

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, August 8, 2016, beginning at 7:00 p.m.

PRESENT: 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 MR. KERRICK: Call to order
2 August 8, 2016 regular business meeting, Tobyhanna
3 Township. Pledge of allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. KERRICK: Bob, do we have
7 any announcements?

8 MR. McHALE: Nothing until
9 manager's report.

10 MR. KERRICK: Okay. Consider
11 the minutes of June 13, 2016 regular business
12 meeting; June 23, 2016 special meeting; July 5,
13 2016 work session and July 18 special meeting.

14 What's your pleasure?

15 MS. PICKARD: We just --

16 MR. McHALE: Can I add just a
17 couple of clarifications for the minutes?

18 MR. KERRICK: Sure.

19 MR. McHALE: On the June 13
20 regular business meeting, Page 48, Line 13 should
21 be bringing, instead of brining. On the July 18
22 special meeting, Page 17, Line 21 that was me
23 speaking so it would be Mr. McHale in lieu of Mr.
24 Reiss, because Jonathan already signed off the
25 teleconference at that point. And on Page 21, Line

3

1 13 Mr. in lieu of Ms. And on the July 5 work
2 session meeting notes, Page 40, Line 11 is ped
3 crossings, or pedestrian crossings, in lieu of pet,
4 that's it.

5 MR. HOLAHAN: Make a motion
6 that we approve all four minutes as amended.

7 MS. PICKARD: I'd like to ask
8 that we -- we hold off on the July 18, 'cause we
9 just got them, I hadn't had a chance to look at
10 them.

11 MR. McHALE: July 11 we just
12 got.

13 MS. PICKARD: It's July 11?
14 Oh, okay. Oh, all right.

15 Okay. I'll second that then.

16 MR. KERRICK: Motion and second.
17 Questions or comments from the
18 board?
19 Questions or comments from the
20 public?
21 Call the vote.
22 John?
23 MR. HOLAHAN: Yes.
24 MR. KERRICK: Heidi?
25 MS. PICKARD: Vote in favor.

4

1 MR. KERRICK: And I'll vote in
2 favor.
3 Consider the treasurer's report.
4 Total amount for board approval is 822,531 and 41
5 cents.
6 MR. HOLAHAN: I'll make --
7 MS. PICKARD: I'll make a --
8 MR. HOLAHAN: I'll make -- yep,
9 you want to go ahead.
10 MS. PICKARD: I'll make a
11 motion that we approve the treasurer's report of

12 eight twenty-two five thirty-one forty-four (sic).

13 MR. HOLAHAN: Okay. I think
14 I've got a check in -- a check in there for my
15 wife, it's return of a security deposit. I'm just
16 gonna make you aware of that, we're giving her a
17 hundred and fifty bucks for security deposit.

18 Everybody cool with that?

19 MR. BRENDON CARROLL: I'm cool
20 with that.

21 MS. PICKARD: So are you gonna
22 second that?

23 MR. HOLAHAN: I'll second.

24 MR. REISS: Just so you know,
25 when you have those types of conflicts, since

5

1 there's only three of you, once you announce that
2 conflict, you can still vote under the State Ethics
3 Law, but you're supposed to submit a written
4 statement to that effect that gets --

5 MR. HOLAHAN: And I'll do that.

6 MR. REISS: -- attached to the
7 minutes.

8 MR. KERRICK: I have a question

9 on that. Do we have to do it every meeting?

10 MR. REISS: Yes. Every time you
11 have --

12 MR. KERRICK: We were told that
13 we did it in the beginning of the year and gave it
14 the treasurer.

15 MR. REISS: Every time you have
16 a voting conflict, you're supposed to announce the
17 conflict and then submit that in writing that gets
18 attached to the minutes.

19 MR. KERRICK: Thank you.

20 Call the vote?

21 Oh, you have a question? I'm
22 sorry, Heidi.

23 MS. PICKARD: No. I just wanted
24 to mention that we have a -- we had wrote a check
25 to the capital reserve account for 344,000, which

6

1 is one of the reasons why that is very high.

2 MR. KERRICK: Okay.

3 MS. PICKARD: So we did
4 transfer the money from -- which included the 213

5 from the LSA Grant for the road -- for the bridge
6 on Old Route 940.

7 MR. HOLAHAN: Don't we normally
8 --

9 MS. PICKARD: We did --

10 MR. HOLAHAN: Don't we normally
11 have the bills down here for inspection if anybody
12 wants to take a look?

13 MS. PICKARD: Yeah, just we --
14 we do have them to take a look.

15 MR. KERRICK: Any questions or
16 comments from the public?

17 Seeing none. Call the vote.
18 John?

19 MR. HOLAHAN: Yes.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: And I'll abstain.

23 I have a conflict with Papillion and Moyer and
24 Sharp Energy.

25 MR. REISS: Then bec -- then

7

1 the -- you -- it needs three people to approve

2 that.

3 MR. KERRICK: I just wanted to
4 state my conflict. I honestly don't know if
5 Papillion and Moyer is in there, but I wanted to
6 state it for the record.

7 MS. PICKARD: It is.

8 MR. HOLAHAN: They are.

9 MS. PICKARD: It is, Papillion
10 is --

11 MR. HOLAHAN: Can we --

12 MS. PICKARD: -- Sharp is not.

13 MR. HOLAHAN: -- amend this
14 motion to pull that out and pass it less -- and
15 then Papillion and Moyer will have to wait.

