

Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
---

In Re: Regular Business Meeting  
  
---

Tobyhanna Elementary Center  
398 Old Route 940  
Pocono Pines, Pennsylvania 18350  
Monday, May 14, 2012, beginning at 9:43 a.m.  
  
---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member  
  
PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor  
  
---

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

2

1 MR. KERRICK: I'd like to  
2 welcome everyone here this morning. Normally we  
3 have the pledge of allegiance, but since you  
4 already did that, we'll skip over that.  
5 First item, announcements.  
6 Heidi?  
7 MS. PICKARD: Okay. A few  
8 announcements. We are shooting to have the pool  
9 open either June 15 or June 22, so we'll let you  
10 know for sure as soon as that has been determined.  
11 And we want to announce that Community Day will be  
12 Saturday, July 14, 2012, and that will take place  
13 at the Blanche Price Park over by our township  
14 building in Pocono Pine.  
15 Also the Pocono Summit Volunteer  
16 Fire Company is having their festival and parade  
17 June 22 and June 23, and the Tobyhanna Township  
18 Volunteer Fire Department -- Fire Company is having  
19 their carnival this year, which is the first year  
20 in a long time, July 4 through the 7th, and that  
21 will be over at Blakeslee.  
22 Also I just wanted to announce  
23 that the Pocono Environmental Council will be  
24 planting some trees this weekend at our Blakeslee

25 Natural Area.

3

1 That's all.  
2 MR. KERRICK: That's all?  
3 Thank you.  
4 Next item, consider the minutes  
5 from March 5, 2012 work session; March 5, 2012  
6 regular business meeting; April 9, 2012 regular  
7 business meeting; April 16, 2012 special meeting;  
8 and April 30 special meeting.  
9 What's the board's pleasure?  
10 MS. PICKARD: I'll make a --  
11 MR. HOLAHAN: I'll -- oh, I'm  
12 sorry. I'll make a motion that we accept the  
13 minutes of those meetings as mentioned.  
14 MR. KERRICK: Motion on the  
15 floor. Do we have a second?  
16 MS. PICKARD: I'll second.  
17 MR. KERRICK: Motion and  
18 second.  
19 Questions or comments from the  
20 board?  
21 Questions or comments from the  
22 public?  
23 Call the vote. John?  
24 MR. HOLAHAN: I vote in favor.  
25 MR. KERRICK: Anne?

4

1 MS. LAMBERTON: I vote in  
2 favor.  
3 MR. KERRICK: Heidi?  
4 MS. PICKARD: I vote in favor.  
5 MR. KERRICK: I'll vote in  
6 favor. Motion carried.  
7 Next item, we have to pay our  
8 current obligations, bill pack dated, May 14.  
9 Total amount for board approval, \$493,050.10.  
10 MS. PICKARD: I make a motion  
11 that we approve the May 14, 2012 bill pack in the  
12 amount of \$493,050.10.  
13 MR. HOLAHAN: I'll second.  
14 MR. KERRICK: Motion and  
15 second.  
16 Questions or comments from the  
17 board?  
18 Questions or comments from the  
19 public?  
20 Call the vote. John?  
21 MR. HOLAHAN: I vote in favor.  
22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I'll abstain.  
24 MR. KERRICK: Heidi?  
25 MS. PICKARD: I'll vote in

5

1 favor.  
2 MR. KERRICK: I'll vote in  
3 favor. Motion carried.  
4 Next item on our agenda,  
5 solicitor's report.  
6 MR. ARMSTRONG: Thank you, Mr.  
7 Chairman. The only items I have in my report, the  
8 first one is, as you know, the planning commission  
9 has been working on the proposed zoning ordinance  
10 and SALDO amendments. I anticipate a  
11 recommendation to the board sometime before the end  
12 of the month, they're going to be talking about at  
13 their meeting next week.  
14 You already have a draft form of  
15 those two -- you have a draft of the zoning  
16 ordinance, you don't have a draft of SALDO yet,  
17 because that has not been discussed extensively by  
18 the PC yet, but you do have the zoning ordinance in  
19 draft form. There will be some minor revisions to  
20 that before it's formerly recommended to you by the  
21 planning commission. And like I said, I expect  
22 that recommendation to take place sometime later  
23 this month.  
24 For members of the audience, a  
25 zoning ordinance and a SALDO ordinance for the

6

1 township, it basically tells residents like you and  
2 your parents what you can and cannot do with  
3 respect to your property. Meaning, what you can  
4 build, where you can build it and certain things  
5 that you can do on your property. And the board  
6 will be discussing that in the next month or so.  
7 The only other two things I have  
8 for the board is, one, I have a brief executive  
9 session with respect to litigation after the  
10 meeting and there's also the board -- you may have  
11 seen the letter that we received from Arcadia with  
12 respect to that land development and subdivision  
13 application. They proposed a certain amount to be  
14 paid towards the township with respect to the  
15 traffic improvements in those improvement  
16 requirements from PennDOT.  
17 I don't know if you want to  
18 discuss it today at your meeting, if you want to  
19 wait, discuss it a later -- at a later meeting, but  
20 eventually we're going to have to be responding to

