

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Work Session

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Tuesday, July 5, 2016 beginning at 6:00 p.m.

PRESENT: ANNE LAMBERTON, Chairperson
DONALD MOYER, Vice_Chairperson
JOHN E. KERRICK, Board Member
HEIDI A. PICKARD, Board Member

JOHN B. RICE, ESQUIRE, Solicitor

ALSO PRESENT: ROBERT J. McHALE, Township Engineer/
Interim Township Manager

Panko Reporting
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1 MS. LAMBERTON: Good afternoon.
2 I'd like to call the board of supervisors work
3 session for Tuesday, July 5 to order. We'll start
4 with the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Bob?

8 MR. McHALE: Yes. Actually I
9 was going to request before we begin, if I could
10 add a item to new business. It would be Kalahari
11 outdoor recreation area sketch plan. If we could
12 put that near the end somewhere. Thank you.

13 MS. LAMBERTON: Do we want to
14 take that right out of the gate and move forward
15 with the rest of our agenda?

16 MS. PICKARD: We wanted to do
17 the audit, we promised the auditors.

18 MR. McHALE: Okay. That's fine.

19 MS. LAMBERTON: Okay. I figured
20 that would only take like five minutes, but --
21 we'll move on to Riley and Company, the 2015 audit
22 report presentation.

23 MS. DEBBIE BORGER: Well, thank
24 you for having us here tonight. I think you guys
25 are familiar with Jay and myself.

3

1 MS. LAMBERTON: If you want to
2 state your name for the record for her.

3 MS. DEBBIE BORGER: Okay. I'm
4 Debbie Borger and this is Jay Gobelny and we're
5 from Riley and Company, the township auditors.

6 MS. LAMBERTON: Thank you.

7 MS. DEBBIE BORGER: So what
8 we're going to discuss tonight, obviously, is the
9 audit for 2015. You -- you folks have had the
10 final financial statements since the end of May, so
11 it's been complete for a little while. So if you
12 have any questions when we're done, please feel
13 free to ask.

14 Also the DCED report was filed
15 on April 21 this year, so those things are all

12 So it -- the audit was pretty
13 uneventful and we would like to thank Heidi and
14 Janice especially for their hard work and their
15 assistance in the audit, 'cause certainly we
16 couldn't do it without them, that's for sure.

17 I will let Jay present the rest
18 of the statements. He's much better at being
19 concise and to the point. So we'll turn it over to
20 Jay.

21 MR. JAY GROBELNY: So everybody
22 has access to their statements, if they want to
23 open them up. I'm just gonna go through them
24 briefly, the various statements that you'd be
25 looking at. As Debbie said, the first thing in the

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1 financial statements is the independent auditor's
2 report. And as she noted, there's an unqualified
3 or clean opinion. The first statement then after
4 the auditor's report is the statement of net
5 position, Exhibit A, which is shown on the modified
6 cash basis. So what the modified cash basis means
7 for the township is, that we record all of the
8 fixed assets along with the current and long-term

9 portions of the various long-term debt.

10 So as you can see for 2015, we
11 have two columns. The first column is governmental
12 activities; the second column is business-type
13 activities. To start with, the business-type
14 activities are the two sewer funds the township
15 has. And then the governmental activities would be
16 all of the other various funds except for the
17 pension. So that would be your general fund, your
18 liquid fuels, your two capital projects funds and
19 then also the fire and library tax funds.

20 So just to note a couple things
21 on the numbers, some things that might stand out.
22 If you're looking under the property and equipment
23 section, you notice under roads and bridges that
24 compared to 2014 those amounts increased almost
25 three and a half million dollars. That's due

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1 primarily to the dedication of the Kalahari road
2 that accounts for 2.7 million of that increase.
3 And then the rest of the increase is the Old Route
4 940 bridge project.

5 The other item then that would
6 probably stick out would be under sewer system.
7 Again, you noticed that the sewer assets increased
8 by about \$3.2 million and, again, that's primarily
9 due to the dedication of the Kalahari sewer system,
10 the Sewer District No. 1.

11 Down below then you notice under
12 net position that the net investment in capital
13 assets increased. Again, that's due primarily to
14 that -- the dedication of that system. That amount
15 is made up of your total capital assets less the
16 related current and long-term portions of debt. So
17 really on the governmental activity side there
18 wasn't a whole lot that happened in 2015, other
19 than the Kalahari roads and then obviously again,
20 that impacted the sewer.

21 The next statement then is
22 Exhibit B. This is the statement of activities.
23 It's on the same basis of the financial statements
24 as Exhibit A. So what you have then, on your
25 left-hand side, you start with the governmental

1 activities. So you'd have the -- the expenses of

2 those certain activities and then you have, going
3 to your right, the revenue that is generated from
4 those activities. So we start with the general
5 government, those expenses include the general
6 administrative expenses of the government and also
7 legal fees and anything that's building related.

8 The next section is public
9 safety. And obviously, the big expenses in public
10 safety are police and that's also where the fire
11 and code enforcement expenses would be. And then
12 the final large section there is the public works,
13 which are obviously your roads and streets
14 expenses.

15 Your next column's to the right
16 then, your fees, fines, charges and services. Just
17 to give you an example of some of the revenues that
18 are recorded here. That's where the TV franchise
19 fee would be recorded and also the various permits
20 -- permitting fees and zoning fees that the
21 township earns.

22 Under operating grants and
23 contributions then, the bigger items there would be
24 the pension aid that's received from the state. On
25 the liquid fuels fund, that's where the liquid

1 fuels fund allocation is recorded. And also the
2 foreign fire fund that's received from the state
3 that is then paid out to the volunteer fire
4 companies.

5 After our governmental
6 activities, then we have our business-type
7 activities, that's the wastewater and sewage. So
8 this account is for both the ongoing sewer and then
9 the newer Sewer District No. 1 that started in
10 2015. So we see we have expenses there of 800,000
11 and then the sewer charges just over a million. So
12 what we end up then with total government, you'll
13 see for governmental activities, we had 3.3 in
14 expenses over revenue for the activities. And then
15 that's then covered by the general revenues.

16 So obviously, the big general
17 revenues for the township are the taxes. So the
18 taxes line, that would include your real estate
19 taxes, transfer taxes, EIT, LST. So you could see
20 there that the taxes alone were enough to cover the
21 net expenses over revenues from the various
22 activities.

20 reserve. And then your nonmajor funds are your
21 special revenue, which would include the liquid
22 fuels, the library and the fire tax funds.

23 So just a couple of notes there.
24 On the general fund, you'll notice that there is
25 certain cash that's noted as restricted, that's

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1 shown separately. Those are various escrow funds
2 that are being held by the township. And then
3 you'll also notice that under liabilities, there's
4 an offsetting liability. The reason for that then,
5 since those are restricted to be used for those
6 specific projects by those -- the people that
7 you're holding those money on and those -- that
8 does not affect your fund balance. So there's an
9 offsetting liability to the revenue.

10 Under your fund balance then,
11 you'll see there are three different designations.
12 There is restricted, which all of the special
13 revenue fund balance is shown as. That's due to
14 all those special revenue funds, are restricted for
15 specific purposes. We have assigned balance --

16 assigned fund balances then. Those are fund
17 balances that have been set aside by the
18 supervisors, but they're not necessarily restricted
19 for use by any outside legis -- legislation or any
20 kind of outside agency in the way that the
21 restricted funds are.

22 And then your unassigned fund
23 balance is kind of just every -- everything else
24 that's left. So you'll see then at the end of the
25 year our total governmental fund balance was about

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1 \$4.5 million.

2 Exhibit D then is just a
3 reconciliation. That reconciles from the change in
4 fund balances on the cash basis to the total -- or
5 excuse me, the fund balances on the cash basis to
6 the total net position on the modified cash basis.

7 After Exhibit D then is Exhibit
8 E. This is our revenues, expenses and changes in
9 fund balance. And this is for the governmental
10 fund and this is cash basis. So you'll see there
11 under revenues then are -- our -- our biggest
12 revenues are taxes. So we have that, obviously, in

13 the general fund and then under special revenue for
14 the library and fire taxes as well. And the other
15 larger artem -- or items there are charges for
16 services and then the intergovernmental revenue.

17 So what's recorded under
18 intergovernmental revenue, again, we have the
19 liquid fuels fund distribution, that's for the
20 pension state aid and the foreign fire fund
21 distribution. Under our expenses then, the
22 classifications are similar to what they would've
23 been on Exhibit B. Now, the difference is, that on
24 this statement you would not have depreciation
25 expense.

12

1 On Page 2 of Exhibit E then,
2 after our expense section we have our other
3 financing sources and uses. So you'll see here
4 this is where we have the transfer of funds between
5 the general and the capital projects funds. And
6 the other larger item there on the special revenue
7 fund, there was the proceeds of the 2015 general
8 obligation note. So those funds were recorded in

9 the liquid fuels funds and that was for the Gradall
10 purchase. So that's recorded as a proceed of
11 long-term debt on the fund statements. So you'll
12 see there that overall for the governmental funds,
13 there was a net increase in fund balance of about
14 \$550,000 for 2015.

15 After Exhibit E then is Exhibit
16 F. And that reconciles the change in fund balances
17 from the cash basis to the change in net position
18 on the modified cash basis. Exhibit G then is our
19 proprietary funds, those are our two sewer funds.
20 So here you can see the total here would match up
21 to Exhibit A, but this breaks it down between the
22 sewer fund and the newer Sewer District No. 1 Fund.
23 So you could see there under Sewer District No. 1,
24 the various fixed assets additions. Again, that
25 what -- what was recorded as the special item, the

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1 -- excuse me, the transfer or dedication.

2 And then you also see that we
3 have restricted cash and a corresponding liability
4 as amounts held on behalf of others. And what that
5 is, that's the sewer charge reserve cash account

6 that's being held. Those monies would only be used
7 if Kalahari were to become delinquent on their
8 sewer charge account. So we have that set up
9 basically as an escrow account where that money
10 won't be touched unless there's some kind of
11 situation where, again, Kalahari stops paying on
12 their account.

13 Exhibit H then is the revenues,
14 expenses and changes in fund balance on the two
15 proprietary funds. So our operating revenues,
16 obviously, we have our charges for services, the
17 operating expenses. We have the treatment
18 collection and also our depreciation on fixed
19 assets. Our nonoperating revenues and expenses on
20 our -- on the sewer fund, there was interest
21 expense on the two outstanding loans. And then the
22 special item, again, under Sewer District No. 1 is
23 the dedicated sewer asset.