16 MR. REISS: If you want to do
17 that, you should really pull out yours also since
18 it's a conflict.

19 MR. HOLAHAN: All right.

20 MR. REISS: Or, like I said, the
21 State Ethics Law does allow you, when -- when there
22 would not be sufficient numbers to vote, either
23 because of a tie vote or because of the town -- the
24 State Ethics Law, when there's not sufficient
25 number of votes to pass something or deny it --

1 MR. HOLAHAN: Right.

2 MR. REISS: -- does allow, when
3 there's a conflict, for the person with the
4 conflict still to vote.

5 MR. HOLAHAN: Okay.

6 MR. KERRICK: I'll vote.

7 MR. HOLAHAN: You'll vote on
8 it, right?

9 MS. PICKARD: Yeah, well --

10 MR. HOLAHAN: Okay.

11 MR. KERRICK: It's not fair
12 that they don't get paid --

13 MS. PICKARD: No.

14 MR. KERRICK: -- and you don't
15 get your refund.

16 MS. PICKARD: No.

17 MR. HOLAHAN: It's a hundred
18 and fifty dollars.

19 MR. REISS: Both of you just
20 need to remember to submit that to Bob.

21 MR. KERRICK: We'll submit the
22 form and --

23 MR. REISS: Right.
24 MR. KERRICK: -- we take another
25 vote?

9

1 MR. REISS: Correct.
2 MR. KERRICK: Second vote.
3 All in favor signify by saying
4 aye?

5 MR. HOLAHAN: Aye.
6 MS. PICKARD: Aye.
7 MR. KERRICK: Aye.
8 Opposed, nay?
9 Ayes have it. Motion carried.

10 MR. REISS: Bob, I think you
11 have a form for those, right?

12 MR. KERRICK: It's on our
13 website, we can print one out.

14 Solicitor's report.

15 MR. REISS: I have three items.
16 In July at the meeting that I was not attending,
17 but John Rice from my office was there, I think you
18 discussed Pine Crest Phases 5 and 6. You finally
19 got an answer back on that late this afternoon

20 right before I left my office. So we'll revise
21 that agreement for those two phases and hopefully
22 that will be ready for your next meeting in
23 September.

24 Last month -- last week I had
25 mentioned to you about the personnel manual, I sent

10

1 you the changes to that. Since everybody's not
2 here tonight, you probably don't need to discuss
3 it, but I want to remind you, you should do
4 something with those changes to make it consistent
5 with the manager's ordinance.

6 The last thing you need to do
7 tonight is to vote to approve a separation
8 agreement with Phyllis Haase. As you know, over
9 the last month or so, we've been negotiating this
10 and it's now in final form for you to vote. She's
11 already signed it.

12 MS. PICKARD: I make a motion
13 that we approve the separation agreement.

14 MR. KERRICK: I'll second it.

15 Questions or comments from the

16 board?
17 Questions or comments from the
18 public?
19 Seeing none. Call the vote.
20 John?
21 MR. HOLAHAN: Yes.
22 MR. KERRICK: Heidi?
23 MS. PICKARD: I vote in favor.
24 MR. KERRICK: I'll vote in
25 favor. Motion carried.

11

1 Anything else, John?
2 MR. REISS: No. I'll just get a
3 signature on this before I leave tonight.
4 MR. KERRICK: Okay.
5 MR. McHALE: And for
6 clarification purposes, we also have two checks for
7 signature and then we'll give those to Jonathan and
8 then you can package that up and return that.
9 MR. REISS: That's all I have.
10 MR. KERRICK: We'll turn it
11 over -- I'm gonna turn it over to Heidi for the
12 next phase.

13 MS. PICKARD: Oh, I didn't know
14 what you're saying.

15 Manager's report.

16 MR. McHALE: Okay. I just have
17 a few quick items. The NPDES sewage discharge
18 permit application for renewal, which is that five
19 year renewal that we had mentioned at the work
20 session, the application was submitted to both the
21 DE -- Pennsylvania DEP and the Delaware River Basin
22 Commission. We received delivery receipts for both
23 agencies on the 3rd and the deadline is the 4th, so
24 we're in good shape on that.

25 PennDOT paving and bridge

12

1 projects. The first item was related to the
2 Kalahari project at the northbound off-ramps of 3
3 -- I-380 and State Route 940. The contractor is
4 Popple Construction and the start date was August 1
5 with ENS installation. PennDOT's paving project
6 for Locust Ridge Road, the contractor is Locust
7 Ridge Contractors, tentative start date was the
8 second week of August.

6 Ridge Road, because of the traffic concerns with
7 Arrowhead.

8 So I'll send an email -- after
9 tomorrow's meeting with the bridge people, I'll
10 send an email out, 'cause also representatives from
11 Locust Ridge will be there and update you guys as
12 far as when it's all gonna happen.

13 MR. McHALE: Because there's
14 two different contractors, a lot of scheduling be
15 involved in both projects and -- but PennDOT's
16 aware of all that as well. And the bridge rehab
17 over 314 on 940, Kriger Construction is the
18 contractor. It's tentative start date is to be
19 determined yet and it's a -- gonna be probably
20 about a two-year project somewhere in 2017 or 2018.

21 The next item was National Night
22 Out. Just special thanks to Pocono Medical Center
23 for their sponsoring of the event. We had Pocono
24 Mountain Regional Police, the Tobyhanna Township,
25 as well as Pocono Summit Volunteer Fire Companies.

14

1 Our township staff put a lot of time and effort

2 into it, especially Barbara Nichols, Margie Argot,
3 Maureen Minnick, and Ed and all the DPW guys.

4 We also had an update from --
5 regarding the assets purchase agreement with the
6 Blakeslee Wastewater Treatment facility and that I
7 sent to you by email, so you're aware of --

8 MR. HOLAHAN: Yep.

9 MR. McHALE: -- the difficulties
10 that they're running into with the PUC and so you
11 saw the dates on that. The Jubilee Restaurant, we
12 do have a stormwater maintenance and monitoring
13 agreement that Jonathan has put together for that
14 project. And I guess you probably want to take
15 action on that to approve and move forward to be
16 able to sign that.

