditional upon all of
7 the parties, Pocono Township, Tobyhanna Township,
8 the Bucks -- Brodhead Creek Regional Authority and
9 Kalahari and Pocono Manor, all agreeing to a number
10 of items and provisions that have not been
11 finalized yet.

12 MS. TRUDY QUINN DENLINGER:
13 What is the time frame for finalization?

14 MR. ARMSTRONG: That depends on
15 how quickly all the parties can come to terms with
16 the provisions. I mean, the applicant's sitting
17 here. I'm not sure what they consider an
18 appropriate time frame, but that's going to depend
19 upon all the parties coming to terms with all the

20 provisions that are needed for this agreement.

21 MS. TRUDY QUINN DENLINGER: So
22 there is no time frame on this at this point in
23 time?

24 MR. RALPH MATERGIA: Well, I
25 could speak to that.

16

1 MS. TRUDY QUINN DENLINGER:

2 Definitive time --

3 MR. RALPH MATERGIA: Hi, Trudy.

4 MS. TRUDY QUINN DENLINGER: Hi,
5 Ralph.

6 MR. RALPH MATERGIA: Ralph
7 Matergia for Pocono Manor. We're hopeful that we
8 can reach final agreement on the documents that
9 need to be finalized within about a month. I think
10 that would be -- you know, a month or so, give or
11 take. There's a number of parties to these
12 agreements so that presumes that, you know, there's
13 reviews that have to take place among at least four
14 solicitors. So that being said, we're hopeful in

15 about a month.

16 MS. TRUDY QUINN DENLINGER:

17 Discharge into the Brodhead, is this is a tertiary
18 discharge or how is that monitored that Tobyhanna's
19 linked into that discharge going into the Brodhead?

20 MR. RALPH MATERGIA: Well, the
21 engineers can speak to where the sampling is, but
22 essentially the way it works is the sewage from the
23 project has to meet characteristics that are
24 established already in existence with BCRA. They
25 have treatment requirements that they have to meet.

17

1 Pocono Township upstream from the treatment plant
2 has certain characteristics that they have to
3 deliver to the treatment plant by the contract.
4 Tobyhanna will essentially have to meet the same
5 characteristics and requirements that come out of
6 the Kalahari/Pocono Manor projects.

7 So all the sewage has to meet
8 these requirements. There's various places where
9 the sewage is going to be sampled and tested. As

10 it leaves Tobyhanna Township, it will be sampled
11 and tested.

12 MS. TRUDY QUINN DENLINGER: How
13 often are those test results sent down? Is that
14 like a yearly thing, how is this monitored? Is
15 that yearly or semiannually?

16 MR. RALPH MATERGIA: I don't
17 want to get into the specifics of that, that's
18 beyond my discipline, but it's regular and it's
19 routine, it's going on. I mean, it will go on
20 right now with Pocono Township and BCRA.

21 MS. TRUDY QUINN DENLINGER:
22 It's nice when there's partnerships and everything
23 works out fine. My question is, what if something
24 doesn't happen to work out fine especially since
25 the lines are running from Toby down? Is there

18

1 bonding on this type of project? What is the good
2 faith that's put forth?

3 MR. RALPH MATERGIA: First of
4 all there's bonding on the construction. There

5 will be bonding on maintenance in the agreement.

6 There's contractual provisions for compliance,

7 there's penalties for noncompliance.

8 MR. ARMSTRONG: All those will
9 be covered in the agreements.

10 MS. TRUDY QUINN DENLINGER:

11 Thanks, Ralph.

12 MR. RALPH MATERGIA: You're
13 welcome.

14 MR. KERRICK: Thank you.

15 Any other questions?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in
20 favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: Motion carried.

1 Next item, Pocono Manor

2 Investors minor subdivision.

3 MR. McHALE: We have a minor
4 subdivision of Pocono Manor Investors before us as
5 well. A review letter was formed on March 11 with
6 some minor modifications, notes, revisions, that
7 type of thing, being added to the plan. The
8 applicant has made those changes. There's a couple
9 of items that our township solicitor had looked at.
10 Again, very minor notes to be modified on the plan.

11 Pat also has a -- kind of a list
12 of conditions that we'll kind of step through for
13 the board's information. It was also forwarded to
14 you earlier today so that we could just kind of
15 scan through that to make sure that -- you'll see
16 that all the items on this typical subdivision are
17 going to be covered in this approval, if you so
18 deem tonight. Jim Cahill is here with Pocono Manor
19 Investors.

20 Jim, do you have anything that
21 you want to bring forth or mention to the board?
22 It's basically to carve out the parcels for the

23 Kalahari project.

24 MR. JIM CAHILL: Right, and
25 provide the access road that comes in.

20

1 Jim Cahill, Pocono Manor

2 Investors.

3 The only thing that I would add
4 is if the board acts favorably tonight, that we
5 will set the outbound property corners on Kalahari
6 and add them to the map, let Bob check it before
7 it's filed in the (inaudible) and everything. And
8 then if Pat has anything else that has to be added.

9 MR. ARMSTRONG: Yeah. It's a
10 subdivision plan for one, two, three, four parcels,
11 right? Jim?

12 MR. JIM CAHILL: Yes, four.

13 MR. ARMSTRONG: The one thing
14 we did talk about is that Lot 3B doesn't move, but
15 the access road does not reach that proposed lot.
16 I'm assuming that's not being planned as a building
17 lot down the road.

18 MR. JIM CAHILL: We have access
19 via Summit Road through our property. There's
20 already a road through that parcel.

21 MR. ARMSTRONG: And that was
22 Summer Road?

23 MR. JIM CAHILL: Summit.

24 MR. ARMSTRONG: Summit.

25 MR. JIM CAHILL: That already

21

1 extends out through that. It's a dirt road that'll
2 provide us with access to our remaining lands, but
3 --

4 MR. ARMSTRONG: Then all of the
5 conditions and requirements in the March 11, 2013
6 review letter from the township engineer, they're
7 all will-comply? The applicant will comply with
8 all of those conditions?

9 MR. JIM CAHILL: Yes.

10 MR. ARMSTRONG: One other item.
11 It's my understanding, does the applicant wish to
12 record this prior to the construction of the

13 Kalahari Boulevard shown on that plan?

14 MR. JIM CAHILL: Yes.

15 MR. ARMSTRONG: Record the
16 plan? With that being said, the board, if you
17 were agreeable to that, one of the conditions of an
18 approval, if the board were to consider that this
19 evening, would be having it clear in a declaration
20 of covenants, restrictions, and easements that no
21 land development or construction on any of these
22 lots being created, will go forward until that
23 Kalahari Boulevard is completed.

24 Is that -- do you understand?

25 Ralph? Jim?

22

1 MR. JIM CAHILL: Yes.

2 MR. RALPH MATERGIA: Yes.

3 MR. ARMSTRONG: And similarly
4 with the sewer -- the public sewer and public water
5 that would be required for any development on these
6 parcels being created, a similar declaration of
7 covenants, restrictions and easements would be

8 required.

9 Just to notify on the record
10 that no land development will take place on these
11 lots being created by this subdivision until those
12 sewer permits, approvals, water, public water,
13 everything's in place.

14 Is that agreeable to the
15 applicant as well?

16 MR. RALPH MATERGIA: Yes.

17 MR. JIM CAHILL: Yes.

18 MR. ARMSTRONG: Does the Summit
19 Road -- is that owned by Pocono Manor?

20 MR. JIM CAHILL: Yes.

21 MR. ARMSTRONG: We're going to
22 need to tie that into one of those declarations as
23 well, just clarifying that that access needs to
24 remain for that -- that lot towards the back of
25 them in Swiftwater Creek.

23

1 Okay?

2 MR. JIM CAHILL: I just -- yes.

3 I wanted to clarify something on the sewer and
4 water, that no construction can begin until the
5 sewer and water is -- lines are constructed?

6 MR. ARMSTRONG: No, no, no.

7 MR. JIM CAHILL: Or permit?

8 MR. ARMSTRONG: Until the
9 permits -- permits are in place. You need that
10 before you proceed with land development on any of
11 the lots being created by this subdivision.

12 Normally in a subdivision approval, you know, that
13 will be a condition of approval, that you have
14 adequate sewage for those lots, but we understand
15 the situation with this project.

16 And I mean, clearly it's going
17 to be up to board, but if they would be agreeable
18 to this type of an arrangement, it would be subject
19 to the declaration clearly stating that land
20 development on those lots would not move forward
21 until you get the requisite approvals for those
22 services.

23 Is that agreeable?

24 MR. JIM CAHILL: Yeah.

25 MR. ARMSTRONG: Those

1 declarations would be noted on -- there'll be an
2 additional note on the plan just referencing those
3 declarations.

4 MR. RALPH MATERGIA: Now, will
5 you prepare the declaration, Pat?

6 MR. ARMSTRONG: Yeah, I can
7 prepare the declaration.

8 Anything else from the board?
9 If the board --

10 Anything else from the applicant
11 at this point in time?

12 MR. RALPH MATERGIA: Nothing.

13 MR. ARMSTRONG: If the board
14 would, I'm not sure if you are, but if you would
15 entertain a motion issuing conditional approval for
16 the applicant, the conditions that I would foresee
17 you considering would be:

18 One, that the applicant comply
19 with all the comments and requirements set forth in
20 the township engineer's March 11, 2013 review

21 letter. That the applicant, as indicated earlier,
22 would agree to and execute an acceptable
23 declaration of covenants, restrictions and
24 conditions and adding an appropriate note on the
25 plan indicating that no land development will take

25

1 place on any of the created lots until, one, the
2 access road is properly approved by PennDOT or the
3 accesses, you know, as best served by PennDOT; and
4 the construction of that road would tie into any
5 future land development together with securing the
6 appropriate approvals for public sewer and public
7 water for those proposed lots.

8 That the applicant will agree to
9 and execute the appropriate development agreement
10 pursuant to the Township Code of Ordinances. That
11 the township -- or that the applicant shall also
12 satisfy and pay all outstanding township
13 professional consultant fees related to the review
14 and consideration of this plan. And also that the
15 applicant would agree to and execute the required

16 shared driveways for purposes of that Kalahari
17 Boulevard.

18 There were, I believe, some
19 requested temporary waivers of the subdivision land
20 development ordinance, correct? The requested
21 waiver, temporary waivers of land development, if
22 the board --

23 MR. MCHALE: No, I was just
24 going to say, it's the last note on the first cover
25 sheet of the plans that are before you, on the

26

1 left-hand side, lower left corner.

2 MR. MOYER: Yeah, the tiny
3 ones.

4 MR. ARMSTRONG: The reason for
5 the waivers being requested, being of a temporary
6 nature, is due to the fact that they will be
7 required to comply with those at the time of land
8 development on these proposed subdivided lots. And
9 those sections of the township ordinance that would
10 be temporarily waived would be Sections 135-20,

11 135-21, 135-22 and Section 124, Part I of the
12 Township's Code of Ordinances.

13 And, again, any approval of
14 those requested waivers together with the land
15 development application will be conditional upon
16 the applicant complying with those provisions at
17 the time of land development in the future.

18 MS. LAMBERTON: That's one
19 whole motion.

20 MR. KERRICK: Anybody want to
21 try that motion?

22 MS. LAMBERTON: Uh --

23 MR. HOLAHAN: You want to try
24 it?

25 MS. LAMBERTON: No, go ahead.

27

1 MR. HOLAHAN: I was going to
2 make it easy. I was going to -- I make a motion
3 that we grant conditional approval on the minor
4 subdivision based on the items that Mr. Armstrong
5 has just outlined.

6 MR. KERRICK: Motion on the
7 floor. Do we have a second?

8 MS. PICKARD: I'll second the
9 motion.

10 MR. KERRICK: Questions or
11 comments from the board?

12 Questions or comments from the
13 public?

14 MS. TRUDY QUINN DENLINGER:
15 Trudy Denlinger. On a conditional approval, what's
16 the time frame of having completion of that plan
17 brought forth?

18 MR. ARMSTRONG: I'm sorry?

19 MS. TRUDY QUINN DENLINGER: On
20 a conditional approval listing ad infinitum any
21 additions to the original plan, what is the time
22 frame Kalahari has to bring that plan to provision
23 and present it back to the board?

24 MR. ARMSTRONG: That's as long
25 as it would take the applicant to comply with those

1 conditions. It could be --

2 MS. TRUDY QUINN DENLINGER: So
3 there's nothing like 30 days in your ordinance or
4 anything on a conditional approval?

5 MR. ARMSTRONG: Umm-umm, no,
6 no.

7 MR. KERRICK: Any other
8 questions?

9 MR. ARMSTRONG: It's a
10 condition and they will not -- just let me clarify.
11 These plans will not be recorded until they comply
12 with these conditions. If the applicant doesn't
13 move forward with the conditions of this approval
14 and it sits, the plan will not be recorded.

15 And there is some -- there's a
16 provision in the Pennsylvania Municipalities'
17 Planning Code that if it sits for a period of five
18 years, you know, this plan is no longer protected
19 for purposes of under the township's current
20 ordinances. If they wanted to come back five years
21 from now and they didn't do anything with this
22 conditional approval, they'd have to reapply again,
23 because they would have to comply with the

24 ordinances on the books at that point in time.

25 MS. TRUDY QUINN DENLINGER: Can

29

1 you exercise the conditional approval time frame on
2 that? Can you implement it instead of saying it's
3 five years and you may come back five years from
4 now or you don't feel that's necessary?

5 MR. ARMSTRONG: I'm not sure if
6 I follow your question.

7 MS. TRUDY QUINN DENLINGER:
8 Well, on a conditional approval that has many
9 things to address, that you've obviously previously
10 stated, I was just curious, now they have what they
11 need to do to put forth on the plan to bring it
12 back for the board's final approval.

13 My question then was, does the
14 board then say you've got 30 days or 60 days or is
15 it the position of the board that 5 years, as you
16 said under the code, can go by before they bring it
17 back? Obviously they wouldn't bring this forth
18 immediately. I was just wondering when you would

19 want to see it back, if that was the case.

20 MR. ARMSTRONG: That's a
21 decision for the board of supervisors, but to be
22 quite honest, there's no provision in the
23 ordinance. So if they would say that they have to
24 comply with these conditions within 30 days, I
25 don't know the enforceability of that condition of

30

1 the approval. It would fall under the MPC.

2 MR. TRUDY QUINN DENLINGER:

3 Okay. I understand that.

4 MR. RALPH MATERGIA: Yes. As a
5 practical matter, this subdivision is creating the
6 lots upon (inaudible) in the future will be
7 developed. There's a land development application
8 pending before the township. We don't really
9 intend to record this subdivision too far along
10 till we get further along with the land development
11 application.

12 Now, there may be some aspects
13 with the TIF that'll cause us to record it earlier

14 than we initially thought, but I'm thinking, and
15 we've advised the board, that we would not record
16 the plan until we knew there was a development
17 going forward.

18 MR. KERRICK: Any other
19 questions?

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in
24 favor.

25 MR. KERRICK: Donny?

31

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: Motion carried.

5 Next item, Neighborhood

6 Improvement District for Kalahari Resort.

7 MR. McHALE: Miss Lindsay

8 Banner is here.

9 MR. KERRICK: Hi.

10 MS. LINDSAY BANNER: Hi. Good
11 evening. Lindsay Banner, MuniCap. I'm here this
12 evening to discuss the preliminary Neighborhood
13 Improvement District plan that was distributed to
14 the group on Friday, also known as the preliminary
15 NID plan. And within that document it discusses
16 the creation of the Neighborhood Improvement
17 District, as well as the imposition of special
18 assessments.

19 The purpose of creating this
20 district is in conjunction with the Tax Increment
21 Financing District that is being created to finance
22 certain public improvements necessary for the
23 vertical construction of the Kalahari project.
24 It's proposed the special obligation bonds will be
25 issued and secured by the tax increment revenues

32

1 generated through the TIF District, as well as the
2 special assessments that are imposed based the
3 approval of the NID District.

1 District plan that you guys have discusses levying
2 and collecting special assessments. It is proposed
3 that we will have authority -- an authority created
4 through the Municipal Authorities Act of the State
5 of Pennsylvania to create an act as the NIDMA, or
6 the Neighborhood Improvement District Management
7 Association.

8 The creation of this authority
9 and their purpose is pretty much administerial,
10 reviewing documents that come through annually and
11 approving them; such as the special assessment roll
12 and the special assessment report that's prepared
13 annually on the amount that will be collected. The
14 township will be responsible for actually levying
15 and collecting the special assessments in
16 conjunction with their tax collector.

17 Special assessments, as I
18 indicated, will be levied in an amount equal to the
19 debt service on the bonds, so the principal and the
20 interest, as well as any administrative expenses
21 necessary to cover the cost of the NIDMA, the

22 township for collection purposes and any other
23 third-party assistance.

24 In the event and only in the
25 event that the tax increment revenue is

34

1 insufficient to pay the debt service, will special
2 assessments be collected. And then finally, if
3 they are collected, they will be transferred --
4 they'll be collected by the township and
5 transferred to the trustee for payment on the debt
6 service.

7 The information in the
8 preliminary Neighborhood Improvement District plan
9 that you guys have is based on the statutory
10 requirements. So it's -- tonight we're proposing
11 that you guys approve that the preliminary NID plan
12 can be distributed to the property owner for their
13 review. And within the NID plan it discusses the
14 district, the purpose of the special assessments,
15 the method for levying and collecting and
16 allocating the special assessments and any

12 here to ask for approval for distribution of the
13 preliminary NID plan to the property owner creating
14 the district. We will be returning, based on the
15 NID process as required by statute, for the first
16 public hearing on May 13 for the initial
17 preliminary Neighborhood Improvement District plan,
18 kind of going over the same things as this evening.
19 And then a second public hearing on June 10 will
20 also occur, which is mandated by the statute. At
21 that time we're also proposing that adoption is
22 that night as well, to expedite the process.

23 There's another process that
24 which -- that needs to occur for the creation of
25 the authority that will serve as the NIDMA. And

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1 the authority public hearing will be at the May 13
2 meeting as what's being proposed and at that time
3 the authority could be created pursuant to the
4 statute.

5 So if you guys have any other
6 further questions?

7 MR. ARMSTRONG: Just for the
8 board, they're not asking you to approve the plan,
9 they're not asking you to approve an ordinance
10 tonight. They're just asking for you to approve
11 forwarding this preliminary NID plan on to the
12 property owners, which is Pocono Manor Investors
13 and Kalahari.

14 Other than that, they're not
15 requesting anything of you at this time. It is a
16 preliminary plan.

17 MS. LINDSAY BANNER: Correct.

18 MR. ARMSTRONG: There's a lot
19 of things that need to be supplemented, added to
20 it.

21 MS. LINDSAY BANNER:
22 Absolutely.

23 MR. ARMSTRONG: Including the
24 NID agreement, which the township would need to
25 take a pretty close look at. Another thing that

1 she indicated was the authority, for purposes of

2 administering the NID and the special assessment,
3 is going to be an authority --

4 If I understood you correctly
5 tonight, it would be an authority created by
6 Tobyhanna Township.

7 MR. HOLAHAN: By ordinance.

8 MR. ARMSTRONG: By ordinance.

9 MS. LINDSAY BANNER: Correct.

10 MR. ARMSTRONG: There is a 30
11 day time period at least for purposes of the
12 authority. And I believe you said May 13 is what
13 you're looking for, for the authority?

14 MS. LINDSAY BANNER: For at
15 least the public hearing. And I defer to -- I
16 mean, I don't know, Pete Carlucci would be the
17 individual to speak towards -- to that.

18 MR. MOYER: How many members
19 does that need?

20 MR. ARMSTRONG: It'll be at
21 least a five member authority. One of the members
22 needs to be, as pursuant to the NID, will have to
23 be the -- one of the property owners. The others
24 can be appointed by the board in -- pursuant to the

25 Municipalities' Authorities Act which, you know,

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1 taxpaying citizens of Tobyhanna Township.

2 MS. LINDSAY BANNER: Typically
3 we see a member of each of the taxing bodies act,
4 some third parties as you've indicated and as he
5 also stated, the property owner.

6 MR. ARMSTRONG: And the May 13
7 and June 10 dates for the public hearings, does
8 that work? I'm not sure if that even works.

9 Does that work for us?

10 MR. MOYER: May 10?

11 MR. HOLAHAN: May 13.

12 MR. ARMSTRONG: Did you get
13 that from --

14 MR. HOLAHAN: What's May 13?

15 MS. PICKARD: May 13 is our
16 meeting at TEC, at nine o'clock in the morning.

17 MR. ARMSTRONG: Okay. May 13
18 is your elementary school meeting in the morning.

19 MS. PICKARD: We have to have a

20 list of anybody attending the meeting to forward to
21 the school prior to that date.

22 MS. LINDSAY BANNER: Okay.

23 Thank you.

24 MR. HOLAHAN: John, I'm okay

25 with moving forward on distributing this. I'll

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1 make that in a form of a motion and --

2 What else, Patrick?

3 MR. ARMSTRONG: I did want to

4 -- did you see the emails?

5 MS. LINDSAY BANNER: Yes.

6 MR. ARMSTRONG: I believe there

7 is one item that might not be resolved yet and

8 that's the --

9 MR. MOYER: Bonding?

10 MR. ARMSTRONG: -- who's going

11 to issue the bond.

12 MR. LINDSAY BANNER: Correct.

13 MR. ARMSTRONG: It was my

14 understanding it was going to be the authority, not

15 the township authority, but the county.

16 MR. LINDSAY BANNER: But the
17 Monroe County Industrial Development Authority.

18 MR. ARMSTRONG: Right. I guess
19 there was some confusion this afternoon. I wanted
20 to make sure that that's --

21 MS. LINDSAY BANNER: I can't
22 speak to that --

23 MR. ARMSTRONG: I understand.

24 MS. LINDSAY BANNER: -- but I
25 believe it will be -- still be the MCIDA that is

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1 the issuer not the township, but, again, I would
2 defer to underwriter's counsel in the discussion
3 that will follow.

4 MR. KERRICK: Do we have a
5 second?

6 MS. LAMBERTON: I'll second.

7 MR. KERRICK: Motion and
8 second.

9 Questions or comments?

10 Questions or comments from the
11 public?

12 State your name for the record,
13 please.

14 MR. DAVE PIERCE: Sorry. Dave
15 Pierce, Pocono record. The NID assessment would
16 happen annually and it would only occur if there
17 isn't enough money from the deferral of the tax
18 revenue to cover the debt for that year, is that
19 how that works?

20 MS. LINDSAY BANNER: Correct.
21 It's levied up front in the amount of the -- the
22 principal and interest on the bonds that will be
23 issued. And then from that point, it's collected
24 annually only in an event that there is a shortfall
25 and they need to.

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1 MR. DAVE PIERCE: And also the
2 TIF plan, there are estimates of what the bond and
3 the interest and so forth would be, if it's at 6.2
4 percent, how much would it be over 20 years and I

5 think it's something like 48 million. If -- I
6 lost my train of thought.

7 MS. LINDSAY BANNER: Well, the
8 special assessment payment plan is essentially the
9 same as the bond payment plan, so it'll -- and
10 they're collected and pledged to the bonds in the
11 same time frame as a real property tax. So when
12 other property taxes are collected for the
13 township, that's when the special assessments will
14 be collected and pledged.

15 MR. DAVE PIERCE: Now, that
16 projection with the deferral, are -- is that money
17 based on what the 2012 tax rates are for each of
18 the three taxing bodies, like the school district
19 and the township or -- there's nothing built into
20 it for future tax increases over the 20 years.
21 It's just based on whatever 2012 is, that's how you
22 figured that out?

23 MS. LINDSAY BANNER: I would
24 need to defer to Joe Hogan on the TIF plan, on the
25 structure of --

1 Is it assumed to increase over
2 time?

3 MR. JOE HOGAN: Basically you
4 find an underwriter, get an approval ascending the
5 value for (inaudible) --

6 MS. LINDSAY BANNER: For
7 appreciation on --

8 MR. DAVE PIERCE: But you're
9 not sure what sure that is?

10 MR. JOE HOGAN: No. It's a
11 modest increase every year.

12 MS. LINDSAY BANNER: Typically
13 it's, as Joe indicated, modest, between two to
14 three percent increase over -- annually over the 20
15 year period.

16 MR. DAVE PIERCE: Thank you.

17 MS. LINDSAY BANNER: You're
18 welcome.

19 MR. KERRICK: Yes, Trudy?

20 MS. TRUDY QUINN DENLINGER: The
21 township has responsibility to collect the fees
22 under the taxing authority, is that correct?

23 MS. LINDSAY BANNER: Correct.

24 MS. TRUDY QUINN DENLINGER:

25 What is the cost to Tobyhanna Township to collect

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1 these fees? Is there any projection as to what it
2 will cost us to do that?

3 MS. LINDSAY BANNER: We have
4 not negotiated that, but the special assessment, as
5 I indicated, is levied in an amount to equal the
6 principal and the interest on the bonds, as well as
7 to cover the cost to administer the special
8 assessment district, the Neighbor Improvement
9 District. So it will cover the cost of the
10 township, the NIDMA, any third-party assistance, as
11 well as the MCIDA and their oversight of the NIDMA.

12 MS. TRUDY QUINN DENLINGER:

13 Now, you're asking for consent to provide paperwork
14 to everyone regarding this organization or trust or
15 whatever you call it, association, I guess it would
16 be?

17 MS. LINDSAY BANNER: Correct.

18 MS. TRUDY QUINN DENLINGER:
19 Meeting scheduled for May 13, will you have all the
20 numbers crunched so everyone knows what we're
21 looking at, as far as a tax increase authority?

22 MS. LINDSAY BANNER: It's
23 already included within the preliminary NID plan
24 that has been distributed and will be distributed
25 to the property owner within the --

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1 MS. TRUDY QUINN DENLINGER: You
2 don't have those numbers available now, but those
3 numbers have already been taken care of, is that
4 correct?

5 MS. LINDSAY BANNER: We have
6 initials bond runs and we prepared the numbers in
7 conjunction with the initial bond runs so there is
8 an assessment roll prepared; but it's not final, it
9 could change at this point as we go through the
10 process, in the May 13 to the June 10 proposed
11 meetings.

12 MS. TRUDY QUINN DENLINGER:

13 However, the documents haven't been filed yet,
14 there's all kinds of contingencies on the plan, yet
15 you're asking for this to be set up ahead of time.
16 Is this not premature in handling it to property
17 owners prior to the fruition of the plans in place?

18 MS. LINDSAY BANNER: Typically
19 we establish the special assessment in a maximum
20 amount, a not to exceed amount. We never expect --
21 as I indicated, the tax increment revenues that are
22 collected on this property, will act as a credit
23 towards the special assessment.

24 So, for instance, if the
25 property tax obligation is a \$100,000 and the

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1 building is vertical in Phase 1 and it's generating
2 \$120,000 in property taxes, there's no special
3 assessment needed. And the only amount that can be
4 collected on the special assessment is the amount
5 that's outstanding and due for that year. So you
6 can never collect more than is necessary by
7 statute.

8 MS. TRUDY QUINN DENLINGER:

9 However, you must have a projection of income and a
10 feasibility study. What is your projection of
11 income on that feasibility study?