21 them. Either, you know, accept what they provided,  
22 take it under advisement or if you have other  
23 recommendations or options with respect to that  
24 particular issue, we can discuss them.  
25 MR. KERRICK: What's the board

7

1 pleasure on the last item?  
2 MR. HOLAHAN: I think we need  
3 to have a venue where we could discuss it a little  
4 longer, a little more at length. So I'd like to  
5 postpone.  
6 MR. KERRICK: Just table it at  
7 this point?  
8 MR. HOLAHAN: Please, yes.  
9 MR. KERRICK: You okay with  
10 that, Anne?  
11 MS. LAMBERTON: I'm good.  
12 MR. KERRICK: Heidi, you all  
13 right with that?  
14 MS. PICKARD: That's fine.  
15 Should we put it on the work  
16 session agenda for June?  
17 MR. ARMSTRONG: That would  
18 probably be a good idea if you want to put it on  
19 the work session.  
20 MR. KERRICK: Do we want to  
21 have Arcadia in attendance or do we want to discuss  
22 it amongst ourselves first? So we get up to speed.  
23 I mean, there's lots of things that we have to dis  
24 --  
25 MR. HOLAHAN: Yeah, we need --

8

1 we need to get a better grasp of it, at least I do,  
2 before I can have that conversation with them.  
3 MR. KERRICK: So we'll just  
4 discuss it with our engineer then?  
5 MR. HOLAHAN: Right.  
6 MR. KERRICK: Thank you.  
7 Anything else, Pat?  
8 MR. ARMSTRONG: That's all I  
9 have for my report. Thank you, Mr. Chairman.  
10 MR. KERRICK: Thank you.  
11 MS. PICKARD: Just as a  
12 reminder we do have the June meeting. We will have  
13 the official map on the agenda also.  
14 MR. ARMSTRONG: Yes. As you  
15 recall you reco -- or you authorized the official  
16 map for the township be advertised for a public  
17 hearing for approval in June. It's already been  
18 forwarded to your neighboring municipalities, as



19 well as the school district and the county planning  
20 commission.

21 We have not received any  
22 comments back. I don't know if we will, but that  
23 public hearing to adopt that ordinance and that map  
24 will take place at your June meeting -- your June  
25 regular business meeting.

9

1 MR. KERRICK: Next item, new  
2 business.

3 First item, Todd Bushta, our CPA  
4 with our audit.

5 MR. TODD BUSHTA: Thank you, Mr.  
6 Chairman.

7 Good morning, Supervisors. This  
8 looks like a fun place to present financial  
9 statements. You all have them in front of you.  
10 What I'll do is, like during the previous years,  
11 just kind of walk you through the report explaining  
12 the workings of it and then you can go ahead and  
13 review it and study it on your own. If you have  
14 any questions, I can help you after you've gone  
15 back to the meeting and discuss those sustaining  
16 issues.

17 First, if you look at the table  
18 of contents, the report first is going to be the  
19 auditors' report and report on internal control on  
20 compliance required by government auditing  
21 standards. The next, the main section of the  
22 report is the MD and A, Management's Discussion and  
23 Analysis, which is the executive summary of the  
24 financial statements.

25 You're looking at the township

10

1 as an operating entity only following business  
2 matters. The governmentwide financial statements  
3 differ from the financials you're used to looking  
4 at, in that they capitalize fixed assets,  
5 depreciate those fixed assets, long-term debt is  
6 shown as liability, repayment of that debt is shown  
7 as a reduction of liability rather than  
8 expenditure, like we see in the regular fund based  
9 financial statements and also your monthly  
10 financial statements.

11 The fund based financial  
12 statements are next and they're stated individually  
13 by fund. The notes of the financial statements, of  
14 course, are primarily definitional. We also have  
15 some budgetary statements from the general fund,  
16 budget to actual and some combining schedules for

17 the special revenue funds. Special revenue funds  
18 include the fire tax, the library tax, as well as  
19 the liquid fuels fund.  
20 The auditor report's next on  
21 Page 2. The first paragraph, of course, tells you  
22 collectively what we audited. We audited Tobyhanna  
23 Township for 2011. The second paragraph explains  
24 the rules we follow, as well as a little bit of  
25 what an audit includes. The last paragraph we're

11

1 indicating that the township financial statements  
2 have appropriately been prepared on the cash and  
3 modified cash basis of accounting.  
4 At the top of Page 3 what you'll  
5 find in the first paragraph expression of opinion,  
6 unqualified opinion. The next two paragraphs on  
7 Page 3 simply discuss the other various items that  
8 I already mentioned in the table of contents, which  
9 are included in this report.  
10 On Page 4 we discuss the  
11 internal control over financial reporting, as well  
12 as compliance. We look at internal control, of  
13 course, as auditors to help us determine the  
14 nature, extent and time of our audit tests and also  
15 where we see the -- key the operations of the  
16 internal control policies and procedures and how  
17 they're functioning and whether or not they're  
18 adequate. The words were already used for fund --  
19 the last paragraph on Page 4 discussing internal  
20 control deficiencies, as well as any significant  
21 deficiencies.  
22 At the top of Page 5 we indicate  
23 that, of course, the township does have a small  
24 financial staff. So there are inherent issues with  
25 regards to segregation of use and things like that.