17 Correct?

18 MR. REISS: You could tonight
19 authorize the chair to sign that when it's signed
20 off on, by the develop -- landowner.

21 MR. HOLAHAN: And you're cool
22 with it, though?

23 MR. McHALE: We just looked
24 over the agreement, he's gonna make a few minor
25 modifications to it and then get that back so that

1 it'll be in final form to go to the Jubilee
2 Restaurant, to their owner.

3 MS. PICKARD: So can we make a
4 motion to approve subject to your -- the engineer
5 and the solicitor's review?

6 MR. McHALE: That would be
7 great.

8 MR. HOLAHAN: I'll second that.

9 MR. KERRICK: That's a motion
10 or you're -- go ahead.

11 MS. PICKARD: Whatever. You
12 make a motion?

13 MR. HOLAHAN: You made the --
14 you made --

15 MS. PICKARD: Okay.

16 MR. HOLAHAN: Let's extrapolate
17 that, right?

18 MS. PICKARD: Okay.

19 There's a motion and a second.

20 All those in favor?

21 MR. KERRICK: I'll vote in
22 favor.

23 MR. HOLAHAN: Yes.

24 MS. PICKARD: And I'll vote in
25 favor.

16

1 MR. KERRICK: I have a question
2 on the two bridges, could I --
3 Ed, sorry to -- the 940 and Twin
4 Lakes, any idea, is that still on schedule or
5 haven't you heard?

6 MR. ED TUTRONE: The last I
7 heard, we'll get an update on that tomorrow. We're
8 just waiting for the -- once the utility companies
9 are done moving lines, I think Frontier's the only
10 one left, they're supposed to start that right
11 after Labor Day, back up with construction. And
12 actually I spoke to John a little bit before the
13 meeting, the bridge over by Forest Glen --

14 MR. KERRICK: That was my next
15 question.

16 MR. ED TUTRONE: -- I spoke
17 with the representative from Walsh Granite a week
18 and a half ago and they're looking into that to
19 find out why it has not been finished. And I

20 explained to them that the contracts came back,
21 milled out the concrete and the approach, put it
22 back in, made it worse and put a sign up that said
23 bump.

24 MR. KERRICK: Which was nice.

25 MR. ED TUTRONE: So they will

17

1 hopefully have an answer for us on that tomorrow
2 also.

3 MR. KERRICK: Thank you.

4 MR. HOLAHAN: I think instead
5 of saying bump, it should be a sign that says when
6 you're coming up to it and going over it, should go
7 weee.

8 MR. McHALE: Last item was
9 related to PPL electric utilities. In their
10 right-of-way, a resident, as well as our fire
11 company, had identified some very dry brush piles
12 that were piled in the right-of-way, concerned is,
13 you know, possible fire hazard. We did send an
14 email to PP&L and they responded back that they had
15 their forester look at, you know, the situation.
16 And their explanation was that they had to get some

17 connections made to expedite the electric service,
18 and they are going to address it and take care it,
19 so that was it.

20 That's all I have. Thank you.

21 MS. PICKARD: They didn't say
22 when?

23 MR. McHALE: No.

24 MR. HOLAHAN: Soon.

25 MS. PICKARD: Soon. Some day.

18

1 All right. We don't seem to
2 have anybody here from the regional police
3 commission, so I guess we can skip that. We don't
4 have a report from open space. Our overlay
5 committee is meeting on --

6 MR. HOLAHAN: 11th?

7 MS. PICKARD: No, on August
8 30 --

9 MR. McHALE: 30.

10 MS. PICKARD: -- at what time,
11 five?

12 MR. HOLAHAN: Yeah.

13 MS. PICKARD: If anybody can
14 make it, you're welcome to --

15 MR. KERRICK: Here?

16 MS. PICKARD: Here.

17 And PMR EMS.

18 MS. DENISE DOREMUS: Hi.

19 MS. PICKARD: Hi. Almost gonna
20 give a report.

21 MS. DENISE DOREMUS: I actually
22 just finished them this afternoon. In Tobyhanna
23 Township, actually you're still on the rise at this
24 year, at 18 percent so far. A hundred and three
25 calls so far this month. We had a total of 514

19

1 calls. We also attended the National Night Out
2 that night also too.

3 All together in the area, again,
4 we're up 5.5 percent, but we're only up 2. -- .2
5 percent for total, 'cause our mutual aide is still
6 down with Suburban covering Pocono Township, which
7 is a good thing.

8 Any other questions?

9 MS. PICKARD: When's the new

10 truck coming? We have a new truck coming.

11 MS. DENISE DOREMUS: At the end
12 of August, that's the one to replace 1104, yeah.
13 It should be here at our meeting -- 21st, is it?
14 They're bringing it --

15 MS. PICKARD: 18, 21st.

16 MS. DENISE DOREMUS: -- August
17 21. So by the end of the month it should be
18 licensed and ready to go.

19 MR. KERRICK: Thank you.

20 MS. PICKARD: And that was the
21 one that was wrecked?

22 MS. DENISE DOREMUS: Yes,
23 replacing 1104.

24 MR. KERRICK: They couldn't fix
25 that?

20

1 MS. DENISE DOREMUS: Anything
2 else?

3 MS. PICKARD: No. Thank you.

4 MS. DENISE DOREMUS: Thanks.

5 MS. PICKARD: Is there anyone

6 here from Thornhurst?

7 Okay. Old business. Proposed
8 zoning ordinance interstate overlay. I think we
9 are tabling that.

10 Can we take that off until --

11 MR. McHALE: I was gonna ask if
12 we could just remove that item, yes.

13 MS. PICKARD: Okay.

14 Is that cool with everybody?

15 MR. HOLAHAN: Yes.

16 MS. PICKARD: Okay. And the
17 LERTA, we're still working on that and we were
18 discussing that further with the Blakeslee Overlay.