12 MS. LINDSAY BANNER: I don't
13 know.

14 MS. TRUDY QUINN DENLINGER:

15 Thank you.

16 MR. KERRICK: Any other
17 questions?

18 MS. PICKARD: I had a question.
19 Just when -- you were talking fast in the
20 beginning.

21 MS. LINDSAY BANNER: Sorry.

22 MS. PICKARD: You said because
23 some of the improvements are out of the area where
24 the TIF is.

25 MS. LINDSAY BANNER: Umm-hmm.

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1 MS. PICKARD: So this is going
2 to encompass the whole tract. So then the Pocono

3 Manor Property in Phase 2 and Phase 3 would have an
4 assessment to that or --

5 MS. LINDSAY BANNER: No. The
6 district for the NID is only to be the property on
7 which Phase 1 will be developed.

8 MS. PICKARD: Okay.

9 MS. LINDSAY BANNER: And then
10 any roadbed sewer line, water line that runs to
11 connect where those off-site improvements are. So
12 it's not going to encompass the entire parcel,
13 it'll --

14 MR. MOYER: Just align.

15 MS. LINDSAY BANNER: -- be the
16 right of way or the easement on which the public --

17 MS. PICKARD: Just the tract
18 that's there plus the whole line?

19 MS. LINDSAY BANNER: Exactly.

20 MS. PICKARD: Okay.

21 MS. LINDSAY BANNER: Not Phase
22 2 and Phase 3 --

23 MS. PICKARD: All right.

24 MS. LINDSAY BANNER: --
25 properties, only --

1 MS. PICKARD: Okay. That's
2 what I --

3 MS. LINDSAY BANNER: -- Phase
4 1, no.

5 MS. PICKARD: I didn't
6 understand when you were saying that. Okay. Good.

7 MR. KERRICK: Any other
8 questions?

9 MR. ARMSTRONG: I believe
10 that's one of the -- the actual NID District. We
11 have a general idea, but the actual plan, is it in
12 here?

13 MS. LINDSAY BANNER: It has not
14 yet been drawn. We're working with the engineers
15 to have the maps drawn and included. We realize
16 that's -- should've been prepared and done.

17 MR. ARMSTRONG: Do you know
18 what the time frame of that and like the NID
19 agreement and all the other --

20 MS. LINDSAY BANNER: I think by

21 the -- obvious -- I think by the time this gets
22 distributed for the May 13 meeting, we should have
23 the necessary maps.

24 MR. ARMSTRONG: The first
25 public hearing?

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1 MS. LINDSAY BANNER: Yeah, the
2 first public hearing, correct.

3 MS. PICKARD: The other
4 question I had just, is the authority now for the
5 NIDMA is going to be driven by the township and not
6 the IDA?

7 MS. LINDSAY BANNER: Correct.
8 It'll be created through the township, but then
9 it'll be its own working and functioning body.

10 MS. PICKARD: So they talked
11 about the bylaws and --

12 MS. LINDSAY BANNER: Correct.

13 MS. PICKARD: -- debts being --

14 MS. LINDSAY BANNER: In the
15 final NID plan, you'll have the bylaws, the

16 articles of incorporation, the NID agreement, and
17 they'll all be part of the plan.

18 MS. PICKARD: Okay. When would
19 we have that? Before the 13th?

20 MS. LINDSAY BANNER: I believe
21 so. I know they're working on drafting that right
22 now.

23 MR. ARMSTRONG: Along those
24 same lines, when this board does -- if you do
25 decide to allow the distribution of the NID plan,

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1 the preliminary NID plan to the property owners,
2 which with the understanding that you're okay with,
3 forming the authority for purposes of the NIDMA,
4 the administrating authority for purposes of
5 collecting the assessment.

6 MR. HOLAHAN: It was pretty
7 well spelled out in the initial paperwork that we
8 received.

9 MR. KERRICK: Any other
10 questions?

11 Call the vote. John?
12 MR. HOLAHAN: I vote in favor.
13 MR. KERRICK: Anne?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. KERRICK: Donny?
17 MR. MOYER: I vote in favor.
18 MR. KERRICK: Heidi?
19 MS. PICKARD: I vote in favor.
20 MR. KERRICK: Motion carried.
21 Thank you.
22 MS. LINDSAY BANNER: Thank you.
23 MR. KERRICK: Next item on our
24 agenda, hazard mitigation plan.
25 MS. HAASE: Mr. Chairman, that

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1 was distributed. I distributed that to the board
2 actually on two occasions, reached out to Mary
3 Ellen Keegan as I referenced in my latest email to
4 you folks. It appears that this plan is just
5 simply to make things a little easier for townships

6 to -- it's a cost saving venture as well and it's
7 also going to help the municipalities.

8 Unfortunately, for whatever reason, they're not
9 updating the mitigation plan every five years.

10 By not having an updated plan,
11 you are not eligible for liquid fuels funding or
12 any public assistance through FEMA. So this is
13 just simply to put everything together as a region,
14 as a regional group. The only thing is the county
15 is asking that we commit that somebody is part of
16 the planning process, which we would do that.

17 It's a very simple form, just
18 basically acknowledging -- the chairperson signs
19 that statement that they agree to participate and
20 have somebody present for the municipal planning
21 stages.

22 MR. HOLAHAN: Do we need to
23 establish that by any kind of ordinance or is this
24 just administrative?

25 MS. HAASE: I believe it's just

1 administrative, by a motion would be acceptable.

2 MR. ARMSTRONG: To move forward
3 with the application?

4 MS. HAASE: Yes, sir.

5 MS. PICKARD: So this is a
6 county application, we're all just joining in, is
7 that basically what we're --

8 MS. HAASE: That is correct.

9 MR. KERRICK: Do we have a
10 motion?

11 MS. PICKARD: I'll make that
12 motion.

13 MR. KERRICK: Do we have a
14 second?

15 MS. LAMBERTON: I'll second.

16 MR. ARMSTRONG: Do you have --
17 is this the full application?

18 MS. HAASE: Yes.

19 MR. ARMSTRONG: There's no --
20 usually with applications for a certain grant,
21 there's more than just a form. There's usually
22 like a whole terms and conditions; and usually when
23 you apply for grants, the municipality's agreeing

24 to certain things ahead of time. That's just
25 something to keep in mind.

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1 If this is it, then that's fine.

2 MS. HAASE: That is what was
3 distributed through the county.

4 MR. ARMSTRONG: It would
5 atypical, but, okay.

6 MR. KERRICK: Any other
7 questions or comments?

8 Questions or comments from the
9 public?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. KERRICK: Motion carried.

20 Next item on our agenda,

21 strategic planning.

22 MR. HOLAHAN: I had asked to

23 put that on there with the advent of everything

24 that's coming down the road with Kalahari and a

25 number of other projects. I was thinking that we

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1 need to get together and really lay out our path of

2 how we're not just going to get through this

3 summer, this year, but what we're going to be doing

4 in the next two years, five-year plan, ten-year

5 plan.

6 But I'm concerned about -- more

7 about the immediate, within the next five years. I

8 want to have a discussion, but, of course, it's

9 typical to -- I can't talk to these folks unless

10 you all are present because of the Sunshine Law.

11 So I wanted to be able to see if we couldn't move

12 forward, even if we could get involvement of some

13 of the residents, somewhat like we did with respect

14 to the Blakeslee Visioning. I don't know if we
15 need to get that involved in it yet, but not just
16 what we envision for the township, but what do the
17 residents of the township envision for this
18 community.

19 I'd like to see how we could
20 move forward on putting stuff together. So that
21 was my whole reasoning for adding strategic
22 planning.

23 MS. LAMBERTON: Town hall
24 meeting.

25 MR. HOLAHAN: Well, we were

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1 talking about town hall meetings before, Phyllis
2 and I, when we were going to reach out with the
3 emergency planning and things like that and safety.
4 So perhaps that's something that we could -- that
5 we could add in there as well.

6 MS. HAASE: It would be a topic
7 of discussion.

8 MR. HOLAHAN: Certainly.

9 That's it.

10 MR. KERRICK: We'll add that on
11 our agenda for our work session?

12 MR. HOLAHAN: I think you can
13 put it on the work session so we can start moving
14 forward, something like that.

15 MR. MOYER: That's the 29th,
16 right?

17 MS. PICKARD: Umm-hmm.

18 MR. HOLAHAN: Well, we've added
19 something else to the work session for the 29th.

20 MS. PICKARD: That's the flood
21 plain ordinance.

22 MR. KERRICK: Is that it, John?

23 MR. HOLAHAN: That's it.

24 MR. KERRICK: Next item on our
25 agenda, consider Resolution 2013 dash 013,

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1 reducing, exempting and/or writing off certain
2 sewer fee charges on inactive accounts.

3 MS. PICKARD: I had handed out

4 that resolution to everyone at the work session
5 last week and this is just clearing up a lot of
6 dead and old accounts going back to Centex in 2003.
7 And we have new people on most of these accounts
8 and some of them were transferred to other
9 accounts.

10 So with that, I'd like to make a
11 motion that we approve Resolution 2013 dash 013,
12 reducing, exempting and/or writing off certain
13 sewer fee charges on inactive accounts?

14 MR. MOYER: Second.

15 MR. KERRICK: Donny, you
16 second?

17 MR. MOYER: Yes.

18 MR. KERRICK: Questions or
19 comments from the board?

20 MR. HOLAHAN: Yes. Just got a
21 new PSATS magazine and there was quite an extensive
22 on collection of those things. And I know you've
23 been working hard at that as well. There's people
24 on the list now -- this is just uncollectible?

25 MS. PICKARD: Most of it didn't

1 even belong there, they weren't closed on time,
2 they were transferred to other people and that move
3 has been made. Some of them were written off from
4 judicial sales where the liens were wiped off for
5 assessments.

6 MR. HOLAHAN: Okay.

7 MR. MOYER: Yeah, I read that
8 too. I think they're probably doing everything
9 that was in there.

10 MR. HOLAHAN: Okay.

11 MR. KERRICK: Questions or
12 comments from the public?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I'll vote in
17 favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I'll vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I vote in favor.

23 Motion carried.

24 Next item on our agenda,
25 consider Resolution 2013 dash 014, resolution for

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1 plan revision for new land development Kalahari
2 Resorts and Pocono Manor Investors, LP, sewage
3 facilities plan.

4 Do we have a motion?

5 MR. HOLAHAN: I'll make a
6 motion that we approve Resolution 2013 dash 014.
7 The resolution for the plan revision for new land
8 development for Kalahari and Pocono Manor
9 Investors.

10 MS. PICKARD: I'll second the
11 motion.

12 MR. KERRICK: Motion and
13 second.

14 Questions or comments?

15 Questions or comments from the
16 public?

17 Call the vote. John?
18 MR. HOLAHAN: I vote in favor.
19 MR. KERRICK: Anne?
20 MS. LAMBERTON: I vote in
21 favor.
22 MR. KERRICK: Donny?
23 MR. MOYER: I vote in favor.
24 MR. KERRICK: Heidi?
25 MS. PICKARD: I vote in favor.

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1 MR. KERRICK: Motion carried.
2 Anyone else have anything from
3 the board to discuss?
4 MR. MOYER: Oh, I asked Pat to
5 come, we spoke -- Pat Simonik -- about the
6 community garden. He was here a while back.
7 MR. KERRICK: A year ago.
8 MR. MOYER: Yeah. Well,
9 there's been some requests maybe for that. So I
10 know Pat has information on it.
11 Pat, can you speak about that at

12 all?

13 THE REPORTER: May I have your
14 name, please?

15 MR. PAT SIMONIK: Yes. My
16 name's Pat Simonik from Blakeslee. We had
17 discussed at a work session possibly trying to get
18 community gardens at the Blakeslee Nature Area, but
19 you had called today and said there was other
20 interests. Nothing's really happened with that.

21 MR. MOYER: But you have the
22 information?

23 MR. PAT SIMONIK: I have helped
24 Lake Naomi get their community gardens up and
25 running; and much to the surprise, I think, of the

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1 community, for the three years they've been up and
2 running, they've just about doubled in size every
3 year. So it is something, if we make it available,
4 people will come. I don't know if I was trying to
5 get ahead of myself, not knowing, to try to get an
6 agreement from the nature area there or try to find

7 people that were interested. Now that Donny
8 contacted me and they are people interested, I
9 think we can try to get together.

10 In Lehigh Valley there's an
11 organization called SUNLV, which is Sustainable
12 Urban Neighborhoods of Lehigh Valley. I've
13 attended meetings there. They had meetings with
14 the American Community Garden Association there. I
15 have a lot information, a lot of paperwork that I
16 would be willing to get together with someone and
17 share and try to get something going.

18 And I even mentioned to Donny, I
19 don't know if there's property here at Blanche
20 Price, but to put together an organization like
21 SUNLV, most of these are started with a nonprofit
22 that then secures some property and goes from
23 there. So it's just something that -- with the
24 strategic planning just mentioned, I would think
25 that would be something that the board needs to

1 look at to try to encourage -- I don't know what

2 the zoning laws are for something like this.

3 This may be something new, but
4 as these things are becoming more popular, I think
5 it's a avenue we need to address and carry on.

6 MR. MOYER: Thank you.

7 MR. PAT SIMONIK: Make
8 available to the community.

9 MS. PICKARD: I think when you
10 came last time you were going to maybe talk to the
11 folks on the open space, did you ever --

12 MR. PAT SIMONIK: Yeah, we sort
13 of talked a little and then nothing really came of
14 it and, you know --

15 MS. PICKARD: Who did you talk
16 to, do you remember?

17 MR. PAT SIMONIK: -- I got busy
18 and I didn't pursue it.

19 MS. PICKARD: Who'd you talk
20 to?

21 MR. PAT SIMONIK: I had sent an
22 email to Sincavage and Anne?

23 MS. PICKARD: Yeah.

24 MR. PAT SIMONIK: I talked to

25 Greg Hamill a little bit about it. Actually I

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1 talked to Greg today and he mentioned the same
2 thing and I laughed because Donny called me earlier
3 today and mentioned it and then here at coffee
4 break today he said, has anything ever happened
5 with community gardens? So it seems to be --

6 MS. PICKARD: Maybe its time
7 has come.

8 MR. PAT SIMONIK: It is.

9 MS. PICKARD: So maybe if you
10 grab your shovel and rake and your gloves and meet
11 us down in the park.

12 MR. PAT SIMONIK: Tell me when
13 they have work sessions over there, I'm working
14 over here, but --

15 MS. PICKARD: Okay.

16 MR. PAT SIMONIK: I'd to help
17 get something going with that.

18 MR. MOYER: Thanks.

19 MR. KERRICK: Thank you.

20 Anything else from you?

21 Anyone from the public?

22 We're adjourned. Thank you for
23 attending.

24 (Meeting concluded at 7:55 p.m.)

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I hereby certify that the
proceedings and evidence are contained fully and
accurately, to the best of my ability, in the notes
taken by me at the meeting in the above matter; and
that the foregoing is a true and correct transcript
of the same.

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TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Elementary Center
398 Old Route 940
Pocono Pines, Pennsylvania 18350
Monday, May 13, 2013 beginning at 9:27 a.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. KERRICK: Start our regular
2 business meeting with the pledge of allegiance.

3 (Pledge of Allegiance was
4 recited.)

5 MR. KERRICK: This is our
6 regular business meeting. We have two meetings a
7 month. We had one last week, which is our work
8 session, which we discuss most of the items that
9 are on the agenda.

10 First item on our agenda this
11 morning would be announcements.

12 Heidi?

13 MS. PICKARD: Hi. I just
14 wanted to announce that the Memorial Day Parade
15 will be starting here at TEC, Monday, May 27. I

16 believe it starts at 10 a.m. The Pocono Summit
17 Volunteer Fire Company is having their festival and
18 parade June 28 and 29.

19 The Tobyhanna Township Volunteer
20 Fire Company is having their carnival in Blakeslee
21 July 3 through the 6th and Township Community Day
22 will be Saturday, July 13. The township is also
23 having a town hall meeting on May 30, at 6 p.m. to
24 discuss safety month and disaster, safety and other
25 items, which I'm sure Phyllis can enlighten us with

3

1 later. That would be all.

2 MR. KERRICK: Thank you, Heidi.

3 Next item on our agenda,
4 consider the minutes of March 28, 2013 joint
5 special meeting, Tobyhanna/Pocono Township and
6 Brodhead Creek Regional Authority.

7 What's the board's pleasure?

8 MS. PICKARD: I had a couple
9 corrections I just wanted to mention, there were a
10 couple name errors in the minutes. And that would

11 be for Brunamatti, B-R-U-N-A-M-A-T-T-I, was --
12 should be B-R-U-N-A-M-O-N-T-I, and that was on Page
13 27. And throughout the document Jonathan Rice,
14 R-I-C-E should be Jonathan R-E-I-S-S, and that's
15 all I had on that.

16 With that, I'll make a motion
17 that we approve the March 28, 2013 joint special
18 meeting minutes.

19 MR. MOYER: I'll second.

20 MR. KERRICK: Motion and
21 second.

22 Questions or comments from the
23 board on the motion?

24 Questions or comments from the
25 public on the motion?

4

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in

5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: Motion carried.

11 Next item on our agenda,

12 consider the treasurer's report dated March 13,

13 2013. Total amount for board approval is

14 \$427,562.63.

15 MR. HOLAHAN: I'll make a

16 motion that we approve the treasurer's report in

17 the amount of \$427,562.63.

18 MR. MOYER: Second.

19 MR. KERRICK: Motion and

20 second.

21 Questions or comments?

22 Questions or comments from the

23 public?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I'll abstain.

3 MR. KERRICK: Donald?

4 MR. MOYER: I'll vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll abstain.

8 MS. PICKARD: The bills are in

9 the box here.

10 MR. KERRICK: Next item,

11 solicitor's report.

12 MR. ARMSTRONG: Thank you, Mr.

13 Chairman. The first -- nothing under the agenda

14 under my report, but I do have some updates or

15 status reports for you. The first one, the NID

16 hearing, as you're all aware, is scheduled for this

17 Wednesday night, at seven o'clock.

18 I did want to see if the board

19 members are available for a brief -- for a brief

20 executive session beforehand to discuss some legal

21 privilege matters. If there is -- if you're not

22 available, perhaps we could do it immediately

23 after, it's up to the board.

24 MS. LAMBERTON: I'm good.

25 MS. PICKARD: When was that?

6

1 MR. ARMSTRONG: Six or six --
2 sometime before the NID hearing on Wednesday night.
3 So either 6 or 6:30 depending upon when the board
4 is available.

5 MR. HOLAHAN: I'm good either
6 time.

7 MS. PICKARD: I'm good either
8 time.

9 MS. LAMBERTON: Yep, yep.

10 MR. KERRICK: I'm free.

11 MR. ARMSTRONG: Should we do
12 6:15?

13 MR. HOLAHAN: Yes.

14 MS. LAMBERTON: 6:15.

15 MS. PICKARD: Sounds good.

16 MR. ARMSTRONG: Thank you.

17 MR. KERRICK: Do you have
18 anything else, Pat?

19 MR. ARMSTRONG: Yes. As you're
20 all aware, the Water District Ordinance was
21 circulated probably late last week -- well,
22 actually beginning of last week. We've scheduled
23 the public hearing for this coming Friday at eight
24 o'clock in the morning. As you're all aware,
25 that's to establish and adopt the water district

7

1 within Tobyhanna Township, wherein the BCRA will be
2 servicing the customers in that area.

3 That being said, the water --
4 the public water service for the Kalahari project
5 is set to be resolved on Friday at your meeting.
6 The outstanding sewer is yet to be resolved. I'm
7 still in the process of going through the
8 agreements that were forwarded to me last week from
9 the BCRA and Pocono Township, as well as the
10 applicant.

11 And just as an FYI, we will be
12 scheduling public hearings for the Sewer District
13 Ordinance. There just is not a time pressing time

14 frame that I'm aware of, as there was for the
15 water. The BCRA needed that water ordinance in
16 agreement to be authorized for execution and
17 execution prior to the end of the month, which is
18 why there was a rush to get that scheduled before
19 the end of May.

20 The Dollar General plan, as
21 you're all aware, the applicant received
22 conditional final approval for the Dollar General
23 plan. There is one item I just needed to make sure
24 that the board is agreeable to. As we were putting
25 together all the agreements and the easements for

8

1 the applicant, there is that emergency access for
2 the Dollar General.

3 Are you all familiar with the
4 plan? There was an emergency access that they
5 needed to provide. They provided it, it actually
6 -- it's an accessway that takes them to their
7 neighboring property, I believe, it's the church
8 next by -- next door. Normally what we require is

9 an easement agreement between the church and Dollar
10 General for purposes of that emergency access.

11 Apparently there was some --
12 they weren't able to get an easement. What they
13 have is a license agreement. It's an agreement
14 with the church granting Dollar General a license
15 to utilize their property. It's not the same as an
16 easement, you know, there's a termination provision
17 in that license agreement. Does it satisfy the
18 requirements of the township? You know, they're
19 going to have an accessway with a gate.

20 Down the road, if there is an
21 issue between the property owners, I mean,
22 arguably, the church could terminate that license
23 agreement; but will it in effect prevent an
24 emergency responder from accessing the property if
25 need be? Probably not.

9

1 That being said, are -- I just
2 want to make sure that the board's okay allowing
3 the plan to proceed to final signatures with the

4 license agreement as opposed to the easement.

5 MR. MOYER: I'm okay.

6 MR. HOLAHAN: I'm all right
7 with the license agreement. My concern is, an
8 easement would have been on a deed and then
9 followed the deed, correct?

10 MR. ARMSTRONG: Right, which is
11 why I bring it up. Apparently, I mean, I could
12 follow back up with Dollar General, but I think --
13 I don't know if anyone's familiar with the
14 personalities involved, but they had some problems
15 going back and forth with the neighboring property
16 owner.

17 MS. PICKARD: Is there any
18 notification we would get if that is terminated?

19 MR. ARMSTRONG: There is
20 probably, there is a notification provision within
21 the license agreement, but we don't have -- the
22 township would not have -- we're not a third-party
23 beneficiary to that agreement, so we wouldn't have
24 any ability to enforce it or, you know, require it
25 to be maintained.

1 MR. HOLAHAN: Dollar General
2 okay with it?

3 MR. ARMSTRONG: Oh, they're --
4 that's -- yeah, they're -- I mean, obviously they
5 --

6 MR. KERRICK: They want it.

7 MR. ARMSTRONG: -- would prefer
8 the easement, but this is all -- according to the
9 individual from the Zaremba Group, who was the
10 applicant, that's all they could get from their
11 neighboring property.

12 MR. HOLAHAN: Strictly
13 emergency --

14 MR. ARMSTRONG: Yeah. It's
15 only the emergency -- it's the emergency access.
16 So I guess the issue is in the event of a fire, the
17 access -- the access road will be there.

18 MR. HOLAHAN: There'll be a
19 gate there as well.

20 MR. ARMSTRONG: Right.

21 MR. HOLAHAN: Understood. I'm

22 all right with that.

23 MR. ARMSTRONG: The last item
24 that I wanted to report on is, the Kalahari
25 conditional final approval letter went out. There

11

1 was a question for Mr. Kerrick as to the reference
2 to the bike and pedestrian path. If the board's
3 pleasure is to allow the applicant to, you know,
4 solidify and finalize the location of that bike
5 path/pedestrian path, that's fine.

6 When I put the draft together, I
7 believe I inquired with Bob, because I don't -- I
8 didn't recall seeing it on the plan either. I do
9 remember it being discussed on both the planning
10 commission and the board level, but if the board's
11 okay with -- if the board's okay with letting the
12 applicant, you know, decide where that bike and
13 pedestrian path goes, it's fine.

14 MR. MOYER: Yeah.

15 MR. KERRICK: To the best of my
16 knowledge, it's not on the plan presently. And

17 didn't we have a conversation with the developer --

18 MR. MOYER: I thought we all
19 said leave it up to them.

20 MR. KERRICK: -- that he was --
21 leave it up to them?

22 MS. LAMBERTON: Absolutely,
23 yes.

24 MR. MOYER: Yeah. I thought
25 that's what we talked about.

12

1 MS. PICKARD: Yes.

2 MR. ARMSTRONG: Well, I guess
3 the question is, do you want them to put it on the
4 plan where they're going to -- or do you want to
5 leave it off the plan?

6 MS. LAMBERTON: I'm not
7 concerned with it.

8 MR. KERRICK: I'm not concerned
9 with it.

10 MR. ARMSTRONG: With that,
11 that's all I have.

12 Is there anything else from the
13 board?

14 MR. KERRICK: No. We're good
15 there.

16 MR. ARMSTRONG: Thank you, Mr.
17 Chairman.

18 MR. KERRICK: You're welcome.

19 Next item on our agenda, new
20 business. Consider Resolution 2013 dash 016
21 approving Tobyhanna Township Volunteer Fire Company
22 activities for workmen's comp.

23 MR. HOLAHAN: I'll make a
24 motion that we adopt Resolution 2013 dash 016
25 approving the Tobyhanna Township Volunteer Fire

13

1 Company activities workers' compensation.

2 MS. LAMBERTON: This is just
3 for the parade?

4 MR. KERRICK: There's a motion.

5 MS. PICKARD: I'll second the
6 motion.

7 MR. KERRICK: Motion and

8 second.

9 Questions or comments?

10 MR. HOLAHAN: Yeah. This is

11 strictly for the parade, correct?

12 MS. PICKARD: This is just

13 through May.

14 MR. KERRICK: This is --

15 MS. PICKARD: The activities

16 through May.

17 MR. KERRICK: I mean, are we --

18 what are we going to consider fire company

19 activities and not activities?

20 MS. LAMBERTON: I think we have

21 to decide that, right? We are just --

22 MR. KERRICK: Well, for

23 instance, they have Tobyhanna Township town hall

24 meeting. Is that a fire company function?

25 MS. LAMBERTON: True statement.

14

1 MR. KERRICK: They're attending

2 a meeting -- or they're going to be there for the
3 meeting. I mean, I'm a fireman, don't get me
4 wrong, I'm not trying to give them a hard time; but
5 I think we need to decide that for our insurance
6 carrier.

7 MS. PICKARD: Well, we invited
8 them to the meeting. Assuming something would
9 happen, they would not be covered unless we have it
10 in the minutes.

11 MR. KERRICK: We attend a lot
12 of meetings that we're not covered. I'm just
13 trying to say where do we draw the line? And then
14 our insurance company, even though we recognize
15 this, are they going to cover it?

16 MS. PICKARD: They will cover
17 anything that we put in.

18 MR. KERRICK: And anything we
19 don't put in, they don't cover?

20 MS. PICKARD: That's my
21 understanding, that's the way the law reads.

22 MR. MOYER: This is for May
23 only, though, right?

24 MR. KERRICK: I understand.

25 I'm just asking the question.

15

1 MS. PICKARD: I'm still waiting
2 to hear back from the workers' comp, we were
3 playing tag last week. But anything right now that
4 is not one of the six fire fighting activities has
5 to be in the minutes or they are not covered. I
6 mean --

7 MR. KERRICK: Obviously, we
8 want to make sure they're covered.

9 MS. PICKARD: -- I think it's
10 highly unlikely something would happen, but we need
11 to make that determination whether --

12 MR. KERRICK: Is there other
13 options out there? We should investigate.
14 Liability policy --

15 MS. PICKARD: We have liability
16 and the fire --

17 MR. KERRICK: They have
18 liability.

19 MS. PICKARD: -- company has

20 liability.

21 MR. KERRICK: Just checking.

22 MR. ARMSTRONG: My

23 understanding --

24 MR. KERRICK: I mean, Pat was,

25 at our work session, was very clear that it had to

16

1 be very specific as to what we did. So I'm just

2 raising the question.

3 MS. LAMBERTON: I understand

4 your concern about the township town hall meeting.