24 Our next two statements then,
25 Exhibit I and Exhibit J, are for the nonuniformed

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1 pension plan. So Exhibit I is pretty

1 -- the Gradall purchase and there was other --
2 another purchase of machinery that was over a
3 hundred thousand.

4 On the business-type activities
5 then, the schedule on Page 16, again, the major
6 additions there you could see the additions to the
7 sewer -- sewer system for the Kalahari District No.
8 1, and then also for the land that was related to
9 that -- that dedication. Below there then on Note
10 6 is our long-term debt. And as I noted under the
11 governmental activities, you'll see the addition of
12 the 2015 series, general obligation note. There
13 was no other additions to debt in 2015. And then
14 the second part of that note, on Page 17, gives you
15 a general description of the various outstanding
16 debt. It also gives your schedule to maturity for
17 both the governmental activities and the sewer
18 fund.

19 Note 7 is the pension plan, the
20 nonuniformed pension plan note. Don't want to get
21 into too much detail here. There were some changes
22 in 2015 due to the implementation of GASB 68, it's
23 a new counting -- accounting standard that requires

24 us to disclose certain schedules of information in
25 regards to the pension liability. So, for example,

16

1 on Page 22, that change in the net pension
2 liability would be new for 2015. If you want to
3 hear more about that, I know Debbie can go into a
4 little more detail, if you're interested.

5 MS. LAMBERTON: No, we're good.
6 I think we're good, general consensus, we're good.

7 MR. JAY GROBELNY: That's fine.

8 MS. LAMBERTON: Thank you
9 though.

10 MR. JAY GROBELNY: Yep.

11 MS. DEBBIE BORGER: Aww.

12 MS. LAMBERTON: Were you looking
13 forward to--

14 MS. DEBBIE BORGER: No, I'm just
15 teasing you.

16 MR. JAY GROBELNY: Just three
17 more things in the notes. If you go to Page 27,
18 Note 13 there just gives you some detail on that
19 dedicated infrastructure asset, so that gives you

13 MR. MOYER: Thanks.
14 MS. DEBBIE BORGER: Thank you.
15 MS. LAMBERTON: I'm sorry.
16 Mike?
17 MS. PICKARD: I think Mike had a
18 question.
19 MR. MIKE CHRISTIAN: I just have
20 a question.
21 Yeah, Mike Christian.
22 Will the full report be
23 available on the website?
24 MS. LAMBERTON: Yeah.
25 MS. PICKARD: It's already on

19

1 the website.
2 MIKE CHRISTIAN: It's already
3 on, okay.
4 MS. LAMBERTON: Any other
5 questions or comments?
6 Thank you.
7 MR. McHALE: As far as the
8 agenda --
9 MS. LAMBERTON: Yes.

10 MR. McHALE: -- I just want to
11 mention we have two development topics or items.
12 And I was gonna say if we could go through those
13 now maybe?

14 MS. LAMBERTON: Sure, sure.

15 MR. McHALE: One is Pinecrest
16 Phases 5 and 6. Brendon Carroll is here
17 representing the development; and also the Kalahari
18 portion of the outdoor recreational area, and Harry
19 Forbes is here to represent Kalahari.

20 I just want to give you a --
21 just a brief history where we were with Pinecrest.
22 Since the trust has taken over this phase of the
23 development, I just want to run through the history
24 very quickly, take about a minute. And then
25 Brendon's gonna provide to you what he's proposing,

20

1 as far as the -- the new plan, if you will. In the
2 past, Teicher had owned five and six. They didn't
3 complete the improvements; Crestwoods Lane was put
4 in without a wearing course.

5 Road AAA, the same type of

6 thing, with paving to the units, but again no
7 wearing course. Road BBB was similar manner, but
8 with no wearing course. Now, there is monies that
9 were set aside, that was the remainder of the
10 financial securities that were in place. It was
11 somewhere around 246,000 or \$248,000.

12 What we had talked about last
13 fall with Brendon is that, he wanted to come in and
14 -- and do the wearing course on these areas that
15 have subbase and binder only. He also wanted to
16 look at -- there was a shell of a building here in
17 this section that was not completed or finished as
18 far as the -- the interior finishes. All the units
19 that were associated with Road BBB and AAA, they
20 were all completed and either sold or vacant or
21 being sold.

22 Now, at that point, we looked at
23 a development agreement. There is a transfer of
24 rights from Teicher to the trust and we want to
25 document that. And there was a development

21

1 agreement that was put together that was threefold,
2 if you will. It was that assignment of rights

3 basically, a new development agreement between the
4 township and the trust, and also the paving aspects
5 of it that he was looking to do short term.

6 But when he got the development
7 agreement last fall, it was late sometime in
8 November, he felt like it was a little bit
9 restrictive, in that we were -- we were asking, the
10 township was asking that within two years he
11 complete the rest of the development. Well, the
12 trust at this point in time -- correct me if I'm
13 wrong, Brendon -- is not really interested in
14 developing any of the remaining portions of the
15 town houses.

16 So what we're trying to do
17 tonight is just get some more feedback, get some
18 direction and then maybe ask Jon Reiss to kind of
19 redraft the document, if you all see fit, and the
20 plan that Brendon proposes to you is acceptable.
21 Brendon, at one point in time, they were looking
22 at, in lieu of the town homes -- there's red
23 outlined areas that are duplexes, and he thought
24 that maybe in the same number of units that are
25 remaining could be traded out for those units in

24 MR. McHALE: The first two were
25 just historical.

23

1 MR. BRENDON CARROLL: So what
2 the -- Bob was kind enough to meet with me this
3 morning or called me last week to try to get this
4 moved along. It's my understanding that the
5 township has a bond in place, probably about a year
6 ago, this project, as you know, failed and the
7 Pinecrest Lake Community Trust purchased the
8 property from the bank, just to clean it up and
9 protect the eyesore that was -- many of our
10 homeowners were complaining about.

11 My goal was, is that -- that --
12 that -- that the final wear course of paving never
13 got completed. I have 30 homeowners living there
14 now that are upset that, that never got done. I
15 thought we could -- I proceeded with getting
16 estimates and cost estimates to finish that work.
17 And then I felt we kind of turn it into a
18 developer's agreement and -- and -- you know, it
19 was a little onerous and unreasonable for what I
20 thought we were trying to do.

17 MR. RICE: We defaulted them --

18 MS. PICKARD: Yes.

19 MR. RICE: -- in 2010 and we
20 took -- so we're holding that cash.

21 MR. McHALE: We're holding that.

22 MR. RICE: Right. So the
23 development agreement talks about -- tell me if I
24 got the improvements right. Wearing course on
25 Crestwood Lane, now Pocono --

25

1 MR. BREND//////////o/N
CARROLL: Yeah,

2 Crestwoods Lane will be the first large yellow.

3 MR. RICE: All right. So the --
4 so you're proposing to do that --

5 MR. BRENDON CARROLL: Correct.

6 MR. RICE: -- is that right?

7 MR. BRENDON CARROLL: Yes.

8 MR. RICE: Wearing course on
9 Road AAA?

10 MR. BRENDON CARROLL: Would be
11 at the bottom of the map in the parking areas, yes.

12 MR. RICE: You're proposing

13 that, wearing course on Road BBB.

14 MR. BRENDON CARROLL: Which is
15 this in the middle.

16 MR. RICE: And then the
17 stabilized stormwater facilities.

18 MR. BRENDON CARROLL: Yes.

19 MR. RICE: So according to this
20 there was an estimate to complete A, B and C, the
21 wearing course, at the time this drafted, it was
22 about \$92,000.

23 MR. BRENDON CARROLL: That's
24 correct.

25 MR. RICE: So that's still a

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1 good number?

2 MR. BRENDON CARROLL: As far as
3 I know. They told me it was still good.

4 MR. RICE: Okay. And --

5 MR. BRENDON CARROLL: I think,
6 Bob, you and I agreed -- I think we rounded it to a
7 hundred just contingency just --

8 MR. McHALE: Yep. There was an
9 additional, I think, \$2600 related to incidental

10 stormwater items.

11 MR. RICE: Right. Yeah, that --
12 that's in here too --

13 MR. McHALE: That's in the
14 92,000 --

15 MR. RICE: -- it's called out as
16 20 -- 2600 for the stormwater facilities, and do
17 they have NPDES permits for all the stormwater
18 that's out there?

19 MR. McHALE: Well, they had at
20 one time a NPDES permit. The five-year time period
21 has lapsed, so they do not have an earth
22 disturbance.

23 MR. RICE: They got to renew it.

24 MR. McHALE: They would have to
25 do that at the point in time that they begin

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1 disturbing the land. But at this point what
2 they're looking to do primarily is just to get the
3 wearing course on and, you know, kind of clean up a
4 couple little spots in the basins and such. So
5 it's not a major earth disturbance that they're

6 looking at doing. All they're looking to do, for
7 the most part, is pretty much pave what's out
8 there.

9 MS. LAMBERTON: Sure. I don't
10 blame you.

11 MR. McHALE: Now, in addition to
12 what's in that original draft development agreement
13 --

14 Brendon, you might want to just
15 kind of point to the board and expand on the units
16 --

17 MR. BRENDON CARROLL: I guess
18 you guys -- you guys --

19 MR. McHALE: -- that were
20 completed. There's five units that were completed.

21 MR. BRENDON CARROLL: There is a
22 building that was probably, I'm gonna say,
23 somewhere around 40 percent complete, it was
24 brought up somewhere -- five units were a shell;
25 siding, windows, roof, probably about halfway

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1 through rough mechanicals. I was approached late
2 in the fall some local fellows had some interest.

3 I was gonna tear it down, but a couple -- a couple
4 guys had some interest in purchasing that. I said,
5 okay, we gave them some guidelines. The goal is to
6 complete it probably by August --

7 MR. RICE: How many units?

8 MR. BRENDON CARROLL: Five.

9 There was five incomplete units that were there.
10 So what I did in the orange, I thought we would add
11 the completion of the paving up to -- just past
12 where -- where those owners would be as part of --
13 part of the original completion of work that we
14 discussed last fall. So that's -- that's denoted
15 in orange on the map that I gave you just --

16 MR. McHALE: And again, for
17 clarification purposes, the subbase, the stone
18 material is already installed for the entire loop
19 of --

20 MR. BRENDON CARROLL: CCC.

21 MR. McHALE: There you go.

22 MR. BRENDON CARROLL: All the
23 roads are in --

24 MR. McHALE: Yeah.

25 MR. BRENDON CARROLL: -- to bri

1 -- you know, pretty much the green.