12

1 However, there are no material weaknesses  
2 identified in the internal controls in the  
3 township.  
4 With respect to compliance, we  
5 test compliance, just like we test internal  
6 control, looking at compliance with laws and  
7 regulations, statutes, grant agreements and the  
8 like. And we indicate in the last sentence there  
9 that we did not identify any issues with  
10 noncompliance.  
11 Next section of the report is,  
12 MD and A, or Management's Discussion and Analysis.  
13 And this is a really good read as far as looking at  
14 the higher level financial information of the

15 township. Of course, these are highly aggregated  
16 numbers, so they are discussing all the funds  
17 combined together.  
18                   Your financial highlights first,  
19 as well as the brief explanation of the flow of  
20 this report. There's also six years of trend  
21 information throughout these tables. And indeed  
22 this trend information is geared off of  
23 governmentwide financial statements, that first set  
24 of combined financial statements.  
25                   Moving past the MD and A, we get

13

1 to the governmentwide financial statements. Now,  
2 these financial statements, as I indicated, are all  
3 of the township's funds combined together in the  
4 government activities column. The business-type  
5 activities column represents the sewer fund. And  
6 again, unlike the fund based financial statements,  
7 these financial statements capitalize fixed assets,  
8 depreciate those fixed assets. We're also showing  
9 long-term debt as a liability and retain the debt  
10 as a reduction for liability.  
11                   On this, basically the county,  
12 looking at the statement net assets, the township  
13 has nine million three, almost nine million and  
14 four in governmental fund net assets; a million  
15 five in sewer fund net assets.  
16                   On Page 17 we have a statement  
17 of activities and this is a good -- good financial  
18 statement in that the expenses are shown first by  
19 their functional category of government; general  
20 government, public safety, public works,  
21 recreation. And then we show those expenses being  
22 offset by various charges for service, as well as  
23 the intergovernmental revenues, which we see as the  
24 operating grants and contributions. Rendering a  
25 net almost \$4 million in expenses, which your tax

14

1 revenues below are applied against that net  
2 expenditure. And on this basically the county --  
3 the township actually had a loss, if you will, of  
4 \$9,500. So you pretty much break even.  
5                   The next two pages describe the  
6 differences between this governmental reporting  
7 model, governmentwide model and the traditional  
8 fund based financial statements that we will look  
9 at next and also you see on a monthly basis, which  
10 begin on Page 20.  
11                   The general fund, of course, has  
12 a million five in unassigned fund balances or funds

13 available for future appropriation. We also have  
14 \$910,000 in capital projects funds, which are  
15 reserved for that specified purpose. The special  
16 revenue fund was \$340,000 there. Remember that is  
17 the combination of the fire tax, the library tax,  
18 as well as liquid fuels tax. And we see at the  
19 very end of the report where all those individual  
20 funds are identified.  
21 On Page 21 we have our statement  
22 of revenues and expenditures. The general fund had  
23 four million six, almost four million seven in  
24 revenues; four million two in expenditures. We  
25 also had some transfers out of the general fund to

15

1 pay for debt service. So the general fund added to  
2 its fund balance, \$289,000, on this cash basis  
3 (inaudible).

4 In the capital finance fund we  
5 had some revenues, \$5,900, as well as almost 80,000  
6 in expenses for capital projects. And again, we'll  
7 skip over special revenue, it will make more sense  
8 when we look at those as individual funds at the  
9 end of the report.

10 The next page is the -- Page 32  
11 (sic) balance sheet for the sewer fund. We see  
12 cash of \$276,000; net fixed assets are 6 million.  
13 There's also outstanding debt, \$4.9 million notes  
14 payable and a million five (inaudible) balance.  
15 The operating results of the sewer fund are on Page  
16 23 and this year the sewer had a loss of \$42,000.  
17 Some of that's a function of depreciation.

18 On Page 24, we're presenting the  
19 pension funds, \$700,000 for pension funds available  
20 and the pension transactions are on Page 25.  
21 You'll notice that because of the condition of the  
22 financial markets there is an unrealized loss  
23 recognized in the connection with the pension fund.

24 The notes to the financial  
25 statements are next and they are primarily

16

1 definitional, but we'll focus on a couple of them.  
2 First on Page 33, we have our capital asset note  
3 showing that we had some capital outlay of 700 --  
4 or \$77,000 for the year. Below that, Note 6, we  
5 have a debt disclosure where we're into -- where  
6 we're demonstrating that refinancing that occurred  
7 in 2011 and the current outstanding debt. The  
8 series A97 and '97 notes have been refunded and we  
9 issued the new series 2011 notes (inaudible).