5 I do understand that they're handling traffic in a

6 parade or a mock crash or the 5K run for that club

7 ride, I understand those four. I don't see the

8 need for a meeting.

9 MS. PICKARD: Yeah, I didn't --

10 MR. KERRICK: Well, I have no

11 problem with it --

12 MS. PICKARD: -- put that on

13 there, so I don't really know.

14 MR. KERRICK: -- for this month

15 until we decide what we're going to do.

16 MS. LAMBERTON: We need to
17 discuss it.

18 MS. PICKARD: Yeah.

19 MR. MOYER: Yeah.

20 MR. KERRICK: I think we need

21 --

22 MR. MOYER: That's my point, we
23 need to define what we're going to cover --

24 MR. KERRICK: Can we get a
25 representative from our insurance company?

17

1 Obviously, it's the state, so probably not.

2 MS. PICKARD: It is the state,
3 but they don't have anything in writing so I was
4 playing tag with her to have a conversation. But
5 there was nothing in writing except the law and the
6 law says they're not entitled to workers' comp for
7 nonfirefighting activity unless it's read in the
8 minutes.

9 MR. KERRICK: We want them

10 covered, I understand that.

11 MS. PICKARD: There was an
12 issue with one of the other fire companies.
13 Somebody broke their ankle leaving the meeting at
14 the fire company and was not covered, so, you
15 know -- we are asking them to attend the meeting,
16 so I don't --

17 MR. KERRICK: I have no problem
18 with that, I'm just asking the question. That
19 brings another question up, but we'll take the vote
20 on this as far as the parades go, but we'll call it
21 --

22 Any questions from the public on
23 the motion?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

18

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I'll vote in
3 favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. KERRICK: I'll vote in
9 favor. Motion carried.

10 Before we go on, as long as
11 we're on parades, now we recognized that they're
12 going to attend the parade, what are we going to do
13 as far as closing the road? That's another issue
14 in itself.

15 MS. PICKARD: I think we need a
16 procedure in place for the future.

17 MR. KERRICK: We need some help
18 from our --

19 MR. ARMSTRONG: Yeah, there's a
20 --

21 MS. PICKARD: We don't always
22 get notified from some of these groups that they're
23 having a run or a parade directly to the township.

24 MR. KERRICK: Well, again, by
25 doing this are we opening any --

1 MS. LAMBERTON: Heidi, she
2 can't hear you, you need to talk into the
3 microphone.

4 MS. PICKARD: I'm sorry.

5 I was saying we don't always get
6 notified when a group is doing a run or some other
7 activity.

8 MR. ARMSTRONG: When is the --
9 when is the parade?

10 MS. PICKARD: Parade's Memorial
11 Day.

12 MR. KERRICK: Memorial Day, I
13 don't know if there's anything --

14 MR. ARMSTRONG: Saturday,
15 Sunday or is it on Monday?

16 MS. LAMBERTON: The Monday
17 morning.

18 MR. KERRICK: Monday morning.

19 MS. PICKARD: Monday morning.

20 MR. KERRICK: And I'm not sure
21 -- they have Panther Pounce down there, I don't
22 know when that would be, if there's a date.

23 MS. PICKARD: I believe Phyllis

24 has the date on that.

25 MS. HAASE: I believe that's

20

1 the first weekend in June.

2 MR. ARMSTRONG: I mean, there

3 is -- there's a second -- there's a procedure in

4 the Second Class Township Code as to closing roads.

5 I believe the intention behind that procedure is

6 when you're actually closing a road for

7 construction or -- but, you know, we could use the

8 procedure for purposes of the parade as well.

9 With respect to closing the

10 roads and potentially an indemnification agreement,

11 you could have the fire company or whoever's

12 putting on the Memorial Day Parade to, you know,

13 execute a very brief indemnification agreement,

14 that's like a paragraph.

15 MS. PICKARD: Would be the

16 American Legion.

17 MR. ARMSTRONG: The Legion? I

18 mean, you may already have one. This is -- but I
19 can send you one.

20 MS. PICKARD: The same with the
21 Panther Pounce, I'm not sure who the group would
22 be.

23 MR. KERRICK: Well, we can deal
24 with that and keep it brief obviously, but we don't
25 want to follow -- I don't want to say that.

21

1 MS. PICKARD: Was there a
2 issue, Pat, when we're --

3 MS. HAASE: Heidi?

4 MS. PICKARD: -- talking about
5 closing the road --

6 MS. HAASE: Excuse me. Could
7 you bring the microphone closer to you?

8 MS. PICKARD: Is there an
9 issue, you said, when you're closing the road for a
10 long period of time, when we're closing it for 20
11 minutes or half an hour, an hour or two, is that --

12 MR. ARMSTRONG: Yeah. I mean,

13 I'll look -- I'll look at the Second Class Township
14 Code. I know those provisions specifically are
15 intended to address --

16 MR. KERRICK: Long term.

17 MR. ARMSTRONG: -- long term.

18 MR. KERRICK: Because you have
19 to post the detour, et cetera, et cetera.

20 MR. ARMSTRONG: Right, exactly.

21 It's pen -- it's pretty much PennDOT's --

22 MR. KERRICK: Pretty much
23 PennDOT, I did look it up.

24 MS. PICKARD: And PennDOT did,
25 I gave you that paperwork that talked about 20

22

1 minutes or something, like that wasn't really
2 necessary.

3 MR. KERRICK: Okay. So we're
4 just going to ask them to fill out an
5 indemnification agreement quick?

6 MR. ARMSTRONG: Yeah. What
7 I'll do is I'll forward -- who do you want me to

8 forward that to?

9 MS. PICKARD: I'll get some
10 information. I had an email address for the
11 Legion. I'm not sure -- I don't have any contact
12 information on the Panther Pounce, I don't know --

13 Phyllis, do you have any contact
14 information?

15 MS. HAASE: I do not.

16 MR. KERRICK: We'll find out,
17 we'll make it happen.

18 Next item on our agenda,
19 consider Resolution 2013 dash 017 approving Pocono
20 Summit Volunteer Fire Company activities for
21 workmen's comp.

22 MS. PICKARD: I'll make a
23 motion that we approve Resolution 2013 dash 017.

24 MR. KERRICK: We have a motion.
25 Do we have a second?

23

1 MR. MOYER: I'll second.

2 MR. KERRICK: Second by Donny.

3 Questions or comments from the
4 board?

5 Questions or comments from the
6 public?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in
17 favor. Motion carried.

18 Next item on our agenda,
19 consider Resolution 2013 dash 018 adopting the
20 safety manual for Tobyhanna Township.

21 What's the board's pleasure?

22 MR. HOLAHAN: I'll make a
23 motion that we adopt Resolution 2013 dash 018
24 adopting the safety manual for the township.

25 MS. LAMBERTON: I'll second.

1 MR. KERRICK: Motion and
2 second.

3 Questions or comments from the
4 board? Anyone?

5 Questions or comments from the
6 public?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in
17 favor. Motion carried.

18 Wow, we really went through this
19 quick.

20 MS. PICKARD: Did you -- we had

21 this letter in here, I don't know what we're doing
22 with this.

23 MR. KERRICK: Well, that was --
24 in your packet you'll see, second page in, there
25 was an example. I think that was for a parade in

25

1 Pocono Summit. I think Bob threw that in there
2 just to show you what we did in the past.

3 Did you take a look at that,
4 Pat?

5 MR. ARMSTRONG: I don't know if
6 I got that.

7 MS. PICKARD: That was your
8 letter, Pat.

9 MR. ARMSTRONG: Oh, that was my
10 letter?

11 MR. MOYER: Yeah.

12 MR. KERRICK: Is that all
13 right? Can we utilize that or no?

14 MR. ARMSTRONG: Yeah, yep.

15 MS. PICKARD: That was for the

16 Pocono Summit parade as well and we did have a
17 request from Pocono Summit.

18 MR. ARMSTRONG: I mean, you
19 probably already have a hold harmless
20 indemnification agreement from me somewhere in the
21 system because this letter actually references it.
22 I'll send another one.

23 MR. KERRICK: Anyone from the
24 board have anything they wish to address?

25 I have one issue with respect to

26

1 the sewer line for Kalahari. We've done some work
2 in the past with a gentleman by the name or Rich
3 Stryker, who is an engineer, but he does represent
4 a pumping -- a pump company in New Jersey. And we
5 had asked him if he would look over our plans for
6 the pumping station for Kalahari and he has not
7 given us an answer back.

8 He said he would do it for
9 gratis, but he kind of wanted to reference the
10 pumps and I don't think that's a clean deal. If he

11 wants to work for us, to review it himself, that's
12 fine. I just wanted to keep you in the loop or any
13 thoughts from -- we reached --

14 We're going to reach out to
15 Brodhead to see what they have, if they have --
16 maybe they require certain pumps, but we don't want
17 to end up what we had with -- what we have in
18 Blakeslee, we don't want to end up with that.

19 MS. LAMBERTON: I agree.

20 MR. KERRICK: So --

21 MR. MOYER: We're going to try
22 him back?

23 MR. KERRICK: I'll just keep
24 you in the loop as far as this --

25 MR. MOYER: He hasn't got back

27

1 to you yet?

2 MR. KERRICK: Well, he got back
3 that he -- you know, that he would do it, but then
4 it kind of ties us into that pump and I don't think
5 that's -- if he can work for us independent -- he

6 is an independent. If he can work for us
7 independently fine; if not, we need to find
8 somebody else. That's my thoughts.

9 Everybody okay with that?

10 MR. HOLAHAN: Yes.

11 MS. PICKARD: Did you have
12 anybody else in mind?

13 MR. KERRICK: No, I don't.

14 Does anybody have any
15 engineering? Well, let's cross that bridge when it
16 gets --

17 MS. PICKARD: What about Walter
18 Wachter, can he recommend somebody?

19 MR. KERRICK: We could ask
20 Walter Wachter, who is a forensic engineer, when we
21 did -- when we had the lawsuit in Blakeslee sewer
22 system, which was very good. We could ask him. I
23 could reach out to him and see what we could find
24 out.

25 MR. MOYER: Okay.

1

MR. KERRICK: Okay?

2

MR. MOYER: Yep.

3

MR. KERRICK: Thank you.

4

Anybody else have anything?

5

Anyone from the public?

6

I guess it's question and answer

7

time now.

8

(Meeting concluded at 9:54 a.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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accurately, to the best of my ability, in the notes

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taken by me at the meeting in the above matter; and

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that the foregoing is a true and correct transcript

12

of the same.

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TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, June 10, 2013, beginning at 7 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
DONALD J. MOYER, Board Member
ANNE LAMBERTON, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ROBERT McHALE, P.E., Township Engineer

ALSO PRESENT: Phyllis Haase, Zoning Officer

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

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1

MR. KERRICK: I'd like to call

2 the regular business meeting with the pledge of
3 allegiance.

4 (Pledge of Allegiance.)

5 MR. KERRICK: Do you have
6 announcements?

7 MS. PICKARD: Just a reminder
8 that community day is July 11 from 2 to 7. We
9 haven't heard from some of the vendors. Please get
10 in touch with us soon. That's it.

11 MR. KERRICK: Okay. Thank you.
12 Next item, consider the minutes of April 8th, 2013
13 regular business meeting and May 6, 2013 work
14 session. What's the board's pleasure?

15 MR. HOLAHAN: I'll make a motion
16 we accept the minutes of April 8th and the May 6th
17 meetings.

18 MR. KERRICK: Is there a second?

19 MS. PICKARD: I'll second.

20 MR. KERRICK: Motion and second.

21 Questions or comments from the board? Questions or
22 comments from the public?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

3

1 MS. LAMBERTON: I vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: Vote in favor.

6 MR. KERRICK: Motion carried.

7 Next item on our agenda, pay our
8 current obligations. Total for board approval is
9 \$277,194.54. Bills are up front if anybody would
10 like to take a look. What's the board's pleasure?

11 MS. PICKARD: Make a motion that
12 we approve the bill pack dated June 10, 2013 in the
13 amount of \$277,194.54.

14 MR. MOYER: I'll second it.

15 MR. KERRICK: Motion and second.
16 Questions or comments from the board? Questions or
17 comments from the public?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in favor.

22 MR. KERRICK: Donny?

23 MR. MOYER: I vote in favor.

24 MR. KERRICK: Heidi?

25 MS. PICKARD: I vote in favor.

4

1 MR. KERRICK: Motion carried.

2 Next item, solicitor's report.

3 MR. ARMSTRONG: Thank you,
4 Mr. Chairman. First item on my report is a public
5 hearing for a proposed ordinance authorizing the
6 Township of Tobyhanna to enter into an
7 intergovernmental cooperation agreement with Pocono
8 Township regarding the possible establishment of
9 the Tobyhanna Township Neighborhood Improvement
10 District. As the board is likely aware, in

11 relation to the potential Neighborhood Improvement
12 District that Tobyhanna Township is considering, it
13 has already held a public hearing on, a part of the
14 neighborhood improvement district will extend into
15 Pocono Township. Given the fact that a portion of
16 the NID will extend into Pocono Township, it's
17 necessary to enter into an intergovernmental
18 agreement with Pocono Township, having them and
19 Tobyhanna Township agree to, you know,
20 responsibilities and requirements pursuant to the
21 NID Act and the municipal or I'm sorry the
22 Intergovernmental Agreement Act.

23 The ordinance is authorizing an
24 intergovernmental agreement wherein Pocono Township
25 will agree to delegate all of the rights and

5

1 responsibilities with respect to administering the
2 NID District, including the NID District that
3 extends into Pocono Township onto Tobyhanna
4 Township, and Tobyhanna Township agrees to accept
5 those rights and responsibilities for the NID Act.
6 The staff here was kind enough to print out the
7 portions of the NID District that will extend into
8 Pocono Township. As the board is aware, what
9 caused this was the extension of the sewer and
10 water lines from Tobyhanna Township into Pocono
11 Township. So if you want to page through there,
12 there's two maps with the sewer extension as well
13 as two maps with the water line extension.

14 And, again, this ordinance is
15 authorizing the Township of Tobyhanna to enter into

16 such an intergovernmental agreement with Pocono
17 Township with respect to establishing and
18 administering that NID District beyond Tobyhanna
19 Township' borders. This ordinance has been
20 advertised for public hearing this evening before
21 the board with the Pocono Record. So that being
22 said, I think we can open up the public hearing for
23 any public comment. Is there any comment from the
24 board at this time?

25 MR. HOLAHAN: I have none.

6

1 MS. LAMBERTON: I have none.

2 MR. ARMSTRONG: Any comments
3 from the public? Seeing none, I think we can close
4 the public hearing.

5 I do see that the considered
6 Ordinance No. 504 which would be authorizing the
7 Intergovernmental Cooperation Agreement between
8 Tobyhanna Township and Pocono Township regarding a
9 possible establishment of the Tobyhanna Township
10 Neighborhood Improvement District is further down
11 under new business on the agenda. Would the board
12 like to consider that ordinance now or would you
13 prefer to wait until the new business portion?

14 MS. LAMBERTON: I'll consider
15 it. I'll make a motion to consider Ordinance No.
16 504 authorizing the Intergovernmental Cooperation
17 Agreement between Tobyhanna Township and Pocono
18 Township regarding the possible establishment of
19 the Tobyhanna Township Neighborhood Improvement

20 District.

21 MR. HOLAHAN: I'll second that.

22 MR. KERRICK: Motion and second.

23 Questions or comments from the

24 board? Questions or comments from the public?

25 Call the vote. John?

7

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I vote in favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: Vote in favor.

8 MR. KERRICK: I vote in favor.

9 Motion carried.

10 MR. ARMSTRONG: Then the next

11 item, kind of the same. You've approved the

12 ordinance, you've enacted the ordinance. Now there

13 is the Intergovernmental Agreement. If there would

14 be a motion to authorize the execution and move

15 forward with signing the agreement.

16 MR. HOLAHAN: I'll make that in

17 the form of a motion.

18 MS. PICKARD: I'll second.

19 MR. KERRICK: Motion and second.

20 Questions or comments from the board? Questions or

21 comments from the public?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in favor.

8

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: Vote in favor.

5 MR. KERRICK: And I vote in

6 favor. Motion carried.

7 Next item.

8 MR. ARMSTRONG: Thank you. Next

9 item under my report is discussion with respect to
10 the natural gas route through Coolbaugh Township
11 and the Borough of Mount Pocono and schedule a
12 meeting date. Similar to the sewer and the water
13 line extension that would be included in the NID,
14 we recently learned that, and, again, this is with
15 respect to the Kalahari Resort project, that the
16 proposed natural gas line that would be servicing
17 the Kalahari Resort project is also intended to be,
18 at least partially funded through the TIF funds
19 and, therefore, intended to be included within the
20 NID District. Now, the natural gas lines extend
21 beyond Tobyhanna Township borders and they extend
22 into Coolbaugh Township as well as Mount Pocono
23 Borough. That being said, you did just approve an
24 ordinance entering into intergovernmental agreement
25 with Pocono Township due to the fact that the sewer

9

1 and water lines extend beyond boundaries. This
2 would be similar to that in that if the NID were to
3 extend into Coolbaugh and or Mount Pocono Borough,
4 we would need identical, not identical, but similar
5 intergovernmental agreements to cover that. I have
6 been informed that Coolbaugh Township has reviewed
7 this and it's my understanding that they will be
8 advertising an ordinance in their agreement with
9 Tobyhanna Township for a June 18th meeting, but you
10 may want to check that. I'm not entirely sure
11 that's the date. I'm fairly confident, based on my
12 conversation with Jerry Hanna, the solicitor for
13 Coolbaugh Township. Given the fact that this is
14 the last scheduled meeting for Tobyhanna Township
15 for the month of June, number one, if the board of
16 supervisors were to entertain moving forward with
17 authorizing and advertising an ordinance
18 authorizing the entering into and intergovernmental
19 agreement with Coolbaugh Township to include the
20 gas, the natural gas lines within the NID District,
21 you would need to, number one, authorize that
22 ordinance and advertisement of it for a public
23 hearing and set a date for a special meeting to
24 consider that ordinance and hold that public
25 hearing, if you wanted to do that before the end of

10

1 June.

2 MS. PICKARD: Would we be doing
3 Mount Pocono at the same time in one agreement?

4 MR. ARMSTRONG: I have not heard
5 from Mount Pocono Borough. I don't know if anyone

6 has spoken with -- I see Michelle Bisbing, I don't
7 know if she has or not, but what I'm planning on
8 doing is following up with Mount Pocono Borough as
9 well as Peter Carlucci who represents the Monroe
10 County IDA who's been involved in this process. I
11 know there was some discussions whether or not they
12 needed to include the entire UGI gas line within
13 the NID. If they do, Mount Pocono Borough will
14 obviously need to be included. If they do not,
15 there might be a way to only include Coolbaugh
16 Township. But I don't know that sitting here
17 tonight.

18 If you wanted to authorize both
19 the Coolbaugh and Mount Pocono Borough, Mount
20 Pocono Borough conditional upon whether or not we
21 actually need it, you can do that as well, and
22 maybe hold them both on the same night, if in the
23 event that we do need both of those agreements.

24 MR. MOYER: Sounds to me the way
25 to go.

11

1 MR. ARMSTRONG: And then in the
2 event that --

3 MS. MICHELLE BISBING: We
4 haven't approached Mount Pocono or talked to them
5 about it yet. In talking with Peter Carlucci, what
6 we're looking at doing is trying to fund the very
7 small portion that is in the Borough of Mount
8 Pocono, designate that for funding with a different
9 funding source, so that we wouldn't have to go

10 through that process with the Borough of Mount
11 Pocono, only Coolbaugh.

12 MR. ARMSTRONG: For purposes of
13 the minutes, just state your name.

14 MS. MICHELLE BISBING: I'm
15 Michelle Bisbing from the Monroe County IDA.

16 MR. ARMSTRONG: So what I can do
17 is I can reach out to Peter Carlucci to confirm
18 that. And if that's the case, then we really only
19 do need to move forward with Coolbaugh Township.

20 MR. MOYER: Perfect.

21 MS. LAMBERTON: Or approve
22 conditional with if we need to utilize Mount
23 Pocono.

24 MS. MICHELLE BISBING: I believe
25 their ad was in the paper on Saturday and they are

12

1 going to -- you were right on that date --

2 MR. ARMSTRONG: Coolbaugh
3 Township?

4 MS. MICHELLE BISBING: Yes.

5 MR. ARMSTRONG: If anyone is
6 interested in looking at it, I do have the natural
7 gas line proposed. I can pass that out as well.

8 MR. HOLAHAN: But, Patrick, what
9 do we need to do to move --

10 MR. ARMSTRONG: Just a motion
11 authorizing me to move forward with the advertising
12 and preparation of the ordinance.

13 MR. HOLAHAN: So moved.

14 MS. LAMBERTON: Second.

15 MR. KERRICK: That was John and
16 Anne.

17 MR. ARMSTRONG: And my
18 understanding is that motion is for Coolbaugh
19 Township and in the event that we need it for the
20 Mount Pocono Borough as well, correct?

21 MS. PICKARD: You need a date on
22 that?

23 MR. ARMSTRONG: Well, let's move
24 forward with this motion and then if you guys have
25 a date that everyone's agreeable for to have a

13

1 special meeting, you can set that.

2 MR. KERRICK: Questions or
3 comments?

4 MS. LAMBERTON: I have none.

5 MR. KERRICK: Questions or
6 comments from the public?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. KERRICK: I vote in favor.

16 Should it be after their's or
17 before -- Coolbaugh's?

18 MR. ARMSTRONG: Well, we need

19 seven days to advertise it. We're at the ten, so
20 it's going to likely be after.

21 MR. MOYER: They will have to be
22 different, right, if they're funding it different?
23 We won't be able to do them together, will we?

24 MR. ARMSTRONG: Well, if Mount
25 Pocono Borough funds differently, we won't even

14

1 need to worry about entering into an
2 intergovernmental.

3 So I need at least seven days to
4 advertise the ordinance. Margie's not here. I
5 think we need at least a maybe three day timeframe
6 to advertise in the Pocono --

7 MS. HAASE: Generally, you are
8 correct. I had spoken to Mr. Kerrick earlier. The
9 applicant will be in the area on the 18th and 19th.
10 The 18th I don't think is going to be doable. The
11 19th is going to be pushing it, but they did ask me
12 to relate to the board if they would consider
13 having a meeting during that time to save them
14 because they will be in the area.

15 MS. LAMBERTON: Will the 19th
16 work for advertisement?

17 MS. HAASE: It's going to be
18 tough.

19 MR. ARMSTRONG: Yeah. Why don't
20 you do this. If you can find another date after
21 the 19th -- we'll do the 19th if we can get it in
22 the newspaper -- Margie and Phyllis have some pull
23 with the newspaper, right? If we can get the ad in

24 in time, we will, if not, maybe a fall-back date.

25 MS. LAMBERTON: The 20th.

15

1 MS. PICKARD: We have a conflict
2 on the 20th. We have a 6 o'clock meeting.

3 MS. LAMBERTON: Let's make it at
4 5, 5 o'clock on the 20th.

5 MR. MOYER: That's a Thursday,
6 right?

7 MS. LAMBERTON: Yes, sir. How's
8 that work?

9 MR. MOYER: That's fine.

10 MS. PICKARD: We're talking 5
11 o'clock on the 19th to keep it simple.

12 MR. ARMSTRONG: The one thing I
13 will maybe mention, you still have the actual NID
14 ordinance to hold the public hearing for and
15 consider for adoption and that date has not been
16 scheduled yet because we are still trying to piece
17 together all the final portions of that final NID
18 Plan. If you wanted to maybe consider something a
19 little later in the month, in the event that we can
20 get it all together and have both public hearings
21 on the same date, we can consider that rather than
22 having to come back before the end of June after
23 the 20th. But that's up to the board.

24 MS. PICKARD: So we'll have to
25 come back for the NID after the 20th because that

1 doesn't fall within the timeline?

2 MR. ARMSTRONG: Well, I don't
3 anticipate having everything we need for the final
4 NID plan before -- in time to get it advertised for
5 the plan.

6 MS. LAMBERTON: How about the
7 27th, the following week.

8 MS. PICKARD: It will be tough
9 to make it the 20th, isn't it?

10 MR. ARMSTRONG: If I were to do
11 a legal ad it would be tough to get the 20th, but
12 then you guys are able to work miracles somehow, so
13 I'm going to let Phyllis and Margie handle that.

14 MS. PICKARD: You're saying we
15 need something else on the 27th?

16 MS. LAMBERTON: I'm giving
17 Patrick time for the NID. That's what we are
18 working on.

19 MR. HOLAHAN: This isn't just --
20 I mean, we'd have to be able to meet with -- we
21 want to make it convenient for our residents to be
22 able to make these meetings also, instead of having
23 one meeting after another after another, if we can
24 combine these and make it just a little more
25 efficient for residents and staff. So we pushed it

1 back a week to the 27th, 26th through 27th? If we
2 can take care of everything at the same time.

3 MR. MOYER: How about the 26th?

4 MS. LAMBERTON: I'm fine that

5 date.

6 MR. HOLAHAN: I'm good.

7 MS. PICKARD: At 5?

8 MS. LAMBERTON: That's fine with
9 me. Are you okay with 5, 5:30?

10 MR. HOLAHAN: I am, again -- for
11 people that have real jobs.

12 MS. PICKARD: 6 o'clock.

13 That gives them a chance to get
14 here, I agree.

15 MR. ARMSTRONG: I do have
16 another meeting that night, but in the event that I
17 cannot move mine, clearly either I will find
18 someone to cover that or someone from my office
19 will be here that day.

20 MS. LAMBERTON: As long as
21 you're comfortable with that.

22 MR. ARMSTRONG: Absolutely. So
23 are we scratching June 19th? We are doing June --

24 MR. KERRICK: June 26th, 6 p.m.

25 MR. ARMSTRONG: Thank you. The

18

1 next item under my report is discussion, Kalahari
2 Boulevard maintenance responsibilities. My
3 understanding last meeting, Phyllis had a list of
4 potential discussion points through her discussions
5 with Kalahari and certain items that are still left
6 open, particularly with respect to the maintenance
7 of Kalahari Boulevard and some other open ended
8 items that required the board's consideration and

9 input. I'm not sure if the board -- did you want
10 to discuss that tonight? It's under my report.
11 It's probably more of a follow-up from Phyllis'
12 list and whether or not the board has had a chance
13 to consider it and wants to discuss it this
14 evening.

15 MR. HOLAHAN: Well, we're
16 talking some of those items were with the paving.
17 I had concerns about paving, the base, because we
18 are going to have to maintain that after it's
19 dedicated.

20 MR. ARMSTRONG: Kalahari
21 Boulevard?

22 MR. HOLAHAN: Yeah. Did the
23 engineering get to look at that.

24 MR. KERRICK: They did not get
25 anything to us at this time. We did talk briefly

19

1 about them bonding it for their second and third
2 base which they had no problem with, but I think
3 it's a little premature to talk about the roadway
4 this evening.

5 MR. HOLAHAN: Okay.

6 MS. HAASE: Mr. Chairman, again
7 the applicant was hoping that this could be
8 discussed when he was present. Possibly this could
9 be done on the 26th. We have a hearing and a
10 special meeting to discuss that if that's
11 acceptable to the board.