19 And do you want to take over new
20 business?

21 MR. HOLAHAN: Oh, cool.

22 MR. McHALE: As we start the
23 new business item, if you could also in the future
24 meetings maybe move that to a monthly report since
25 they are gonna be reporting now.

21

1 MR. HOLAHAN: That sounds good
2 as well. Perfect.

1 devoted to the request by the supervisors to review
2 banner provisions and the A-frame -- I didn't write
3 that down, but also A-frame. And then we started
4 to compare the current ordinance with the MCPC
5 model.

6 So thanks to Dan who did some
7 research and came up with an idea for banners. I
8 was out in Colorado, I think. So we have some good
9 ideas with that -- we think they're good ideas.

10 MR. McHALE: Yep.

11 MR. MIKE CHRISTIAN: Maureen and
12 Bob are gonna take that and bring it back to us on
13 Wednesday and then we'll submit that to the
14 supervisors. We also looked at the A-frame
15 provisions and then we'll also review that on
16 Wednesday.

17 We discussed the revised sign
18 ordinance that was worked on by the planning
19 commission and the supervisors as part of the
20 changes and that were not acted upon. And we
21 decided to use that as a draft. We were comparing
22 -- trying to compare the current ordinance with the
23 model ordinance. And we thought that was more

24 up-to-date so we -- we thought we'd use that one as
25 being more up-to-date in the township. But,

23

1 however, there's a question as to why that wasn't
2 adopted after all the work that was done and spent.
3 And so there is some concern that the work that we
4 do, after six months of effort, could end up on the
5 shelf.

6 So that leads us to -- after
7 some discussion, sidebar discussion, the issues
8 that prompted the creation of the committee was the
9 proposed expanded use of digital signage in the
10 township and the resulting public outcry. So I
11 would like to suggest to you and then to take it to
12 the -- back to the committee, that we initially
13 focus on the banner revisions, dig -- digital
14 signage in the suitable overlay areas, the
15 interstate overlay for billboards and then
16 revisions to the various language to comply with
17 Reed and other decisions that we have to abide by.

18 So if that moves forward, we can
19 focus then on any cleanup and go through the rest
20 of the ordinance, but at least then we know that

21 we're going in the right direction of the
22 supervisors. So I can bring that to you on a
23 regular basis rather than just waiting till the
24 whole thing is done. So I'd like some feedback so
25 we can address that at the Wednesday meeting.

24

1 MR. HOLAHAN: I'm warm to the
2 idea about that. It looks like trying to attack
3 too much at one time. Perhaps that's why we never
4 did anything with the original ordinance because it
5 just becomes so onerous and convoluted. Yeah, I
6 would -- I would certainly say concentrate on
7 something now, right? I mean, that's what these
8 guys are -- were tasked to do.

9 MR. KERRICK: I think that was
10 our idea and our task to do --

11 MR. HOLAHAN: Right.

12 MR. KERRICK: -- at first, but
13 it kind of --

14 MR. HOLAHAN: Warped in --

15 MR. KERRICK: -- blossomed in or
16 warped into the -- but I -- there was things on --

17 the -- I think there was things that were told to
18 us that weren't going to work real well in our
19 township with the new sign ordinance. I know you
20 put -- people put a lot of time in it, but there
21 was issues that we never all five of us resolved,
22 that's why we never adopted it.

23 MS. PICKARD: Well, we never --
24 we never talked about it.

25 MR. KERRICK: Well, we looked

25

1 at it numerous times and -- and --

2 MS. PICKARD: Not the sign
3 ordinance.

4 MR. KERRICK: -- and Bob and the
5 manger at the time thought we could tune up what we
6 had, would be better than what our proposed new
7 ordinance would be.

8 MR. HOLAHAN: In retrospect --

9 MR. KERRICK: I'm speaking for
10 myself --

11 MR. HOLAHAN: Right. In
12 retrospect we could've handled it differently. So
13 now moving forward, I still like Mike's --

14 MR. KERRICK: I like Mike's
15 idea --
16 MS. PICKARD: Yeah.
17 MR. KERRICK: -- suggestion.
18 MR. MIKE CHRISTIAN: But which
19 -- which ordinance do you think that --
20 MR. HOLAHAN: The digital.
21 MR. MIKE CHRISTIAN: -- we
22 should use? No, no, but --
23 MR. HOLAHAN: Oh.
24 MS. PICKARD: Well, the -- I --
25 MR. MIKE CHRISTIAN: Going back

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1 the draft that you did or going back to the
2 existing current to use as our basis?
3 MS. PICKARD: I think we should
4 do the one that the planning commission --
5 MR. HOLAHAN: Has worked on.
6 MR. MIKE CHRISTIAN: Has worked
7 on.
8 MS. PICKARD: And, you know,
9 John and I both were at those sign meetings for the

10 most part and Annie was on the planning commission,
11 so --

12 MR. MIKE CHRISTIAN: Well, that
13 was our sense. Okay, good.

14 MR. HARRY FORBES: Before you
15 move on, if you piecemeal this -- and that's what
16 it started to sound like, is you're gonna piecemeal
17 it, you're gonna be bogged down in the legal
18 prospect of having to present something every time
19 you have a change, because you gotta go to your
20 Monroe County Planning Commission, it's gotta set
21 --

22 How long, Jonathan?

23 MR. REISS: 30 days.

24 MR. MIKE CHRISTIAN: Well, we
25 wouldn't have to go through --

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1 MR. HARRY FORBES: Unless
2 you're gonna do it and get approval and then
3 present it all at one time.