2 MR. McHALE: It's not like
3 they're gonna be disturbing earth to put in the
4 road. The road is already constructed to grade and
5 the subbase material is installed. What he's
6 looking to do is put on the asphaltic binder and
7 the wearing course in -- in -- only up to that
8 point where the --

9 MR. BRENDON CARROLL: Only up to
10 the --

11 MR. RICE: Right at the rest of
12 the CCs.

13 MR. McHALE: Correct.

14 MR. BRENDON CARROLL: To the
15 orange.

16 MR. McHALE: That's correct.
17 And this is why we want to kind of redefine the
18 terms a little bit within. And he also didn't want
19 to like enter into a full blown agreement that
20 requires him to complete the rest of the
21 improvements in two years, because he doesn't
22 anticipate that they would even do that, that is a
23 trust. But if they do --

24 MR. BRENDON CARROLL: Well, as a
25 trustee, I don't want to bind --

30

1 MR. McHALE: Right.

2 MR. BRENDON CARROLL: I can't
3 bind, I have a fiduciary responsibility to -- I
4 can't do that without a big deal.

5 MR. McHALE: Well, what we did
6 talk about -- yes. And what we did talk about is
7 that if it was written into the -- the agreement,
8 that in the future if the trust or whoever would
9 continue on -- there would be a moratorium on all
10 the units that are not constructed.

11 MR. RICE: Right, right.

12 MR. McHALE: Just as is stated
13 in that development agreement. But then in the
14 future, if they were to decide to, for some reason,
15 move ahead with that, they would come in with
16 either a redefined final plan -- if they change it
17 from town homes to duplexes or whatever the case
18 may be, a new final plan would be required, new
19 development agreement would be required and new
20 financial securities would be required to

21 supplement the remaining that is there after he
22 paves.

23 Is that correct?

24 MR. BRENDON CARROLL: Yeah, I
25 would say that's it.

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1 MR. RICE: So, Brendon, who --
2 you're going to hire -- you're gonna hire somebody
3 to do the paving?

4 MR. BRENDON CARROLL: Yes.
5 Yeah, I have -- we have -- we've submitted, Bob --

6 MR. McHALE: And the township
7 will inspect, they'll also have a construction
8 inspector on-site that's (inaudible) certified and
9 he'll provide his certification and we'll
10 periodically inspect like we normally do.

11 MR. RICE: And then when -- when
12 Bob approves it, they'll be an escrow release --

13 MR. McHALE: Yes.

14 MR. RICE: -- the township will
15 release the money to you, you'll pay your
16 contractor.

17 MR. BRENDON CARROLL: That's
18 right.

19 MR. McHALE: Now, in addition to
20 the 94,000 --

21 Brendon, you might want to point
22 to there.

23 -- the additional paving that
24 they're looking at may run another \$20,000. So the
25 number is gonna be modified, John, in the developer

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1 agreement?

2 MR. BRENDON CARROLL: Yeah,
3 we'll have to -- I'm waiting for requotes.

4 MR. McHALE: He's gonna go out
5 and get another proposal for that piece that was
6 not included in that development agreement that you
7 have in front of you.

8 MR. RICE: Okay. Okay. So
9 that's over the 92?

10 MR. McHALE: Correct.

11 MR. BRENDON CARROLL: This came
12 into being where a discussion with the -- the
13 zoning officer when these guys are getting close to

14 completion and will -- are gonna be looking for a
15 CO and then all of a sudden there seemed to be a
16 stop, there would be no CO without paving. I don't
17 understand, I don't think the paving was ev -- I
18 mean, we sold all these hous -- all those houses
19 were constructed --

20 MR. McHALE: They just had
21 binder on it.

22 MR. BRENDON CARROLL: And so
23 they were sold with gravel in the beginning, but --
24 at some point, so I don't want to hold up this
25 guy's --

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1 MS. LAMBERTON: Right.

2 MR. BRENDON CARROLL: -- you
3 know, I sold it contingent upon the town's
4 approval. I said I don't know what's gonna happen
5 at that time, but -- so since that came about, you
6 know, I think it's right to just do that and get at
7 least that part finished. And then in the green, I
8 thought -- I thought the original agreement that
9 was -- that was provided by Mr. Armstrong was

10 again, restrictive. They said you couldn't do
11 anything even without the NPDES permit.

12 I feel the law still gives us
13 permission to build six or eight units. I said if
14 they would give us permission star -- we may -- I
15 may sell it to our development division, or
16 something like that, for the benefit of the trust,
17 but I may want to test the waters with two units,
18 at least, before the moratorium would start, that
19 way you'd have the opportunity to do that. And in
20 green I put, as a construction cost, the builder,
21 whoever I would require to pave the parking lot
22 because I can't determine that right this second.

23 MR. McHALE: So the moratorium
24 would be on all the remaining units excluding --
25 and where Brendon has the green, those are units

34

1 139 through 143. So in lieu of those town home
2 units, he's proposing two duplex units. Instead of
3 five units, he's saying I'd like to put four in,
4 try to say as close as he can to the footprint of
5 what he has there, but just break it apart into two
6 duplexes. And if he does that, we already have the

7 paving, if the board agrees to extending that in
8 front of the -- the finished out five units.

9 So it just makes that if he can
10 begin to kind of experiment, test the market -- you
11 know, the market with two duplexes. Then if they
12 begin to sell those, he can come back in with a
13 revised final plan, if they want to propose all
14 these other duplexes or whatever the case may be.
15 But up until this point, those duplexes, it was
16 just a concept.

17 Is that --

18 MS. LAMBERTON: I think it
19 seems like a reasonable way to help you along and
20 move your project forward.

21 MR. BRENDON CARROLL: Again, my
22 goal is here really just to finish the uncom --
23 incomplete infrastructure. The road's starting to
24 fall apart and I don't think -- I don't want the
25 trust to be responsible to fix --

35

1 MS. LAMBERTON: The base too.

2 MR. BRENDON CARROLL: -- binder

3 before we, you know --

4 MR. MOYER: Yeah.

5 MS. LAMBERTON: Um-hmm.

6 MR. BRENDON CARROLL: -- if we
7 can get that -- we do have some repairs to do prior
8 to the wear course, but --

9 MR. McHALE: If we move forward
10 with this type of an agreement, then the residents
11 will be very happy that they have a wearing course
12 that's down and finalized. The other thing is, if
13 we minimize or had the moratorium in place for
14 those other units, then Jonathan -- or Jonathan
15 would write an agreement that doesn't leave us
16 exposed for the remaining improvements, that the
17 remaining improvements will be secured financially
18 at the time a new development -- or proposed
19 development comes in or they want to release the
20 moratorium. Would that work out?

21 MR. MOYER: Yeah.

22 MR. RICE: Yeah.

23 MR. BRENDON CARROLL: Yeah, we
24 -- we estimated, I think right now, the bond's
25 probably about 50,000 short depending on how you

1 count.

2 MS. LAMBERTON: Right.

3 MR. BRENDON CARROLL: So we know
4 that going into it, again, nothing's been increased
5 over time so we're here where we are. But at this
6 point, with the NPDES issues and things, there
7 could be several hundred thousand dollars worth,
8 that makes the project not viable at all in this
9 real estate market, so --

10 MR. RICE: So, Bob, if you can
11 just clarify, you know, to us --

12 MR. McHALE: I will do that,
13 I'll put a bullet point, point by point.

14 MR. RICE: -- the units -- or
15 the green units, what numbers are they, the five
16 orange units where the new road's gonna go, and
17 then the ones that are -- nothing's gonna happen
18 with them until there's a new plan that comes in.

19 MR. BRENDON CARROLL: Okay.

20 MR. McHALE: I will do that.

21 MR. RICE: If the board
22 authorizes us to prepare a draft, you know,
23 amendment --

24 MS. PICKARD: I authorize that.

25 MR. RICE: -- a simple draft

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1 amendment --

2 MR. McHALE: Right.

3 MR. RICE: -- to the development
4 agreement.

5 MR. KERRICK: That's your
6 motion?

7 MS. PICKARD: That's my motion.

8 MR. KERRICK: Second.

9 MR. McHALE: And then we would
10 also not --

11 MS. LAMBERTON: We're ahead of
12 you, Bob.

13 I got a motion and a second on
14 the floor.

15 Any questions or comments?

16 MS. PICKARD: Bob's got a
17 comment.

18 MR. McHALE: No, we'll work it
19 -- I'll work with Jon on the details.

20 MS. LAMBERTON: I think you need

21 to give Jon the details.

22 MR. McHALE: It's more details,
23 yeah.

24 MS. LAMBERTON: Yeah. Any
25 questions or comments from the public?

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1 Seeing none. Call the vote.
2 John?

3 MR. KERRICK: In favor.

4 MS. LAMBERTON: Heidi?

5 MS. PICKARD: I vote in favor.

6 MS. LAMBERTON: Donny?

7 MR. MOYER: I vote in favor.

8 MS. LAMBERTON: I'll abstain,
9 because I'm a resident.

10 So the motion carries.

11 MR. BRENDON CARROLL: Thank you
12 very much.

13 MS. LAMBERTON: Thank you. Good
14 luck with that, Brendan.

15 MR. BRENDON CARROLL: Thank you
16 for your time.

17 MS. LAMBERTON: Yeah, thank you

18 for your work on that, Bob.

19 MR. McHALE: You're welcome.

20 Glad to see these move ahead.

21 (Inaudible discussion between
22 board members.)

23 MR. McHALE: This afternoon I
24 was made aware that Kalahari would like to move
25 forward with an additional concept that's in front

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1 of you, that was kind of -- it -- it was already
2 anticipated in this area, the development that I'm
3 pointing to, as a future construction area. And it
4 also anticipated an outdoor rec building of 4,000
5 square feet. Some of this was anticipated in the
6 stormwater management as parking lot lighting. The
7 whole land development portion of it was -- was
8 addressed at that point in time with detention
9 basin 6 on the east side.