10 On Page 34 we have a picture of

11 debt service to maturity, where you're seeing the  
12 debt finalized and being repaid over time. The  
13 general fund debt is the pro rata share of the  
14 township's obligation to the police department, a  
15 debt that's outstanding, the regional police  
16 department. The business-type activity debt, of  
17 course, is the sewer fund note of 2011.  
18 On Page 37, we got a budget to  
19 actual for the general fund; Page 37 is revenues.  
20 And on Page 38 we have the departmental budget to  
21 actual for the general fund expenditures, you got  
22 the variance column.  
23 And now on Page 39 we see those  
24 special revenue funds where we're combining those  
25 funds together, the library fund, the fire fund,

17

1 the highway aid fund. The fire fund has \$300,000  
2 in it, funds available for purchase of fire  
3 apparatus and (inaudible). The library fund is  
4 really in and out. Township collects the tax and  
5 pays it back to the library, \$143,000 there. And  
6 liquid fuels we have -- on the liquid fuels  
7 allocation \$185,000 and there was some road work  
8 for \$194,000.  
9 During the years the township  
10 implemented some new financial software modernizing  
11 the new financial software on those. That  
12 implementation has occurred and we're working out  
13 to budget that. Once we're comfortable with that  
14 in the next couple of weeks, we're going to visit  
15 the policies and procedures, the usage methodology,  
16 the reporting methodology and review internal  
17 controls and get a bunch of policy computers in  
18 place to best utilize that new software.  
19 So that's our perspective plan,  
20 I guess for the current month.  
21 If there are no questions? As I  
22 indicated, if you do have any substantive  
23 questions, I'd be glad to go back over and answer  
24 those.  
25 MR. KERRICK: Thank you.

18

1 MR. TODD BUSHTA: Thank you,  
2 sir.  
3 MS. PICKARD: Thank you.  
4 MR. KERRICK: Next item on our  
5 agenda, consider SIDE Corporation, KOZ agreement  
6 amendment.  
7 Any questions for Mark?  
8 MS. PICKARD: Mark, did you

9 want to explain --  
10 MR. MARK SINCAVAGE: My name is  
11 Mark Sincavage, I'm the president of the SIDE  
12 Corporation. I'll just give a real brief history  
13 here.  
14 We entered into an agreement  
15 with the township concerning a Keystone Opportunity  
16 Zone for New Ventures Commercial Park located in  
17 Blakeslee back in 2009, I believe it was, with the  
18 township. At that time, the agreement with the  
19 township stated the assessed value of Lot No. 100  
20 in the park of \$789,430.  
21 In that same -- in 2010 we moved  
22 a house from that lot and moved it on to the  
23 adjoining property with a screened veg; so  
24 therefore, the assessed value of Lot 100 was  
25 reduced by Monroe County Assessment Office to

19

1 \$750,880, while the assessed value of the house was  
2 moved on to Parcel No. 1998569. So we're  
3 respectfully asking the township board of  
4 supervisors to modify our agreement and lower the  
5 assessed value of Lot 110 -- I'm sorry, Lot 100 to  
6 the 750,880.  
7 I gave you documentation from  
8 Monroe County Assessment Office showing those  
9 changes and we are also requesting that that be  
10 effective for this current tax year of 2012.  
11 If you have any questions, I'll  
12 be happy to answer them.  
13 (Discussion off the record.)  
14 MR. KERRICK: My question to  
15 Heidi was, why do we have to get involved, but I  
16 understand because it's the agreement that we had  
17 with you. I don't understand, if the county  
18 reassessed it, why we had to get involved, but I  
19 understand now.  
20 MR. MARK SINCAVAGE: Right.  
21 According -- the way I understand it from your  
22 solicitor is that the amount was set in the  
23 agreement, whereas with our other government  
24 bodies, such as the school district, what -- the  
25 amount flows according to what the assessed value

20

1 of the property is.  
2 MR. ARMSTRONG: Yeah, the agree  
3 -- the agreement between the township and SIDE  
4 Corporation specifically sets 25 percent of the tax  
5 base for the year 2009.  
6 MR. MARK SINCAVAGE: Right.

7 MR. ARMSTRONG: And that's a  
8 flat -- that's a way to protect both parties in the  
9 event of fluctuation in prices. What SIDE  
10 Corporation's requesting is based upon the -- I  
11 guess they moved the actual structure from the  
12 property in 2009 to currently, so that structure's  
13 no longer there. So they're asking for an  
14 adjustment in the assessment price set forth in the  
15 agreement.

16 What it would be if the board  
17 would be agreeable to it, it would just be a very  
18 short addendum to the agreement setting forth the  
19 new rate.

20 MR. MARK SINCAVAGE: And just  
21 to further clarify, the township is still  
22 collecting the tax on that house, it just was moved  
23 to an adjoining property so now you're collecting  
24 the full value --

25 MS. PICKARD: The full.

21

1 MR. MARK SINCAVAGE: -- of that  
2 house as opposed to the 25 percent, which was  
3 agreed to in the --

4 MR. PICKARD: I think the intent  
5 of the agreement, my understanding was, to hold  
6 that assessment flat so that if there were any  
7 improvements made, we wouldn't paying on those  
8 improvements during the period in the agreement.  
9 But this is kind of a reverse situation where  
10 something was moved off and is being taxed  
11 elsewhere.

