

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 11, 2016, beginning at 7:14 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

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

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

2

1 MS. LAMBERTON: Call the board
2 of supervisors regular business meeting July 11,
3 2016 to order. We'll start with the pledge of
4 allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MS. LAMBERTON: Any
8 announcements, Bob, or anyone? No?

9 Seeing none.

10 I don't have the minutes.

11 MR. REISS: Do you want to
12 address the minutes?

13 MS. LAMBERTON: Do we have any
14 minutes?

15 MR. McHALE: Well, the minutes
16 we just received today --

17 MS. LAMBERTON: Okay.

18 MR. McHALE: -- so next meeting.

19 MS. LAMBERTON: So we'll move
20 on. Okay. Very good.

21 I'll entertain a motion to
22 consider the treasurer's report of \$904,276.57.

23 MS. PICKARD: So moved.

24 MR. MOYER: Second.

25 MS. LAMBERTON: I have a motion

3

1 and a second.

2 Any questions or comments from
3 the board?

4 Questions or comments from the
5 public?

6 Seeing none. Call the vote.

7 John?

8 MR. KERRICK: I will abstain

9 MS. LAMBERTON: Heidi?

10 MS. PICKARD: I vote in favor.

11 MS. LAMBERTON: John?

12 MR. HOLAHAN: Yes.

13 MS. LAMBERTON: Donny?

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

15 MS. LAMBERTON: And I'll

16 abstain. Motion carries.

17 Solicitor's report?

18 MR. REISS: I just have one
19 item. At your work session, my office was asked to
20 make some revisions to the manager's ordinance in
21 the Code of Ordinances. I circulated those late
22 today. I think the idea was to hopefully have this
23 in place when you -- before you hire a new manager.
24 The changes were made to Section 20 dash 4. And
25 basically it removed the provisions that had an

4

1 automatic severance package built in and it removed
2 provisions -- subsequent provisions in there that
3 discussed what would happen if a manager was
4 terminated for cause, to that severance package.
5 So now it would simply read: The person appointed
6 to the office of township manager shall be -- shall
7 be at all times subject to removal by the majority
8 vote of the board of supervisors.

9 Section 20 dash 10 was amended.
10 That's the provision that talks about powers and
11 duties. Subsection B talked about the

9 been in meetings, so I would like to have a chance
10 -- can we just move that forward at our work
11 session?

12 MS. LAMBERTON: Yeah, I'm fine
13 with that too.

14 MR. MOYER: Yeah, I really
15 didn't get to read it at all.

16 MR. REISS: Okay. Now, I don't
17 -- the problem you have though is -- just so you
18 know, the problem with that -- I don't know what
19 your time frames are, but if you do that, you won't
20 be able to have it advertised for your meeting --
21 your regular meeting in August, you'd have to move
22 it back --

23 MS. PICKARD: Well, we're not
24 hiring --

25 MR. REISS: -- to September.

6

1 MS. PICKARD: -- somebody by
2 August, we didn't even --

3 MR. REISS: All right. I'm just
4 --

5 MS. PICKARD: -- find a head --
6 a firm.

7 MR. REISS: I'm not arguing with
8 you --

9 MS. PICKARD: Yeah.

10 MR. REISS: -- I'm just saying
11 that my understanding is you wanted to move on
12 this --

13 MS. LAMBERTON: Right.

14 MR. REISS: -- so it was into
15 place.

16 MS. LAMBERTON: No, you're
17 right, we did say that.

18 MS. PICKARD: Well, I think if
19 we do it at our August 1, we could always have a
20 special meeting if we needed to. I don't know how
21 long -- this didn't have to be 30 days like a
22 zoning ordinance.

23 MR. REISS: It has to be
24 advertised not more than 60 days nor less than 7
25 days before the public hearing.

7

1 MS. PICKARD: So can we do it

2 so --

3 MS. LAMBERTON: Our work
4 session.

5 MS. PICKARD: -- at our work
6 session and have it authorized to advertise and any
7 changes be made on -- that's not seven days. I
8 don't know, I haven't had a chance to look at it --

9 MR. REISS: So you can --

10 MS. PICKARD: -- and I want to
11 compare it.

12 MR. REISS: So your next
13 meeting then you can push it back to your work
14 session and either have a special meeting --

15 MS. PICKARD: Yeah.

16 MR. REISS: -- to adopt it or
17 have -- or push it back to your first meeting in
18 September.

19 MS. PICKARD: Yeah.

20 MR. HOLAHAN: Okay.

21 MS. PICKARD: I don't think
22 we're gonna hire anybody before --

23 MS. LAMBERTON: Or if -- if we
24 search -- unless we have a search come up, then
25 we'll have a special meeting and we'll advertise