10 So what they're looking to do
11 now is what's in front of you. And they're looking
12 to do what was kind of stated there in this
13 section, but they want to kind of reconfigure it a

14 little bit. What was originally anticipated was
15 snowtubing and a ropes course. And now --

16 And, Harry, if I get this
17 incorrect, please correct me as I go.

18 MR. HARRY FORBES: You're doing
19 good.

20 MR. McHALE: The -- this is
21 Kalahari Boulevard and this is an access point that
22 they're proposing, they're showing as Driveway No.
23 2. This is already a part of the original land
24 development, so this is already approved, if you
25 will. And what they're looking to do is instead of

40

1 -- at this point in time, is constructing as a
2 phase, the parking area, they'd like to construct
3 this snowtubing hill. They want to take basin 6
4 and relocate it to the top of the page here and
5 they want to add some parking, which is just to --
6 associate parking to the ropes course, which will
7 be across the Kalahari Boulevard, and they're gonna
8 ask for another entrance and a median break.

9 So the entrance median break
10 will be to support the ropes course and then

7 grading plan, some new stormwater. If there are
8 any utilities that are being relocated at part of
9 this proposed project, then we need a utility plan.
10 If they're no relocations proposed, then there's no
11 point in doing a re -- utility plan.

12 MR. HARRY FORBES: Just -- just
13 for your information, in this area right here where
14 this cut is, this side, some of the water lines and
15 stuff are gonna have to bore under the road to put
16 them on this side over here.

17 MR. McHALE: Okay. Then that
18 type of item could be addressed in the utility plan
19 to address the area specific to what they're
20 proposing related to these -- these two phases.
21 And then the parking with lighting, everything else
22 would be according to the township code. But it --
23 it sort of a -- we don't go back to a full blown
24 land development because all the major items like
25 name, rank and serial number and address and

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1 everything else, all gonna be the same. We just
2 want to look to address the improvements that
3 they're proposing.

1 had pointed out -- and we've had preliminary
2 discussions with conservation district on all this.

3 This retention pond that was
4 over in here will be -- being moved over here,
5 they'll be a million and a half gallon pond with a
6 couple, you'll notice up here, wells that will be
7 drilled to be able to maintain the water that may
8 be needed for making snow in this particular area,
9 along with -- what they may do is end up taking
10 some of that to use it along the boulevard in our
11 sprinkler system, things of that nature.

12 MR. McHALE: So they'd be
13 looking to put like an impervious liner in that --

14 MR. HARRY FORBES: Right.

15 MR. McHALE: -- so any of the
16 stormwater collected --

17 MR. HARRY FORBES: Correct.

18 MR. McHALE: -- would be
19 utilized for the snowmaking process.

20 MR. HARRY FORBES: And this
21 will all be reengineered and being worked on
22 currently to take the piping and all of our
23 stormwater collection off of this particular site.
24 It will come over to basin 5 that's across the

22 things like that for people coming to use this rope
23 course. The parking lot, of course, I think
24 there's 90 spots, or roughly 90 spots over here,
25 which will handle the employee parking that

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1 maintains this along with anybody because they
2 anticipate, besides with the guests, other people
3 coming and using this particular activity. So
4 that's what all that's for right there.

5 This area here with the lodge,
6 besides just beverages and things like that,
7 they're talking about if they did a confidence
8 building course. A lot of corporate executives
9 come and lawyers especially, they bring them down
10 here to teach them confidence.

11 MR. RICE: We don't need conf
12 -- we don't need confidence courses.

13 MR. HARRY FORBES: Well, they'd
14 start out over here and, of course, then we -- they
15 would walk down across here. So that's pretty much
16 what they're proposing at this particular point.
17 This will all take time -- this -- this will go

18 first, this small portion over here, this is be --
19 will be worked on first. And then this will -- of
20 course, with the amount of work that we have to do
21 on this, will come after this.

22 MR. BOB McHALE: And with this
23 plan, should the board decide that everything is
24 acceptable once they get these revised plans into
25 us, then the access points that they're showing and

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1 the pedestrian crossings would all be apart of that
2 approved plan and there would be no need to submit
3 -- like since it's a township road, they would
4 normally sit for a highway occupancy application,
5 they would no longer really need to do that since
6 it's part of the plan.

7 MR. RICE: Question, Bob? On
8 the -- is that the final plan underneath that one,
9 that shows the --

10 MR. McHALE: That's the final
11 -- part of the final plan that was a staging plan
12 to show the phases that they were looking to
13 actually -- sequence in which they were looking to
14 --

15 MR. RICE: What phases is this
16 that we're talking about?

17 MR. McHALE: That was at the
18 end, that they were proposing, so they would update
19 that staging plan for the board as part of this
20 package.

21 MR. RICE: But how -- on the
22 plan that got approved. How is this identified?
23 As a phase?

24 MR. McHALE: It's identified --

25 MR. RICE: -- or just part of

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1 the overall --

2 MR. McHALE: Well, it was
3 actually identified as future construction and then
4 we had a note added that stormwater management at
5 that time would be addressed --

6 MR. RICE: Okay.

7 MR. McHALE: -- should they go
8 ahead and -- and -- and move in that direction.
9 And this was a Stage C, the black portion was part
10 of Stage C --

11 (Inaudible discussion.)

12 MR. McHALE: -- so there's two
13 overlapping stages they were looking at, at that
14 time.

15 MR. RICE: Okay.

16 MR. McHALE: And with the change
17 in the kind of amenities that they want to provide,
18 this would just be modifying that staging plan,
19 plus, as I mentioned, site, grading, utility as --

20 MR. RICE: But there's gonna be
21 a final revised plan filed just for this piece?

22 MR. McHALE: Just for that
23 portion that's being impacted, yes. In addition to
24 the overall staging plan, that would be part of
25 that.

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1 MR. RICE: Yeah. But -- but if
2 I have the approved land development plan and this
3 new plan --

4 MR. McHALE: Right.

5 MR. RICE: -- you know, you're
6 gonna be -- we need to identify from the original
7 final land development plan what we're revising

8 over here.

9 MR. McHALE: Correct, yes.

10 MR. RICE: So, and that's all
11 that's gonna happen? Is there -- is there public
12 improvements or anything else that has to be --

13 MS. LAMBERTON: No.

14 MR. RICE: -- be dealt with?

15 MR. McHALE: No public
16 improvements. They'll be tying into Kalahari
17 Boulevard and we'll -- we'll just need to ensure
18 that, you know, everything as far as lighting,
19 stormwater and all those kind of items are all
20 addressed per the township code. But there is no
21 proposed additional -- there's really no additional
22 traffic because the traffic was all considered in
23 the full blown development as it was originally
24 planned. And there's no additional, really, sewage
25 or anything like that, because that was all, again,

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1 contemplated in the different phases for a full
2 build-out which that's what we're anticipating.

3 MS. PICKARD: What about the

4 road cuts, is there any?

5 MR. McHALE: That -- that will
6 be what they'll address and actually show the --
7 the new road cut -- the original road cut is gonna
8 stay the same. Actually, it's driveway 2 that was
9 anticipated originally to go into parking lots,
10 that were part of one of the phases.

11 MS. PICKARD: I have a hard
12 time flipping.

13 MR. McHALE: And so what we're
14 gonna do is we're gonna add -- or they will add a
15 new driveway, but what is also new are the
16 pedestrian crossings, those will be in.

17 MR. HARRY FORBES: These are the
18 major ones that will need to be addressed and
19 permission to be able to do the cuts.

20 MR. McHALE: Now, Harry, what
21 are you all looking at, as far as timing to get
22 these plans into the board and -- are you looking
23 -- well, just share that with us, 'cause scheduling
24 and timing is always important.

25 MR. HARRY FORBES: I wasn't

1 planning on talking about this until probably a
2 couple hours ago. I didn't know Steve was gonna
3 move this quickly, I thought we'd be at your
4 regular meeting. But they -- this portion here,
5 the rope course they're move on pretty quickly.
6 This will take time because we've got to get it in
7 to conservation and all the engineering and all the
8 water retention has to be done, all the
9 calculations.

10 MR. McHALE: Right. And we'll
11 need copies of that as well.

12 MR. HARRY FORBES: Yeah. You
13 will be part and parcel to all that to a point.
14 This hasn't -- is just now a concept from when we
15 finalized where we want to the buildings and stuff
16 at this particular point.

17 MS. PICKARD: So you're --

18 MR. McHALE: Let me ask you
19 this --

20 I'm sorry.

21 -- are you looking to move ahead
22 with the ropes course as a separate phase that you
23 can submit a plan independent of the overall what
24 you're proposing or are you gonna do it as a
25 package?

1 MR. HARRY FORBES: I think
2 they're gonna try to do it all in one package, Bob.

3 MR. McHALE: Okay.

4 MR. HARRY FORBES: I think Steve
5 was looking to get permission on the road cuts only
6 at this particular point because for us to access
7 this and do the work, we're gonna need this cut in
8 here. We -- they figured they might as well do it
9 all at one time and do these two cuts, because then
10 they're gonna get in here -- Dave's gonna come in
11 and do the parking lot and what's needed here.

12 But all this is supposedly gonna
13 be fast-tracked and given to you. I don't have a
14 time right now. I asked --

15 MR. McHALE: We're ready to
16 look at it whenever you give them to us.

17 MR. HARRY FORBES: Yeah, we're
18 just look -- I think what they were looking for
19 tonight is just these two cuts, the curb cuts.

20 MR. McHALE: Well --

21 MR. RICE: Well, you're looking

22 for a weather forecast tonight, right?

23 MR. HARRY FORBES: Yeah.

24 MR. BOB McHALE: You're looking
25 for the board to say, yes, it looks like a good

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1 concept, is that what I'm hearing? Not that --

2 MR. HARRY FORBES: On that net

3 --

4 MR. RICE: 'Cause there's
5 nothing.

6 MR. HARRY FORBES: -- the rest
7 of the plans would be forthcoming.

8 MR. RICE: Yeah, there's
9 nothing in front of the board to act on, right at
10 this point, other than that?

11 MR. HARRY FORBES: No.

12 MR. RICE: So it's -- you want
13 to see that the board says we like the idea --

14 MR. HARRY FORBES: Yeah.

15 MR. RICE: -- and go for it.

16 MS. LAMBERTON: And then you can
17 just get with Bob for our next meeting and then
18 present --

19 MR. McHALE: But you're not
20 looking to go out there and actually cut into the
21 median and the new driveway access until the plans
22 are submitted and approved by the board?

23 MR. HARRY FORBES: Correct.

24 MS. LAMBERTON: Fair enough? So
25 there's no action, right?

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1 MS. PICKARD: Harry, you said
2 you were moving, is that an existing basin and
3 where is it now that you're moving it there?