12 MR. KERRICK: That's fine.

13 MR. ARMSTRONG: Okay. And then

14 the next item under my report is discussion, sewer
15 agreement status, Pocono Township and the BCRA. As
16 the board's aware, part of the Kalahari Resort
17 project will include the construction and
18 dedication of a sewer collection system of Kalahari
19 to designate it and dedicate it to Tobyhanna
20 Township once completed and that collection system
21 will be tying into the existing Pocono Township
22 system which in turn finds its way down to the BCRA
23 for treatment. And part of that and part of the
24 requirements in proceeding and implementing that
25 will be finalizing an agreement between Tobyhanna

20

1 Township and Pocono Township and BCRA as well as a
2 separate agreement between Tobyhanna Township and
3 Kalahari and Pocono Manor.

4 I have forwarded some
5 correspondence to the board with respect to where I
6 am with negotiations, spoke with Pocono Township
7 and BCRA, and at this point in time I'm not sure
8 if, you know, continuing negotiations makes sense,
9 given the fact that at the end of the day this is
10 going to be passing through us and onto the laps of
11 Kalahari and Pocono Manor. I've circulated the
12 latest draft, working draft, it's not a final
13 document yet, of the draft sewer agreement between
14 Tobyhanna Township, the BCRA and Pocono Township.
15 I'm going to probably discuss with the solicitors
16 for both those entities a couple outstanding items
17 in the next day or so, and what I would have the

18 board consider is with the understanding that this
19 is not a final document. There are obviously terms
20 that you've just started looking at and you
21 probably have some questions and comments and
22 concerns, but in an attempt to keep this moving
23 forward, if the board would like to at least
24 indicate to Pocono Manor or Pocono Township and the
25 BCRA that we believe we are at a point where we

21

1 think it's time to proceed and move this agreement
2 or at least the terms on to Kalahari and Pocono
3 Manor to try, you know, move our agreement with
4 Kalahari and Pocono Manor to a conclusion, it would
5 be appropriate at this time. I'm not sure how the
6 board wants to view that. Obviously, you're aware
7 that I do have some concerns about some of the
8 provisions, but at the end of the day we are -- the
9 intent of that is a pass through, but so long as
10 the board is okay with me proceeding in that
11 fashion I would.

12 MR. KERRICK: I think that they
13 should review the draft at this time.

14 MR. HOLAHAN: I agree.

15 Pass it on to Kalahari.

16 MR. ARMSTRONG: What I
17 anticipate doing is having my conversation
18 hopefully tomorrow morning, if not tomorrow
19 morning, Wednesday with two solicitors for the BCRA
20 and Pocono Township and let them know, and kind of
21 talk through some of the outstanding items in my
22 head, but let them know that we think it's time to,

23 you know, forward it on to the next party due to
24 the fact that it is going to be their
25 responsibility in their agreement with us, so we

22

1 can start those discussions as well.

2 MR. HOLAHAN: Agreed.

3 MS. LAMBERTON: I agree with
4 that. Do you need a motion or do you --

5 MR. ARMSTRONG: Just general
6 consensus that we are not finalizing, executing,
7 approving anything at this point in time. Everyone
8 is acceptable with that process moving forward.

9 MR. HOLAHAN: Yes.

10 MR. KERRICK: We'll email you
11 and copy everyone, so everybody sees it, if you
12 have any questions for Pat?

13 MS. LAMBERTON: Absolutely.

14 MR. ARMSTRONG: Those are all
15 the items under my report. Thank you.

16 I will note that we had a brief
17 executive session beforehand with respect to
18 discussion of legal matters and legal advice.
19 Thank you.

20 MR. KERRICK: Thank you. Next
21 item, new business. Consider Resolution 2013-019
22 adjusting the 2013 budget for supplemental
23 appropriations.

24 MR. HOLAHAN: I make a motion we
25 adopt Resolution 2013-019 adjusting the 2013 Budget

1 for supplemental appropriations.

2 MS. PICKARD: I'll second the
3 motion.

4 MR. KERRICK: Motion and second.
5 Questions or comments from the board?

6 Questions or comments from the
7 public?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I vote in favor.

17 Next item, Resolution 2013-020,
18 prevailing wage. I think we did this a while back.

19 MS. PICKARD: You did. This was
20 a newer version that PSAT had requested that we
21 adopt and send to our legislators. It includes the
22 maintenance provisions being removed which was
23 added by litigation.

24 MR. KERRICK: Is that a motion?

25 MS. PICKARD: I'll make a motion

1 that we approve Resolution 2013-020.

2 MR. MOYER: I'll second it.

3 MR. KERRICK: Motion and second.

4 Questions or comments on the
5 motion?
6 MR. HOLAHAN: I have none.
7 MR. KERRICK: Questions from the
8 public on the motion?
9 Call the vote. John?
10 MR. HOLAHAN: I vote in favor.
11 MR. KERRICK: Anne?
12 MS. LAMBERTON: I vote in favor.
13 MR. KERRICK: Donny?
14 MR. MOYER: I vote in favor.
15 MR. KERRICK: Heidi?
16 MS. PICKARD: I vote in favor.
17 MR. KERRICK: I vote in favor.
18 Motion carried.
19 Next item on the agenda, Moose
20 Crossing, amended land development plan.
21 MR. McHALE: Chrissie Hemler is
22 here with Reilly Associates. Discuss that briefly.
23 Go ahead, please.
24 MS. CHRISSY HEMLER: We are here
25 with Henry Gearhart, the owner of the Moose

25

1 Crossing project. We were at the work session last
2 week to talk about our amended land development
3 plan. The project was basically broken up into
4 three phases. It's located just to the east of the
5 intersection of 940 and 115. Phases I and II have
6 already been constructed. It consists of nine
7 storage buildings with lighting and landscaping,

8 parking and fencing and security system. The sewer
9 line had been extended during Phase I. In the
10 frontage, the driveway access in the parking area
11 out front had also been constructed during Phase I
12 and II. Phase III initially proposed construction
13 of a 9375 square foot building out to the front of
14 the site along 940 that was going to have office
15 and retail and the Gearhart's residence on the
16 second floor apartment, which is permitted under
17 your ordinance. Because of economic conditions and
18 the Gearharts' attempt at trying to find retailers
19 that they wanted to bring to Blakeslee had been
20 unsuccessful and because they're about 95 percent
21 occupied right now in the storage facilities, that
22 the market's really driving the storage use.

23 So our Phase III now proposes
24 the addition of 57 more units. The Gearharts are
25 going to still build their residence on the top

26

1 part of this building here, the three thousand
2 square foot building, and the first floor would be
3 a garage and an office and some interior storage
4 units for the project.

5 We've submitted the plan to Bob.
6 He's had a chance to take a look at it, went to the
7 county for review and we did receive their review
8 comments today, and just a minor clean up notes on
9 the plan that we did take care of. We did bring
10 some revised plans. Do you want me to put some
11 plans out in front of you?

12 MR. MOYER: I'm fine.

13 MR. KERRICK: I don't think so.

14 MS. LAMBERTON: I have looked at
15 it.

16 MS. CHRISSY HEMLER: So the
17 Gearharts are anxious to get moving and get their
18 project completed after -- it's been a long haul
19 for them. So we are here to request approval of
20 the plan for conditional approval.

21 MR. KERRICK: Entertain a
22 motion?

23 MS. LAMBERTON: I'll make a
24 motion for final approval for the amendment.

25 MR. MOYER: I'll second it.

27

1 MR. KERRICK: Motion and second.

2 MR. ARMSTRONG: And, again, this
3 would be conditional upon the comments and
4 requirements set forth in the June 7, 2013 review
5 letter of the township engineer.

6 MS. LAMBERTON: I'll amend my
7 motion.

8 MR. MOYER: Amend my second.

9 MR. KERRICK: Any questions or
10 comments?

11 MR. HOLAHAN: I do. The review
12 that came back from the county planning, have all
13 those things been addressed or we have those in
14 here? The thing you sent out today, Heidi --

15 MR. McHALE: Pretty much --

16 MS. PICKARD: There wasn't

17 really much there. It mentioned the EDU's, which
18 we --

19 MR. McHALE: Which was already
20 taken care of. The traffic they were indicating it
21 will be less trips generated with this use versus
22 the originally proposed use. They had some other
23 questions regarding stormwater which we already
24 have taken care of. And the highway occupancy
25 permit they received and turned in a copy of the

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1 PennDOT HOP with the acknowledgement of
2 completion -- portion complete, finished and signed
3 off by PennDOT, which means their permit's
4 finished.

5 MS. CHRISSY HEMLER: Right.

6 MR. McHALE: The only thing I
7 recall, Chrissy, was that you submitted to the
8 conservation district for an E and S plan review.

9 MS. CHRISSY HEMLER: The NPDES
10 permit had been closed out because the basins were
11 constructed and stabilized. And the conservation
12 district had just requested a simple E and S plan
13 for the remainder of the project. That's been
14 submitted. We've been deemed complete. It's very
15 simple, you know, very simple E and S plan for a
16 very small work area, so we don't anticipate any
17 problems or any project changes due to that.

18 Most of the comments on those
19 two letters were just statements of the
20 affirmative. We are asking questions. There was
21 one thing that they had asked, if there was some

22 confusion with the square footage of the building,
23 and we did clean up that note on the plan. So that
24 was the one thing we did --

25 MR. HOLAHAN: There was

29

1 something else about fencing, lighting,
2 landscaping? Those were all addressed?

3 MS. CHRISSY HEMLER: The
4 landscaping and lighting had been added in Phases I
5 and II. That was required as part of the project.
6 That was done. Item on the fencing, we are just
7 proposing to construct exactly what's already at
8 the site, just to the extend --

9 MR. HOLAHAN: Okay.

10 MR. KERRICK: Any other
11 questions?

12 Questions or comments from the
13 public?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I vote in favor.

23 Motion carried.

24 MS. CHRISSY HEMLER: Thank you
25 very much.

1 MS. LAMBERTON: Good luck.
2 MS. CHRISSY HEMLER: Thank you.
3 MR. HOLAHAN: Good luck.
4 MR. KERRICK: Next item on our
5 agenda is the Tobyhanna Township Volunteer Fire
6 Carnival, request to waive the permit fee.
7 MR. HOLAHAN: I make a motion we
8 waive the permit fee for the carnival.
9 MS. PICKARD: I'll second the
10 motion.
11 MR. KERRICK: Motion and second.
12 Questions or comments?
13 Questions or comments from the
14 public?
15 Call the vote. John?
16 MR. HOLAHAN: I vote in favor.
17 MR. KERRICK: Anne?
18 MS. LAMBERTON: I vote in favor.
19 MR. KERRICK: Donny?
20 MR. MOYER: I vote in favor.
21 MR. KERRICK: Heidi?
22 MS. PICKARD: I vote in favor.
23 MR. KERRICK: I vote in favor.
24 Next item on our agenda,
25 workers' compensation insurance, non-firefighting

1 activities. Proposed authorization letter. You
2 want to take this, Pat?

3 MR. ARMSTRONG: Do I want to
4 take it? I guess, the board -- I guess this first
5 came up a while ago, a couple months ago. It's
6 kind of come full circle. I provided some
7 responses to some questions and concerns. They
8 pretty much have been the same since the beginning.
9 It started as a resolution. Now it looks like it's
10 correspondence in response to the fire department's
11 request. Everyone should be aware of my
12 correspondence in relation to this was sent out to
13 the township's worker's comp carrier, so I'm not
14 exactly sure where the board wants to go. It's on
15 your agenda. Clearly the township, as you're
16 aware, is responsible for reimbursing the worker's
17 comp premiums for the fire department and the
18 worker's comp act covers the fire fighters for
19 certain fire fighting activities, but there is
20 language in the act with respect to authorized
21 activities. And my understanding is that this came
22 about from the fire departments requesting specific
23 authorization for certain activities, these lists
24 being some, all or the lion's share of them.

25 Are there any questions that the

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1 board has for me? I think everyone's been aware of
2 the issues. At this point in time like I said the
3 board can authorize these, if the board so chooses,
4 so long as the appropriate conditional language is
5 included, but there is nothing requiring the board
6 to issue this correspondence or adopt such a

7 resolution. Ultimately I can't tell you either way
8 to go. I need to make sure that the appropriate
9 interests of the township are covered in either
10 direction. With that being said, any specific
11 questions of me at this point in time?

12 MR. HOLAHAN: I think we were
13 taking a look in trying to decide if we need -- we
14 are just looking for a letter as opposed to a
15 resolution or ordinance, correct?

16 MR. McHALE: It could be in the
17 form of a letter, it can be in the form of a
18 resolution, it can even be in the minutes. Just, I
19 guess, simply it would be some authorization coming
20 from the governing body to basically just authorize
21 certain events that are non firefighting events or
22 activities.

23 My understanding in reading
24 through some of the documentation, I didn't read
25 all 493 pages obviously of the Workers Compensation

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1 Act or anything like that, but in the excerpts that
2 we had discussed with our insurance carriers and
3 such, was that if you don't authorize the
4 activities then if there was a worker's comp claim,
5 then it's not likely that they would be able to
6 bring that forth as far as that goes. If the board
7 wanted to authorize events that were -- I know in
8 past discussions you had spoken about no alcoholic
9 beverages be sold or partaken in during these
10 events. Also that no high risk sporting activities
11 be a part of these activities either. So if you

12 wanted to go through the list and any of those
13 items that would contain such, eliminate them or if
14 you just want to take a month at a time, you could
15 even do that. You could take the whole year at a
16 time. So there is several different approaches
17 that could be taken as far as providing some
18 authorization. But if no authorization is given,
19 it's my understanding, and Pat, correct me if I'm
20 wrong, but if they try to make a worker's comp
21 claim they would not be able to do that if it's not
22 authorized first by the elected body.

23 MR. HOLAHAN: Are we extending
24 worker's comp insurance beyond what the insurance
25 company's already covered? So we can put anything

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1 down here but the insurance company could come back
2 and say we are not covering that just because we
3 authorized it.

4 MR. KERRICK: That's what the
5 insurance company did say. They said it in black
6 and white.

7 MS. PICKARD: They said they
8 weren't going to make a blanket statement that
9 these events would be covered because they don't
10 know how the events were being handled. They want
11 us to take that responsibility. I think Pat has in
12 here too that we don't guarantee that they're going
13 to cover any claim anyhow.

14 MR. KERRICK: There also was a
15 thing from Brown and Brown as late as today where

16 there's other insurance. Maybe we need to look
17 into that. My suggestion is that we maybe cover
18 till our next meeting whatever events they have and
19 explore it a little bit more.

20 MR. HOLAHAN: Well, it's
21 important that we --

22 MR. KERRICK: I think some of
23 these things are extending beyond the workmen's
24 comp, the scope of workmen's comp in my mind.

25 MR. HOLAHAN: Yes, but it's

35

1 important that we cover our firemen --

2 MR. KERRICK: Absolutely.

3 MR. HOLAHAN: -- to make sure
4 that they are not left out with exposure. But
5 we've got to be able to do that with -- I need to
6 be more clear on it. I don't mind taking this out
7 to the next meeting or two meetings if that's what
8 we have to do for the specific activities that are
9 listed here, but I'm still confused.

10 MR. KERRICK: The more you read,
11 the more you get confused.

12 MR. HOLAHAN: I'm concerned
13 about the liability. I don't want to tell firemen
14 that they're covered, that we're saying you're
15 covered, and then you get injured --

16 MR. ARMSTRONG: We are not.
17 We're not saying anyone's covered.

18 MR. HOLAHAN: Well, that's what
19 the letter seems to imply, and I want to make sure
20 that we don't do that because then, by inference,

21 somebody will think that they're covered for an
22 activity that may --
23 MR. ARMSTRONG: In the most
24 simplistic terms, the fire department could come in
25 on a monthly basis and ask the board to authorize

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1 event X, Y or Z and can --

2 MS. LAMBERTON: But if we're not
3 saying they are covered why are we even getting
4 involved with what the insurance company is going
5 to handle anyway?

6 MS. PICKARD: They won't handle
7 it.

8 MR. HOLAHAN: It sounds like the
9 insurance company is saying we have to put a letter
10 out there anyway.

11 MR. KERRICK: Well, it didn't
12 say a letter. You could reference it in your
13 minutes of your meeting.

14 MR. HOLAHAN: Right.

15 MR. KERRICK: -- and they
16 would -- I don't want to say cover. I don't know.

17 MR. HOLAHAN: In the vernacular
18 that we are using here, it could get lost, it could
19 get confused and I want to make sure that we don't
20 put something out here that is maybe not clear
21 because I'm not clear on it yet.

22 MS. PICKARD: I think that was
23 the intent when sending this to SWIF and they
24 wouldn't comment on it, but Paul (inaudible), our

25 insurance broker did, and he said that on all of

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1 these things they are going to either pay the claim
2 or it would be denied and there would be an appeal
3 process. Or his third option, and I know Tobyhanna
4 Township has their own accident disability policy,
5 that would cover them in an event. The workers'
6 comp does not. But I think the bottom line is none
7 of those activities that they are doing when
8 they're going out there trying to raise funds for
9 the fire company which protects our citizens, they
10 would not be covered and I think they go out there
11 and do these things and they do a lot of things
12 where they are not getting paid and put their time
13 out --

14 MR. KERRICK: We're not saying
15 that at all, Heidi.

16 MS. PICKARD: I know that, but I
17 think they --

18 MR. KERRICK: That accident
19 insurance might be better to have versus the
20 worker's comp. That's something we don't know. We
21 need to talk to our insurance.

22 MR. MCHALE: There was a
23 workers' comp appeals board versus Mahoning
24 Township Supervisors that I forwarded this
25 afternoon and I don't anticipate that you had time

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1 to really digest that and look through it. It's

2 got a lot of good information. It makes some
3 comparisons for things that have happened in the
4 past in other cases involving worker's comp claims.
5 I think maybe the chairman was indicating, perhaps,
6 just look at this month and get the authorization,
7 if you will, move forward in the minutes just
8 simply on those activities that are going to go
9 this month until your next meeting. Have a chance
10 to digest that, look further into --

11 MS. LAMBERTON: I think we
12 should digest it before we make any decision.

13 MS. PICKARD: A lot of these are
14 this month.

15 MR. HOLAHAN: For a couple of
16 these things that are listed here are pretty clear
17 that it would get covered anyway. Firemen's
18 festival, the firemen's parade, Tobyhanna Community
19 day.

20 MR. KERRICK: There's an email
21 that came today from the chief of Pocono Summit and
22 wanted to know why we wouldn't -- I don't want to
23 say the word cover, why we wouldn't authorize their
24 festival because they sell beer and wine coolers.
25 Well, our insurance company said do not get

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1 involved with alcohol. So, I mean, it's not us,
2 it's the insurance company. I don't want to --

3 MS. PICKARD: I think that was
4 taken out of context.

5 MR. McHALE: It will get

6 complicated if there's a sale of alcoholic
7 beverages and someone at the festival say gets into
8 an encounter with one of the firemen and, you know,
9 how does that get handled as far as workers' comp?

10 MR. HOLAHAN: It doesn't sound
11 like worker's comp, it sounds like that would be
12 liability or something like that, correct?

13 MS. PICKARD: Correct. I think
14 in the document that we have from PSATS from A. J.
15 Thomson, they had said -- they suggest you not
16 approve any activities where it will be selling,
17 serving, distributing alcoholic beverages unless a
18 liquor license has been obtained by the fire
19 company and property liability coverage is in place
20 with coverage extending to municipalities. And we
21 did get a certificate from them as additional
22 insured and they did get a copy of that. They had
23 also assured that their firemen were not drinking,
24 and I know George had said in the past that he had
25 no problem that there would not be a claim in the

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1 event if somebody was drinking from the fire
2 department. And it doesn't cover any of the
3 attendees. That would be on their liability
4 policy.

5 MR. KERRICK: I'm not in favor
6 of the alcohol. Sorry. We are responsible for the
7 whole township in liability and I just don't think
8 that that's a good thing.

9 Did anybody review to see what
10 kind of liquor liability they have? I didn't even

11 know that existed until just now.

12 MS. PICKARD: Well, I just was
13 talking to them today. I know we had gotten the
14 certificate for the parade and everything else. I
15 did not specifically -- Linda Wade is here from
16 Pocono Summit. I think she could probably
17 explain -- you know, let us know what your coverage
18 is.

19 MR. KERRICK: I don't know if
20 that's sufficient with our carrier. I don't know,
21 maybe I'm off base here, I don't know how you
22 guys --

23 MR. HOLAHAN: Were discussing
24 worker's comp right now. I'm not sure that that's
25 the worker's comp claim.

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1 MR. KERRICK: They want it as
2 workmen's comp claims.

3 MR. HOLAHAN: They want the
4 exclusion of the alcohol in worker's comp.

5 MR. KERRICK: But we said in our
6 work session we didn't want to do that because of
7 the alcohol.

8 MR. HOLAHAN: That's why we have
9 attorneys.

10 MR. MOYER: Yeah, that was my
11 comment.

12 MS. PICKARD: Leave it to the
13 professionals.

14 MR. HOLAHAN: Yeah, let's not

15 get them involved. Okay, so we need to move this
16 forward here or are we moving it forward?

17 MS. LAMBERTON: I think we
18 should table it.

19 MS. PICKARD: Well, there is
20 activities that are coming up and we've already had
21 some and there are some coming up this next month
22 and probably -- the Tobyhanna Township's carnival
23 and festival is the first week of July.

24 MS. LAMBERTON: They had it last
25 year. I think we should all be clear on this. I

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1 don't think everybody is.

2 MS. PICKARD: I'm just not sure
3 what's not clear.

4 MR. ARMSTRONG: In the event the
5 board wants to table it but consider however many
6 events there are between now and your next meeting,
7 if that's the direction you're considering going,
8 you could, if you have that list in front of you,
9 look through them, but don't -- all you would do
10 here tonight is do you authorize Pocono Summit or
11 Tobyhanna Township, do you authorize them having
12 that event or participating in that event or not?
13 Nothing to do with worker's comp, just whether or
14 not it's an event that you think is appropriate for
15 that particular fire department, for this month,
16 and then maybe take a better look at it long term
17 going forward for your next meeting.

18 MR. HOLAHAN: I make a motion
19 that we authorize -- I'll leave it like that, that

20 we authorize for Pocono Summit Volunteer Fire
21 Company the -- you want me to list these? Yes, I
22 will. Chime in here whenever I don't have an
23 answer for myself. Annual firemen's festival --
24 MR. ARMSTRONG: And these are
25 events between now and your next meeting?

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1 MR. HOLAHAN: They are. And
2 that's for the dates 28th and 29th; the annual
3 firemen's festival parade on the 29th; for
4 Tobyhanna Township --

5 MS. PICKARD: There's also
6 probably a monthly breakfast in there.

7 MR. HOLAHAN: There is a monthly
8 breakfast. It's the third Sunday.

9 A worker's comp for a breakfast?
10 I think we should approve the menu.

11 MS. LAMBERTON: No liquor.

12 MR. HOLAHAN: Then for Tobyhanna
13 Township Volunteer Fire Company, the annual
14 carnival from the 25th to the 9th of July.

15 MS. PICKARD: I'll second.

16 MR. ARMSTRONG: And, again, that
17 motion is only that the board of supervisors is
18 authorizing the two identified fire departments to
19 participate in those events.

20 MR. HOLAHAN: That is my motion.

21 MR. ARMSTRONG: Nothing more.

22 MR. HOLAHAN: Nothing more.

23 MR. MOYER: I'm fine with that.

24 MR. KERRICK: Motion and second.

25 Question or comments?

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1 Question or comments from the
2 public?

3 Eddie.

4 MR. ED TUTRONE: Ed Tutrone,
5 Tobyhanna Township Fire Company, Assistant Chief.

6 One of the things you might need
7 to add to your motion about meetings, we have
8 monthly meetings and you guys through the work
9 session said you were going to request us to be at
10 the work session. You're going to send the letter
11 to both fire companies and let us know.

12 MR. HOLAHAN: I'll add the
13 meetings to my amendment.

14 MS. PICKARD: I'll add that to
15 my second.

16 MR. KERRICK: Amended motion and
17 second. Now any other questions? Somebody else
18 back here had their hand -- yes, ma'am.

19 A VOICE: So you're saying,
20 according to our workmen's compensation carrier,
21 there will be no coverage for our members at our
22 festival for worker's comp?

23 MR. KERRICK: That's not what
24 we're saying.

25 A VOICE: You're granting

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1 permission --

2 MR. ARMSTRONG: This board
3 cannot represent what will and what will not be
4 covered with respect to workers compensation.
5 That's pursuant to the Workers' Compensation Act
6 and the Workers' Compensation Policy that the fire
7 departments maintain, that is paid for by Tobyhanna
8 Township. We are not making any representations
9 with respect to what claim or what claims would not
10 be covered at all.

11 MR. KERRICK: Any other
12 questions?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I'm opposed.

17 MR. KERRICK: Donny?

18 MR. MOYER: I vote in favor.

19 MR. KERRICK: Heidi?

20 MS. PICKARD: I'll vote in
21 favor.

22 MR. KERRICK: I'm opposed.

23 Motion carried.

24 Next item, Village Center

25 Visioning Project. The planning commission is

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1 requesting a planner assistance.

2 MS. HAASE: Yes, Mr. Chairman.

3 The planning commission -- we've been reviewing

4 visioning for the township and we are kind of at a

5 stand still and feel like we need some direction to
6 allow us to move forward. A few stumbling blocks
7 is our eastern section of the township is
8 commercial industrial. They are not quite certain
9 how to bring that into our visioning. It's
10 certainly not a walkable neighborhood district.

11 Moving into Pocono Summit we had
12 some discussion on Thursday that perhaps we should
13 move that to our gateway. That too is basically
14 built out with a few lots here and there. There's
15 on-lot systems, certain requirements are different
16 than our Blakeslee area. And Mr. Sincavage had
17 requested the board of supervisors consider hiring
18 a consultant to come in and help us move this
19 process along. The planning commission is also
20 asking the board then to allocate monies of course
21 to pay for the planner and they cannot move forward
22 until you folks have made a decision. So that is
23 where the planning commission is at this point.

24 MR. HOLAHAN: Any idea what kind
25 of budget that the consultant's going to demand or

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1 require?

2 MS. HAASE: I did not. I do
3 have a name of a planner that was given to us on
4 Thursday evening. I do have some information, so I
5 can reach out to her, but wanted to make certain
6 the board was acceptable with that. I did speak to
7 Heidi this morning regarding any monies that we
8 still had from the Blakeslee visioning. So those
9 are some things that we just need to work out.

10 MR. HOLAHAN: What do we have
11 left over?

12 MS. PICKARD: Well, technically
13 we don't have anything left over. We spent about
14 12,500 dollars and we still have four thousand
15 which was the money that we had gotten from our
16 private partners. That wasn't, you know --
17 reimburse the township, which we reallocated as a
18 supplemental appropriation. We have four thousand
19 sitting in that account, \$4,012.00 I think.

20 MS. LAMBERTON: So we do have
21 four thousand.

22 MR. HOLAHAN: We still need a
23 proposal. We can't move forward --

24 MS. LAMBERTON: Why don't you
25 get some prices, Phyllis, and see what --

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1 MS. HAASE: You're acceptable
2 with that?

3 MR. HOLAHAN: I would like to
4 move forward on it, but I would like you to pursue
5 that.

6 MS. PICKARD: We might be able
7 to get a name from the other folks. I know they
8 weren't doing the next step, but they may have
9 somebody.

10 MS. HAASE: All right. I will
11 do that.

12 The other item I'd like to
13 present to the board, discussed with the planning

14 commission on Thursday, is this is going to be a
15 process for us to get through. One thing we'd like
16 or I would like the board to consider is perhaps
17 that our gateways to the township having signage
18 welcoming to Tobyhanna Township. If that's
19 acceptable to the board, I can look into possibly
20 some areas that we could place the signage and some
21 costs and present that back to you.