4 MR. McHALE: But the ordinance
5 isn't gonna be submitted and approved in pieces,
6 Harry. It's gonna be -- progress reports are gonna

7 be provided to the board so that they can provide
8 some feedback as they go and then at the very end
9 --

10 MR. HARRY FORBES: Right.
11 That's where I was headed.

12 MR. McHALE: -- the
13 comprehensive.

14 MR. HARRY FORBES: That's the
15 way -- if you're gonna do it that way, that's one
16 thing.

17 MS. PICKARD: That sounds
18 better, yeah.

19 MR. HARRY FORBES: But to -- to
20 present something and do it right, you should be at
21 the end when you have a final product.

22 MR. HOLAHAN: It's a difficult
23 thing to do, but I mean it's like -- it's like
24 sailing of a submarine, you know, you close one
25 compartment, you move on to the next one and you

28

1 don't go back again. And that's something that we
2 have to be --

3 MR. McHALE: The only item --

4 MR. HOLAHAN: -- concerned

5 about.

6 MR. McHALE: -- that we asked to
7 move forward with was the banners and the A-frame
8 signs, which we'll be getting some information to
9 Jonathan by noon tomorrow, so that -- it -- it be a
10 couple of paragraphs that we would insert or change
11 or modify in the ordinance, in order to move on
12 with the holiday, whatever remains of events. And
13 we've already talked through all that and the sign
14 committee has already looked and hashed through
15 that pretty extensively at the last meeting.

16 What we wanted to do is get
17 Jonathan's, you know, draft of it back to them on
18 Wednesday for further editing or modification as
19 they saw fit before we brought it to the board and
20 that was --

21 MR. HOLAHAN: So you already --

22 MR. McHALE: That's only banners
23 -- banners and A-frames, that's it.

24 MR. HOLAHAN: So you already
25 presented to Jonathan just so he can put the

1 language back together?

2 MR. McHALE: We're gonna get
3 that information to him by noon tomorrow.

4 MR. HOLAHAN: Right.

5 MR. McHALE: And then if he can
6 get something put together so that we could present
7 it on Wednesday night, just a draft or something
8 would be helpful.

9 MR. HOLAHAN: All right.

10 MR. MIKE CHRISTIAN: And then
11 just one other question, it was if we could have
12 some feedback on what wasn't working for the
13 supervisors in the draft sign portion. Maybe
14 there's other parts, but if we could have some
15 feedback on what wasn't working in the sign
16 portion.

17 MS. PICKARD: It was never
18 really reviewed, Mike, you know. And I -- I know
19 John would say that he wanted it two or three pages
20 and we had seven pages of definitions. And we had
21 the whole ordinance that we were looking at, so we
22 never really -- we were supposed to adopt the whole
23 entire zoning update, not just the signs. So I
24 think it fell by the wayside, because the whole

21 don't want to change something that's already been
22 done.

23 MS. PICKARD: No, no. I mean,
24 there were a --

25 MR. DAN DOUGHERTY: A lot of

31

1 work --

2 MS. PICKARD: -- couple things,
3 though, that weren't addressed well, the banners
4 and whatever probably. And digital signs was not
5 -- not discussed during there.

6 MR. HOLAHAN: Can you get -- I
7 guess we could probably pull it off of our archives
8 here from the website.

9 MR. McHALE: We'll forward --

10 MS. PICKARD: It's on the --

11 MR. DAN DOUGHERTY: Want my
12 copy?

13 MS. PICKARD: They have it, it's
14 on our --

15 MR. McHALE: We'll forward the
16 copy.

17 MR. KERRICK: It's on our --

18 MR. HOLAHAN: Right, that's what
19 I was saying, we could pull it off of here.

20 MS. PICKARD: And they have it,
21 they have it.

22 MR. MIKE CHRISTIAN: All right.
23 Thank you very much.

24 MR. HOLAHAN: You're welcome.

25 MR. ARAM CALFAYAN: John, I'm a

32

1 little ignorant of what's going on. Are we talking
2 about digital signs and animated digital signs? Or
3 are we just talking about animated digital signs?

4 MR. HOLAHAN: Actually right
5 now we're just talking about digital signs and our
6 -- and our sign draft. We're -- we're -- we've got
7 the committee tasked with bringing all that stuff
8 back to us again.

9 MR. ARAM CALFAYAN: Okay.

10 MR. HOLAHAN: Yeah. Thank you.

11 MR. ARAM CALFAYAN: Thank you.

12 MR. HOLAHAN: Let's go on to
13 Item B, Kalahari Stage B ropes course, land

14 development plan, staging plan revisions.

15 So does that refer to the
16 paperwork that you've given us here?

17 MR. McHALE: Yes, sir.

18 MR. HOLAHAN: Okay. So if
19 you've all looked at it, there's a recommendation
20 that the proposed preliminary final land
21 development plan for Kalahari's -- be approved
22 subject to the applicant's satisfactory response to
23 the items that are listed in this letter.

24 Did you all get to read that
25 yet?

33

1 MS. PICKARD: Yeah.

2 MR. HOLAHAN: Okay. Do I have a
3 motion?

4 MS. PICKARD: I'll make that
5 motion.

6 MR. KERRICK: Second.

7 MR. HOLAHAN: Got a motion and
8 a second.

9 Further discussion?

10 Do you have anything to add, Mr.

11 McHale?

12 MR. McHALE: Except that
13 Jonathan will be preparing an amendment to the
14 development agreement to go along with that.

15 MR. HOLAHAN: Umm-hmm.

16 MS. PICKARD: And that'll be on
17 a subsequent meeting.

18 MR. McHALE: Well --

19 MS. PICKARD: Or does that just
20 get --

21 MR. McHALE: Well, what we'd
22 like maybe as a separate motion would be that once
23 you pull that together that you would be
24 authorizing the --

25 MR. HOLAHAN: The chair to

34

1 execute.