4 MR. HARRY FORBES: When you
5 drive up park --

6 Go ahead, Bob, tell them where
7 our famous water area is --

8 MS. PICKARD: That's what I
9 was --

10 MR. HARRY FORBES: -- and when
11 you come on that curb where they have -- this basin
12 sits right there.

13 MR. McHALE: This basin is here
14 and they're actually gonna flip those and relocate

15 them to here.

16 MS. PICKARD: Okay. All right.

17 (Inaudible discussion.)

18 MR. McHALE: The plan it shows
19 there.

20 MS. PICKARD: Okay.

21 MR. HARRY FORBES: So that's
22 being moved and then that'll be (inaudible) also.

23 MS. PICKARD: Okay.

24 MR. HARRY FORBES: So the water
25 will not seep into the ground, we want to retain it

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1 to -- for usage.

2 MS. PICKARD: Okay.

3 MS. LAMBERTON: Okay?

4 MR. McHALE: We have a plan.

5 MS. LAMBERTON: We have a plan.
6 Any other questions or comments?

7 MS. PICKARD: No.

8 MS. LAMBERTON: Questions or
9 comments from the public? No?

10 Okay. We'll move on. Consider
11 resolution --

12 MR. RICE: I think that's the --
13 MR. HARRY FORBES: Thank you.
14 MR. RICE: -- positive.
15 MS. LAMBERTON: It sounds like
16 we have a consensus that it's a good idea.
17 MS. PICKARD: Yeah.
18 MS. LAMBERTON: I can't comment
19 on it --
20 MR. MOYER: Yeah, yeah, go.
21 MS. LAMBERTON: -- I'll have to
22 abstain.
23 MS. PICKARD: Yeah, no, I'm
24 fine.
25 MR. MOYER: Do you need to --

55

1 MS. PICKARD: Are we gonna get a
2 -- something more definite for next week or no?
3 MS. LAMBERTON: That's up to
4 you.
5 MR. HARRY FORBES: I'm hoping
6 to. Heidi, I'm not sure, it really depends on -- I
7 haven't to talked to Chad, the attorney -- or the

8 move from attorneys to engineers now, in trying to
9 get this fast-tracked.

10 MS. PICKARD: Do the engineers
11 make the rope course or do they take the rope
12 course to get more com --

13 MR. HARRY FORBES: Well, the
14 supervisors have to do the rope course first --

15 MS. PICKARD: Okay.

16 MR. HARRY FORBES: -- you know,
17 and you got to pass it.

18 MS. LAMBERTON: Oh, boy.

19 MS. PICKARD: They don't need
20 the confidence like the attorneys do, is what I was
21 trying to say.

22 MS. LAMBERTON: Okay. Are we
23 good?

24 MR. MOYER: Yep.

25 MS. LAMBERTON: Moving on.

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1 Consider Resolution No. 2016 dash 014, creating the
2 sign regulation zoning ordinance amendment advisory
3 committee.

4 MS. PICKARD: We have to fill

5 in the blanks?

6 MS. LAMBERTON: Well,
7 actually -- I actually had a question when I read
8 this. I think we should remove that they have to
9 be taxpayers. Just because of some of the comment
10 letters that we have received.

11 We received from your board of
12 governors or it might've been your general manager,
13 I forget who did. Did Robert send it or
14 somebody --

15 Did you send that, Mike
16 Christian?

17 MR. MIKE CHRISTIAN: Wendi?

18 MS. LAMBERTON: Yeah, for Wendi
19 to be able to speak on behalf? And I also talked
20 to some folks from Locust Lake Village and they
21 thought, well, maybe Dan would be a spokesperson.
22 So I think if we remove the taxpayer, you could
23 represent your entire community and that's just my
24 thought.

25 MS. PICKARD: But I thought --

1 well --

2 MS. LAMBERTON: Because she's
3 representing all the taxpayers that are --

4 MS. PICKARD: She's paying LST
5 taxes and she's paying earned income tax which may
6 or not go to a municipality other than us. But I
7 thought we were kind of --

8 MS. LAMBERTON: Well, I just
9 think that way we can enable their staff to speak
10 on behalf of an entire community. It was just a
11 thought I had. I don't know what the rest of the
12 board --

13 MS. PICKARD: Yeah. No, I'm
14 not really opposed to that --

15 MR. MOYER: I'm all right with
16 that.

17 MS. PICKARD: -- but Dan didn't
18 put in a -- a letter either, but you meant Dan.

19 MR. MOYER: He might've thought
20 he couldn't.

21 MS. LAMBERTON: Yeah, he
22 actually -- I spoke with him, he was going to too,
23 to speak on behalf of Locust Lake Village, so I'll
24 reach out to him too.

25 MS. PICKARD: Well, and as I

1 said before, I just think we should let everybody
2 be on it and my concern was that we limit the --
3 the time to like three months, because we could do
4 this quicker ourselves if we -- we don't want this
5 hanging on. I don't know what your purpose here --
6 it says about the term, but I think we want to get
7 this done. Isn't that our goal, to get this done,
8 not to have it --

9 MS. LAMBERTON: I think the goal
10 is to --

11 MS. PICKARD: -- for six months
12 to a year?

13 MS. LAMBERTON: -- see -- what
14 I listened to at our last meeting, the goal is to
15 see what folks in the community would like to see
16 as far as signage because we have to look to the
17 future and that was a big concern.

18 MS. PICKARD: And I understand
19 that, but we don't want this to be a two-year
20 project or a year project, we want to get something
21 done.

22 MS. LAMBERTON: We had them for

23 how many years?

24 MR. McHALE: Well, my
25 understanding too is that we were not just gonna

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1 look at one aspect of signage, but it was gonna be
2 a total revamp --

3 MS. PICKARD: The whole sign
4 ordinance.

5 MR. McHALE: -- of the sign
6 ordinance.

7 MS. PICKARD: Yes.

8 MR. McHALE: Want to make sure
9 I was clear.

10 MS. LAMBERTON: So I mean, these
11 -- these are folks that are gonna be donating their
12 time too. And I don't think you want a committee
13 of 10 or 12 people, I think you want 5 or 6 or 7,
14 you gotta keep it smaller or else you'll be --

15 MR. MOYER: Dragging --

16 MS. LAMBERTON: -- not
17 accomplishing --

18 MS. PICKARD: Well, I think

19 we're all gonna be here and we're all gonna hash it
20 out and every other sign committee we had did not
21 function and did not do what it's gonna do and I
22 don't expect this to be any different, but that's
23 --

24 MS. LAMBERTON: Then you know
25 what I'd like to say --

60

1 MS. PICKARD: -- here nor there.

2 MS. LAMBERTON: -- let's --
3 let's do --

4 MR. KERRICK: Let's be
5 positive.

6 MR. MOYER: Yeah.

7 MR. KERRICK: But you know,
8 there's some people that -- that submitted letters
9 that I don't know, could we interview them?

10 MS. LAMBERTON: Oh, I think
11 that's a great idea.

12 MR. KERRICK: And each of us ask
13 a couple questions?

14 MS. LAMBERTON: I think that's a
15 great idea.

16 MR. KERRICK: I really don't
17 know, there's some people --
18 Pardon me?
19 I don't know who they are.
20 MS. PICKARD: Yeah, well --
21 MR. MOYER: I'm okay with that.
22 MS. LAMBERTON: Let's do that.
23 Let's do that. That's what we'll do. Why don't we
24 --
25 MS. PICKARD: When are we gonna

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1 do that?
2 MS. LAMBERTON: Do we have all
3 of the names?
4 MR. KERRICK: Maybe before the
5 meeting next week.
6 MS. LAMBERTON: And all I got
7 was like name and email address in a list --
8 MR. MOYER: Yeah, before or
9 after our next meeting, whatever.
10 MS. LAMBERTON: -- which I know
11 is all you received, Bob, which is fine. Could we

12 --

13 MR. McHALE: Right. Well,
14 there are some -- there are actually some letters
15 that were drafted, there was emails that were
16 forwarded to us and that's a compilation of what
17 you have, is letters of interest, if you will --

18 MS. LAMBERTON: Okay. Sure.

19 MR. McHALE: -- from each of
20 these folks and that was kind of like the final
21 list at the time we sent it out to the board.

22 MS. PICKARD: Well, what John --

23 MS. LAMBERTON: Might I suggest

24 --

25 MR. MOYER: Yeah, that was --

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1 MS. LAMBERTON: -- what don't we

2 --

3 I like that idea, John Kerrick.

4 I don't know, does -- do you --

5 MR. MOYER: Yeah.

6 MS. LAMBERTON: Are you okay

7 with interviews?

8 MR. MOYER: I'm good with that,

9 yeah.

10 MS. PICKARD: Well, it depends
11 when the time is and this is ridiculous.

12 MS. LAMBERTON: Well, that's why
13 I say maybe, Bob, you could have the girls put
14 together a mass email with all of our letter of
15 interest candidates and ask them to give us maybe
16 three days in the next week or so that they be
17 available and we'll come in at like a 15 minute
18 slot, we ask a couple questions and we just keep
19 like a little scorecard and see how everyb -- and
20 that's the fairest way to do it.

21 MR. MOYER: Yeah, that's how we
22 did it with the police.

23 MR. McHALE: Okay. So you
24 wanna do that like individually or do you wanna do
25 it at a work session or --

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1 MS. LAMBERTON: No. I think we
2 should do it separate, it just --

3 MS. PICKARD: Well, it has to be
4 a public meeting.

5 MR. McHALE: The interviews are
6 just for questions, right?

7 MR. KERRICK: If we're gonna
8 ask the candidate the same question, they should --
9 it should be just that person.

10 MS. PICKARD: Well, then we do
11 it public and they'd have to sit in the other room
12 --

13 MR. KERRICK: I don't care if
14 the public's here, but the candidates should be --
15 each person, we ask the same question of each
16 one --

17 MS. LAMBERTON: Right.

18 MR. KERRICK: -- and we score
19 it.

20 MS. LAMBERTON: Okay. I like
21 it.

22 MS. PICKARD: Right. But I
23 think what Jonathan Reiss said that we needed to
24 have the fill in the blanks so we could approve
25 this resolution next week.