22 MS. LAMBERTON: Agreed.

23 MR. KERRICK: We still have some
24 signs out there that should come down that are
25 pretty faded where we are entering the township.

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1 MS. HAASE: I think we can
2 spruce it up a little bit.

3 MR. KERRICK: They've been there
4 for a few years.

5 MS. PICKARD: I have a question
6 for Pat. But if we do an overlay district can that
7 affect the zoning of that district if it's an
8 overlay.

9 MR. ARMSTRONG: Yeah. It'll
10 clearly affect the existing zoning district. If
11 you adopt a village commercial overlay and
12 designate that in areas throughout the township,
13 one or two areas, that'll clearly impact the
14 underlying zoning district.

15 MS. PICKARD: So if we had that
16 over the CI it could change CI to more of a village
17 commercial?

18 MR. ARMSTRONG: That would be

19 the intent.

20 MR. KERRICK: Okay.

21 Any other questions for

22 visioning?

23 Anything else to discuss?

24 MR. HOLAHAN: Yes. When does or

25 bidding process for road work and equipment and

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1 those things, when does that begin?

2 MR. KERRICK: Oil and chip and

3 line painting? We have it prepared now.

4 MR. HOLAHAN: How about for --

5 when do we begin the process for next year?

6 MR. KERRICK: In the fall.

7 MR. HOLAHAN: Okay. I'd like us

8 to be able to -- Dave's sitting here, Dave Moyer

9 from Papillon and Moyer is sitting here. I'd like

10 to see if -- I think there has been some confusion

11 on what it takes to work for the township to get a

12 contract from the township, the bid process, what

13 all's involved in that. I would like to get that

14 out as soon as we can so that we can invite other

15 people that are interested in doing work,

16 contracting with the township, so that they

17 understand that. So I'd like to see if we can --

18 to put --

19 MR. KERRICK: We can put it on

20 our website.

21 MR. HOLAHAN: At least an

22 initial process, because some of these bids can

23 take a little bit to put together. So if we can --

24 MR. KERRICK: Basically we
25 follow the PennDOT bid, but we can put it on our

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1 website, or we can put it out, whatever you want to
2 do.

3 MR. HOLAHAN: If we can do
4 something like that.

5 MR. ARMSTRONG: All your bids
6 comply with the bidding requirements.

7 MR. HOLAHAN: Well, of course.

8 MR. ARMSTRONG: But you're
9 saying more of a --

10 MR. HOLAHAN: Informational. I
11 mean, our worker's comp is pretty clear and it's
12 not. So I want to make sure that the things that
13 we assume are easy for people to understand, maybe
14 to us, but not to the residence and the people that
15 want to bid on the work, so. And, frankly, the
16 best way that we can get the most value for our
17 residence and for their tax money is having a
18 competitive bid process. We just need other people
19 to bid. And if it's too confusing, maybe we can
20 help them out a little bit. That's it.

21 MR. KERRICK: Anything else?
22 Anyone else?

23 MS. PICKARD: I have a couple
24 things. I just wanted to mention Anne had sent us
25 an email about PPL's plan to go a different

1 route than Mt. Pocono.

2 MS. LAMBERTON: Did you guys see
3 that?

4 MR. HOLAHAN: That was nice.

5 MS. PICKARD: And PPL did stop
6 in this afternoon. They said they had contacted
7 the homeowners and I see that none of them are here
8 this evening, so they must be aware.

9 MS. LAMBERTON: They're happy.

10 MR. KERRICK: I spoke with Ms.
11 Bush today.

12 MS. PICKARD: So that I guess
13 that was good news. They did mention that
14 easements that they had --

15 MR. KERRICK: I think you have
16 to review the easement by Long Pond Road.

17 MR. MCHALE: My understanding is
18 that they're only looking for to clear --

19 MS. PICKARD: Tree clearing.

20 MR. MCHALE: -- trees along Long
21 Pond Road, but it goes beyond the right of way by
22 several feet and we just need to talk to them and
23 find out what's a maximum distance, maybe 25 feet
24 off the edge of the right of way, get that figured
25 up. They submitted a blanket easement to us and we

1 don't normally sign blanket easements.

2 MR. ARMSTRONG: Do I have it?

3 MS. PICKARD: They said it

4 wasn't a blanket easement.

5 MR. KERRICK: It's kind of a
6 blanket easement.

7 MR. ARMSTRONG: Is this the
8 Blue --

9 MR. McHALE: This is PPL.

10 MS. PICKARD: They contacted
11 everybody who is a property owner along Long Pond
12 and we were one of those because the end of the WB
13 and E was there.

14 And that was the other thing I
15 just wanted to mention, that Wednesday, some of the
16 folks from open space and Christine Dettore and I
17 took a walk from Pocono Crest Road on the WB and E
18 all the way to the high school. The trail is there
19 and it's pretty much existing. And, you know, they
20 recommended that we utilize that portion of it. I
21 know the school driveway cuts in across that, so I
22 don't know whether we granted them an easement for
23 that or where that -- where our property goes
24 through the driveway there, but it does end on Long
25 Pond Road.

54

1 MR. KERRICK: Right before us.

2 MS. PICKARD: Yes, it does end
3 on Long Pond Road. And I did want to make one
4 issue that we do have that lease with Panther
5 Waste, which --

6 MR. KERRICK: Which expires this
7 year.

8 MS. PICKARD: It expires this

9 year, but we did lease them that tax map number and
10 that includes the full rail line. So I don't know
11 if that's an issue. And walking back there, you
12 come to where all the millings are and it seemed
13 like maybe that back gate is open. So, I mean that
14 was an issue as far as security or anything that I
15 wanted to raise with the township that at some
16 point in time that might need to be defined a
17 little bit. I don't think they need a lot of room
18 to walk across. But there was some discussion
19 about a line of trees or something there that could
20 just define that a little bit more, a fence or --

21 MR. KERRICK: So Christine is
22 going to send us money to --

23 MS. PICKARD: Well, there is all
24 sorts of money available. There is also FAP money
25 and I forgot to mention that for the visioning

55

1 process, that we can check with the county. We do
2 have to close the other FAP1 that we still have
3 open.

4 MR. HOLAHAN: Is that our trail?

5 MS. PICKARD: Yep. It's owned
6 by the township. The parcel for the transfer
7 station just bows out into this long tentacles that
8 goes from Pocono Crest all the way to Long Pond
9 Road.

10 MR. MOYER: When you said
11 existing, did that mean like no ducking under
12 bushes and just walk straight through?

13 MS. PICKARD: No, it's really an
14 easy walk all the way through. I did get a tick
15 from the second half. You get a little lost when
16 you get to the transfer station.

17 MR. KERRICK: It's part of the
18 experience.

19 MR. HOLAHAN: Do we have to
20 start concerning ourselves with maintenance of that
21 and perhaps signage?

22 MS. PICKARD: That's just
23 something I want to bring up and that's something
24 we should probably think about or talk about or
25 work with open space. It's a beautiful walk.

56

1 Christine clocked it and she was going to bring it
2 down to George Basilla (phonetic), GIS Data, but I
3 think from the one end to the other it was 1.83
4 miles. So we walked out there and back and there
5 are little trails that go up to Hungry Hill from
6 there as well, which would probably be the church
7 property.

8 MR. HOLAHAN: Are these trails
9 named?

10 MS. PICKARD: No.

11 MR. HOLAHAN: Do we need to have
12 special meetings and name trails?

13 MR. KERRICK: I think we need to
14 research that a little further before --

15 MS. PICKARD: The county's been
16 talking about doing a feasibility study on the rail
17 to trail, but this really wouldn't -- it would be

18 something that is there and existing and could
19 probably be virtually utilized.

20 MR. KERRICK: Anything else from
21 the board?

22 MR. HOLAHAN: No, sir.

23 MR. KERRICK: Bob?

24 MR. McHALE: No, sir.

25 MR. KERRICK: Pat?

57

1 MR. ARMSTRONG: I do have one
2 thing I neglected to bring up when we were talking
3 about the Kalahari project, probably because it's
4 Kalahari Boulevard maintenance and responsibilities
5 under my agenda item. But one thing that has been
6 brought to my attention, was brought to my
7 attention last Thursday when I met with the
8 attorneys representing Kalahari and Pocono Manor,
9 they want to start -- well, they want at least the
10 board to start considering what improvements of the
11 land development plan the board is going to require
12 financial securities for. You don't have to make a
13 decision tonight, but they did start that
14 conversation. Typically, you know, the engineer
15 for the applicant will submit a cost estimate.
16 There's some interesting issues in this one, given
17 the fact that there are TIF funds being used to
18 construct the sewer, water, gas and some other
19 public improvements, but some of the land
20 development improvements for purposes of the land
21 development plan would include stormwater, which is

22 not going to be financed through TIF funds. And
23 clearly that's something that the township would
24 want them to provide financial security for.

25 One item that they did bring up

58

1 and they want the board to start discussing and
2 considering it is parking, their parking lot, if
3 the board is going to require financial securities
4 for their parking lot. I indicated that pursuant
5 to the MPC and the township ordinances that
6 typically you do require those financial securities
7 but they could request the board waive at least
8 that -- those improvements or those securities for
9 those improvements. I don't have a complete list
10 of the improvements that they want the board to
11 consider weighing in on yet. I don't know if Bob
12 does. I don't think he does, but just wanted to
13 bring that to your attention. At some point in
14 time you probably need, probably through Bob, after
15 looking at their cost estimate, and decide which of
16 the improvements you want additional financial
17 securities for in relation to the land development
18 project. You don't have to do it tonight, but just
19 be aware that that will be one of the discussions
20 with the applicant at some point in time before the
21 development agreement is finalized and we move
22 forward with recording the plan.

23 MR. HOLAHAN: So what do we
24 have -- real quickly, what do we have left to
25 finish up on the Kalahari?

1 MR. KERRICK: I think Pat's
2 going to -- you're going to put a list together for
3 us?

4 MR. ARMSTRONG: Yeah, I can put
5 a list of -- you have a list on the TIF and NID
6 aspect of it. Now that we are at the point where
7 it's more land development at this point in time, I
8 can put a list together of the outstanding
9 agreements that are necessary documents
10 agreeable -- that are necessary in order for
11 finalizing their approval. Unfortunately some of
12 those agreements are going to be dependent upon how
13 the board falls on certain maintenance requirements
14 of Kalahari Boulevard and some other items that --
15 we'll have to have that discussion at some point in
16 time.

17 But, yeah, I can put a list
18 together of the outstanding agreements from my end
19 that need to be -- I mean, the big ones are the
20 sewer between us, BCRA and Pocono, between us,
21 Kalahari and Pocono Manor. There is going to be a
22 sewer district ordinance that you've already
23 authorized us to move forward with it. It's been
24 held up due to the fact that these agreements have
25 been held up. There is going to be a typical

1 financial securities and land development
2 agreements with the applicant. There's going to be

3 a sewer development agreement, separate and
4 distinct from the land development agreement,
5 because they're constructing a sewer line that will
6 be dedicated to Tobyhanna Township. So there will
7 be a development agreement with respect to the
8 sewer line.

9 MR. HOLAHAN: That's enough for
10 now.

11 MR. ARMSTRONG: There's a
12 laundry list.

13 MR. KERRICK: Phyllis, do you
14 have anything?

15 MS. HAASE: No, sir.

16 MR. KERRICK: Anything from the
17 public? Mr. Tutrone.

18 MR. Ed TUTRONE: Just one quick
19 thing. I know you guys are going to research the
20 thing about the insurance. I can only speak for
21 the Tobyhanna Township Fire Company, I haven't
22 spoke to Pocono Summit, but we did explain that at
23 our last meeting that we understand in a fire
24 company, anything you guys approve on that list,
25 that does not ultimately mean it will be covered by

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1 the insurance carrier. The insurance carrier has
2 the final say. And if there's anything we can help
3 you with while you're doing research for the month,
4 we will come in and meet with you, whatever you
5 need to do to get this resolved.

6 MR. KERRICK: Thank you.

7 Anyone else?

8 A VOICE: As a representative of
9 Pocono Summit, we agree.

10 MR. KERRICK: Thank you. We
11 appreciate that. Hopefully we get it resolved next
12 month.

13 MR. ARMSTRONG: And I do have
14 one brief legal matter in executive session I have
15 to discuss with the board immediately following the
16 meeting. That's all.

17 MR. KERRICK: Anyone else from
18 the public?

19 Thank you for attending. We are
20 adjourned.

21 (Meeting adjourned at 8 p.m.)

22 ---

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8 I hereby certify that the
9 proceedings and evidence are contained fully and
10 accurately, to the best of my ability, in the notes
11 taken by me at the meeting in the above matter; and
that the foregoing is a true and correct transcript

12 of the same.

13

14

15

16

JOSEPHINE HOLLMAN, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, July 8, 2013 beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
ANNE LAMBERTON, Board Member
DONALD MOYER, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. KERRICK: Call the meeting

2 to order with the pledge of allegiance.

3 (Pledge of allegiance was

4 recited.)

5 MR. KERRICK: I'd like to

6 welcome everyone here this evening.

7 First announcement we have,
8 board's work session last Monday afternoon, we
9 appointed Phyllis Haase as our township manager. I
10 just want to announce that to the public.

11 We'll start with announcements.

12 Do you have anything, Heidi?

13 MS. PICKARD: I just have the
14 Community Day is this Saturday from two to seven up
15 in the park.

16 MR. KERRICK: Thank you.

17 We have a long list of minutes
18 to approve: April 25, public hearing amending the
19 Flood Plain Management Ordinance; April 25, 2013,
20 public hearing, proposed Tobyhanna Township Tax
21 Increment Financing District Plan for the Kalahari
22 Resort; May 6 special meeting, Kalahari Resort Land
23 Development Plan; May 13, 2013, regular business
24 meeting; May 15, 2013, public hearing, preliminary
25 Tobyhanna Township Neighborhood Improvement

3

1 District Plan for the Kalahari Resort project; May
2 17, special meeting; and June 3, special meeting.

3 What's the board's pleasure? We
4 do not have our work session minutes from June 3.

5 MR. MOYER: Any corrections on
6 any of them or they're all good?

7 MS. PICKARD: No. They're
8 good.

9 MR. MOYER: I'll make a motion
10 we approve the minutes.

11 MS. PICKARD: I'll second the
12 motion.

13 MR. KERRICK: Motion and

14 second.

15 Questions or comments on the
16 motion from the board?

17 From the public, on the motion?

18 Call the vote. Anne?

19 MS. LAMBERTON: I vote in
20 favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I'll vote favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: I'll vote in

4

1 favor. Motion carried.

2 Next item, consider the
3 treasurer's report. Total amount for board
4 approval is \$308,074.98.

5 MS. PICKARD: I make a motion
6 that we approve the bill pack dated July 8, 2013 in
7 the amount of \$308,074.98.

8 MR. KERRICK: Motion. Do we
9 have a second?

10 MR. MOYER: I'll second.

11 MR. KERRICK: Questions or
12 comments from the board?

13 Questions or comments from the
14 public?

15 Call the vote. Anne?

16 MS. LAMBERTON: I vote in
17 favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I'll vote in
23 favor. Motion carried.
24 Solicitor's report.
25 MR. ARMSTRONG: Thank you, Mr.

5

1 Chairman. There's nothing listed under my report
2 for this evening. However, you were forwarded -- I
3 sent you an email with respect to the --
4 negotiations with respect to the sewer agreements
5 between Pocono Township and Tobyhanna Township, as
6 well as Kalahari and Pocono Manor in relation to
7 the Kalahari Resorts project.

8 Counsel for Pocono Manor
9 Investors is requesting possibly setting up a staff
10 meeting with maybe a supervisor present to discuss
11 some of the terms of that agreement and also my
12 response. I am available on Wednesday of this
13 week. I don't know if anyone from the board's
14 available as well.

15 If not, I talked to Ralph
16 Matergia, who represents Pocono Manor in this
17 situation, and he indicated that he -- that he
18 understands that it might go -- the meeting
19 actually might be scheduled for next week if need
20 be; but I am available on the 10th. I don't know
21 if anyone knows their schedules for the 10th, but
22 is it --

23 MS. LAMBERTON: Do you know
24 what time?

25 MR. ARMSTRONG: No time set,

6

1 just dates that I'm aware of, at this point in

2 time.

3 MS. LAMBERTON: Okay. I'm
4 available to go the 10th or the 11th.

5 MR. ARMSTRONG: Regardless of
6 the time?

7 MS. LAMBERTON: I'll make
8 myself available.

9 MR. ARMSTRONG: Does everyone
10 -- good with the -- does the board agree to at
11 least meet and discuss the matter with them?

12 MS. LAMBERTON: Absolutely.

13 MR. ARMSTRONG: Other than
14 that, there's nothing that I really have to --

15 MR. KERRICK: You'll let us
16 know what time?

17 MR. ARMSTRONG: Absolutely.

18 MR. MOYER: Yeah, I --

19 MR. ARMSTRONG: What I will do
20 is I will follow up -- I'll follow up with
21 Kalahari, Pocono Manor and Pocono Township to see
22 when and if we can get the schedule, let them know
23 that the 10th, pretty much anytime, it sounds, we
24 -- Anne and I will be available and then hopefully
25 they will. If not, if it's next week, I'll follow

7

1 up with you guys what dates are thrown out.

2 MS. LAMBERTON: Sounds good.

3 MR. KERRICK: Anything else?

4 MR. ARMSTRONG: No. There was
5 also a correspondence, since we're talking about
6 Kalahari, with respect to the sewer permit
7 application this afternoon. I think it would be a
8 good idea to finalize -- to get these agreements,
9 these sewer agreements finalized before Tobyhanna

10 Township executes any permit applications.
11 Anyone have a problem with that?
12 MS. LAMBERTON: No, not at all.
13 MR. ARMSTRONG: That's all I
14 have.
15 Thank you.
16 MR. KERRICK: You sure?
17 MR. ARMSTRONG: Oh, and a brief
18 executive session with respect to personnel.
19 Thank you.
20 MR. KERRICK: Thank you, Pat.
21 Next item on our agenda, old
22 business. Tobyhanna Township Volunteer Fire
23 Company and Pocono Summit Volunteer Fire Company
24 approving non-fire fighting activities for July and
25 August.

8

1 MR. MOYER: Is there a list in
2 there?
3 MS. LAMBERTON: I don't know.
4 I don't see. Do you have one?
5 MS. PICKARD: I don't know
6 where the list is for Toby.
7 MR. KERRICK: What's the
8 board's pleasure?
9 MS. PICKARD: We don't have a
10 list for --
11 MR. KERRICK: For who? Thought
12 they were in our packet.
13 MS. LAMBERTON: I only see
14 Pocono Summit. I don't think we should be doing
15 it.
16 MS. PICKARD: What's the date
17 of your beef roast?

18 MALE VOICE: August --
19 MS. PICKARD: The 17th?
20 MR. TROY COUNTERMAN: The third
21 Saturday. Yeah, August 17.
22 MR. KERRICK: What's the
23 board's pleasure?
24 MS. LAMBERTON: I personally
25 would like to let it up to the insurance company

9

1 and stay out of it. That's just my opinion.
2 MR. ED TUTRONE: John?
3 MR. KERRICK: I'm sorry, Ed.
4 MR. ED TUTRONE: If you let it
5 up to the insurance company and stay out of it, we
6 definitely will not be covered.
7 MS. PICKARD: It has to be
8 approved at the -- acknowledged at the meeting.
9 MR. MOYER: I'm okay with the
10 ones without the alcohol, the beef roast and stuff.
11 MS. PICKARD: That's done.
12 MR. MOYER: What we say doesn't
13 matter anyway.
14 MS. LAMBERTON: That's my
15 point.
16 MR. KERRICK: What's that?
17 MS. LAMBERTON: What we say
18 doesn't matter.
19 MR. MOYER: But if we don't say
20 anything, they're not covered for anything.
21 MS. LAMBERTON: But they could
22 come back and say it doesn't really matter what you
23 say.
24 MR. KERRICK: It put us in an
25 awful -- awkward situation, it's ridiculous.

1 MS. LAMBERTON: Everybody
2 should be concerned about the liability for the
3 township, but guess that doesn't matter here.
4 MR. KERRICK: I'm worried about
5 the liability for the township --
6 MS. LAMBERTON: So am I.
7 MR. KERRICK: -- or I wouldn't
8 be here.
9 MS. LAMBERTON: I just -- I
10 listened to what Patrick said, we do not need to
11 get involved in this was his opinion, as well as if
12 you do --
13 MR. MOYER: Is that right, we
14 don't have to act at all?
15 MR. ARMSTRONG: There's nothing
16 requiring you to act in how the fire departments
17 are asking you to act. If you don't acknowledge
18 and indicate that you're okay with them
19 participating in certain events, and it's not a
20 clear fire fighting activity and it's considered an
21 ancillary activity, then, yes, if they -- someone
22 gets hurt and they file a workers' comp claim, they
23 are not going to be covered, which is why some
24 events make sense; the parade, the community event,
25 but others don't likely make sense, you know. Let

1 me see.
2 MS. PICKARD: I don't have a
3 problem with the lists on Tobyhanna. There's still
4 some things on the Summit's that were brought up.
5 I'm not sure when the parades were. One is done,

6 the Greene-Dreher for Pocono Summit.
7 Do you know about when those
8 were?
9 MR. ED TUTRONE: That was this
10 past weekend.
11 MS. PICKARD: One was in
12 Covington and one was in Gouldsboro.
13 MR. MOYER: I don't see --
14 MS. LAMBERTON: -- in Covington
15 last week.
16 MR. KERRICK: Well, I know, but
17 they're back on the list.
18 MR. KERRICK: Coin tosses are
19 back too, I see.
20 MS. PICKARD: Well, this is the
21 same original list and the coin tosses are on. I
22 don't have a problem with the breakfast, the
23 Community Day, the open house --
24 MR. KERRICK: So make a motion.
25 MS. PICKARD: -- or the roast

12

1 beef.
2 I'll make a motion that we
3 acknowledge the list of activities for Tobyhanna
4 Township Volunteer Fire Company as of Mr. Tutrone's
5 email on Monday, July 1; and the Pocono Summit
6 monthly breakfast, the Community Day, the October
7 19 Fire Company Open House and the beef dinner.
8 MR. MOYER: I'll second that.
9 MR. KERRICK: Motion and
10 second.
11 Questions or comments from the
12 board?
13 Questions from the public on the

14 motion?

15 MR. TROY COUNTERMAN: What
16 about our business meetings?

17 MR. ED TUTRONE: Is that
18 covered? I know we tried to discuss that last
19 month, that and the memorial services.

20 MS. PICKARD: That was on
21 there.

22 MR. KERRICK: I think she said
23 everything on your letter, didn't she?

24 MR. ED TUTRONE: I didn't
25 include that on that one because last month you

13

1 guys had approved --

2 MR. KERRICK: They're here.

3 MR. ED TUTRONE: -- the
4 meetings.

5 MS. PICKARD: Yeah, they are.
6 It was with Linda Creed breast cancer.

7 MR. KERRICK: Business
8 meetings?

9 MS. PICKARD: Yeah.

10 MR. ED TUTRONE: Oh, I didn't
11 think I put it back on the list.

12 MR. KERRICK: Any other
13 questions?

14 Call the vote. Anne?

15 MS. LAMBERTON: I am opposed.

16 MR. KERRICK: Donny?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 I don't like it at all, but it
23 is what it is.
24 New business, consider
25 Resolution 2013 dash 021, authorizing the price

14

1 adjustment for bituminous material for small
2 quantities.
3 What's the board's pleasure on
4 the resolution?
5 MS. PICKARD: I'll make a
6 motion that we approve the 2013 Resolution 021,
7 authorizing the price adjustment of bituminous
8 materials for small quantities.
9 MR. KERRICK: Do we have a
10 second?
11 MR. MOYER: I'll second.
12 MR. KERRICK: Questions or
13 comments from the board?
14 MS. LAMBERTON: What is this
15 for?
16 MR. KERRICK: Small quantities
17 price adjustment for --
18 MS. LAMBERTON: Why are we
19 adjusting a price?
20 MR. KERRICK: With the asphalt
21 index.
22 MS. LAMBERTON: Okay. I'm
23 sorry. I wasn't following.
24 MR. KERRICK: Any questions
25 from the public?

15

1 Call the vote. Anne?

2 MS. LAMBERTON: I vote in favor.
3 MR. KERRICK: Donny?
4 MR. MOYER: I'll vote in favor.
5 MR. KERRICK: Heidi?
6 MS. PICKARD: I vote in favor.
7 MR. KERRICK: I'll vote in
8 favor. Motion carried.
9 Now we're into our 2013
10 bituminous seal coat contract.
11 Do you have any comments, Pat?
12 MR. ARMSTRONG: No. I'm
13 looking at the bids that were received. It looks
14 like the lowest bidder that submitted a bid is
15 Dosch King. Looks like the bids were done in
16 conjunction with Tunkhannock, Mount Pocono Borough
17 and Coolbaugh Township. All the bids from Dosch
18 King were the lowest bids. The other two bidders
19 were AMS, Asphalt Maintenance Solutions and
20 Midland.
21 MR. MOYER: How was these guys?
22 Didn't we have them last time?
23 MR. KERRICK: Yeah, we had a
24 lot of problems.
25 MR. MOYER: We did?

16

1 MR. KERRICK: Yeah. I didn't
2 -- I talked to Coolbaugh --
3 MS. LAMBERTON: Based on
4 performance?
5 MR. KERRICK: Coolbaugh bid
6 with us, Mount Pocono and Tunkhannock, as you're
7 aware. The only ones that used them last year were
8 Tunkhannock and ourselves, Coolbaugh did not and
9 Mount Pocono.

10 MS. LAMBERTON: They never came
11 back and did something for you, I remember you
12 saying.

13 MR. KERRICK: They didn't come
14 back.

15 MS. LAMBERTON: Right.

16 MR. KERRICK: We didn't ask
17 them to yet.

18 MR. MOYER: Yeah.

19 MR. KERRICK: That was the
20 question I had to Pat.

21 MS. LAMBERTON: Didn't they not
22 complete something or post signs or --

23 MR. KERRICK: There was a lot
24 of things they did not do. They didn't have enough
25 people, they didn't have flaggers, they didn't have

17

1 signs. I could go on and on, and I think
2 Tunkhannock had some issues as well.

3 MR. MOYER: Yeah. I remember
4 talking to somebody.

5 MR. KERRICK: We cannot
6 condition -- the contract is the contract.

7 MR. ARMSTRONG: This year's bid
8 and this year's bid, is this year's bid, you can't
9 condition it upon last year's -- fixing of anything
10 from last year.

11 MS. LAMBERTON: No, I
12 understand that, but what about their performance?

13 MR. ARMSTRONG: The
14 performance? If you're asking if the lowest bidder
15 can be rejected for past performance, the answer is
16 yes. However, you need to specifically have an
17 explanation, specifics of written documents as to

18 how they defaulted in the past and I'm not
19 necessarily sure if we have that at this point in
20 time.

21 MR. KERRICK: Not enough to go
22 to court, I wouldn't want to. We have some
23 documentation, but not enough that I would be
24 comfortable.

25 MR. ARMSTRONG: Okay. Well,

18

1 then I think your -- given the bids that came in,
2 I'm not -- you know, maybe they're a little overbid
3 overbudget, but you're either tasked with either
4 accepting and awarding the bid to Dosch King at
5 this point in time, with the understanding that
6 this year's bid is this year 's bid; however, you
7 know, if you still haven't gone back to them about
8 last year's work that hasn't been corrected, let
9 them know.