1 for that --

2 MS. PICKARD: We're not gonna
3 find somebody within a month.

4 MS. LAMBERTON: You never know,
5 but then we have an option.

6 MS. PICKARD: We haven't, you
7 know --

8 MS. LAMBERTON: Manager's
9 report.

10 MR. McHALE: Just have a few
11 items. Follow-up to the work session, Pinecrest 5
12 and 6, we discussed Phases 5 and 6, Brendon Carroll
13 and we forwarded an email to Brendon with a copy to
14 John's office. And we're just waiting for Brendon
15 to get back to us, as to if he agrees with the --
16 kind of the summary of the terms.

17 Kalahari Stage B, we met with
18 Harry and Chad Lidwell as well to go over just the
19 Stage B, outdoor recreational area for the ropes
20 course. And our goal now is through Pennoni
21 Associates to develop the plans and the stormwater
22 calculations that would be associated with just the

23 ropes course. We are going to do our best to
24 review that on a regular basis until your work
25 session, give you an update, and then the goal is

9

1 to make a recommendation to you at your meeting on
2 the 8th for approval of the ropes course.

3 There's also a preconstruction
4 meeting for the Kalahari -- the PennDOT project for
5 the I-380 northbound off-ramps. That's tentatively
6 scheduled for July 18.

7 MR. HARRY FORBES: That's
8 changing.

9 MR. McHALE: Right. They were
10 saying either the 18th or the 19th, around 2:30,
11 3:00, but that was tentative. Popple Construction
12 is the contractor.

13 Community Day, just wanted to
14 mention that we want to thank all our sponsors and
15 the volunteer fire company of Tobyhanna Township
16 for all their efforts; staff, Barbara Nichols, she
17 kind of headed that up; and Ed Tutrone did a great
18 job. The fireworks display was paid for in full by
19 the volunteer fire company and it was a very nice

20 display, so we appreciate that.

21 One other item with PennDOT,
22 paving project for Locust Ridge Road. We received
23 an email regarding and we -- I forwarded an email
24 also to the board with a preconstruction conference
25 on July 19, at PennDOT, to go over the project

10

1 schedule. That's gonna be paving Locust Ridge Road
2 and we'll report back to the board and also post
3 something on the website once we get that schedule
4 down.

5 And then today -- last item --
6 was the historical roadside markers.

7 Heidi, you might want to mention
8 or talk about that if you want, 'cause I know
9 you're tied in with that committee, but -- that
10 dedication.

11 MS. PICKARD: They dedicated
12 the summer youth camps, which is out in front in
13 the building, if anybody didn't get a chance to
14 look at it. Rick Bodenschatz did a really nice
15 presentation. It was donated by the Kitchen and

16 Diener families in memory of Dr. Kitchen who tended
17 to a lot of the summer youth camps. So it was very
18 nice.

19 There's also going to be the
20 Tobyhanna Township marker, which was donated by the
21 Lions Club, down at the flagpole in Pocono Pines,
22 will be five o'clock next Monday, hopefully before
23 the COG picnic.

24 That's all I have.

25 MR. McHALE: I don't have

11

1 anything more except --

2 Jonathan --

3 MS. PICKARD: Oh, I have one
4 question. When you mentioned Locust Ridge Road, is
5 there any word on that bridge?

6 MR. McHALE: Yes. They're also
7 moving forward with the bridge, they were looking
8 at fall 2016, which is right around the corner.
9 They're looking for a full detour, which is about
10 17 miles. But they're also looking at a very short
11 time period, they're going to compress the
12 schedule, hopefully, with what we understand, is

13 about a five to six week time period and that's on
14 Trout Creek right below the dam of Arrowhead Lake.
15 So we're gonna -- we'll find out more about that
16 too and keep you informed.

17 Jonathan also brought up, for a
18 board signature, a resolution that you'all had
19 adopted at the work session, need signature and I
20 just need another signature on another item.