1 MS. LAMBERTON: Okay. Well --

2 MS. PICKARD: I mean, that was
3 what he wanted, nobody got back to him with the
4 blanks. And again, so you say however many you
5 want, I was just trying to not exclude anybody by
6 saying there was only 10 applicants. But I still
7 say I was putting three to six months for this and
8 -- because I don't think that we should be --

9 MR. KERRICK: I like three
10 months.

11 MS. PICKARD: -- making this
12 last forever.

13 MR. KERRICK: Let's get it done.

14 MS. PICKARD: I mean, we want to
15 get it done, that's my concern is. The whole point
16 was, we were supposed to get this done this summer
17 and now we're just --

18 MR. McHALE: We've got basically
19 two, four, six, eight, ten folks that submitted
20 these letters of interest. What time period do you
21 all want to conduct these interviews? Like three
22 until five on Thursday and Friday of this week or
23 --

24 MS. LAMBERTON: Well, if folks
25 are working, though.

1 MR. KERRICK: See if we can do
2 it before our meeting next week, next Monday.

3 MR. MOYER: Yeah.

4 MR. McHALE: Okay. So --

5 MS. LAMBERTON: So maybe like
6 from five to seven.

7 MR. McHALE: Five to seven.

8 MR. MOYER: Yeah.

9 MS. LAMBERTON: And that give
10 folks a chance to do their workday. Is that okay
11 --

12 MR. KERRICK: It's not gonna
13 take long.

14 MS. LAMBERTON: No, it won't
15 take long.

16 MR. McHALE: We'll open up that
17 five to seven with slots --

18 MS. LAMBERTON: Yes.

19 MR. MOYER: Yeah.

20 MR. McHALE: -- with 15 minutes
21 each and then --

22 MR. MOYER: That's perfect.

23 MR. McHALE: -- that would work.

24 MS. PICKARD: Okay.

25 MR. McHALE: And if we -- if we

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1 can't get all the interviews in because of

2 conflicts of time --

3 MS. LAMBERTON: We'll stay

4 later.

5 MR. McHALE: We can do it after

6 the meeting.

7 MR. MOYER: Yeah.

8 MR. McHALE: So we'll send out a

9 mailing to these folks --

10 MS. LAMBERTON: That'd be great.

11 Thank you.

12 MR. McHALE: -- with that.

13 MR. MOYER: Well, let's see. It

14 shouldn't even take 15 minutes, it's a couple

15 questions.

16 MR. RICE: Right. Are you gonna

17 fill the blanks in tonight and adopt this?

18 MS. LAMBERTON: Sure. Does

19 that make sense to you?

20 MR. KERRICK: I don't want to
21 commit to a five or six person --

22 MS. LAMBERTON: Oh, okay.

23 MR. KERRICK: -- I kinda wanna
24 wait and see what --

25 MS. PICKARD: Yeah, me too.

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1 MR. KERRICK: -- at least -- and
2 maybe we'll like all 10, I don't know.

3 MS. LAMBERTON: Yeah.

4 MR. KERRICK: I don't want to
5 comment tonight because there's three or four that
6 I -- I don't know who they are.

7 MR. RICE: So you want to
8 interview?

9 MR. KERRICK: Well, I'd like to
10 talk -- I'd like to at least meet them.

11 MR. RICE: Well, this is only
12 setting the number that you want. Do you want a
13 big number? Do you want five? Do you want seven?
14 Do you want nine? Do you want ten? In Paragraph
15 1.

16 MS. LAMBERTON: I like seven.

17 MR. McHALE: You know, keep in
18 mind too at the meeting we're also gonna have some
19 staff members there. I was sort of volunteered, I
20 guess, to be there, our zoning officer and I think
21 planning commission chair.

22 Is that the way it's written,
23 John? I'm sorry. I think it was written --

24 MR. MOYER: Yeah, it said that.

25 MR. RICE: Yeah.

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1 MR. McHALE: We're gonna be a
2 supporting role kind of on the outside of the
3 committee and only as-needed basis to discuss
4 items.

5 MS. PICKARD: But I think then
6 we have a concern about how many we want then from
7 business and how many we want residents and large
8 business and small business, so --

9 MS. LAMBERTON: In my mind, when
10 I first thought of this, I thought there was gonna
11 be seven people; there should be four residential
12 and three business, because you have more

13 communities that I'm sure would like to be heard
14 from and then the business has to have a say as
15 well. So if you had four folks from a residential,
16 three from business, I think it would even your
17 board out. That's just my opinion.

18 Ed?

19 MR. ED TUTRONE: Why would you
20 have more residential than business, since the
21 business are the ones that are looking for the
22 signs?

23 MS. PICKARD: Because we have
24 more residences in -- I think that's fair and I
25 think -- but I think we need to have the different,

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1 so -- it's -- it's up we -- I don't know.

2 MR. HARRY FORBES: Your
3 residents could wear two hats too --

4 MS. PICKARD: I don't really
5 care, it's all like a waste of time.

6 MR. HARRY FORBES: -- really,
7 to be very honest with you. Put up to, make your
8 ordinance up to, that way it gives you the

9 flexibility.

10 MS. PICKARD: Yeah, that makes
11 sense. I like that.

12 MR. ED TUTRONE: I just don't
13 think it's fair to the business owner who's trying
14 to get the sign.

15 MS. PICKARD: I'd like to see
16 who applied because we have a list of people who
17 applied and how many of them are residents and how
18 many of them are businesses? We only have -- we
19 have a list of 10 people that filled this out.

20 MR. McHALE: This committee
21 will be -- once they get this draft kind of
22 completed, we'd forward it to the planning
23 commission, then the planning commission would look
24 at it and forward comments also to the board.

25 Is that correct? Am I

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1 understanding it?

2 MS. LAMBERTON: That's my --
3 that was my thought process.

4 MR. McHALE: So in addition to
5 the four residents and three business owners that

6 you're speaking to, we're also gonna have a panel
7 of five planning commission members of varied
8 backgrounds that are also gonna be providing input.
9 So I'm just throwing that out as a thought.

10 MS. LAMBERTON: Well, we can do
11 four and four, just had that seven in my --

12 MR. MOYER: Make it even.

13 MS. LAMBERTON: Make it even.
14 We'll do four and four up to eight.

15 MR. BRENDON CARROLL: Who
16 breaks the tie?

17 MR. JOSEPH COLYER: Nine. Just
18 a recommendation.

19 MS. LAMBERTON: It's just a
20 recommendation.

21 I'm sorry, Troy?

22 MR. TROY COUNTERMAN: I think
23 you should have someone on there that's neutral,
24 someone that doesn't live in the development and
25 someone that's not a business owner.

1 MS. LAMBERTON: No, it's

2 residential in general. So if you're a resident --

3 MR. TROY COUNTERMAN: We already
4 know from the meeting a couple --

5 MS. PICKARD: Yeah, but I hear
6 what he's saying.

7 MR. TROY COUNTERMAN: -- weeks
8 ago, the people in the developments don't want it.
9 From what I saw in the room, it was kind of stacked
10 in the residents' favor, so maybe someone that's
11 not in a development, but still lives in the
12 township, not a resident, can see a couple
13 different sides not just one or the other.

14 MR. McHALE: Could I throw one
15 thing out real quick?

16 MS. LAMBERTON: Go right ahead.

17 MR. McHALE: Troy, I think we
18 have a person sitting here today that probably kind
19 of fulfills that role. Mike, I spoke to him a
20 couple of times and I think, even though he lives
21 in a development, would sort of represent a
22 development if he was chosen, I think he's got a
23 way of looking at things that would bring kind of a
24 neutrality to it and offer that to the group. So
25 I'm just throwing that out, maybe Mike's the guy.

1 MR. TROY COUNTERMAN: That's
2 all I'm asking --

3 MR. McHALE: So maybe he would
4 be that --

5 MR. TROY COUNTERMAN: -- maybe
6 someone that's neutral --

7 MS. LAMBERTON: And I think
8 that's the purpose of the interviewing, so I
9 respect that comment. But I think we can get a
10 sense of where people's mindsets are at if we put
11 together a couple of very good questions on what to
12 ask. But thank you, I do understand what you're
13 saying. Thank you for your comment.

14 MR. KERRICK: We should have a
15 committee on utility poles.

16 MR. JOSEPH COLYER: Utility
17 poles, them ugly poles on 940, them things are
18 hideous.

19 MS. LAMBERTON: That was awful,
20 isn't it?

21 MR. KERRICK: That is awful.

22 MR. JOSEPH COLYER: They ruined
23 the Twin Lakes.

24 MS. LAMBERTON: One battle at a
25 time. Okay.

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1 So what's the consensus here?
2 So I would like to get rid of the taxpayer just to
3 open it up for folks that could represent an entire
4 community that do not reside or pay tax here.

5 MR. RICE: Can I just ask a
6 question?

7 MS. LAMBERTON: Sure.

8 MR. RICE: If you're -- if
9 they're not gonna be taxpayers, then what are the
10 qualifications to be appointed? Can I -- if I live
11 in New York City, can I apply for this position? I
12 mean, why don't you -- I would suggest residents or
13 taxpayers, I mean --

14 MS. PICKARD: I agree. I just
15 --

16 MR. RICE: You know, you got to
17 have some qualification, right?

18 MS. LAMBERTON: Right.

19 MR. KERRICK: What if they

20 represent --

21 MR. MOYER: Or a state --

22 MS. LAMBERTON: But if they
23 represent a community that is 2,000 taxpayers --

24 MS. PICKARD: We still have
25 people that represent that community any way, so --

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1 MR. BRENDON CARROLL: It didn't
2 say Tobyhanna Township taxpayer.

3 MR. RICE: But then they're a
4 taxpayer.

5 MS. LAMBERTON: No, it says of
6 the township.

7 MS. PICKARD: I don't know.
8 This is just a waste of our time. We're always
9 trying to make something fit somebody's --

10 MS. LAMBERTON: Okay. So then
11 we'll keep the taxpayer in.

12 MR. MIKE CHRISTIAN: And you
13 would therefore include someone who works here as a
14 taxpayer because they pay the earned income?

15 MR. McHALE: Right.

16 MS. LAMBERTON: Okay. Okay.

17 Each member --

18 MS. PICKARD: Eddie's got his
19 hand up.

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

21 MR. ED TUTRONE: If you're
22 talking about eight already and you only had ten
23 people apply, why not just put the ten on and
24 interview and talk to them.

25 MS. PICKARD: That's what I

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1 said.

2 MS. LAMBERTON: I just -- I'm
3 telling you, I've been on committees and when it
4 gets more than five or six people --

5 MS. PICKARD: It doesn't
6 matter, it's open to the public, we're all gonna be
7 here anyway. I'm coming.

8 MR. ED TUTRONE: You're only --
9 you're only gonna eliminate two positions, it's
10 making your life a lot easier.

11 MS. PICKARD: We should just do
12 this at the meeting, have a special work session

13 and have -- all the people will show up. I don't
14 know why we're wasting our time forming a
15 committee. We just need to get on with it and do
16 it.