10 MR. KERRICK: We talked to them
11 at the end of the year last year.

12 MR. ARMSTRONG: Oh, so they're
13 aware of it?

14 MR. KERRICK: Yes, but they
15 didn't -- their answer was if they got the bid this
16 year, they would fix it.

17 MR. ARMSTRONG: Well, we can't
18 -- it wouldn't be appropriate for you to condition
19 your approval -- the award of the bid on that.

20 MR. MOYER: Right.

21 MR. ARMSTRONG: But you can
22 still, you know, remind them they are the lowest
23 bidder so if you are going to award the bid, that's
24 who it would be to, but you could always reject all
25 bids. This is, you know, within the discretion of

1 the board.

2 MR. KERRICK: What's the
3 board's plea -- well, what'll happen again if we --

4 MS. LAMBERTON: You work with
5 them, yeah.

6 MR. KERRICK: If we put the bid
7 packet together and put it out, I can tell you
8 who's going to be the low bidder again.

9 MS. LAMBERTON: Them.

10 MR. MOYER: Yeah. We're for
11 them, but, you know, I would talk with them and
12 say, you know, last year was a few issues and --

13 MR. ARMSTRONG: This time
14 around be very --

15 MR. MOYER: Yeah. I'd like to
16 make sure that the foremen are on top of whatever
17 and make sure we don't have issues again.

18 MR. KERRICK: Okay.

19 MR. MOYER: I guess, I mean --

20 MR. KERRICK: On the list that
21 we have here, I'm not sure whether we can do all
22 those because of our funding. We may have to cut
23 -- we have 36 roads.

24 MS. PICKARD: We're just doing
25 a single coat on our road?

1 MR. KERRICK: Single coat,
2 yeah.

3 MS. PICKARD: Are all those
4 roads in shape to be --

5 MR. KERRICK: Yes.

6 MS. PICKARD: They don't need
7 any other work done?

8 MR. KERRICK: Minimal. We did
9 the work last year, the patching and the milling
10 fill last year. Most of these could just be
11 sealed; all of them can be sealed actually. It's
12 the whole Camelot section, there's some roads in
13 Blakeslee and the old 940.

14 MS. PICKARD: Well, the things
15 with the signs and them not having flaggers, how is
16 that going to be handled this year if they --

17 MR. KERRICK: Tell them that
18 they have to stop and leave the job unless they
19 have the proper manpower and equipment.

20 MS. PICKARD: That's all in the
21 bid document.

22 MR. KERRICK: It was in there
23 last year, but we were running out of time for
24 weather, so we kind of helped them get it finished.
25 And I think -- I can't speak for Tunkhannock, but I

21

1 think they did the same.

2 MR. ARMSTRONG: Do you know
3 which ones you can and which ones you --

4 MR. KERRICK: The exact roads?

5 MR. ARMSTRONG: Right.

6 MR. KERRICK: Well, I got --

7 MR. ARMSTRONG: Because the bid
8 documents -- I'm looking at the bid documents and
9 you did reserve the right to accept or reject any
10 and all proposals or portions thereof and to delete
11 projects or portions of the projects depending on
12 budgetary restraints. So you do have the ability
13 to go through and --

14 MR. KERRICK: Right. Bob and I
15 were going to go through one more time and identify
16 which ones would be taken out.

17 MS. PICKARD: We have to award
18 the bid without those roads, is that what you're
19 saying?

20 MR. KERRICK: No. I think in
21 the bid you can pick and choose, that's the way it
22 was written.

23 MR. ARMSTRONG: Right, right.

24 MS. PICKARD: So we can award
25 the bid now and then --

22

1 MR. KERRICK: You award the bid
2 and -- but we don't have to do all 36.

3 MS. PICKARD: And they were the
4 high bidder for the fiber reenforce, there's no way
5 we can --

6 MR. KERRICK: No, it --

7 MS. PICKARD: That can't be
8 separated?

9 MR. ARMSTRONG: No, the way
10 this is worded --

11 MR. KERRICK: The way it's
12 written, it's all one.

13 MR. ARMSTRONG: -- it's all
14 one, right. My understanding is --

15 MS. PICKARD: Is that something
16 we would do?

17 MR. KERRICK: They're probably
18 going to use the low bid because they don't do it.

19 MR. MOYER: They're going to
20 sell it.

21 MS. PICKARD: Then just charge

22 us the difference?

23 MR. MOYER: Yeah.

24 MR. KERRICK: I don't know that
25 for a fact, but I would assume.

23

1 MS. PICKARD: Because they were
2 quite a bit higher on that.

3 MR. KERRICK: Not ridiculous
4 high, was it?

5 MS. PICKARD: A dollar
6 something from the low bid, they were 4.75 and low
7 bid was 3.56 on that.

8 MR. KERRICK: What's the
9 board's pleasure?

10 MS. PICKARD: What were we
11 doing the fiber on?

12 MR. KERRICK: The old 940.

13 MS. PICKARD: What do you want
14 to do?

15 MR. MOYER: Yeah. That's your
16 expertise, John, what do you --

17 MR. KERRICK: I'm not happy,
18 but we don't have much choice.

19 MS. PICKARD: There's a
20 question in the audience from somebody from Tunk.

21 MR. KERRICK: I just wanted to
22 make sure you were done first.

23 MR. TROY COUNTERMAN: Could you
24 -- could you reject their bids, rebid it with all
25 your stipulations and your concerns into the new

24

1 bid?

2 MS. LAMBERTON: It's already in
3 there, isn't it?

4 MR. KERRICK: I don't think you
5 can put in a stipulation like that from what our
6 legal counsel tells us.

7 MR. ARMSTRONG: You can, but
8 the problem is we don't have anything that would be
9 a real basis at this point in time from last year.

10 What I would suggest going
11 forward is, if you do award it to Dosch King and if
12 they do proceed to do the same mistakes or whatever
13 imperfections they did last year, we'll document it
14 well this year. And then if we're in the same spot
15 next year, you know, you'll be sitting in a
16 different seat.

17 MS. LAMBERTON: We do COG bids,
18 Jack, right, and it's all based on performance?
19 And if they don't perform, ixnay on the
20 contractsnay, you know what I mean?

21 MR. JACK RADER: Oh, yeah.

22 MR. KERRICK: We have a
23 performance in there as well.

24 MR. JACK RADER: We award it
25 like that, though.

25

1 THE REPORTER: Can I just have
2 your name, please?

3 MS. LAMBERTON: I'm sorry.

4 MR. JACK RADER: Jack Rader.

5 THE REPORTER: Can you spell
6 your last name?

7 MR. JACK RADER: R-A-D-E-R.

8 THE REPORTER: Thank you.

9 MR. KERRICK: Isn't that in

10 there, the performance?

11 MR. ARMSTRONG: Oh, yeah, yeah.

12 MS. LAMBERTON: So you're
13 covered. I think what Troy's bringing up is
14 already in the contract, is what I'm trying to make
15 that comment.

16 MR. TROY COUNTERMAN: The bid
17 bond should've been pulled months ago, honestly, on
18 both sides. And then that probably would've gave
19 you another loophole.

20 MR. ARMSTRONG: The performance
21 bond --

22 MR. TROY COUNTERMAN: Yeah,
23 from the last year.

24 MR. ARMSTRONG: -- from last
25 year.

26

1 MR. TROY COUNTERMAN: Yeah.

2 MR. ARMSTRONG: If, I guess --
3 the question is if the deficient -- I don't know
4 what kind of deficiencies we're talking about.

5 MR. KERRICK: Had some areas
6 where it lifted and it sounds easy to pull that,
7 but I don't think -- there's a lot more to it when
8 you do that legalitywise.

9 MR. ARMSTRONG: Yeah.

10 MR. KERRICK: And I don't think
11 -- it would've just cost us a ton of money in
12 court.

13 MS. LAMBERTON: You turn good
14 money bad.

15 MR. KERRICK: Then you're
16 throwing good after bad, in my opinion. We want it
17 fixed obviously, but --

18 MS. PICKARD: But now we're
19 stuck with this situation.
20 MR. KERRICK: We're not stuck,
21 you can reject it.
22 MR. MOYER: Well, and who knows
23 what you get if you go with the next guy. You
24 know, what I mean? You're not guaranteeing that
25 they're going to do it any better so --

27

1 MS. LAMBERTON: It just costs
2 more.
3 MR. MOYER: Right.
4 MS. PICKARD: Do we have to
5 award them tonight or is it --
6 MR. LAMBERTON: We're paying
7 more for them to do less.
8 MS. PICKARD: Would it make a
9 difference to wait?
10 MR. KERRICK: There's a time
11 limit that you have to have it done by and they'll
12 never be able to make it --
13 MS. LAMBERTON: Because of
14 weather.
15 MR. KERRICK: It's in August
16 and --
17 MS. LAMBERTON: Yeah, yeah.
18 Well, I mean, you can --
19 MR. KERRICK: You can wait till
20 next month, but then you might as well take your
21 deadline and move it out because they're not going
22 to make it.
23 MS. LAMBERTON: Right, right.
24 MR. KERRICK: I don't think a
25 month is going to make a difference. Either you

1 are going to do it or we're not going to do it. We
2 have to make up our mind.

3 MS. LAMBERTON: You plan on
4 sealing these -- Old 940, is that what you're
5 planning on doing? Is that in your projected job
6 scope?

7 MR. KERRICK: These are the
8 ones that we projected.

9 MS. LAMBERTON: Okay, okay.

10 MS. PICKARD: Old 940 was one
11 road that had the fiber reenforce.

12 MR. KERRICK: We wanted to try
13 that and see how it compared to the longevity on
14 the --

15 MS. LAMBERTON: Yeah, I
16 remember Bob talking about that.

17 MR. KERRICK: What's the
18 board's pleasure?

19 MS. LAMBERTON: I'll make a
20 motion to accept the Dosch King bid based on
21 knowing that the performance is an issue this year.
22 Put it on record.

23 MR. KERRICK: Anything you want
24 to add to that motion?

25 MR. ARMSTRONG: Subject

1 possibly to performing those portions of roads only
2 within the budget constraints of Tobyhanna Township
3 to be determined by township staff.

4 MS. LAMBERTON: Director of
5 DPW.

6 MR. ARMSTRONG: Right.
7 MR. MOYER: All right. I'll
8 second it.
9 MR. KERRICK: Motion and
10 second.
11 Questions or comments from the
12 board?
13 Questions or comments from the
14 public?
15 Call the vote. Anne?
16 MS. LAMBERTON: I vote in
17 favor.
18 MR. KERRICK: Donny?
19 MR. MOYER: I vote in favor.
20 MR. KERRICK: Heidi?
21 MS. PICKARD: I vote in favor.
22 MR. KERRICK: I vote in favor.
23 Next item, our line painting.
24 We have one bid from Interstate.
25 MS. LAMBERTON: Well, that

30

1 makes it easy.
2 MR. KERRICK: I compared it to
3 COG's and it's pretty much the same price as what
4 they had. This is also with Coolbaugh, Mount
5 Pocono --
6 MR. MOYER: And Tunk?
7 MR. KERRICK: -- Tunk.
8 MS. PICKARD: I'll make a
9 motion that we award the line painting contract to
10 Interstate.
11 MR. KERRICK: Do we have a
12 second?
13 MR. MOYER: I'll second.

14 MR. KERRICK: Questions or
15 comments from the board on the motion?
16 From the public on the motion,
17 questions or comments?
18 Call the vote. Anne?
19 MS. LAMBERTON: I vote in
20 favor.
21 MR. KERRICK: Donny?
22 MR. MOYER: I vote in favor.
23 MR. KERRICK: Heidi?
24 MS. PICKARD: I vote in favor.
25 MR. KERRICK: I vote in favor.

31

1 Motion carried.
2 Next item on our agenda,
3 consider Resolution 2013 dash 022, budget
4 reappropriations.
5 Anyone have any questions on
6 that? Pretty much self-explanatory.
7 MR. MOYER: Yeah, I don't have
8 any on it. I looked it over before, so --
9 MS. PICKARD: Is that your
10 motion?
11 MR. MOYER: Yeah. I'll make a
12 motion we --
13 MS. PICKARD: I'll second the
14 motion.
15 MR. KERRICK: Motion and
16 second.
17 Questions or comments from the
18 board?
19 Questions or comments from the
20 board on the motion?
21 Questions from the public on the

22 motion?

23 Call the vote. Anne?

24 MS. LAMBERTON: I vote in

25 favor.

32

1 MR. KERRICK: Donny?

2 MR. MOYER: I'll vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: Motion carried.

6 Next item, consider reappointing

7 Anne Sincavage to the zoning hearing board.

8 MS. PICKARD: I make a motion

9 we reappoint Anne Sincavage to the zoning hearing

10 board.

11 MR. MOYER: I'll second.

12 MR. KERRICK: Motion and second

13 to reappoint Anne another term.

14 Questions or comments?

15 Questions or comments from the

16 public?

17 Call the vote. Anne?

18 MS. LAMBERTON: I vote in

19 favor.

20 MR. KERRICK: Donny?

21 MR. MOYER: I'll vote in favor.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. KERRICK: I vote in favor.

25 Motion carried.

33

1 MR. MOYER: Just a side note, I

2 received an email, I think everybody did, from John
3 Holahan and he was in favor for Anne too.

4 MR. KERRICK: Put that in the
5 record.

6 Next item, formation of fire
7 company subcommittee.

8 MS. LAMBERTON: Who wants to be
9 on the committee?

10 MR. KERRICK: Just waiting for
11 some discussion.

12 MR. MOYER: This is for --

13 MR. KERRICK: We had the talk
14 last week to see if we could get people --

15 MS. LAMBERTON: Discuss a
16 regionalization.

17 MR. KERRICK: -- from the board
18 and each respective fire company and have a couple
19 of meetings.

20 MS. LAMBERTON: John, I think
21 you should be on it --

22 MR. KERRICK: Anyone else?

23 MS. LAMBERTON: -- just for
24 your experience. I don't know anything about fire.

25 MS. PICKARD: I would think we

34

1 should have the chief's --

2 MR. KERRICK: Well, that's up
3 to them. I wasn't going to appoint them, I just
4 was going to ask --

5 MS. PICKARD: So we just want
6 --

7 MS. LAMBERTON: Why don't you
8 and John do it together, because you do popo
9 together and then, you know --

10 MR. MOYER: I'll do it with
11 you, John.
12 MS. LAMBERTON: Yeah. Look at
13 me, I threw you right under the bus, didn't I?
14 MR. MOYER: It's just timewise,
15 because of popo.
16 MS. LAMBERTON: I know, I know.
17 Do it right after it, right before it.
18 MS. PICKARD: Are we going to
19 send a letter out to them to request them to
20 appoint how many people?
21 MR. KERRICK: Yeah. I was
22 going to ask if they would do two if they want --
23 MS. LAMBERTON: You should keep
24 it small.
25 MR. KERRICK: I think two's

35

1 enough --
2 MS. LAMBERTON: Yeah, keep it
3 small.
4 MR. KERRICK: Give us a couple
5 dates --
6 MS. LAMBERTON: Yeah.
7 MR. KERRICK: -- next month or
8 two and sit down.
9 MR. MOYER: Got that? You'll
10 take that back to George? That works.
11 MS. PICKARD: For August?
12 MR. KERRICK: I don't think you
13 can get it this month, it'll probably be August.
14 MS. LAMBERTON: What are you
15 guys doing tomorrow?
16 MR. MOYER: Popo meeting.
17 MR. KERRICK: I got a phone

18 call after they read the art -- some people read
19 the article in the paper, there was another
20 township that was willing to talk as well.
21 MS. LAMBERTON: I got a couple
22 phone calls too. I think they thought it was very
23 positive.
24 MR. KERRICK: Even if it was
25 just with the equipment, purchasing equipment, so

36

1 there wasn't duplication. I don't know where it'll
2 go, but anyway --
3 MS. PICKARD: Do we want to
4 make a motion --
5 MS. LAMBERTON: Something to at
6 least talk about.
7 MS. PICKARD: -- to appoint you
8 and Donny to that?
9 MR. KERRICK: Do we have a
10 motion, it's just an informal --
11 MR. ARMSTRONG: Yeah, if it's
12 informal, you don't need to.
13 MR. KERRICK: Pat, do you have
14 anything else?
15 MR. ARMSTRONG: Just the brief
16 executive session with respect to personnel.
17 That's it.
18 MS. LAMBERTON: He said brief.
19 MR. KERRICK: That key word you
20 had in there.
21 MR. ARMSTRONG: Brief.
22 MR. KERRICK: That's the word I
23 was looking for.
24 MR. ARMSTRONG: As brief as you
25 allow it to be.

1 MR. KERRICK: Brief.

2 MR. MOYER: You heard that from
3 an attorney.

4 MR. KERRICK: Phyllis, do you
5 have anything?

6 MS. HAASE: No, sir, I do not.

7 MR. KERRICK: Anyone from the
8 board have anything?

9 MS. LAMBERTON: I'd like to
10 welcome Phyllis.

11 MS. HAASE: Thank you.

12 MS. LAMBERTON: Good luck.

13 MR. MOYER: Welcome, Phyllis.

14 MS. HAASE: Appreciate it.

15 MR. KERRICK: Anyone from the
16 public?

17 Yes, sir?

18 MR. TROY COUNTERMAN: John, we
19 had a conversation with George Tallmadge out of
20 Pocono Summit beginning of last week. I called and
21 let you know what was going on.

22 Just so the rest of the board
23 knows, there was emails sent to the control center.
24 Starting probably in two, possibly three weeks,
25 we'll be doing full dispatch 24/7, 365 days in

1 Tobyhanna Township. So, just so we get the ball
2 rolling there, we will probably going to pop into
3 their meeting tomorrow night in case there's any
4 other questions. And then we'll let them know that
5 you're only looking for two.

6 MR. KERRICK: Good.
7 MR. MOYER: Two from each or --
8 MR. KERRICK: Yeah. I think
9 two's enough. That's up -- I would request two.
10 MR. MOYER: That's up to them.
11 MS. LAMBERTON: Yeah.
12 MR. KERRICK: That's good. You
13 work together -- the more you work together, the
14 better it'll be.
15 MR. TROY COUNTERMAN: On your
16 concern of duplication of services equipmentwise, I
17 also talked to the control center and probably at
18 the end of the summer after everybody gets back
19 from vacation, we're going to go into box alarms,
20 so we're not repeating equipment, so forward
21 motion.
22 MR. KERRICK: Good. Good to
23 hear.
24 Anybody else from the public?
25 Thank you for attending. We're

39

1 adjourned.
2 (Meeting concluded at 7:32 p.m.)
3 ---
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I hereby certify that the
proceedings and evidence are contained fully and
accurately, to the best of my ability, in the notes
taken by me at the meeting in the above matter; and
that the foregoing is a true and correct transcript
of the same.

TARA WILSON, C.R.

22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, August 12, 2013 beginning at 7:00 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
DONALD MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. KERRICK: I'd like to call
2 the meeting to order this evening. When we stand
3 for the pledge of allegiance, could we have a
4 moment of silence for the tragic events at Ross
5 Township, please.

6 (Moment of silence observed.)

7 (Pledge of allegiance was
8 recited.)

9 MR. KERRICK: First item on our
10 agenda, announcements.

11 Heidi?

12 MS. PICKARD: I did want to
13 mention that there has been a website set up to
14 help one of the victims of the shooting at Ross
15 Township, Linda Kozic. She was the wife of Gerald

16 Kozic, who was Anne Lamberton's brother, and
17 it was set up to help her defray her expenses from
18 resulting at the incident. And that's help Linda
19 Kozic, K-0-Z-I-C, dot org. It's also on Facebook.

20 That's all I have.

21 MR. KERRICK: You have no other
22 announcements?

23 MS. PICKARD: No.

24 MR. KERRICK: Thank you.

25 Next item on our agenda,

3

1 consider the minutes of June 3, 2013, work session;
2 June 10, 2013, regular business meeting; June 26,
3 2013, special meeting; July 1, 2013, work session;
4 July 8, 2013, regular business meeting; and July
5 22, 2013, special meeting.

6 MR. HOLAHAN: I make a motion
7 that we approve the minutes in aggregate for the
8 business meetings.

9 MR. MOYER: I'll second.

10 MR. KERRICK: Motion and

11 second.

12 Questions or comments from the
13 board on the motion?

14 MS. PICKARD: I just had a
15 couple of typos. I don't have them on me, but
16 whole 940, H-O-W -- H-W-O-L-E (sic) should be Old
17 Route 940. That was it.

18 MR. KERRICK: Any others?

19 MS. PICKARD: No.

20 MR. KERRICK: Motion and
21 second.

22 Questions or comments from the
23 public on the motion?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

4

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in

6 favor. Motion carried.

7 Next item on our agenda,
8 consider bill pack. Total amount for board
9 approval is \$333,536.98.

10 What's the board's pleasure?

11 MR. HOLAHAN: I'll make a
12 motion that we approve the treasurer's report in
13 the amount of \$333,536.98.

14 MR. MOYER: I'll second.

15 MR. KERRICK: Motion and
16 second.

17 Questions or comments from the
18 board?

19 Questions or comments from the
20 public?

21 Call the vote. John?

22 MR. HOLAHAN: I vote in favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I'm opposed.

2 MR. KERRICK: I'll vote in
3 favor with the exception of Papillon & Moyer and
4 Locust Ridge line items. Motion carried.

5 Next item on the agenda,
6 solicitor's report.

7 MR. ARMSTRONG: Thank you, Mr.
8 Chairman. There's nothing listed under my report.
9 I did want to bring up at the work session last
10 week, the board discussed briefly Chapters 60 and
11 64 of the Code of Ordinances of Tobyhanna Township.
12 If you recall, they have to do with the building
13 code provisions within the Code of Ordinances.

14 I think I did forward those
15 proposed amendments to those chapters since your
16 work session last week. I don't know if you want
17 to discuss them or authorize us to proceed with
18 advertising for a potential public hearing for
19 adoption or if you just still wanted to wait on
20 those -- on that ordinance.

21 MR. HOLAHAN: John, I'm the one
22 who raised the question with those. I was able to
23 sit down with Bill Burton, get those straightened

24 out and I'm fine with all those appendices. So I
25 would suggest that we move forward with advertising

6

1 the ordinance.

2 MR. KERRICK: Okay.

3 Do we need a motion?

4 MS. PICKARD: I'll second.

5 Do you need a motion?

6 MR. KERRICK: Need a motion for
7 that or just to authorize it?

8 MR. HOLAHAN: In the form of a
9 motion.

10 MR. ARMSTRONG: In the form of
11 a motion.

12 MS. PICKARD: I'll second that.

13 MR. KERRICK: Motion and

14 second.

15 Questions or comments from the
16 board on the motion?

17 Questions from the public on the
18 motion?

19 Call the vote. John?
20 MR. HOLAHAN: I vote in favor.
21 MR. KERRICK: Donny?
22 MR. MOYER: I'll vote in favor.
23 MR. KERRICK: Heidi?
24 MS. PICKARD: I vote in favor.
25 MR. KERRICK: Motion carried.

7

1 Anything else, Pat?
2 MR. ARMSTRONG: Thank you, Mr.
3 Chairman. I was going to report on two additional
4 items, the Clymer Library Agreement of Sale, as
5 well as the transfer station management agreement,
6 but I see they're under new business, so I'll wait
7 until that time.
8 That's all I have, Mr. Chairman.
9 Thank you.
10 MR. KERRICK: Thank you.
11 No old business. We'll go to
12 new business. Consider the Selig/Deane
13 subdivision.

14 MR. BRIAN COURTRIGHT: That's

15 me.

16 MR. KERRICK: Yes, sir. How

17 can we help you?

18 THE REPORTER: May I just have

19 your name?

20 MR. BRIAN COURTRIGHT: My

21 name's Brian Courtright.

22 THE REPORTER: Can you spell

23 that for me, please?

24 MR. BRIAN COURTRIGHT:

25 C-O-U-R-T-R-I-G-H-T.

8

1 THE REPORTER: Thank you.

2 MR. BRIAN COURTRIGHT: This is

3 a minor subdivision on Locust Ridge Road at the end

4 of Marion Road. Bob Selig had owned this whole

5 piece at one time and he originally subdivided off

6 -- well, these -- these three actually; one, two,

7 three. These were a part of two at one time, but I

8 think that was before he owned it.

4 MS. PICKARD: The easement you
5 said is --

6 MR. BRIAN COURTRIGHT: Right.
7 The easement would be from here basically back to
8 here for these two people.

9 MR. HOLAHAN: Wasn't this
10 something that zoning was supposed to be able to
11 take care of, of the -- joining the properties?

12 MS. PICKARD: No, that was just
13 co-joining lots. This is a subdivision.

14 MR. BRIAN COURTRIGHT: Well,
15 see, we're actually cutting a piece off of this.
16 We're cutting this piece.

17 MR. HOLAHAN: Cutting this off
18 of here?

19 MR. BRIAN COURTRIGHT: Right.

20 MR. HOLAHAN: I've got you.

21 I make a motion that we approve
22 the subdivision.

23 MS. PICKARD: I'll second that.

24 MR. KERRICK: Motion and
25 second.

1 Questions or comments from the
2 board?

3 Questions from the public on the
4 motion?

5 Call the vote. John?

6 MR. HOLAHAN: I vote in favor.

7 MR. KERRICK: Donny?

8 MR. MOYER: I vote in favor.

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. KERRICK: I'll vote in
12 favor. Motion carried.

13 Next item on our agenda --

14 MR. BRIAN COURTRIGHT: Thank you

15 all very much.

16 MR. KERRICK: You have

17 something, Pat?

18 MR. ARMSTRONG: Mr. Chairman,
19 there was a request for certain waivers from SALDO,
20 was there not?

21 MR. BRIAN COURTRIGHT: Yes.

22 MR. HOLAHAN: Contingent upon
23 the waivers?

24 MR. BRIAN COURTRIGHT: You
25 should have a letter.

11

1 MR. MOYER: Yeah, I seen them.

2 MR. ARMSTRONG: The waivers
3 that I am aware of, that are being requested by the
4 applicant, are from SALDO Section 135-12.D.2, SALDO
5 Section 135-15.A.15 and SALDO Sections 135-17.G, I,
6 K, L and M.

7 MR. BRIAN COURTRIGHT: That's
8 right. They're also listed on the plan.

9 MS. PICKARD: You amend your
10 motion?

11 MR. HOLAHAN: I'll amend my
12 motion to include those sections.

13 MR. KERRICK: You amend your
14 second?

15 MS. PICKARD: I'll amend my
16 second.

17 MR. ARMSTRONG: And, again, it
18 would all be conditional upon the review comments
19 and requirements set forth in the township
20 engineer's review letter dated June 6, 2013.

21 MR. BRIAN COURTRIGHT: Right.
22 I believe we've done that. I haven't heard back
23 from them, but I figured no news is good news.

24 MR. KERRICK: Call the vote on
25 the amended motion. John?

12

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Thank you, very much.

9 MR. BRIAN COURTRIGHT: Thank
10 you all. I'll drop off Mylars in the next day or
11 two.

12 MR. ARMSTRONG: I do have one
13 question. I'm looking at my notes from the
14 planning commission meeting and one of the waivers
15 was with respect to the HOP, but you have already
16 provided a copy of that?