2 MR. McHALE: -- board chair to
3 sign --

4 MR. HOLAHAN: Execute.

5 MR. McHALE: -- off on the
6 amendment.

7 MR. HOLAHAN: Yes.

8 MR. McHALE: So we don't have

9 to wait --

10 MS. PICKARD: Can I --

11 MR. McHALE: -- till September

12 to get that --

13 MS. PICKARD: -- amend my

14 motion to include that?

15 MR. HOLAHAN: I've got an

16 amendment on your motion.

17 MR. KERRICK: I'll amend my

18 second as well.

19 MR. HOLAHAN: And the second's

20 amended as well.

21 Further discussion from the

22 board?

23 Anything from the public?

24 Hearing none. Call the vote.

25 John?

35

1 MR. KERRICK: In favor.

2 MR. HOLAHAN: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. HOLAHAN: And I say yes.

5 Motion carries.

6 Item C, Venezia, first amendment
7 to the development agreement.

8 MR. REISS: Do you want to
9 start or --

10 MR. McHALE: You can go ahead.

11 MR. REISS: Okay. You had
12 author -- the property owner had contacted you six
13 weeks ago or so, a month ago, asking that they
14 wanted to not proceed with the parking lot at this
15 time, but they do intend at some point to do it,
16 but not in the near future. So they wanted to
17 revoke -- terminate their letter of credit, which
18 was the financial security for the public
19 improvements. And under -- with the condition,
20 though, that when they're ready to start, they're
21 gonna have to repost financial security.

22 So you approved that in concept
23 at the meeting I was not at in July and we -- I
24 prepared an amendment to the development agreement
25 memorializing that, that the letter of credit would

1 be terminated, that when they're ready to proceed,
2 they will be required to provide a new estimate of
3 what those costs are. Bob would have to review and
4 approve that and they would have to then post
5 financial security in the form approved by me.

6 So that's what the development
7 agreement says. Tonight it's on the agenda to
8 authorize the chair to sign that when it comes back
9 signed from the landowner.

10 MR. HOLAHAN: Do I have a
11 motion to --

12 MR. KERRICK: So moved.

13 MR. HOLAHAN: -- authorize?

14 And I'll second.

15 Motion and second.

16 Further discussion?

17 Anything from the public?

18 Hearing none. Call the vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: Vote in favor.

23 MR. HOLAHAN: And I vote in
24 favor. Motion carries.

1 display at the governmental -- government center
2 building. So we were talking about this at the
3 workshop meeting.

4 MS. PICKARD: Yeah.

5 MR. HOLAHAN: Yes.

6 MS. PICKARD: And we pretty
7 much were fine with it in concept. I just wanted
8 to get -- I did a preliminary estimate, which is
9 somewhere around \$600, which would cover all of the
10 hardware to run in the three walls here, down this
11 hall and also in the back hallway that we talked
12 about, for the Pocono Mountain West or Tobyhanna
13 Elementary Center.

14 MR. HOLAHAN: So -- and this
15 hardware that can stay there --

16 MS. PICKARD: Yeah.

17 MR. HOLAHAN: -- to do anything
18 else?

19 MS. PICKARD: It's just really
20 an aluminum molding and the pieces to hang the
21 pictures, which can be taken off at any time.

22 MR. HOLAHAN: Does this require
23 board action, is this more administrative?

24 MS. PICKARD: Well, I think we
25 said everybody was okay with it. I wanted to come

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1 back and let you know about how much the cost would
2 be to get the hardware.

3 MR. HOLAHAN: Okay.

4 MS. PICKARD: So I just wanted
5 to get kind of a consent that we could move forward
6 with that. And our guys would be installing it.

7 MR. HOLAHAN: I'm okay with it.

8 MS. PICKARD: You okay with it?

9 MR. HOLAHAN: John?

10 MR. KERRICK: Absolutely.

11 MR. HOLAHAN: By consensus.

12 Item D -- E, PennDOT traffic signal and roadway
13 improvements for State Route 115 to Commercial
14 Boulevard.

15 MR. McHALE: We received emails
16 and also a phone call from PennDOT that the -- in
17 the development reimbursement agreement between the

18 three parties, which are PennDOT, Pocono Mountain
19 Industrial Park Authority and Tobyhanna Township,
20 that three-party agreement, our portion of it is
21 only for operation and maintenance of the traffic
22 signal, once all the installation of the roadway
23 improvements, traffic signal is complete.

24 But what they need as a part of
25 their engineering construction management system

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1 is, they need two people from Tobyhanna Township
2 that are assigned as, one, a municipal approver;
3 and two, a legal reviewer to concur that what's
4 being presented is already there as a -- as a bid
5 proposal, that we're okay with it and that we can
6 move forward so that they can actually have a
7 contract that gets executed by the contractor, move
8 towards construction.

9 So really at this point we would
10 just need for the board to acknowledge those two
11 people and --

12 MR. HOLAHAN: Jonathan would be
13 -- right?

14 MR. McHALE: Legal reviewer.

15 MR. HOLAHAN: Wouldn't be --
16 yeah, use Jonathan --
17 MS. PICKARD: Bob.
18 MR. HOLAHAN: -- as our legal
19 and Bob as the --
20 MS. PICKARD: Bob as our --
21 MR. McHALE: I can do that and
22 then go on their system, set up user IDs,
23 passwords, so on and so forth, but -- okay. If
24 you're going to do that then, at the time that the
25 new township manager comes on board, we can always

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1 change it in the system if we need to, so -- okay.
2 MR. KERRICK: I have a
3 question.
4 MR. McHALE: Yes, sir.
5 MR. KERRICK: You mentioned
6 operation, wasn't that -- help me understand.
7 Wasn't that going back to the development or the
8 operation?
9 MR. McHALE: Yes, we do have --
10 MR. KERRICK: An agreement.