17 MR. KERRICK: You hungry?

18 MS. PICKARD: No, I ate before I
19 came.

20 MR. KERRICK: You seem a little
21 cranky.

22 MR. MOYER: Have a Snickers.

23 MS. LAMBERTON: Okay. Are we
24 moving forward with this committee?

25 MR. JOSEPH COLYER: Yes.

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1 MS. LAMBERTON: I think we are.

2 MR. MOYER: Yeah.

3 MS. LAMBERTON: So each member
4 shall be pointed by the board for a how many month
5 term? Can we agree on that?

6 MS. PICKARD: I just want to
7 make it short so it gets done and doesn't languish.
8 I'd say three to six months is my feeling. I think
9 three would be plenty --

10 MS. LAMBERTON: Not to exceed
11 six.

12 MR. McHALE: The reality is that
13 --

14 MR. MOYER: It's gonna take what
15 it takes.

16 MR. McHALE: -- when you get
17 into something like this, there is so many details
18 and Jon knows that --

19 MR. RICE: Six months would be
20 what I would say.

21 MS. LAMBERTON: Six months it
22 is, okay.

23 MS. PICKARD: If they can't get
24 it done in six months, we'll do it without them.

25 MR. RICE: Committee expires

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1 after six months.

2 MS. PICKARD: Exactly.

3 MR. RICE: They know the death
4 penalty is hanging.

5 MS. LAMBERTON: They might want

6 it to expire. The committee at its first meeting
7 -- they'll do that. However, the committee shall
8 meet at least how many times in the blank month,
9 you can fill the six in. How many times do you
10 want them to meet? I think we should let that up
11 to them.

12 MS. PICKARD: Monthly, they
13 should meet monthly.

14 MR. RICE: So six --

15 MR. McHALE: As determined by
16 the advisory committee.

17 MS. LAMBERTON: As determined by
18 the committee.

19 MR. MOYER: Yeah. They might
20 want to meet twice a month to get it done.

21 MS. LAMBERTON: So a quorum
22 shall consist of -- so are we talking seven people?
23 I like seven, I'm going back to seven, that's my
24 number and I'm sticking to it.

25 MR. MOYER: I'm all right with

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1 that.

2 MS. LAMBERTON: You okay with

3 that?

4 MR. TROY COUNTERMAN: 51 percent
5 or more.

6 MR. RICE: A quorum is four out
7 of seven.

8 MR. TROY COUNTERMAN: If you go
9 with seven.

10 MS. LAMBERTON: So we need four.
11 Okay. Four members. I was just trying to get a
12 consensus on the seven, that's what I was working
13 on. Nobody's working with me here, Troy.

14 MR. MOYER: Go ahead.

15 MS. LAMBERTON: Okay. Seven it
16 is. The committee shall report to the board of
17 supervisors at a minimum of?

18 MR. McHALE: Once a month.

19 MS. LAMBERTON: Monthly.

20 MR. HARRY FORBES: You want to
21 hold them to progress.

22 MS. LAMBERTON: Right. Six
23 times within the six months. Okay. I think those
24 are our blanks.

25 Okay, John.

1 MR. HARRY FORBES: If I may, I'm
2 sorry. I'm speaking out of turn.

3 MS. LAMBERTON: It's okay,
4 Harry. Go ahead.

5 MR. HARRY FORBES: Where did you
6 go with -- using an example, when I submitted a
7 rÈsumÈ -- or a request as of representative of a
8 business?

9 MS. LAMBERTON: Well, you work
10 in Tobyhanna Township; therefore you pay a one
11 percent earned income tax.

12 MR. HARRY FORBES: I don't, they
13 do.

14 MS. LAMBERTON: Well, it's out
15 of your paycheck. It's because of you that that's
16 paid, so that's what I'm understanding creates the
17 taxpayer. So that would include you.

18 Okay? Are we good?

19 So I'll entertain a motion to
20 consider Resolution 2016 dash 014, creating the
21 sign regulation zoning ordinance amendment advisory
22 committee with the changes as discussed.

23 MR. MOYER: So moved.

24 MS. LAMBERTON: I have a motion.

25 MR. KERRICK: Second.

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1 MS. LAMBERTON: And a second.

2 Any questions or comments from

3 the board?

4 Questions or comments from the

5 public?

6 Brendan?

7 MR. BRENDON CARROLL: I have a

8 comment.

9 MS. LAMBERTON: Please.

10 MR. BRENDON CARROLL: Thank you

11 for taking the time to throttle back this --

12 MS. LAMBERTON: Thanks.

13 MR. BRENDON CARROLL: -- and

14 listen to input and I think it -- I know committees

15 are hard, but I think it's an important issue --

16 MS. LAMBERTON: I do too.

17 MR. BRENDON CARROLL: I know

18 timing is frustrating, but I think it's a big thing

19 that taking a little bit more time to do the right

20 thing and get everybody's -- makes for a positive

21 --

22 MR. MOYER: Make it right.

23 MR. BRENDAN CARROLL: Make it
24 right, too. Thank you for taking time to do that.

25 MS. LAMBERTON: Well, thank

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1 you, I appreciate that. We appreciate that.

2 MR. MIKE CHRISTIAN: I second
3 that, I agree.

4 MS. LAMBERTON: Very good.

5 Call the vote. John?

6 MR. KERRICK: In favor.

7 MS. LAMBERTON: Heidi?

8 MS. PICKARD: I'm opposed.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: I vote in favor.

11 MS. LAMBERTON: I vote in
12 favor. Motion carries.

13 Sign regulation zoning ordinance
14 advisory committee appointments, which we will
15 table until we have our interviews or whatever
16 we're going to call them.

17 Pinecrest phrases we took care
18 of, phase 5 and 6 development agreement. Act 16 of
19 2016, medical marijuana law as it relates to the
20 municipalities. I know you have --

21 MR. RICE: I have the memo from
22 our office that actually Steve Cramer from our
23 office put together. I guess from -- from the
24 township's point of view, this act went into effect
25 in May. Department of Health is putting

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1 regulations, implementing it, I guess, statewide.

2 They have six months to do that.

3 They're gonna have, Department
4 of Health, State Department of Health is gonna have
5 exclusive jurisdiction. There's some reference in
6 the act of zoning, but I think from Tobyhanna's
7 point of view, you would treat this like any other
8 type of manufacturer or medical office or retail
9 store. You know, I'm not sure what this is gonna
10 look like until the Department of Health puts the
11 regs together and people try to comply with it.
12 It's an agriculture use to some extent.

13 MS. LAMBERTON: Yeah. Do I

14 understand it correctly is that we are actually
15 trying to dictate in a zoning district where it can
16 be grown for medicinal purposes, is that --

17 MS. PICKARD: Or a dispensary.

18 MR. MOYER: Not just grown --
19 yeah, dispensary.

20 MR. RICE: Yeah, you -- you
21 could -- you could do that. You could put some
22 locational restrictions, you know, on it. You
23 know, but they're -- if you do nothing, they are
24 still gonna be subject to your current zoning. I
25 mean, it's -- it's a -- you know, the growing and

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1 sale of any other product, whatever you have on the
2 books.

3 Now, I guess the question is, do
4 you want to, you know, put some specific locational
5 restrictions? It's only permitted in a certain
6 zoning district, it's not permitted within quarter
7 mile of a school. It's not -- you know, something
8 like that, if you think there's a need to put that
9 kind of restriction in there.

10 MR. MOYER: Well, I think we
11 should wait and see what they come out with. Once
12 they come out with it, they might have all that in
13 there too, I don't know.

14 MR. RICE: Yeah. I --

15 MS. PICKARD: I think we should
16 have a committee.

17 MR. RICE: You're in charge,
18 Heidi.

19 MS. PICKARD: Is this gonna be
20 like the methadone clinics or whatever --

21 MR. RICE: No.

22 MR. BRENDON CARROLL: No.

23 MS. PICKARD: -- where you're
24 gonna be --

25 (Inaudible discussion.)

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1 MR. McHALE: They'll be draft
2 regulations there --

3 THE REPORTER: Okay. Sorry, one
4 --

5 MS. LAMBERTON: One at a time.
6 One at a time.

7 MR. RICE: I think we need to
8 see what the Department of Health is gonna do
9 because if you jump in and try to make amendments
10 to your zoning, they adopt some rules which maybe
11 are inconsistent, so you have this, it's
12 informational at this point, I think.

13 MR. MOYER: Let's just wait.

14 MR. RICE: You know, there are
15 some restrictions in here about public officials
16 cannot have an interest in the medical marijuana
17 organization. So that's -- I don't know why that's
18 in here, I guess it's to keep our politicians from
19 dabbling in this field, I don't know.

20 MR. MOYER: So no committee.

21 MR. RICE: Or at least having a
22 financial interest.

23 MS. LAMBERTON: Okay.

24 MR. RICE: So I don't think
25 there's any action on this.

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1 MS. LAMBERTON: Your office will
2 keep us posted.

3 MR. RICE: Yep.

4 MS. LAMBERTON: Very good.

5 Township manager, request for
6 proposals. I see that the advertisement just went
7 out, so I guess we'll -- as they come in, I had
8 just mentioned to Bob if he could forward whatever
9 companies answer the add for the search and then we
10 can move forward at our next meeting.

11 MS. PICKARD: We did get a
12 rÈsumÈ in, should we just be holding that --

13 MS. LAMBERTON: I think we
14 should just hold that.

15 MR. McHALE: Yes, because --

16 MS. PICKARD: -- and forward
17 them to the search committee?

18 MR. McHALE: -- they should be
19 going through that, whoever we select --

20 MS. PICKARD: Search committee,
21 yeah.

22 MR. McHALE: -- as your final
23 search committee -- search firm, then they should
24 be working with them.

25 MS. LAMBERTON: Yes, yes. And

1 along with that, it's been brought to my attention
2 we should review the manager's policy. It's not
3 normal for --

4 MR. RICE: The ordinance.

5 MS. LAMBERTON: The ordinance,
6 I apologize. The ordinance, the way we have it
7 written, it should be looked at. So I would
8 suggest maybe --

9 MR. RICE: Little explanation.
10 I mean, I think four or five years ago Second Class
11 Township Code got amended to, for the first time,
12 permit an employment agreement to be entered into
13 for a manager. There was, you know, lawsuits and
14 other things that happened. There were long-term
15 employment agreements, you know, which in some
16 cases were found to be illegal because it bound the
17 township beyond the term of office that you all
18 have.