17 MR. BRIAN COURTRIGHT: Yes.

18 MR. ARMSTRONG: And the other
19 previous waiver request was for Section 135. B --
20 135-18.B.15, subject to a note being added to the
21 plan in accordance with the June 6, 2013 review
22 letter indicating such SALDO requirements shall be
23 complied with at the time of any future development
24 on the property.

25 Are you familiar with that?

13

1 That was at the time of planning commission review.

2 I'm assuming it's been resolved --

3 MR. BRIAN COURTRIGHT: Yes.

4 MR. ARMSTRONG: -- but you're
5 no longer requesting that waiver?

6 MR. BRIAN COURTRIGHT: No. I

7 think that -- I think that was resolved. I know I
8 had a meeting with Bob about a lot of things.

9 MR. ARMSTRONG: Perfect. Then
10 it's been resolved. Thank you.

11 MR. BRIAN COURTRIGHT: Thank
12 you.

13 MR. KERRICK: You're up, Pat?

14 MR. ARMSTRONG: Thank you, Mr.
15 Chairman. The next item under new business is the
16 Clymer Library agreement of sale. As the board is
17 likely aware --

18 MR. HOLAHAN: Excuse me. Could
19 we switch B and C, please?

20 MR. ARMSTRONG: Sure.

21 MS. HAASE: Mr. Holahan, the
22 only thing is if the board moves forward with the
23 sale of the library, I don't know if C is going to
24 be required.

25 MR. HOLAHAN: Oh, understood.

14

1 MR. KERRICK: It would still be

2 nice to have a liaison.

3 MR. ARMSTRONG: Well, what
4 you're discussing this evening is the potential
5 agreement of sale. There would still need to be a
6 closing and the deed executed --

7 MR. HOLAHAN: Until that time
8 --

9 MR. ARMSTRONG: -- some time in
10 the future.

11 MR. HOLAHAN: I'm currently
12 trustee and I would like to not be trustee when we
13 consider the agreement of sale.

14 MR. KERRICK: So you're
15 thinking of yourself?

16 MR. MOYER: This is perfect.

17 MR. HOLAHAN: I'm thinking of
18 myself, John.

19 MR. KERRICK: Let's do C first
20 then. Consider appointing Clymer Library Board of
21 Trustees liaison.

22 Do you have someone in mind,
23 John?

24 MR. HOLAHAN: I don't, but we

25 do have a letter. We had a letter from Mark and

15

1 he's suggesting that Frank -- Catione (phonetic)?

2 MR. MARK TIESZEN: Cacchione.

3 MR. HOLAHAN: It was close.

4 MS. PICKARD: He was here at

5 our work session last week.

6 MR. HOLAHAN: Okay.

7 MR. KERRICK: Okay.

8 MR. HOLAHAN: I did not make

9 that meeting.

10 MR. KERRICK: Is that your

11 motion, John?

12 MR. HOLAHAN: That's my motion.

13 MS. PICKARD: I'll second the

14 motion.

15 MR. KERRICK: Motion and

16 second.

17 Questions or comments from the

18 board?

19 Questions or comments from the

20 public?

21 Call the vote. John?

22 MR. HOLAHAN: I vote in favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I'll vote in favor.

25 MR. KERRICK: Heidi?

16

1 MS. PICKARD: I vote in favor.

2 MR. KERRICK: I vote in favor.

3 Motion carried.

4 THE REPORTER: Do you know how
5 to spell that last name?

6 MR. KERRICK: We'll give you
7 the paper after the meeting, how's that?

8 Next item, want to go back to
9 Clymer Library agreement of sale?

10 MR. ARMSTRONG: Sure. Thank
11 you, Mr. Chairman.

12 MR. KERRICK: Please.

13 MR. ARMSTRONG: As the board is
14 likely aware, we've been in discussions with the

15 Clymer Library with respect to the library
16 acquiring real property currently housing the
17 library facility. I received a copy of the letter.
18 I believe that was addressed to the board of
19 supervisors sometime last week.

20 Enclosed in the correspondence
21 was an executed agreement of sale from Clymer
22 Library. And there was only one change that the
23 library made to that agreement of sale and that
24 was, as you may recall, the reverter clause of the
25 agreement of sale, provides that in the future, if

17

1 the library is no longer viewed as a public
2 library, the township would have the right to
3 exercise that reverter clause and take possession
4 and ownership of the library back.

5 The only change that was made by
6 the library was that that determination, as to
7 whether or not it will be a public library in the
8 future, is to be made by the Board of Education
9 Department of Libraries?

10 MS. PICKARD: Bureau of
11 Libraries.

12 MR. MARK TIESZEN: Pennsylvania
13 Department of Education Bureau of State Library.

14 MR. ARMSTRONG: So in essence
15 what that change does is it -- previously the Board
16 of Supervisors of Tobyhanna Township was going to
17 make that determination, whether or not it's used
18 as a public library in the future; it's taking that
19 ability out of your hands and in that determination
20 in the future would be made by the Board of
21 Education.

22 MR. HOLAHAN: Yeah. I'm all
23 right with that.

24 MR. ARMSTRONG: So are there
25 any other questions or comments from the board as

18

1 to the agreement of sale?

2 MR. KERRICK: No, I'm okay.

3 MR. HOLAHAN: I have none.

4 MR. ARMSTRONG: Well, if you'd

5 like to entertain a motion, if the board's still in
6 favor, in conveying that property to the Clymer
7 Library pursuant to the agreement of sale, you can
8 make a motion to that effect and then what will
9 happen is we'll proceed with finalizing the deed
10 and setting up a closing date.

11 MR. KERRICK: Do we have a
12 motion?

13 MR. HOLAHAN: I'll make that
14 motion.

15 MS. PICKARD: I'll second the
16 motion.

17 MR. KERRICK: Motion and second
18 to enter into the agreement of sale with Clymer
19 Library.

20 Questions or comments from the
21 board?

22 Questions or comments from the
23 public?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in

6 favor. Motion carried.

7 Anything else, Pat?

8 MR. ARMSTRONG: Not on the

9 Clymer Library, no.

10 MR. KERRICK: Next item on our

11 agenda, consider Resolution 2013 dash 023,

12 appointing a representative for making requests

13 from Berkheimer.

14 MS. HAASE: Mr. Chairman, this

15 was required by Berkheimer to add -- if we were to

16 add an individual on, we had to adopt by

17 resolution. What they're requesting is we don't

18 name the person but the title. So we're

19 recommending it be township treasurer and assistant

20 treasurer.

21 MR. KERRICK: Do we have a

22 motion?

23 MS. PICKARD: So moved. Make a
24 motion we approve Resolution 2013 dash 023.

25 MR. KERRICK: Do we have a

20

1 second?

2 MR. MOYER: I'll second.

3 MR. KERRICK: Questions or
4 comments from the board?

5 Questions from the public?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in
13 favor. Motion carried.

14 Next item on our agenda, Lake
15 Naomi fireworks permit.

16 MR. HOLAHAN: I make a motion
17 that we approve the Lake Naomi fireworks permit.

18 MR. MOYER: Second.
19 MR. KERRICK: Motion and
20 second.
21 Questions or comments from the
22 board?
23 Questions or comments from the
24 public on the motion?
25 Call the vote. John?

21

1 MR. HOLAHAN: I vote in favor.
2 MR. KERRICK: Donny?
3 MR. MOYER: I vote in favor.
4 MR. KERRICK: Heidi?
5 MS. PICKARD: I vote in favor.
6 MR. KERRICK: I'll vote in
7 favor. Motion carried.
8 Next item on our agenda,
9 consider Station 41 events, Lake Naomi fireworks,
10 August 31; Locust Lake Village fireworks, September
11 1.
12 MS. PICKARD: There is a rain

13 date on the Lake Naomi fireworks, is that for the
14 September 1 also?

15 MR. KERRICK: It'll be a busy
16 night.

17 MR. PICKARD: Yeah.

18 MR. KERRICK: Do we have a
19 motion?

20 MS. PICKARD: I'll make that
21 motion with the rain date of September 1 under Lake
22 Naomi.

23 MR. KERRICK: You're doing the
24 two together, I would hope?

25 MS. PICKARD: Yeah.

22

1 MR. HOLAHAN: We're still
2 talking about the acknowledgment here?

3 MS. PICKARD: I don't care.

4 MR. KERRICK: Do we have to do
5 a motion, Pat, or can we just acknowledge it? We
6 didn't do a motion the last time.

7 MR. ARMSTRONG: No, you can

8 just acknowledge it.

9 MS. PICKARD: I'm acknowledging
10 it.

11 MR. KERRICK: Okay. It'd be in
12 our minutes.

13 MR. HOLAHAN: Fine.

14 MS. PICKARD: Does everybody
15 else acknowledge it?

16 MR. KERRICK: Yeah, that's
17 fine.

18 MR. MOYER: Yeah.

19 MR. HOLAHAN: I do.

20 MR. KERRICK: Next item,
21 consider Resolution 2013 dash 024, authorizing the
22 destruction of specific records. I would assume
23 that's due to our policy?

24 MR. MOYER: What is it for?

25 MS. PICKARD: Disposing of

23

1 records.

2 MR. ARMSTRONG: When -- I

3 didn't put the resolution together, but there's the
4 records retention manual of the State of
5 Pennsylvania and you have to retain certain records
6 for a certain period of time. And if you proceed
7 with disposing of certain records that you no
8 longer need to maintain, you need to do it by
9 resolution, which is -- I'm assuming that's why we
10 have the resolution.

11 MS. HAASE: That's correct.

12 MS. PICKARD: These are all
13 sewer?

14 MS. HAASE: 1972 to 1990 on-lot
15 sewer files and 1990 to 2005 of the payroll posting
16 journals.

17 MS. PICKARD: I'll make a
18 motion that we approve Resolution 2013 dash 024.

19 MR. HOLAHAN: I'll second.

20 MR. KERRICK: Motion and
21 second.

22 Questions or comments from the
23 board on the motion?

24 Questions from the public on the
25 motion?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: I vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I vote in favor.

8 Motion carried.

9 Next item, transfer station
10 management agreement.

11 Pat?

12 MR. ARMSTRONG: If the board
13 recalls last week at your work session, we
14 discussed briefly the lease that you currently have
15 at the transfer station property. It's coming due
16 and expiring at the end of October of this year.
17 And the discussion that we had last week was
18 whether or not you wanted to continue to lease the
19 entire property or more so enter into a management
20 agreement with the entity managing and operating

21 the transfer station.

22 It's my understanding that the
23 majority of the board at the work session was in
24 favor of just moving forward with the management
25 agreement with the entity, and that entity is

25

1 Panther Waste. It's also my understanding that
2 Tobyhanna Township has no problem with the services
3 that you've received from Panther Waste in the past
4 and that the management agreement for the transfer
5 station will proceed with Panther Waste Systems,
6 LLC.

7 MS. PICKARD: Did someone
8 contact Panther Waste?

9 MR. ARMSTRONG: I did not. I
10 just -- what I did was I forwarded you a draft.

11 MS. HAASE: (Inaudible) are
12 present this evening.

13 MR. ARMSTRONG: What I did was,
14 I forwarded the board a draft management agreement
15 for you to consider. There's probably some

16 specifics that need to be inserted. I can do that
17 with Phyllis, Bob, John, someone at the township;
18 but at the end of the day, the lease does run until
19 October 31. So you're still in that lease
20 agreement, it's just good to start looking at this
21 management agreement.

22 If anyone has comments or
23 concerns, let me know. If not, we'll continue to
24 finalize it and get it ready for execution before
25 that October deadline date.

26

1 MR. KERRICK: What's the
2 board's pleasure?

3 MR. HOLAHAN: I'm all right
4 with the management agreement. I don't want to
5 vote on a specific contractor taking care of it
6 now. Are we looking to do that?

7 MR. ARMSTRONG: That's up to
8 the board. You don't have to do that tonight.

9 MR. HOLAHAN: Panther does work
10 for my company, so I don't want to weigh in on

11 that, so I'll abstain from that discussion.

12 MR. KERRICK: Do you want to
13 review what Pat has and we'll make a motion?

14 MR. HOLAHAN: I read his
15 letter.

16 MS. PICKARD: Or should we wait
17 till next month?

18 MR. HOLAHAN: But I read the
19 letter, I was all right with --

20 MR. KERRICK: I was okay with
21 it as well.

22 MR. HOLAHAN: Yes. With the
23 management agreement, I just don't want to weigh in
24 on who is the named -- are they going to be the
25 leasee? Is it going to be a lease?

27

1 MR. ARMSTRONG: It will not be
2 a lease anymore, it's a management agreement.
3 We're entering into a service agreement with them
4 to manage and operate the transfer station.

5 MR. HOLAHAN: So it will be

6 then at that point just executing the service
7 agreement?

8 MR. ARMSTRONG: Right. It's
9 going to be ex -- it will be ex -- once the motion
10 is -- when it does come time for this board to make
11 a motion in favor or not in favor of the management
12 agreement with Panther Waste, the motion will be
13 made and if it's passed, it'll be executed by the
14 chairman and witnessed by the secretary.

15 MR. KERRICK: What's the
16 board's pleasure?

17 MR. HOLAHAN: I don't see any
18 reason to wait.

19 MR. MOYER: I'm good with it.

20 MS. PICKARD: Is that a motion?

21 MR. MOYER: So moved. You
22 gonna second?

23 MR. ARMSTRONG: Just so I'm
24 clear, the motion would be to proceed with
25 finalizing the management agreement with the staff

1 here at the township and proceed with communicating
2 with Panther Waste, to have it executed and
3 approved prior to the October 31 date.

4 MR. MOYER: Yeah.

5 MR. KERRICK: We only have a --

6 Do we have a second?

7 MS. PICKARD: I'll second it.

8 MR. KERRICK: Motion and

9 second.

10 Questions or comments?

11 Questions or comments from the

12 public?

13 Call the vote. John, do you

14 want to abstain?

15 MR. HOLAHAN: I'll abstain.

16 MR. KERRICK: Donny?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 Next item on our agenda,

23 confirmation of Station 33 fire police.

24 Phyllis?

25 MS. HAASE: Mr. Chairman, I was

29

1 in receipt of a request from Station 33. As per
2 Title 35, it speaks to the fact that confirmation
3 of the fire police must be done by the chairman of
4 the board of supervisors.

5 The individuals that they're
6 requesting to be confirmed is: Marvin Wade,
7 W-A-D-E; Robert Napoli, N-A-P-O-L-I; Alvin Rich,
8 R-I-C-H; George Haab, H-A-A-B; Carol Feller,
9 F-E-L-L-E-R; Jessica Wallace, W-A-L-L-A-C-E, Pat
10 Timothy, T-I-M-O-T-H-Y; Wendy Smith; J.R. Smith;
11 and Dave Kinsley, K-I-N-S-L-E-Y.

12 I have also spoken to the
13 vice-president of the Fire Police Association. It
14 was recommended that the board consider appointing
15 on an annual basis. So every year you would
16 appoint the fire police and that was their
17 recommendation.

18 MR. ARMSTRONG: Confirming?

19 MS. HAASE: Yes.

20 MR. KERRICK: Confirm.

21 MS. PICKARD: Can I ask what a
22 second line fire police officer is as opposed to a
23 fire police officer?

24 MS. HAASE: I'm going to refer
25 to our fire department.

30

1 Station 41, have any ideas?

2 MR. TROY COUNTERMAN: We don't
3 have any.

4 MS. PICKARD: It says that
5 Wendy Smith and J.R. Smith and David Kinsley --
6 David's here, why don't --

7 MR. DAVID KINSLEY: Second line
8 is we're fire fighter first, if they need
9 additional fire police so the fire fighter can do
10 the fire police duties.

11 MS. HAASE: I do have
12 certifications from Bucks County Community College
13 that they've all completed and obtained their

14 certificate of completion.

15 MR. HOLAHAN: Then I make a
16 motion that the board of directors -- board of
17 supervisors direct the chairman to go ahead and
18 swear them in.

19 MR. KERRICK: I think we can
20 just do it by motion, we don't actually swear them
21 in.

22 MR. ARMSTRONG: It'd just be
23 confirming their appointment.

24 MR. KERRICK: Just confirm
25 their appointment, but do you want to do till

31

1 December 31 or do you want to do --

2 MR. MOYER: For the year.

3 MR. KERRICK: -- half -- a year
4 and a half.

5 MR. MOYER: Half, yeah.

6 MR. HOLAHAN: What are they
7 requesting?

8 MR. MOYER: A year. To do it

9 annually.

10 MR. KERRICK: They didn't

11 request, but the --

12 MR. MOYER: The vice-president

13 --

14 MR. KERRICK: -- they

15 recommended one year --

16 MR. MOYER: -- yeah

17 recommended.

18 MR. KERRICK: -- terms. So you

19 want to do it again in January?

20 MR. MOYER: You wanna do it to

21 --

22 MR. HOLAHAN: Yeah.

23 MR. MOYER: -- to the remainder

24 now till the 31st of December and then redo it

25 again January 1 or --

32

1 MR. HOLAHAN: Yes. I don't

2 think that I would want to extend the term that the

3 fire company's put before us.

4 MR. KERRICK: Okay. So a
5 motion is to the end of this year.

6 Do we have a second? Donny?

7 MR. MOYER: Yeah, I'll second.

8 MR. KERRICK: Questions or
9 comments from the board?

10 Questions or comments from the
11 public?

12 MS. PICKARD: So this is
13 through the end of the year?

14 MR. KERRICK: Yes.

15 MS. PICKARD: So we would do it
16 at our reorg meeting?

17 MR. KERRICK: Yes.

18 MS. PICKARD: Are they
19 confirmed through to our reorg meeting?

20 MR. KERRICK: Then it'll be
21 another year and another year.

22 MS. PICKARD: So it's not
23 January 1 is what I'm --

24 MR. KERRICK: I apologize,
25 whatever -- whenever the reorg meeting is.

1 MS. PICKARD: No, I just want
2 to make sure that there's three days, there's not
3 some kind of weird anomaly that happened. I don't
4 have my calendar. We can say to our next reorg
5 meeting.

6 MR. KERRICK: I was going to
7 try to help you out with that.

8 MR. HOLAHAN: Can we just state
9 the next reorg meeting in January in the event that
10 something happens?

11 MR. MOYER: Yeah, I think we
12 could.

13 MR. ARMSTRONG: January 6.

14 MR. KERRICK: Sixth.

15 MR. HOLAHAN: That's epiphany.

16 MR. MOYER: Yeah.

17 MS. PICKARD: It's the 6th?

18 MR. KERRICK: The 6th.

19 MS. PICKARD: So 1/6/14?

20 MR. KERRICK: Yes.

21 Questions or comments from the

22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Donny?

34

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: I vote in favor.

5 Motion carried.

6 Anything else, Pat?

7 MR. ARMSTRONG: No, I don't

8 have anything. Just a reminder that the --

9 MR. KERRICK: NID?

10 MR. ARMSTRONG: -- Tobyhanna

11 Township Neighborhood Improvement District

12 Authority, their first meeting, organization

13 meeting, is scheduled for this Thursday, at five

14 o'clock right here. Right?

15 MR. MOYER: Yeah. Thanks, Pat.

16 MR. KERRICK: Phyllis, do you

17 have anything?

18 MS. HAASE: Mr. Chairman, I
19 have a few personnel matters for executive session.

20 MR. KERRICK: We'll go into
21 executive after we get finished. No need to come
22 back?

23 MS. HAASE: We may.

24 MR. KERRICK: We may? Okay.
25 We'll keep that option open.

35

1 MS. HAASE: Yes, sir.

2 MR. KERRICK: Anyone from the
3 public have anything to address the board?

4 Yes, ma'am? State your name for
5 the record, please.

6 MS. DENA HUGHES: Dena Hughes.
7 I'm a resident of the Old Farm Estates, Blakeslee
8 Corners, where just outside of our development
9 they're doing the construction on 940 of the new
10 Dollar General. We had some concerns with the
11 recent developments of the construction there and

12 wanted to bring it to the board's attention, as far
13 as how it impacts us as a resident.

14 They are grading the property to
15 have its drainage of the water flow behind towards
16 our development of Old Farm Estates, specifically
17 towards the private road and Anna Road. The
18 grading would allow their runoff to join with the
19 natural runoff of the street downhill towards our
20 road, which is Old Farm Road, which our house is
21 immediately at the end of.

22 The runoff that is existing from
23 natural runoff runs underneath Old Farm Road from
24 Anna Road, across the front of our lawn in a small
25 ditch under our driveway into the wet area of the

1 woods next door. I've taken some pictures if you
2 wanted to see, but we're concerned, the additional
3 runoff from the commercial property could cause
4 erosion of the underground too, not only under the
5 street but then of our front property, under our
6 own driveway and then flood the area more.

7 I have some pictures of what the
8 drainage ditch looks like with rain actually in it.

9 MR. MOYER: Yeah, bring them up.

10 MR. KERRICK: Sure. We'd like
11 to, I guess, comment on that. We fought to not
12 have the swale go to the back, but the Monroe
13 County Conservation District insisted on that. If
14 you look back in our minutes, you'll see that we
15 were opposed to that.

16 MS. DENA HUGHES: I know. We
17 -- I guess in the planning of everything we as
18 residents weren't aware of that necessarily. We
19 knew some of the things, but the specifics of
20 construction are difficult to understand for the
21 layperson; but this is going to make a major impact
22 specifically on our property because of the
23 drainage, goes right across our front lawn.

24 This is the construction
25 currently. I'm standing right on the street on the

1 edge of where the grass meets and the current

2 drainage is sloped towards Anna Road. If you come
3 down Anna Road and are standing where -- right
4 behind from where their property ends, that's my
5 house. So literally I'm the house --

6 MR. KERRICK: And the swale is
7 here?

8 MS. DENA HUGHES: Yeah. If
9 you're -- right. It's just to the right here, this
10 is Anna, this is Old Farm. So what happens, the
11 ditch is this -- this is it dry, it runs right here
12 in front of my house, but when it rains heavy, this
13 is what happens. And with the heavy rains we've
14 had this summer, we've seen the ditch flood over
15 infringing on our lawn to begin with and across our
16 driveway even sometimes, because the ground is so
17 saturated now with the heavy rain.

18 On the other side of our
19 driveway, it just empties right out into the woods.
20 There's no necessarily path, it's made its own
21 path, the water. This is my husband Steven Hughes.

22 MR. KERRICK: Hi.

23 MR. STEVEN HUGHES: Hi. How
24 are you?

25

MS. DENA HUGHES: We're just

38

1 worried because of the increase in runoff it's
2 gonna cause. I know our development is in the
3 planning stages of this summer repaving our entire
4 development. And if this additional runoff is
5 going underneath those roads, it's gonna cause to
6 the further erosion of those drainage tubes that
7 are there.

8 And then, I mean, potentially it
9 could flood the front of our house and then make
10 the grounds to the side of our house incredibly
11 saturated.

12 MR. STEVEN HUGHES: Also our
13 well is about 10 feet away from where all of this
14 flows. So if this is all gonna be coming from
15 their parking lot and running off, that means we're
16 gonna have all kinds of car oils and all kinds of
17 stuff mixed in that and my well is sitting right
18 there and I have to drink that water also. So I'm
19 thinking about that as well.

20 MR. HOLAHAN: Well -- excuse

21 me.

22 John, do you know what they

23 proposed for opening up the area once they were

24 dumping into the section? Were they looking

25 increasing -- what size culvert pipe do you have?

39

1 15 inch maybe?

2 MR. STEVEN HUGHES: Probably

3 about 15.

4 MS. DENA HUGHES: It's not

5 bigger. I mean --

6 MR. STEVEN HUGHES: About 15.

7 MR. HOLAHAN: Were they making

8 those larger when they were --

9 MR. KERRICK: I think that has

10 -- I think if we reviewed the -- I don't recall,

11 but I believe it's underground detention on that

12 site.

13 MR. HOLAHAN: Right.

14 MR. KERRICK: And then it would

15 be what comes out of the --

16 MR. HOLAHAN: So they haven't
17 done the detention yet?

18 MR. KERRICK: No.

19 MR. HOLAHAN: So they've got to
20 mitigate this before they --

21 MR. KERRICK: Correct.

22 MR. HOLAHAN: -- put the
23 detention in their well.

24 MS. DENA HUGHES: Because where
25 the runoff is directed, where those stones are in

40

1 the picture, it just naturally flows right into the
2 woods and the road. There's nothing -- once those
3 rocks stop, there's nothing to direct that path
4 then down in an orderly fashion to the drainage.
5 It's just gonna -- and the rains we've had have
6 really shown us just how roaring just natural
7 runoff from the incline of the road, Anna Road, can
8 be to the front of our property.

9 I mean, when it was just

10 natural, you know, you just take it with -- you
11 know, it's nature --

12 MR. MOYER: Yeah.

13 MS. DENA HUGHES: -- you can't
14 do anything about it; but if we're having added in
15 someone engineering the water now to come that way
16 --

17 MR. STEVEN HUGHES: Right. The
18 way they created the swale on the end it ties right
19 into the water flow that's coming down. They
20 created the rock swale right at the end.

21 MR. KERRICK: But they're to
22 mitigate their water on their site, so there should
23 be very little that leaves their site, they have
24 underground detention. I'm not an engineer, but I
25 could have our engineer call you and then he can

1 answer some of your questions.

2 MS. DENA HUGHES: Yes. We
3 would like to bring the concern to the board just
4 to know, you know, the impact it's gonna have on us

5 as residents. We're probably the one house in the
6 area, besides the noise and whatever else is gonna
7 happen, that's gonna be most affected because it
8 literally goes across our front lawn.

9 MR. KERRICK: Okay.

10 MS. DENA HUGHES: And then the
11 other concern we're having would be, not yesterday,
12 but last Sunday they were doing construction at
13 7:45 in the morning.

14 MR. STEVEN HUGHES: And all day
15 Sunday.

16 MS. DENA HUGHES: All day
17 Sunday. I mean, I don't -- from what I understand
18 there's not a noise ordinance. They're literally
19 50 to a hundred feet from the nearest home on Anna
20 Road and at 7:45 a.m. last Sunday --

21 MR. STEVEN HUGHES: Four, five
22 machines --

23 MS. DENA HUGHES: -- loud --

24 MR. STEVEN HUGHES: -- were
25 cutting trees all day long.

1 MS. DENA HUGHES: -- banging,
2 garbage truck -- not garbage, but dump trucks. My
3 husband went over and politely talked to them and
4 said, you know, what are you guys doing, it's
5 Sunday.

6 MR. STEVEN HUGHES: It's Kobalt
7 Construction and we're working, that's what he told
8 me. I said, okay, you're working.

9 MS. DENA HUGHES: It wasn't very
10 community friendly.

11 Thank you for your time.

12 MR. KERRICK: We'll have our
13 engineer get in touch with you and see if he can
14 answer your questions.

15 MS. DENA HUGHES: Should I
16 leave my number with you?

17 MS. HAASE: Please.

18 MR. STEVEN HUGHES: Yeah. The
19 way they have -- the way they have their system
20 come -- I do construction so -- the way they have
21 their swale coming out to light, it's coming out to
22 light, but adjoining the flow going down the

23 street. So their whole rock bed ends, the swale
24 ends right at the connection of the flow, so --
25 it's all gonna get tied in when it rains. Just to

43

1 make that clear.

2 And also they didn't leave a
3 buffer. From what I understand, they were supposed
4 to leave a buffer?

5 MS. DENA HUGHES: Some trees.

6 MR. STEVEN HUGHES: They were
7 supposed to leave some kind of trees, they took
8 everything down. So basically you can go from Old
9 Farm Estates, now all the trees are gone.