21 That's it.

22 MS. LAMBERTON: Very good.

23 Thank you, Bob.

24 Moving on to other committee
25 reports. Pocono Mountain Regional Police

12

1 Commission.

2 Donny, did you want to speak to
3 that?

4 The only thing I did notice our
5 hours were up on this past month. And they had
6 said it was because of a -- a bunch of underage
7 drinking. So if that's the worst thing that's
8 happening here, we're very, very lucky. Not that

9 that's a good thing, I didn't mean that, but -- but
10 that was why our -- our hours were higher than --

11 MR. MOYER: Graduation parties
12 and whatever.

13 MS. LAMBERTON: Open space
14 committee?

15 MS. PICKARD: No -- no report
16 at this time.

17 MS. LAMBERTON: Overlay
18 committee.

19 John or --

20 MS. PICKARD: We have a meeting
21 August 11.

22 MS. LAMBERTON: So we'll report
23 it next month.

24 MR. HOLAHAN: Yeah. So
25 nothing's happened since, right?

13

1 MS. PICKARD: We did meet with

2 --

3 You weren't there.

4 MR. HOLAHAN: No.

5 MS. PICKARD: Yeah. We met

6 with L&V Engineering about the traffics. We -- we
7 had a really good meeting with -- with that, but we
8 have more to do and we didn't have a lot of our
9 group available, which was unfortunate. But we did
10 get a good, you know, discussion going with the
11 traffic engineer. So we'll be moving that forward.

12 MS. LAMBERTON: More to come.

13 MS. PICKARD: More to come.

14 MS. LAMBERTON: Thank you.

15 MS. PICKARD: Yep.

16 MS. LAMBERTON: Pocono Mountain
17 Regional EMS.

18 MS. PICKARD: Denise is on
19 vacation and wasn't able to get the stats, but I'll
20 bring them --

21 MS. LAMBERTON: Okay.

22 MS. PICKARD: -- next week --
23 next month.

24 MS. LAMBERTON: Thornhurst
25 Ambulance.

14

1 Anyone here from Thornhurst?

2 Seeing none. We'll move on.

3 Old business, proposed zoning
4 ordinance interstate overlay for billboards. I
5 guess we want to table that until our committee has
6 the opportunity to bring an ordinance forward?

7 MR. HOLAHAN: Sure.

8 MS. LAMBERTON: Fair enough.
9 Same with the LERTA, we could table that as well?

10 New business, sign regulation
11 zoning ordinance advisory committee appointments.
12 We had interviews this evening with quite a few
13 people. And thank you all for your interest who
14 are still here, we really appreciate your input and
15 desire to help us with this. The board met after
16 the interviews, for an executive session, for just
17 a few minutes. That's why we're a little late
18 coming in here.

19 So I would like to entertain a
20 motion to appoint Jim Cahill, Al Kerrick, Harry
21 Forbes, Brendon Carroll, Mike Christian, Dan
22 Dougherty and Sam Keiper to our advisory committee
23 for our sign regulations.

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

1 MS. LAMBERTON: I have a
2 motion.

3 MS. PICKARD: I'll second.

4 MS. LAMBERTON: I have a motion
5 and a second.

6 Any questions or comments from
7 the board?

8 Questions or comments from the
9 public?

10 Seeing none. Call the vote.
11 John?

12 MR. KERRICK: I have a
13 question. Did you want to -- when we did the
14 motion, we had talked about a chair?

15 MS. LAMBERTON: Yes.

16 MR. KERRICK: Did you want to
17 do that now or --

18 MS. LAMBERTON: We could --

19 MR. KERRICK: -- in your motion
20 or just do that separate?

21 MR. REISS: You can include that
22 in this motion.

23 MR. HOLAHAN: Yeah, I'll amend

24 my motion to appoint Mike Christian as chair.

25 MS. PICKARD: And I'll sec --

16

1 I'll amend my second.

2 MS. LAMBERTON: I have a
3 amended motion and amended second.

4 Any other questions or comments
5 from the board?

6 Questions or comments from the
7 public?

8 Seeing none. Call the vote --
9 Oh, I'm sorry. Sam?

10 MR. SAM KEIPER: I have a
11 question. Will the committee have an attorney that
12 they can ask questions or discuss certain issues
13 with? Because if the sign ordinance isn't adopted
14 in a way that is reasonably legally enforced, then
15 it's gonna be --

16 MS. LAMBERTON: A moot issue.

17 MR. SAM KEIPER: -- hitting our
18 head against the wall, so to speak.

19 MR. MOYER: Well, once it comes

20 back to us --

21 MR. SAM KEIPER: So I don't know
22 if you have someone in mind or what the status
23 might be, it's just a matter that we probably want
24 to --

25 MR. MOYER: Well, they bring it

17

1 back to us.

2 MS. LAMBERTON: I would suggest
3 -- you'll be bringing it -- the information back to
4 us either way, Sam. So I would suggest if they
5 have questions that the chair could reach out to
6 our counsel if there's any clarity that needs --
7 like just --

8 MR. McHALE: As I recall at the
9 work session, you all had asked for a monthly
10 reporting to occur with the committee.