19 So you can only -- you can --
20 now it specifically says you can enter into an
21 employment agreement for two years. And in an
22 employment agreement you typically, you know,
23 negotiate the salary, the benefits, do I get a car,
24 do I get a cell phone, do I get a vehicle, you

25 know, do I get severance, do I -- you know, that

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1 type of thing.

2 Your ordinance has some
3 severance provisions which should be not in the
4 ordinance, it should -- and some other provisions
5 which should be something you negotiate with the
6 candidate that you want to hire, instead of being
7 locked into something --

8 MR. MOYER: Right.

9 MR. RICE: -- you don't have to
10 be locked into. I don't know, I think it's been on
11 the books for a long time.

12 MS. PICKARD: Um-hmm.

13 MR. McHALE: Is this something
14 you should prepare, maybe a draft and present to
15 the board to get adopted before --

16 MR. RICE: Yes, yeah.

17 MR. McHALE: -- you move forward
18 with it?

19 MR. RICE: In fact I -- if the
20 board wants to authorize us --

21 MS. PICKARD: Yes.
22 MR. MOYER: Yeah.
23 MR. RICE: -- to do that, we've
24 already looked at it and it was a little -- on some
25 of the things, are a little unusual. There're

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1 benefits that you don't need to put in the
2 ordinance.

3 MR. MOYER: Yeah, exactly.

4 MR. RICE: You know, you
5 negotiate them.

6 MR. MOYER: Yeah. Why -- why
7 put it in there and give it away if you don't have
8 to?

9 MS. PICKARD: Do you need a
10 motion to authorize --

11 MR. RICE: Authorize us to draft
12 --

13 MS. PICKARD: -- Grim, Biehn and
14 Thatcher to draft the --

15 MR. RICE: An amendment.

16 MS. LAMBERTON: Is that a
17 motion?

18 MS. PICKARD: -- amendment to
19 the --

20 Yeah.

21 MR. MOYER: So moved, yeah.

22 MS. LAMBERTON: And I have a
23 second. Motion and second.

24 Any questions or comments from
25 the board?

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1 Questions or comments from the
2 public?

3 Seeing none. Call the vote.

4 John?

5 MR. KERRICK: In favor.

6 MS. LAMBERTON: Heidi?

7 MS. PICKARD: Vote in favor.

8 MS. LAMBERTON: Donny?

9 MR. MOYER: I vote in favor.

10 MS. LAMBERTON: I vote in favor.

11 Motion carries.

12 MR. McHALE: While we're doing
13 that --

14 MS. LAMBERTON: Yes.

15 MR. McHALE: -- can I add
16 another item? Could we also authorize John Rice to
17 go ahead with this Religious Land Use and
18 Institutionalized Persons Act that was --

19 MR. MOYER: Yeah.

20 MS. PICKARD: RLUIPA?

21 MR. McHALE: -- to put together
22 a draft that could be presented to the board also
23 to amend our ordinance to take this into account?

24 MR. MOYER: Yeah.

25 MR. RICE: Did you send me that,

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1 Bob, I -- I mean, I have a little bit -- well,
2 there's a federal act, which is RLUIPA, and there's
3 also a state act which is almost identical to the
4 federal act. And this was actually adopted, signed
5 in law by President Clinton and it's been litigated
6 a lot in federal court. And I've had two cases
7 that I actually -- I haven't had any -- five or six
8 years ago, we had a couple different cases.

9 But it gives churches, religious
10 organizations and things that they may want to do

11 other than build a church; soup kitchens in the
12 cities, things like that, any type of religion, it
13 gives them some special status under your zoning
14 ordinance. So I'm not sure --

15 Bob, I'll take a look at this,
16 but, I mean, I'm very familiar with RLUIPA because
17 when it was signed -- and there's the state act
18 called the Pennsylvania Religious Freedom Act, it's
19 very similar to the federal act, sort of says the
20 same thing. It requires you -- the way I look at
21 this is it requires an accomodation, sort of like
22 the ADA. You have to -- you know, there's
23 accommodations you have to give people.

24 MR. MOYER: Yeah.

25 MR. RICE: That's what this

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1 does. So I'm not sure you need to do a whole lot
2 in your zoning ordinance.

3 MS. LAMBERTON: Okay.

4 MR. RICE: You just need to be
5 aware of it this, but --

6 MS. LAMBERTON: So we'll

7 entertain a motion to let Grim, Biehn and
8 Thatcher --

9 MS. PICKARD: So moved.

10 MR. MOYER: Review it and if
11 there's anything --

12 MR. RICE: Make a
13 recommendation.

14 MS. PICKARD: So moved.

15 MS. LAMBERTON: I have a motion.

16 MR. MOYER: Second.

17 MS. LAMBERTON: Motion and a
18 second.

19 Questions or comments from the
20 board?

21 Questions or comments from the
22 public?

23 Seeing none.

24 John?

25 MR. KERRICK: In favor.

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1 MS. LAMBERTON: Heidi?

2 MS. PICKARD: I vote in favor.

3 MS. LAMBERTON: Donny?

4 MR. MOYER: I vote in favor.

5 MS. LAMBERTON: I vote in

6 favor. Motion carries.

7 Bob, anything else?

8 MR. McHALE: Last item I think

9 was just to make some formal action on the

10 unemployment --

11 MS. LAMBERTON: Yes.

12 MR. McHALE: -- item,

13 compensation.

14 MS. LAMBERTON: I will

15 entertain a motion to approve the unemployment

16 compensation for Phyllis Haase.

17 MS. PICKARD: So moved.

18 MR. KERRICK: Second.

19 MS. LAMBERTON: Motion and a

20 second.

21 Questions or comments from the

22 board?

23 Questions or comments from the

24 public?

25 Seeing none. Call the vote.

1 John?

2 MR. KERRICK: In favor.

3 MS. LAMBERTON: Heidi?

4 MS. PICKARD: I vote in favor.

5 MS. LAMBERTON: Donny?

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

7 MS. LAMBERTON: I vote in favor.

8 Motion carries.

9 Public comment.

10 MS. PICKARD: I had a couple
11 things.

12 MS. LAMBERTON: Okay.

13 MS. PICKARD: I have two checks
14 that need to be signed for Community Day, which is
15 due to the fireworks on Saturday; for Bette's
16 Bounce, the balance on that, and for the fireworks,
17 which the fire company is reimbursing us and paying
18 the difference.

19 MS. LAMBERTON: Oh, wonderful.

20 Thank you very much, appreciate that.

21 MS. PICKARD: Thank you.

22 And Bob asked me to bring up one
23 other thing. Our copier renewal lease is coming
24 up, so our current provider has made us an offer

25 that is difficult to refuse, which is lowering our

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1 cost and increasing our better service and product
2 and buying us out early.

3 MS. LAMBERTON: Sounds too good
4 to be true.

5 MS. PICKARD: I know, but I have
6 the information here, if that's okay, but Bob said
7 to bring it up, Phyllis had me look -- it's our
8 same Toshiba, they're just gonna give us the new
9 models, they're more cost effective. We'll have a
10 finisher on both, so they'll both be on -- be the
11 same. And instead of -- with all the fees 850 a
12 month, it's gonna be about 780, so it will decrease
13 our cost, if that's okay.

14 MR. KERRICK: Is that your
15 motion?

16 MS. PICKARD: If we need a
17 motion, that's my motion.

18 MR. KERRICK: We need a motion?

19 MS. PICKARD: I don't know. We
20 never did, it's in the budget, it's gonna be less,
21 but I wanted to bring it to your attention, because

22 --

23 MS. LAMBERTON: No, we're good.
24 I'm fine with that, yes. Thank you.

25 MS. PICKARD: I just wanted to

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1 mention that we did have, for some of our -- some
2 success on this past sheriff's sale, so we have two
3 -- four sewer delinquent accounts that we'll be
4 closing in the tune of about \$12,000.

5 MS. LAMBERTON: Oh, that's
6 wonderful. Thank you.

7 MS. PICKARD: I guess so.

8 MS. LAMBERTON: Well, I mean --
9 yeah, I know, it's kind of a double-edged sword
10 there. Good for the sewer account I guess I should
11 say.

12 Mr. Christian?

13 MR. MIKE CHRISTIAN: Just a
14 quick question. Now, with the audio and video
15 recording, is that -- the plan for that, I thought,
16 if I understood, was going to be online?

17 MS. LAMBERTON: I had questioned

18 that too, I spoke with the IT and he is working on
19 it. There seems to be some hold up, I'm not quite
20 sure what it is, but we'll look into that for you.

21 MR. MIKE CHRISTIAN: So is the
22 plan that if someone can't come to a meeting --

23 MS. LAMBERTON: Yes.

24 MR. MIKE CHRISTIAN: -- they can
25 watch it live?

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1 MS. LAMBERTON: Yes, not --

2 MS. PICKARD: No, not live.

3 MS. LAMBERTON: It'll be on
4 after.

5 MS. PICKARD: It will be posted
6 later on.

7 MS. LAMBERTON: Yeah, I don't
8 think it's capable to do it live.

9 MS. PICKARD: Yeah. And I
10 think our last meeting he was supposed to, he
11 didn't know about the 23rd, and this meeting is
12 being recorded, so --

13 MS. LAMBERTON: We're in the
14 growing stages.

15 MS. PICKARD: Keep your fingers
16 crossed.

17 MR. HARRY FORBES: You need to
18 fix the microphones, us hearing people can't hear.

19 MS. PICKARD: Turn it up.

20 MR. HARRY FORBES: Doesn't turn
21 up any higher than it is.

22 MS. LAMBERTON: I've never been
23 accused of being quiet, Harry.

24 MR. HARRY FORBES: Some of you
25 are.

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1 MS. LAMBERTON: Any other
2 questions or comments from anyone in the public?

3 Questions or comments from the
4 board?

5 MR. KERRICK: I'd request an
6 executive session.

7 MS. LAMBERTON: Oh, absolutely.
8 We will go into executive.
9 Thank you all very much. Appreciate you coming
10 out.

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MR. MOYER: Thanks.
MR. BRENDON CARROLL: Thank you.
MR. MOYER: Good luck, Brendon.
(Meeting concluded at 7:25 p.m.)

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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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TARA WILSON, C.R.

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