12 MR. MARK SINCAVAGE: Yes.

13 MR. KERRICK: What's the  
14 board's pleasure?

15 MR. HOLAHAN: Mr. Armstrong,  
16 what do have to do here today? Do we make a motion  
17 to amend the agreement?

18 MR. ARMSTRONG: Yeah, you would  
19 just make a motion to amend the existing  
20 highlighted agreement with SIDE Corporation to  
21 reflect the change in the assessment based upon  
22 SIDE's letter dated April 5, 2012.

23 MR. HOLAHAN: I'll make that  
24 amendment -- that motion.

25 MS. LAMBERTON: I'll second it.

22

1 MR. KERRICK: Motion and second  
2 to amend the agreement.

3 Any questions from the board?

4 Questions from the public?

5 Call the vote. John?  
6 MR. HOLAHAN: I vote in favor.  
7 MR. KERRICK: Anne?  
8 MS. LAMBERTON: I vote in  
9 favor.  
10 MR. KERRICK: Heidi?  
11 MS. PICKARD: I vote in favor.  
12 MR. KERRICK: I'll vote in  
13 favor. Motion carried.  
14 MR. MARK SINCAVAGE: Thank you  
15 very much.  
16 MR. KERRICK: Thank you.  
17 Next item on our agenda,  
18 consider Tobyhanna/Tunkhannock pool, MOU renewal.  
19 You want to explain to that?  
20 MS. PICKARD: This is an  
21 agreement that we have entered into for the past  
22 several years with Tunkhannock Township so they can  
23 utilize our pool. So this just spells out, there's  
24 no changes except the date. It just spells out the  
25 liability and issues of who's responsible for what

23

1 at the pool.  
2 So with that, I'll make a motion  
3 that we approve the 2012 memorandum of  
4 understanding with Tobyhanna Township and  
5 Tunkhannock Township respective to the pool.  
6 MR. KERRICK: Motion.  
7 Do we have a second?  
8 MR. HOLAHAN: I'll second.  
9 MR. KERRICK: Motion and second.  
10 Questions or comments from the  
11 board?  
12 Questions or comments from the  
13 public on the motion?  
14 Call the vote. John?  
15 MR. HOLAHAN: I vote in favor.  
16 MR. KERRICK: Anne?  
17 MS. LAMBERTON: I vote in  
18 favor.  
19 MR. KERRICK: Heidi?  
20 MS. PICKARD: I vote in favor.  
21 MR. KERRICK: I'll vote in  
22 favor. Motion carried.  
23 Next item on our agenda,  
24 consider lot joinder, Hector and Judith Giunetti,  
25 Lots 604 and 605, Wagner Way, Locust Lake Village.

24

1 Anyone here? No.  
2 Pretty straightforward.



3 MS. PICKARD: It's pretty  
4 straightforward. We have all the necessary  
5 documentation and fees.  
6 And with that, I'll make a  
7 motion that we approve the lot joinder for Hector  
8 and Judith Giunetti, Lots 604 and 605, Wagner Way,  
9 Locust Lake Village.  
10 MR. HOLAHAN: I'll second.  
11 MR. KERRICK: Motion and  
12 second.  
13 Questions or comments from the  
14 board on the motion?  
15 Questions or comments from the  
16 public on the motion?  
17 Call the vote. John?  
18 MR. HOLAHAN: I vote in favor.  
19 MR. KERRICK: Anne?  
20 MS. LAMBERTON: I vote in  
21 favor.  
22 MR. KERRICK: Heidi?  
23 MS. PICKARD: I vote in favor.  
24 MR. KERRICK: I'll vote in  
25 favor. Motion carried.

25

1 Next item on our agenda,  
2 consider lot joinder, John Connors, Lots 4 and 5,  
3 Arrowhead Drive, Arrowhead Lake.  
4 Anyone here?  
5 Pretty much straightforward  
6 again, Heidi?  
7 MS. PICKARD: Yes, it is. We  
8 have all the documentation and fees have been paid;  
9 and with that, I'll make a motion that we approve  
10 the lot joinder for John Connors, Lots 4 and 5,  
11 Arrowhead Drive, Arrowhead Lake.  
12 MR. HOLAHAN: I'll second.  
13 MR. KERRICK: Motion and second  
14 on the floor.  
15 Questions or comments from the  
16 board on the motion?  
17 MR. HOLAHAN: Yes. Could you  
18 explain what exactly we're doing here with these  
19 properties?  
20 MS. LAMBERTON: Just so they  
21 know.  
22 MR. KERRICK: Okay.  
23 MS. PICKARD: They're taking  
24 two lots and they're forming one lot and erasing  
25 the lot line, so they'll just have one lot instead