11 MR. McHALE: -- an agreement in
12 place for the development to reimburse us for the
13 work that's being done on the --

14 MR. KERRICK: The work or the
15 operation and maintenance of the light, the signal?

16 MR. McHALE: Both.

17 MR. KERRICK: Okay. Thank you.

18 MR. McHALE: The installation is
19 done under the grant and then once they go to the
20 operation and maintenance of the signal, then we
21 have an agreement with the landowner --

22 MR. KERRICK: I thought so.
23 Thank you.

24 MR. HOLAHAN: So do I have a
25 motion to assign --

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1 MS. PICKARD: I'll make --

2 MR. HOLAHAN: -- Mr. McHale?

3 MS. PICKARD: -- that motion.

4 MR. HOLAHAN: Okay. Got a
5 motion.

6 MR. KERRICK: Second.

7 MS. PICKARD: Can we do both

8 together?

9 MR. HOLAHAN: Sure.

10 MS. PICKARD: Mr. McHale and
11 our solicitor Jonathan Reiss.

12 MR. HOLAHAN: Okay. So I've
13 got a motion.

14 Do I have second?

15 MR. KERRICK: Second, that's a
16 second.

17 MR. HOLAHAN: So I've got a
18 motion and a second.

19 Further discussion?

20 You all know what's going on?

21 Okay. Do you care?

22 Call the vote.

23 John?

24 MR. KERRICK: In favor.

25 MR. HOLAHAN: Heidi?

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1 MS. PICKARD: I vote in favor.

2 MR. HOLAHAN: I vote in favor.

3 Motion carries.

4 MS. PICKARD: You want John to
5 tie it up?
6 MR. HOLAHAN: Yeah, you want to
7 tie it up here?
8 MS. PICKARD: Back to you.
9 MR. HOLAHAN: Take it away.
10 MR. KERRICK: So I go -- where
11 do I go, No. 11?
12 MS. PICKARD: Yeah.
13 MR. HOLAHAN: No. 11.
14 MR. KERRICK: Any comments,
15 questions or concerns of the board?
16 MS. PICKARD: I have a couple
17 of -- I have just a couple -- yeah, I have a couple
18 things. The LSA audit is completed for the LSA
19 Grant for the Old Route 940 bridge by Riley. The
20 audit is also in draft form, we're get --
21 finalizing for the NIDA, for the Tobyhanna Township
22 NID.
23 MR. HOLAHAN: Umm-hmm.
24 MS. PICKARD: And we also have
25 a draft of the agreement, the annual agreement for

1 2015 that Municap put together. So I think we're
2 ready to have a meeting. And I did speak with
3 Michelle Bisbing. I was wondering if there was any
4 way, since all five of us are gonna be here two
5 days next week and three the following week, that
6 we kind of piggy-back something around six o'clock.
7 Wednesday seemed to be better definitely on the
8 second week.

9 MR. REISS: Both of those --

10 MS. PICKARD: And the 17th and
11 the 24th, I have conflicts every other day, but --

12 MR. KERRICK: What time would
13 you be looking for --

14 MS. PICKARD: Well, I think we
15 have interviews till six o'clock, so I was --

16 MR. KERRICK: From what time?

17 MS. PICKARD: -- wondering --
18 it's only gonna take like 15 minutes.

19 MR. KERRICK: What time do our
20 interviews start?

21 MS. PICKARD: They end at six,
22 all of them.

23 What time do you have a meeting?

24 MR. KERRICK: Three o'clock.

25 MS. PICKARD: Well, that's

1 another conflict problem.

2 MR. KERRICK: Set it for that
3 date and I'll --

4 MS. PICKARD: So which day
5 the -- where are you?

6 MR. REISS: Do you want me to
7 attend?

8 MS. PICKARD: I think you need
9 to attend, aren't you, our solicitor?

10 MR. REISS: Yes.

11 MR. McHALE: Yes.

12 MS. PICKARD: Okay.

13 MR. REISS: The 17th I have a
14 planning commission meeting.

15 MS. PICKARD: Can you do the
16 24th?

17 MR. REISS: Yes.

18 MS. PICKARD: So if we make it
19 the 24th at 6, I know Michelle can make it.

20 MR. HOLAHAN: I'm good.

21 MS. PICKARD: And apparently

22 the birdman is flying back and forth between --
23 MR. HARRY FORBES: I don't know
24 where he's gonna be, I'll check on it.
25 MS. PICKARD: But we'll try and

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1 get him by telephone. If not, Harry will be here
2 just to relay the information.
3 MR. REISS: Okay.
4 MR. HOLAHAN: All right.
5 MR. KERRICK: At six, did you
6 say, I'm sorry?
7 MS. PICKARD: Yeah, the 24th at
8 6.
9 MR. KERRICK: 6 p.m.
10 MS. PICKARD: And it shouldn't
11 take -- all we have to do is approve those two
12 documents, I think, really.
13 MR. REISS: You'll have to
14 advertise that.
15 MR. KERRICK: Did you have
16 anything else, Heidi?
17 MS. PICKARD: Yeah. I have
18 also -- which is a little problematic tonight with

19 our lack of attendance. I had opened an additional
20 sewer account because I couldn't use the electronic
21 bank deposits from two banks, so I opened another
22 sewer account, so I need signatures for that.

23 MR. KERRICK: Okay.

24 MR. HOLAHAN: Signatures from
25 all of us?

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1 MS. PICKARD: Well, preferably.