11 MS. LAMBERTON: Yes.

12 MR. MOYER: Yeah, we can decide
13 then too.

14 MR. McHALE: And that would --
15 might be a good forum at that point in time to get
16 updates and legal counsel.

17 MS. PICKARD: Yeah.

18 MR. MOYER: Right. And we can
19 bring it to Jonathan.

20 MS. LAMBERTON: Fair enough?

21 MR. HOLAHAN: They may want to
22 get to the -- I'm sorry, Sam. They may want to
23 get, at least, some guidance so they know they're
24 not heading down the wrong path. And if -- if you
25 -- if you think that you're running into that, just

18

1 reach out to the chair and --

2 MR. SAM KEIPER: Okay. The
3 next question would be, obviously, you appointed
4 the chair for the committee, they will not do that
5 theirself. Are you going to set the dates for the
6 meetings or is the committee gonna determine how
7 often and when they're going to meet? I mean,
8 obviously --

9 MR. McHALE: That was also in
10 the resolution that the committee would decide how
11 often they wanted to meet. You all gave the
12 deadline of six months.

13 MS. LAMBERTON: Six months.

14 MR. SAM KEIPER: It's gonna
15 take some time to get this done and I don't know if
16 you maybe just answered that question, I didn't
17 quite hear it. I didn't know if you have a time
18 frame that you were putting on the committee to get
19 it accomplished?

20 MS. LAMBERTON: Six months.

21 MS. PICKARD: Six months.

22 MR. SAM KEIPER: Okay. That's
23 fine. I just was serious.

24 MS. LAMBERTON: Yeah.

25 Yes, Mike?

19

1 MIKE CHRISTIAN: Yes. Good
2 evening. Mike Christian. Thank you very much for
3 appointing me.

4 Since probably a lot of the
5 members are here, is it possible that we could just
6 spend a few minutes afterwards just to meet.

7 MS. LAMBERTON: Absolutely.

8 MR. HOLAHAN: If we don't drag
9 this meeting out too much longer --

10 MS. LAMBERTON: I'm going --
11 I'm going as quickly as I can.

12 Yeah, but that's a great idea
13 and then you can also make sure that emails are
14 exchanged and you have --

15 MR. MIKE CHRISTIAN: Exactly.

16 MS. LAMBERTON: -- ways of
17 communicating.

18 MR. McHALE: Once the board
19 executes the resolution, we could provide a copy to
20 them as well.

21 MS. LAMBERTON: Very good.

22 Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

20

1 MS. PICKARD: I vote in favor.

2 MS. LAMBERTON: John?

3 MR. HOLAHAN: Yes.

4 MS. LAMBERTON: Donny?

5 MR. MOYER: I vote in favor.

6 MS. LAMBERTON: I'll vote in
7 favor. Motion carries. Good luck.

8 MIKE CHRISTIAN: Thank you.

9 MS. LAMBERTON: Township manager
10 search firm. It appears we have two proposals.

11 MS. PICKARD: There was three
12 and I didn't --

13 MS. LAMBERTON: Oh, I apologize.

14 MS. PICKARD: I didn't get to
15 look at them yet, so --

16 MS. LAMBERTON: What's the
17 pleasure of the board?

18 MS. PICKARD: I would like to
19 be able to read them.

20 MR. HOLAHAN: Yeah, can we call
21 a special meeting to do this? This is the first
22 I'm seeing them as well and I would like to --

23 MS. PICKARD: Yeah, I'm cool
24 with the special meeting.

25 MS. LAMBERTON: Well, then

21

1 maybe we can look at Jonathan's ordinance too as
2 well.

3 MS. PICKARD: Yeah, yeah.

4 MS. LAMBERTON: And then get
5 those two wrapped up and --

6 MS. PICKARD: Yeah, that would
7 be good.

8 MS. LAMBERTON: -- then we can
9 take care of it for our August meeting. Okay?

10 Okay. Before we leave, we'll
11 set a -- do you want to set a time right now for a
12 special meeting?

13 MS. PICKARD: Well, I -- if,
14 theoretically, we have a council government's
15 picnic next Monday and there's a five o'clock
16 township dedication there, is there any way that we
17 could kind of do it somewhere next Monday?