26

1 of two separate lots. Lots of times people will do  
2 that to help with their taxes. Sometimes it will  
3 be a little cheaper for them taxwise and also in  
4 the communities they would only have to pay one  
5 dues for those properties.  
6 MS. LAMBERTON: Thank you.  
7 MR. HOLAHAN: So now, Lot No. 4  
8 already has a house on it and they own the lot  
9 right next door to them. And they want to make it  
10 one big lot so they have a huge yard and we're  
11 going to vote on to grant it, I believe.  
12 MR. KERRICK: Any other  
13 questions?  
14 Questions or comments from the  
15 public?  
16 Call the vote. John?  
17 MR. HOLAHAN: I vote in favor.  
18 MR. KERRICK: Anne?  
19 MS. LAMBERTON: I vote in  
20 favor.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.  
25 Now it's one big lot.

27

1 Does the board have any  
2 questions or comments?  
3 MR. HOLAHAN: I do not.  
4 MS. LAMBERTON: I do not.  
5 MR. KERRICK: Pat, do you have  
6 anything else?  
7 MR. ARMSTRONG: Just my brief  
8 executive session on litigation.  
9 MR. KERRICK: Does the public  
10 have any comment or questions before we go to the  
11 --  
12 We're ready to field some  
13 questions from the fourth graders.  
14 FEMALE VOICE: Does anybody  
15 have a question that they want to direct to one of  
16 the supervisors?  
17 THE REPORTER: Do you want this  
18 on the record?  
19 MS. LAMBERTON: Did you want  
20 this -- are we off the record? She wants to know.  
21 MR. KERRICK: Yeah, we're off  
22 the record. Thank you.  
23 Motion to close the meeting?  
24 MS. LAMBERTON: I'll make the  
25 motion.

1 MS. PICKARD: I'll second that.

2 (Meeting concluded at 10:08

3 a.m.)

4 ---

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

I hereby certify that the

9 proceedings and evidence are contained fully and

10 accurately, to the best of my ability, in the notes

11 taken by me at the meeting in the above matter; and

12 that the foregoing is a true and correct transcript

13 of the same.

14

15

16

17 TARA FIGUCCIO, C.R.

18

19

20

21

22

23

24



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 13, 2012 beginning at 3:30 p.m.  
---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
DONALD MOYER, Board Member  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member  
JOHN B. RICE, ESQUIRE, Solicitor  
ALSO  
PRESENT: PHYLLIS HAASE, Zoning Officer  
ROBERT J. McHALE, Township Engineer

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

2

1 MR. KERRICK: Call the  
2 supervisors meeting to order with the pledge of  
3 allegiance, please.  
4 (Pledge of allegiance was  
5 recited.)  
6 MR. KERRICK: First item,  
7 announcements.  
8 Are you ready, Heidi?  
9 MS. PICKARD: I'll come back to  
10 that if I can.  
11 MR. KERRICK: Sure.  
12 Next item on our agenda,  
13 consider the minutes of June 4, 2012; work session,  
14 June 11, 2012 regular business meeting; and July 2,  
15 2012 work session.  
16 What's the board's pleasure?  
17 MS. PICKARD: I had a correction  
18 to the June 11 on Page 2, it should read June 11,  
19 2012 and with that, I'll make a motion that we  
20 approve the June -- 4th of June, 11th and July 2nd.  
21 MR. KERRICK: We have a motion.  
22 Do we have a second?  
23 MR. HOLAHAN: I'll second.  
24 MR. KERRICK: Questions or  
25 comments from the board on the motion?

3

1 Questions or comments from the  
2 public?  
3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.  
5 MR. KERRICK: Anne?  
6 MS. LAMBERTON: I vote in  
7 favor.  
8 MR. KERRICK: Donald?  
9 MR. MOYER: I vote in favor.  
10 MR. KERRICK: Heidi?  
11 MS. PICKARD: I vote in favor.  
12 MR. KERRICK: I vote in favor.  
13 Motion carried.  
14 Next item on our agenda,  
15 consider the bill pack for --  
16 Is that for July and August?  
17 MS. PICKARD: Yeah.  
18 MR. KERRICK: For July and  
19 August. August is \$371,312.18 and July is  
20 346,107.76. Bills are up front if anybody wants to  
21 take a look.  
22 MS. PICKARD: I'll make a  
23 motion that we approve the July 12 and the August  
24 13 minutes for 20 -- bill pack for 2012 in the  
25 amount of 346,107.76 for July and \$371,312.18 for

4

1 August.  
2 MR. KERRICK: Motion on the  
3 floor. Do we have a second?  
4 MY MOYER: Second.  
5 MR. KERRICK: Questions or  
6 comments on the motion from the board?  
7 From the public, any questions?  
8 Call the vote. John?  
9 MR. HOLAHAN: I vote in favor.  
10 MR. KERRICK: Anne?  
11 MS. LAMBERTON: I'll abstain.  
12 MR. KERRICK: Donald?  
13 MR. MOYER: I vote in favor.  
14 MR. KERRICK: Heidi?  
15 MS. PICKARD: I vote in favor.  
16 MR. KERRICK: I vote in favor.  
17 Motion carried.  
18 At this time we'll turn it over  
19 to our solicitor.  
20 MR. RICE: There has been  
21 advertised for today a continuation of a hearing on  
22 your ordinance, which would adopt the official map  
23 for Tobyhanna Township. This was -- this hearing's  
24 been continued from June 11, it's been advertised  
25 in the local newspaper and is up for discussion,