10 MS. DENA HUGHES: Straight to
11 940.

12 MR. STEVEN HUGHES: You can go
13 straight out --

14 MR. MOYER: They didn't clear
15 it.

16 MR. KERRICK: Well, that was
17 Monroe County Conservation, we did not encourage

18 that, but I'll have -- again, have Bob review it
19 and you can touch base and hopefully he can answer
20 your questions.

21 MS. DENA HUGHES: Yes. Thank
22 you.

23 MR. KERRICK: We'll do what we
24 can. Thank you.

25 MS. DENA HUGHES: Thank you.

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1 MR. KERRICK: Thank you for
2 your time.

3 Anyone else from the public have
4 anything they'd like to address the board?

5 MR. MOYER: You gave them their
6 pictures?

7 MR. KERRICK: They got their
8 pictures.

9 Anyone else?

10 We're adjourned. Thank you for
11 attending.

12 MS. PICKARD: We are coming

13 back so we're --

14 MR. KERRICK: We're not
15 adjourned, I apologize. We're going into executive
16 session.

17 (Meeting recessed at 7:35 p.m.
18 and resumed at 7:55 p.m.)

19 MR. KERRICK: Any other
20 business before us?

21 MR. HOLAHAN: Yes. I'd like to
22 make a motion that we appoint Maureen -- help me
23 with the last name -- Minnick?

24 MS. PICKARD: Minnick.

25 MR. HOLAHAN: Would you spell

45

1 that for the lady?

2 MS. HAASE: M-I-N-N-I-C-K.

3 MR. HOLAHAN: -- as assistant
4 zoning officer at the rate of 16.75 an hour.

5 MR. KERRICK: Do we have a
6 second?

7 MS. PICKARD: Second.

8 MR. KERRICK: Questions or
9 comments from the board?

10 Questions or comments from the
11 public?

12 Call the vote. John?

13 MR. HOLAHAN: I vote in favor.

14 MR. KERRICK: Donny?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. KERRICK: I'll vote in
19 favor. Motion carried.

20 MR. ARMSTRONG: Just to
21 clarify, Miss Minnick will continue to -- with her
22 current duties.

23 MS. HAASE: No.

24 MR. ARMSTRONG: No? I'm sorry.

25 Thank you.

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1 MR. KERRICK: We're adjourned.

2 Thank you for attending.

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(Meeting concluded at 7:58 p.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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accurately, to the best of my ability, in the notes

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taken by me at the meeting in the above matter; and

11

that the foregoing is a true and correct transcript

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of the same.

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TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday August 15, 2013, beginning at 5:39 p.m.

PRESENT: JOHN E. KERRICK, Chairperson
HEIDI A. PICKARD, Vice-Chairperson
DONALD J. MOYER, Board Member
JOHN J. HOLAHAN, III, Board Member

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ROBERT McHALE, P.E., Township Engineer

ALSO
PRESENT: Phyllis Haase, Township Manager

Panko Reporting
537 Sarah Street, 2nd Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

1 MR. KERRICK: Okay. Call the
2 special meeting to order. First item on the -- on
3 our agenda, letter of support of Monroe County
4 Open Space Mini-Grant.

5 MR. HAROLD ERNSBERGER: Okay.

6 MR. KERRICK: You have the
7 floor.

8 MR. HAROLD ERNSBERGER: For
9 those that haven't met me, I'm Harold Ernsberger.
10 I have a full-time job and I also am chairman of
11 the Tunkhannock EAC.

12 MR. KERRICK: Is that what we
13 have?

14 MR. HAROLD ERNSBERGER: You
15 have it, but I've got an updated copy for you.
16 I've got about five or six copies.

17 MS. PICKARD: Right there --

18 MR. HAROLD ERNSBERGER: So what
19 you have may or may not function.

20 MR. MOYER: Thank you.

21 MR. HAROLD ERNSBERGER: What I
22 did -- what I did was, I took some aerial -- I did
23 the thing off the internet with -- with maps and
24 satellite view in there.

25 Literally what this is, is, the

3

1 county through the Act 13 shale mining, the
2 commissioner said we got \$144,000. We want each
3 of the six regional park commissions that were
4 originally formed, we want to give you each
5 \$20,000 if you can come up and match it. If you
6 can't come up with 20,000, fine, go with whatever
7 you can.

8 So the dead -- the original
9 deadline has come and gone. At last month's open
10 space advisory board meeting at the county, they
11 decided to extend it till the 20th, next week. I

12 somehow -- I guess maybe because of what I do,
13 they said, can you help us, and I said, sure. I
14 already did one for my commission, the HJP
15 commission.

16 So I -- I wrote up the
17 mini-grant, threw it together and I have some
18 numbers that are even tweaking as we speak. This
19 thing is modifying each hour, it seems like. The
20 budget sheet in there is definitely incorrect at
21 this point. We're going to change that out
22 because I got some numbers from Tunkhannock on the
23 income, what they were going to do, talked with
24 the road master and what his capabilities are.

25 But it's literally what we're

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1 asking for and what county planning, who oversees
2 the open space, is requesting, is that we have
3 three letters of support; one from Coolbaugh, one
4 from you, one from Tunkhannock. And then Annie
5 Sincavage will probably generate one from Top of
6 the Mountain Committee, because it's not a
7 commission, so there'll actually be four letters
8 of support when this goes forth on Tuesday.

9 The document will have some
10 flexibility to it, but pretty much what we submit,
11 we're going to assume will be fairly close. Time
12 line we'll modify, but I did throw in on the time
13 line a couple months near the end in case we have
14 a long winter, we have a very wet spring and we're
15 not able to get into -- with this project, if
16 everything goes right and you provide me with the
17 letters and everyone else does too and we get this
18 turned in on Tuesday, the planning department's

19 going to review it and then it will go to the
20 county commissioners at the second meeting next
21 month; so that if there is something missing, then
22 we've got a couple weeks time to recoup, get back
23 with everybody and say, okay, I need you to tweak
24 this, modify whatever the planning department
25 says.

5

1 But in theory, when the open
2 space committee meets on the 27th, they will
3 approve it and it will go forth to the county
4 commissioners. Next month we'll get a letter from
5 them saying, yes, go ahead. And this is one of
6 those where we'll have to go out and spend a
7 little bit of money, turn in some receipts and
8 then they will cut us a check about midway through
9 the project.

10 So if we don't utilize the
11 whole 20,000 because all of the sudden we find we
12 were able to save money some place, then we won't
13 receive all 20,000. So that's kind of where it
14 goes.

15 MR. KERRICK: What's the
16 board's pleasure?

17 MS. PICKARD: I'll make a
18 motion that we give a letter of support.

19 MR. HAROLD ERNSBERGER: And
20 there should be -- on the copies that I just gave
21 you, there's a draft copy on the back that Maureen
22 will sign over at Tunkhannock. See the sample
23 there? All they've got to do is take this and
24 paste it on their letterhead.

25 MS. PICKARD: Say that again?

1 MR. ARMSTRONG: Is -- just so
2 I'm -- are you only asking for a letter or support
3 or -- I'm looking at the application and it -- is
4 this letter of support intended to also being a
5 commitment from Toby to provide the in-kind
6 services up to a certain dollar amount?

7 MR. HAROLD ERNSBERGER: I wish
8 Annie was here because she could answer that.

9 MS. PICKARD: The only thing
10 that we were asked and we discussed at the work
11 session was that if Bob McHale was able to exist
12 with the HOP permit.

13 MR. HAROLD ERNSBERGER: Yeah.

14 MR. ARMSTRONG: Okay. And
15 that's all that Tunk's really looking for at this
16 point?

17 MR. HAROLD ERNSBERGER: Yes.
18 And the numbers that you're seeing there, because,
19 like I said, I went through with the road master
20 and we looked at their equipment and their
21 man-hours. The 10,000 I've got down on the
22 in-kind, I'm most likely going to go back up to
23 the 10,000 cash and reduce that down to about 7500
24 in cash and move the other 2500 down into the
25 in-kind to accommodate what you guys are saying

1 and -- because we were real close to \$10,000 just
2 on their labor and their equipment usage. That
3 was as of --

4 MS. PICKARD: And they may need

5 a survey, too, because that was one of the things
6 I think we needed for our open space because when
7 I asked Bob McHale, I think Terry Martin had done
8 some survey work, so that may be a possible --

9 MR. MOYER: Yeah. What's your
10 biggest, the parking lot? Is that the worst?

11 MR. HAROLD ERNSBERGER: Well,
12 the parking lot isn't exactly like it shadows
13 there. We're -- when we got out there today and
14 we walked it and measured it, where on the color
15 map I had pushed it further in -- which actually
16 on the satellite view down here looks like I was
17 putting it here. And that was our original
18 thought until we got out there today and measured
19 this off.

20 And so what we're really going
21 to do is, where the old roadbed is on this map,
22 and the satellite, we're literally going to come
23 in and we're going put the parking right here,
24 right at that -- where that guardrail dips down,
25 and then there's the utility pole and I think a

8

1 segment marker sign. So in between the segment
2 marker and the guardrail is where the entrance
3 will be and literally drive 20 feet off, there
4 will be half a dozen to 10 spots on that old
5 roadbed.

6 This was -- by the time we got
7 back here -- and you can see on the satellite the
8 old clearing area. By the time we got back there,
9 we were pushing over 900 feet. Now, there is --
10 the good part was, there was blacktop there, but
11 we would still have to go in and remove some trees

19 is going to be cleared for parking or what size is
20 the parking area going to be?

21 MR. HAROLD ERNSBERGER: On that
22 old roadbed we'll actually use both sides of it
23 it. Looks like we'll be able to put five or six
24 on the east side of it and two to three on the
25 highway side. So no more than 10, somewhere

10

1 around six and a half.

2 MR. HOLAHAN: Two thousand
3 square feet for parking?

4 MR. HAROLD ERNSBERGER: Seventy
5 by a hundred total area including the roadbed in
6 there --

7 MR. HOLAHAN: Right.

8 MR. HAROLD ERNSBERGER: -- is
9 what we figured out today, so, yeah, about 7,000
10 square feet.

11 MR. HOLAHAN: Seven thousand?
12 So you're exceeding the 5,000. Do you have to go
13 to the conservation district for all this? You
14 have a pretty big --

15 MR. HAROLD ERNSBERGER: We'll
16 probably have to go anyway just because we're
17 doing it, but anything after an acre, which is 40
18 some thousand, you have to have a permit that you
19 can disturb --

20 MR. HOLAHAN: A residence over
21 5,000 square feet, right?

22 MS. HAASE: I think you have to
23 have a plan on site, but I don't know necessarily
24 it's a formal plan.

25 MR. HOLAHAN: Plus, it's not

1 necessarily going to be our issue?

2 MR. HAROLD ERNSBERGER: And
3 we're aware of that, that we may -- I'll end up
4 talking to a couple of them over there because I
5 have issues with the HJP (inaudible), so I'll
6 bring that up, and find out if they want us to do
7 anything. And if we do, then we'll file the
8 paperwork for it. And that's stuff that we'll end
9 up -- probably doing that this fall based on the
10 time line that I threw together.

11 MR. HOLAHAN: Is that just this
12 section that we're talking about in here?

13 MR. HAROLD ERNSBERGER: Yeah.
14 All of this brown area is the 140 some odd acres
15 because we're talking about construction taking
16 place right in here.

17 Now, with that said, some of
18 this will be actual -- like the mulch and stuff
19 that we generate, we're going to take and go
20 straight down that old roadbed and then turn and
21 go in that trailer. We'll go back in further and
22 open up the trail. And I've got right now about
23 four or five guys that want to do nothing but the
24 trail work. So we'll let the township take on the
25 heavy load up front with the parking and then

1 whatever volunteer help we get. Annie said she
2 would help, some of the guys would help her over
3 at the Blakeslee area. We're out there a week ago
4 at our EAC meeting. They want to go back with

5 their chain saws and their equipment and they want
6 to widen that out.

7 It's my understanding that the
8 nature conservancy owns a big chunk of land that
9 lets up kind of behind that and we will link our
10 trail system together so that you can then walk
11 literally through several hundred acres when it's
12 all done.

13 MR. HOLAHAN: Okay.

14 MR. HAROLD ERNSBERGER: And
15 we've got one boy scout troop maybe on the hook to
16 do come out and do some Eagle projects that way.
17 They're always needing (inaudible) so --

18 MR. KERRICK: Any other
19 questions? Questions from the public?

20 Call the vote.

21 John?

22 MR. HOLAHAN: I vote in favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

13

1 MS. PICKARD: I vote in favor.

2 MR. KERRICK: I vote in favor.

3 Motion carried.

4 Thank you.

5 MR. HAROLD ERNSBERGER: Thank
6 you very much.

7 MR. KERRICK: Next item on our
8 agenda, we have the bill pack from August 12
9 regular business meeting, \$333,536.98.

10 MR. HOLAHAN: I make a motion
11 that we approve the bill pack of \$333,536.98.

12 MR. MOYER: I'll second.
13 MR. KERRICK: Motion and
14 second. Questions or comments from the board?
15 MR. HOLAHAN: Yes. Is this the
16 same amount we were talking about on Monday?
17 MS. HAASE: Yes. That is
18 correct. This is the full bill pack.
19 MR. HOLAHAN: Okay.
20 MR. KERRICK: Any other
21 questions or comments?
22 Questions from the public?
23 Yes, sir.
24 MR. TROY COUNTERMAN: Troy
25 Counterman. I was here Monday night and I just

14

1 have a couple questions.
2 Heidi, you, for one, why would
3 you oppose the -- the bill pack? It's the
4 first time that --
5 MS. PICKARD: I just had a
6 question on some of the bills and I wasn't
7 comfortable.
8 MR. TROY COUNTERMAN: Okay.
9 And then my next question would be for the
10 chairman. You approved it, but then you pulled
11 yourself back from two individual contractors. I
12 was a little confused. Is there a conflict or did
13 they not perform work up to standard?
14 MR. KERRICK: I felt there was
15 a conflict.
16 MR. TROY COUNTERMAN: Okay. So
17 if there's a conflict to pay them, would it be a
18 conflict to call them to do the work?

19 MR. KERRICK: Excuse me?
20 MR. TROY COUNTERMAN: If
21 there's a conflict to pay them, would you have a
22 conflict, as your job as the superintendent back
23 there, to call them and have them do work?
24 MR. KERRICK: I don't feel so,
25 no.

15

1 MR. TROY COUNTERMAN: Okay.
2 Thanks. That's all.
3 MR. KERRICK: This is getting
4 ridiculous.
5 MR. HOLAHAN: Are we approving
6 that by the board? We've -- we've approved the
7 contractors, their bids, as the board of
8 supervisors.
9 MR. KERRICK: Yeah, that's
10 correct.
11 MS. PICKARD: I just had a
12 question over when the jobs were done, that I
13 thought we should have -- if it wasn't
14 specifically discussed when we budgeted it, that
15 we talk about it and approved it for work to be
16 done. So there was not a never-ending contractor,
17 we knew what work was to be done.
18 So that was only my question.
19 I didn't know there was \$42,000 worth of bills
20 there. I wasn't sure what work was done. It
21 wasn't really clearly discussed before the work
22 was done and I thought that the board should have
23 have a conversation prior to the --
24 MR. HOLAHAN: Well, perhaps,
25 because I don't want to --

1 MS. PICKARD: -- or a policy on
2 a certain amount.

3 MR. HOLAHAN: -- run into this
4 again because we should be paying our bills.

5 MS. PICKARD: I agree.

6 MR. HOLAHAN: We should be
7 paying our bills on a timely basis. So I would
8 like to take a look at this budget process.

9 John, I don't want to run the
10 DPW. I don't want a phone call every time
11 something's going on.

12 MS. PICKARD: Neither do I.

13 MR. HOLAHAN: So I expect that
14 we would have the overall projects that we're
15 going to be taking care of, that we -- we
16 typically do when we're letting these things out
17 to bid, and then you're running the department and
18 staying within the budget that's been established.

19 MR. KERRICK: Obviously there's
20 a different -- for the last month, there's a
21 manager here, so I've been in communication with
22 the manager, but there is some things time to time
23 that we -- that come up with complaints.

24 MR. HOLAHAN: I can understand
25 there would be some contingencies, so -- and I

1 think we need to take a look at that. We can't go
2 in there and say, we're not going to work on any
3 other projects when you've got frost heave or
4 washouts or any of those things. We have to have

5 some kind of contingency in our plan. And I've
6 got no problem passing something like that, so --
7 but I don't want to go through what we went
8 through this last time.

9 I would like to open this
10 budget process up, Phyllis, for sitting down and
11 working those things out so that -- so it is
12 pretty clear.

13 MR. KERRICK: Well, it's pretty
14 clear on the 20 year plan. Unfortunately, we're
15 behind on the 20 year plan because of the funding.

16 MR. HOLAHAN: Understood.

17 MR. KERRICK: And we do discuss
18 a lot of that at the work sessions.

19 MR. HOLAHAN: Understood.

20 MR. KERRICK: Whatever you
21 want. There's no problem.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: And if I may say, I
24 need clarification as well, because as the
25 manager, my view is the board approves the budget,

18

1 it is each director's responsibility to stay
2 within that budget.

3 Now, it's my responsibility to
4 oversee it all and there's day-to-day operations.
5 So if you folks want to know exactly what's being
6 done, then I need to know that and that comes out
7 of my hands. If it's something that you're
8 entrusting in me, the day-to-day operations of the
9 township, then I need to proceed with managing the
10 township. So that's where I need direction from
11 the board so we can move forward and know where

12 we're going so we don't do this every month.
13 MR. HOLAHAN: Manage the
14 township.
15 MS. PICKARD: Well --
16 MR. MOYER: I think --
17 MR. HOLAHAN: We have appointed
18 you to do that and we have every faith in you
19 being able to take care of those things.
20 MS. HAASE: Thank you.
21 MR. MOYER: Yeah.
22 MR. HOLAHAN: So I do not want
23 to get in here and take care of the day-to-day
24 management of the township. Our responsibilities
25 are for setting ordinances, making sure that we're

19

1 keeping the safety and well-being of our residents
2 and -- and establishing budget. Correct.
3 MS. PICKARD: Well, and I think
4 going forward, and this is my -- because I'm not
5 sure -- I know there was some drainage work. I'm
6 still not clear what the entire 42,000 was; but if
7 we have drainage work that we're going to be
8 looking at in November, that we're going to do
9 this next coming year, then we should have that
10 broken out a little bit. We should have 50,000
11 for drainage and then we wouldn't be having this
12 question.
13 But after what happened the
14 last couple years where we've continually gone
15 over budget, I don't think that's correct. And I
16 think I would prefer a policy. We spent \$250,000
17 on the Caughbaugh Road that wasn't really
18 discussed at the board level, and I felt that

19 maybe the board would have wanted to move
20 direction to have one of our bridges repaired or
21 one of our roads repaired.

22 MR. KERRICK: That was due to
23 the fact that the bridge was closed. That's why
24 we did that before that. And so far we haven't
25 spent anything on it this year, which we usually

20

1 spend \$20,000 on calcium, which we don't have to.

2 MS. PICKARD: We did not
3 know that we were going to spend a quarter million
4 dollars --

5 MR. KERRICK: I think that was
6 also --

7 MS. PICKARD: -- that we didn't
8 have budgeted in that process last year. And I'm
9 just saying that I think that when we get this
10 every month and we get bills af -- you know, that
11 are already -- the work's already done and then
12 we're getting a bill pack with bills in there, I
13 would really rather know up front. If we budget
14 it properly this year, it shouldn't be a problem.
15 But it wasn't budgeted. The only thing we really
16 talked about was tar and chipping those roads and
17 we put 350 in there and I just don't want to find
18 out, again, there's another 40, another 40, and
19 we're over budget again.

20 MS. HAASE: Well, I can't speak
21 to last year. It wasn't my responsibility to
22 manage the township.

23 MS. PICKARD: I understand
24 that.

25 MS. HAASE: I can moving

1 forward.

2 MS. PICKARD: I'm just
3 saying -- and that's what I'm asking, if there
4 needs to be a policy that's not something that had
5 been brought up to the board and it exceeds a
6 certain amount, that it should come before the
7 board to discuss, that John feels that we need to
8 get this drainage work done and if we're going to
9 sub it out and it's going to be around \$50,000, we
10 can get an estimate between John and the engineer
11 and then the work's done. You know, I think even
12 if at the work session we have something coming up
13 the next month, we should -- we should know.

14 Obviously emergencies can't
15 be -- we understand that and I have no problem or
16 understanding that, you know, something small
17 needs to be done or there's an emergency that has
18 to be taken care of that we can't take care of
19 in-house.

20 MR. ARMSTRONG: I think that
21 might be what John was saying, you got that --
22 with the understanding of some contingencies.
23 Right? Is that --

24 MS. PICKARD: Yeah.

25 MR. ARMSTRONG: -- what you

1 were getting at?

2 MR. HOLAHAN: Certainly.

3 MS. PICKARD: But if a
4 contingency is going to go over 10 or \$20,000, I

5 think that's something we should look at.

6 MR. HOLAHAN: Well, you can
7 take a look at contingencies. Anytime -- doing
8 construction projects, you're consistently putting
9 10 to 15 --

10 MS. PICKARD: Exactly.

11 MR. HOLAHAN: -- percent, 20
12 percent contingencies into projects -- into large
13 projects. There's no reason we can't go and do
14 our budget, take a look at the -- the work that
15 needs to be done for the township as a budget
16 process. I mean, how are we going to come up with
17 our budget anyway? Are we just going to say, what
18 did we use last year, was it \$800,000 and then
19 budget eight again? Or are we going to take a
20 look at our projects, what needs to be done, what
21 are our ex -- what's our income going to be, and
22 then these are things we can do and these are
23 things we can't do.

24 MS. HAASE: I have spoken to
25 the director and we've met and discussed that.

23

1 And how we're moving forward, John and the
2 engineer is going to put together projects. And
3 of course, they're going to have to be prioritized
4 of what we can and we cannot afford. We've
5 already had that discussion and I believe that's
6 already been started, but still these are issues
7 that come up, unfortunately, now on a weekly
8 basis. We just had one just not too far from here
9 that we had to bring a crew out to have some work
10 done.

11 So my question to the board is,

12 is this something that you're going to allow it to
13 be done in-house, make those decisions, or is this
14 something that you're going to require to come to
15 the board?

16 MR. HOLAHAN: I don't want to
17 come to the board.

18 MR. MOYER: No, I don't want to
19 worry. I mean, I -- you know, we have to have
20 trust in the manager and the head of each
21 department, that they can make the proper
22 decision. I mean, if it's over budget,
23 obviously --

24 MR. ARMSTRONG: Well --

25 MR. MOYER: -- or a project

24

1 that's --

2 MR. ARMSTRONG: -- I think it
3 will be before the board, as John was saying,
4 during the budget process.

5 MR. MOYER: Right.

6 MR. ARMSTRONG: You're going to
7 look at the projects that the township may need
8 for the upcoming year, and that's where the budget
9 is going to come from. So the actual projects
10 will be before the board to consider in the
11 beginning. It's as they go unless there's --
12 unless you're -- unless there's a need to bid on
13 some of these projects. It won't necessarily come
14 back to the board.

15 MR. KERRICK: If you recall,
16 last year during the budget process, we had the
17 big spreadsheet with the projects on them.

18 MR. MOYER: Yeah.

19 MR. KERRICK: That's where we
20 came up with those numbers.

21 MR. HOLAHAN: I understand
22 that.

23 MS. PICKARD: We didn't talk
24 about what we were going to do. We also talked
25 about doing some vegetation and things and now I'm

25

1 wondering whether or not we'll have the money to
2 get those other things we talked about. But we
3 didn't specify 350 because we obviously didn't
4 have enough money to budget for everything we need
5 to get accomplished.

6 MR. HOLAHAN: I think --
7 Phyllis, from what you're saying, is what I'm
8 expecting. You've met with the department,
9 figuring out the budgets, the process on that, and
10 the budget will be -- come before us just like you
11 did, John, with the spreadsheet before, these new
12 things. I'm fine with that. I do not want to --
13 I don't think there is any reason to come to us on
14 a monthly basis and clear the projects unless they
15 are outside the scope of work and are big.

16 MR. MOYER: I agree.

17 MS. PICKARD: And what?

18 MR. HOLAHAN: And being big.

19 MR. MOYER: Big.

20 MS. PICKARD: Well, that's what
21 I'm saying. I don't --

22 MR. HOLAHAN: That comes out of
23 contingency. I don't want to have to worry about
24 that stuff each time, but I do not want to be
25 driving around this township inspecting these

1 roads, double-checking up on John.

2 MS. PICKARD: I don't think
3 anybody wants that.

4 MR. HOLAHAN: Right.

5 MS. PICKARD: But I don't want
6 to be asked, you know, why the subcontractor is
7 doing something that -- that we don't know that
8 they're doing. I don't think it's that big of a
9 problem. Like I said, if we budget it and we knew
10 we were going to do the drainage work -- I'm not
11 even sure what the -- I know some of it was
12 drainage work.

13 MR. KERRICK: It was all the
14 complaints we had this spring, Woodland Avenue,
15 Lakeview. We have a list of complaints, if you
16 want to look at them.

17 MR. HOLAHAN: We had some
18 pretty heavy rains washing out some stuff there.

19 MR. KERRICK: A gentleman built
20 a house on -- you saw, on the opposite side of the
21 road, on Woodland. It flooded his driveway,
22 flooded his property.

23 MR. HOLAHAN: Right. Well --

24 MS. PICKARD: I don't know how
25 we're going to budget that then --

1 MR. HOLAHAN: Well --

2 MS. PICKARD: -- so you
3 can't -- you know --

4 MR. HOLAHAN: -- that type of

5 stuff the township can take care of with their
6 storm water management. And I think those are --

7 MR. KERRICK: That particular
8 section doesn't have -- never had storm water.

9 MR. HOLAHAN: Right.

10 MS. PICKARD: Some --

11 MR. KERRICK: It's an older
12 section of Lake Naomi.

13 MR. HOLAHAN: Gotcha.

14 MS. PICKARD: Can some of the
15 complaints be handled by our crew?

16 MR. KERRICK: They were. They
17 were working in two different areas.

18 MS. HAASE: Yeah. Our
19 department is consistently out there working.

20 It's not that we bring another company in.

21 MR. KERRICK: They put a lot
22 more pipe in than the subcontractor who's only
23 here for a few weeks.

24 MR. HOLAHAN: Okay. Well, my
25 motion still stands.

28

1 MR. KERRICK: You second?

2 MR. MOYER: Second.

3 MR. KERRICK: Call the vote.

4 Don -- or John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I'll vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I'll vote in
10 favor.

11 MR. KERRICK: I'll vote in

12 favor with the exception of Papillon and Moyer and
13 Locust Ridge Quarry.

14 Anything else under new
15 business?

16 MR. HOLAHAN: I don't have
17 anything.

18 MS. PICKARD: I don't have
19 anything.

20 MR. KERRICK: Don't?

21 MR. MOYER: I don't.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: Uh-uh.

24 MR. KERRICK: Pat?

25 MR. ARMSTRONG: No.

29

1 MR. KERRICK: Anyone from the
2 public?

3 We're adjourned. Thank you for
4 attending.

5 (Meeting concluded at 6:03
6 p.m.)

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I hereby certify that the
proceedings and evidence are contained fully and
accurately in the notes taken by me, to the best
of my ability, at the meeting in the above matter;
and that the foregoing is a true and correct
transcript of the same.

JESSICA L. HOLT, C.R.