18 MS. LAMBERTON: Sure.

19 MR. MOYER: I'll cook.

20 MS. PICKARD: You'll cook? Just
21 as an aside, right now we have four people, I
22 think, attending the picnic --

23 MR. MOYER: That's it?

24 MS. PICKARD: -- so I'm not
25 sure if we want to --

1 MR. MOYER: No. I'm not going
2 to bother with that.

3 MS. LAMBERTON: Four o'clock
4 here?

5 Is that gonna mess up you? Is
6 four o'clock gonna mess you up for --

7 MR. MOYER: No, that's fine.

8 MS. PICKARD: Well, we can have
9 it around the grill.

10 MR. MOYER: Yeah, that's --

11 MS. LAMBERTON: I'm fine with
12 that.

13 MR. MOYER: No, that's fine. I
14 thought you meant only four people were coming.

15 MS. PICKARD: No, but that may
16 be the case, yes. That's another thing, if we get
17 more than four people.

18 MR. HOLAHAN: Be a fast picnic.

19 MS. LAMBERTON: Maybe we should
20 have it after the picnic. So let's -- let's set up
21 --

22 MS. PICKARD: You can cook for
23 us.

24 MR. MOYER: Yeah.

25 MS. LAMBERTON: -- for 4 p.m.

23

1 next Monday.

2 Are you okay?

3 MR. REISS: I can't be -- I
4 have a five o'clock meeting for a zoning hearing
5 board in --

6 MS. PICKARD: Does he need to
7 be here?

8 MR. KERRICK: Call him on the
9 phone.

10 MR. REISS: I mean, you don't
11 need me -- I mean, if you don't think you need me,
12 I'm just telling you.

13 MS. LAMBERTON: What we're
14 gonna do is, we're going to review and decide on
15 management search and then we're also going to
16 review your document --

17 MS. PICKARD: Make any changes.

18 MS. LAMBERTON: -- and make any
19 changes and move forward with that so we can
20 advertise that.

21 MR. REISS: Okay.
22 MS. LAMBERTON: Okay? All
23 right. Monday at four.
24 MR. HOLAHAN: Cool.
25 MS. LAMBERTON: I also would

24

1 like to announce an executive we went into last
2 meeting, July 5, at 7:30, for personnel.
3 Any other board of supervisors
4 -- this is really it, I'm like excited about this
5 -- board of supervisors reports or comments?
6 Anyone else from the board?
7 MR. HOLAHAN: No, I'm cool.
8 MS. LAMBERTON: Any public
9 comment?
10 Seeing none. We are adjourned.
11 If anyone -- oh, I'm sorry.
12 Are you like upset by that?
13 MR. HARRY FORBES: No. This is
14 a record.
15 (Inaudible comments.)
16 MS. LAMBERTON: And whoever is

17 --

18 Oh, I'm sorry.

19 Heino?

20 MR. HEINO FETTE: That's all
21 right. I have one question.

22 My name is Heino Fette,
23 F-e-t-t-e.

24 Several months ago at a meeting
25 there was a discussion about the road leading into

25

1 Kalahari as far as the water problem. I had to go
2 in there yesterday for business. Was anything ever
3 done? 'Cause the water's coming out of the middle
4 of the road like a garden hose. Was there anything
5 ever done?

6 MR. McHALE: That's actually
7 being reviewed by Pennoni Associates, the
8 consultant for Kalahari.

9 MR. HEINO FETTE: Okay.

10 MR. McHALE: They started
11 monitoring rain events, now that the irrigation
12 system's running, to actually try to do their best
13 to determine the source of the water before they

14 make a recommendation and that's kind of where we
15 left it.

16 MR. HARRY FORBES: What you're
17 starting to see or what we believe we're seeing is,
18 that when we irrigate that center aisle --

19 MR. HEINO FETTE: Umm-hmm.

20 MR. HARRY FORBES: -- if you
21 notice, it's all the key points to where it's
22 draining right out underneath the -- the --

23 MR. HEINO FETTE: The largest
24 one I saw was coming --

25 MR. HARRY FORBES: Where the

26

1 curb cuts are, it comes right down through.

2 MR. HEINO FETTE: It was coming
3 right out of the center of the right lane.

4 MR. HARRY FORBES: Yeah. And
5 when we overwater, that center comes right out and
6 you're seeing it. So we believe that's what's
7 causing it, it's not coming from -- because there's
8 no water in any of the other -- in that pond over
9 there.

10 MR. HEINO FETTE: We'll they're
11 lower than the road anyhow.

12 MR. HARRY FORBES: Yeah. So
13 it's -- we're pretty determined where it's at. Now
14 it's a matter of engineers have to figure out a
15 fix.

16 MR. HEINO FETTE: That answered
17 my question. Thank you.

18 MS. LAMBERTON: You're welcome.
19 Thank you.

20 Anyone else?

21 We stand adjourned.

22 (Meeting concluded at 7:33 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.

13

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15

16

TARA WILSON, C.R.

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