5

1 public comment and possible adoption.  
2 An official map is a planning  
3 tool that's authorized under the Municipalities'  
4 Planning Code that permits a township to lay out  
5 public lanes, and essentially to give notice to the  
6 public to anybody that would be interested in  
7 property, certain elements that you would typically  
8 find in the comp plan. Public grounds would be  
9 township properties and other types of properties,  
10 conservation properties. There's a map that goes

11 with this, which I believe the Monroe County  
12 Planning Commission has prepared and it's got a  
13 date of April 2012 on it.

14 So this a public hearing for the  
15 board to further consider this ordinance.

16 MS. HAASE: Mr. Chairman, I'd  
17 like to give something out to the board prior to  
18 you discussing this. Mark Sincavage, the chairman  
19 of the planning commission, has asked to have the  
20 master plan put on the agenda for the planning  
21 commission for next month. When I was reviewing  
22 that going to the Village of Blakeslee's master  
23 plan, I came across a section that speaks to the  
24 official map and it speaks to that there's certain  
25 areas that should be denoted on that.

6

1 I just wanted to make certain  
2 that the board was aware of that prior to  
3 considering the adoption of. The road system that  
4 they're referencing in master plan of state,  
5 private and township roads, the existing roads  
6 would be Mackes, Redwood, Chestnut, 115 and 940.  
7 The first page -- all three  
8 pages are out of the master plan for Blakeslee.  
9 Their first plan is a blowup of that area, the  
10 second speaks to the official map where I've  
11 highlighted where it's recommended the master plan  
12 be referenced. And then the third page is a  
13 breakdown of the area. I just wanted to make  
14 certain you had that information.

15 MR. KERRICK: Can we make  
16 comment on -- this kind of has to do with the  
17 master plan and also the official map.

18 MR. RICE: Either.

19 MR. KERRICK: Well, it's kind  
20 of a combination thing. I don't know how the rest  
21 of the board feels. We've gone over the Blakeslee  
22 area for the master plan, I think it's a great  
23 idea, but a lot of the areas already there and it's  
24 crafted. We talked about Pocono Pines being  
25 another area and Pocono Summit.

7

1 My opinion, possibly we should  
2 look at Pocono Summit area if in fact things are  
3 going to change in Pocono Summit. There we have  
4 raw land, it can be crafted a lot easier than we  
5 can here, while it's still in the drawing board. I  
6 don't know how everybody feels about that, it's  
7 just my thoughts.

8 MR. HOLAHAN: So you just want  
9 to add that to this, to the master plan?

10 MR. KERRICK: Okay. On my  
11 second part of my comment is, I'm not really a big  
12 fan of the official map. I think it's another  
13 layer of government; that if we need something, we  
14 can use other means if we really would need a piece  
15 of property or something for a road. I'm just not  
16 really in favor of the official map.

17 MS. LAMBERTON: We can achieve  
18 --  
19 MR. KERRICK: That's only my  
20 opinion.  
21 MS. LAMBERTON: We can achieve  
22 the master plan by just creating a village  
23 commercial district. We don't need an official  
24 map.  
25 MR. KERRICK: Correct, I think.

8

1 MS. LAMBERTON: Maybe that's a  
2 question.  
3 MS. HAASE: I'm just bringing  
4 that to your attention because the master plan  
5 speaks to it being a county official plan.  
6 MS. LAMBERTON: When we go to  
7 do a zoning overlay that is created at that time,  
8 that's what we're doing, in fact. We don't need an  
9 official map to dictate that.  
10 MS. HAASE: I would say that's  
11 correct.  
12 MS. LAMBERTON: Right, John?  
13 MR. RICE: Correct. Is this  
14 Blakeslee master plan, has this been incorporated  
15 into your comp plan?  
16 MS. LAMBERTON: No, not yet.  
17 This is very preliminary.  
18 MR. RICE: It's very  
19 preliminary.  
20 MS. LAMBERTON: Yeah.  
21 MS. PICKARD: Yeah.  
22 MS. LAMBERTON: That's just a  
23 concept right now.  
24 MR. KERRICK: It's not  
25 identified on the official map as -- no correcting