2 MR. HOLAHAN: Do we need board
3 authorization to do that, to authorize the
4 signatures of a new account?

5 MS. PICKARD: No.

6 MR. REISS: I think you already
7 authorized --

8 MS. PICKARD: No, we did that
9 in the beginning --

10 MR. REISS: -- the transfer.

11 MS. PICKARD: -- of the year.

12 MR. HOLAHAN: Okay.

13 MS. PICKARD: Yeah.

14 MR. HOLAHAN: All right.

15 Anything else?
16 MS. PICKARD: No, just there's
17 lots of checks to sign.
18 MR. HOLAHAN: Okay. Lots of
19 checks to sign.
20 MR. KERRICK: Anyone from the
21 public have any comments, questions?
22 Yes, sir? State your name for
23 the record, please.
24 MR. BRENDON CARROLL: Brendon
25 Carroll. I have attorney for -- a question for

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1 Attorney Reiss.
2 Can you explain to me about what
3 you said in the beginning regarding the
4 supervisors, if they have a potential conflict?
5 I'm confused with your explanation.
6 MR. REISS: Generally --
7 MR. BRENDON CARROLL: It's a
8 small town so if portions of the board members
9 happen to --
10 MR. REISS: Right.
11 MR. BRENDON CARROLL: -- have

12 their own business or whatever, it's my
13 understanding, maybe you can correct my question,
14 that way if I present it -- if Supervisor A does
15 work for somebody that the township has to bill, I
16 would -- it was always my understanding that if you
17 state your conflict, because you have a right to do
18 business aside from your position as a supervisor,
19 that after you state that conflict, you still have
20 the right to vote on a bill or a project, or
21 whatever, without abstaining from a vote, is
22 that --

23 MR. REISS: No. Under the
24 State Ethics Law if you -- if a supervisor or their
25 immediate family would realize a pecuniary benefit,

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1 then --

2 MR. BRENDON CARROLL: Pecuniary
3 is financial --

4 MR. REISS: Is financial,
5 correct.

6 MR. BRENDON CARROLL: -- benefit
7 for those that --

8 MR. REISS: They would have to
9 state what the conflict is publically at the
10 meeting and abstain from voting and participating
11 in the discussion about the vote. However, if
12 there is a -- due -- if there is a lack, either if
13 that -- if they abstain and there's a lack of a
14 quorum then or there's a tie vote, under those
15 circumstances, they can state what their conflict
16 is and then vote, but only -- that's the only time
17 they can vote. And they are supposed to submit in
18 writing basically what they said to the audience
19 about what the conflict is, and that's supposed to
20 be appended to the minutes.

21 MR. HOLAHAN: And we have a --
22 we have a form that's a called a conflict of
23 interest disclosure that's -- fill in the date and
24 the reason and just submit it to secretary --

25 MR. REISS: Correct.

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1 MR. BRENDON CARROLL: Thank you.

2 MR. KERRICK: Any other public
3 comments?

4 MS. SHEILA CALFAYAN: Yes.

5 MR. KERRICK: Yes. Go ahead.
6 State your name for the record, please.

7 MS. SHEILA CALFAYAN: Sheila
8 Calfayan, 145 Kickapoo Drive, Arrowhead.

9 Why are they paving Locust Ridge
10 Road prior to the bridge being put in there?
11 Wouldn't that damage the paving on the road? I
12 mean, wouldn't it cause more usage on the road? It
13 doesn't make sense to fix the road before you the
14 fix the bridge. They should fix the road after the
15 bridge.

16 MR. ARAM CALFAYAN: They have
17 nothing to say about it.

18 MS. PICKARD: Yeah.

19 MR. HOLAHAN: I know.

20 But, Eddie, you want to address
21 that?

22 MR. ED TUTRONE: That did come
23 up and I believe that that was -- the bridge was
24 supposed to have been done last year and got put
25 off and put off. The state bid the contract for

1 Locust Ridge Road, put it together, bid it out to
2 pave this year, in the anticipation that the bridge
3 was going to be done. So when the bid was awarded,
4 the bridge wasn't done so they put -- PennDOT still
5 needs to move forward with the monies that they had
6 budgeted so --

7 MR. HOLAHAN: So you're right,
8 Sheila.

9 MR. ED TUTRONE: Correct.

10 MR. HOLAHAN: It's pretty dumb.

11 MR. ED TUTRONE: What you're
12 saying is correct, but unfortunately because of
13 scheduling conflicts and whatever happened with the
14 bridge construction, PennDOT was kind of caught in
15 the middle. So they still needed to move forward
16 with the paving.

17 MS. SHEILA CALFAYAN: Now, are
18 they gonna fix the road after they destroy it with
19 doing the bridge?

20 MR. ED TUTRONE: That --

21 MS. SHEILA CALFAYAN: I mean,
22 are we gonna live with the same problems that we've
23 been living with for the last 10 years?

24 MR. ED TUTRONE: That --
25 tomorrow at three o'clock there's a meeting here

1 with the contractor for the bridge and Locust Ridge
2 Contractors will have a representative here also.
3 So if --

4 MR. McHALE: Public's welcome
5 to come.

6 MR. ED TUTRONE: Yeah, the
7 public --

8 MS. PICKARD: Yeah, come.

9 MR. ED TUTRONE: It's open to
10 the public and also PennDOT will have
11 representation here also.

12 MS. SHEILA CALFAYAN: Okay.
13 Thank you.

14 MR. ED TUTRONE: And if you
15 want -- I mean, if you're not able to make it, if
16 you wanna call up tomorrow and just have one of the
17 -- give one of the girls your questions, I can ask
18 it for you.

19 MS. SHEILA CALFAYAN: Thank you.

20 MR. KERRICK: You could
21 probably answer it right now.

22 MR. ED TUTRONE: Yeah, but I

23 don't want to speak for --

24 MR. KERRICK: Any other

25 questions, concerns?

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1 Seeing none. Let's adjourn.

2 Do I have a motion?

3 MS. PICKARD: So moved.

4 MR. KERRICK: Second?

5 MR. HOLAHAN: Second.

6 MR. KERRICK: We're adjourned.

7 Thank you for attending.

8 (Meeting concluded at 7:41 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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