9

1 it? It's not identified --  
2 MS. HEIDI: No, but whether we  
3 did or not, we could always amend the official map  
4 to incorporate this or other village concepts as we  
5 move forward, if we so desire.  
6 Is that correct?  
7 MR. RICE: Yes.  
8 MR. KERRICK: I'm missing  
9 something somewhere, I don't see the need for that  
10 personally, but that's my opinion.  
11 MR. HOLAHAN: A need for the  
12 official map?  
13 MR. KERRICK: For the official  
14 map. It's another layer of --  
15 MR. HOLAHAN: I know, but the  
16 way it's been explained to us, it's almost like a  
17 paper tiger, it's something they want us to adopt,  
18 yet we can change it at any time --  
19 MS. LAMBERTON: So why adopt  
20 it?  
21 MR. HOLAHAN: -- for pretty  
22 much any reason. Yeah, so why adopt it then if  
23 it's that --



24 MR. KERRICK: Does it really  
25 mean anything?

10

1 MS. LAMBERTON: Right.  
2 MR. KERRICK: Who's they? The  
3 county?  
4 MS. LAMBERTON: The planning  
5 commission.  
6 MR. HOLAHAN: The planning  
7 commission, right, for the county?  
8 MS. PICKARD: Yeah. I do want  
9 to mention, this is part of our grant that we did  
10 submit the closeout for and we're supposed to  
11 forward the adoption, not the map, that was part of  
12 the money from the DCED grant. So I don't know  
13 whether --  
14 MR. HOLAHAN: They kind of  
15 divided this up so there's -- so much comes for --  
16 what are they going to give us, \$200 or \$300, if we  
17 adopt the map?  
18 MS. PICKARD: Well, that was --  
19 well, that's the county FAP money, that we get  
20 back, up to \$10,000, which I don't think we're  
21 going to get, but the other side of the DCED, we've  
22 sent all the draft ordinances and that was part of  
23 our whole budget, was with them.  
24 MR. HOLAHAN: My understanding  
25 is nobody else has done -- well, there's only been

11

1 only a couple municipalities that have passed an  
2 official map at this point.  
3 MR. KERRICK: I don't want to  
4 be held hostage just for a grant. Your point is  
5 well taken, but --  
6 MS. PICKARD: I understand --  
7 MR. KERRICK: If it's not what  
8 we want and we've taken everything off the map, I  
9 can't see the point. That's only my opinion.  
10 MR. McHALE: If the master  
11 plans, for Pocono Summit, Pocono Lake, Pocono Pines  
12 and Blakeslee were further developed, and you knew  
13 that possibly you wanted to have bypass streets,  
14 roads, or whatever, that you were going actually  
15 engage in obtaining right-of-way for, then it would  
16 seem that the official map could be a tool that you  
17 could overlay to alert the public that hey, these  
18 are going into place; but it just seems a little  
19 premature at this point because these aren't  
20 completely developed or you're not a hundred  
21 percent sure that you want to do this yet to move  
22 ahead.  
23 Is that right, John, for the  
24 most part?  
25 MR. RICE: Let me just read

12

1 what the ordinance says because a lot of

2 municipalities don't have official maps. We have  
3 one other township that did an official map in a  
4 part of the township because they had a main road  
5 that they wanted to develop in the commercial  
6 district, but they wanted to have rear access, they  
7 didn't want curb cuts out onto the road.  
8               So they did this segment and let  
9 everybody know going forward that if you were going  
10 to develop along this main highway, that you had to  
11 build your leg of the road in the rear the  
12 property. So there's a Weis Market, is the first  
13 one that's come in. They're going to build a Weis  
14 Market on the one corner, but -- so you can do part  
15 of your township, you can do all your township, but  
16 this --  
17               The effect of the official map  
18 Section 9810 says: Any streets, rights-of-way,  
19 easements, public lands, easements or other  
20 designated areas shall not constitute or be deemed  
21 the opening or establishment of any street or  
22 public lane or the taking of land or shall obligate  
23 Tobyhanna Township to acquire that or maintain or  
24 improve it.  
25               So sort of a notice document,

13

1 it's a planning tool, but it's a notice document.  
2 I've seen townships have similar things in their  
3 comp plan where they'll have a -- you know, an  
4 overlay zone. You'll have something like Blakeslee  
5 and then you enact the zoning amendments that would  
6 match an overlay zone. So I mean that's -- but it  
7 gives notice to people in an area that the township  
8 sees this as a road system that makes sense.  
9               And I've seen it mainly for  
10 roads more than anything, not so much for other  
11 types of utilities. And then people that own that  
12 land, or might want to buy that land they know that  
13 the township has this plan and it brings it to, you  
14 know, their attention, so -- but that's the kind of  
15 planning tool it is.  
16               MS. LAMBERTON: Wouldn't we be  
17 doing the same thing, John, if we go and create a  
18 village commercial district and then write your  
19 ordinance to meet what is desired by the township  
20 at that time? It's an overlay? It's the same  
21 principle.  
22               MR. RICE: Right.  
23               MS. LAMBERTON: And it only  
24 pertains to that particular location. We could do  
25 that as we progress.

14

1               MS. PICKARD: I think my  
2 understanding too, from what I've see from a couple  
3 of surrounding areas was, it was a tool to acquire  
4 open space and we really don't have too much on  
5 here. We just had the one that the county was  
6 already working on, what the -- Camp Minsi and that  
7 conservation easement and that strip across from  
8 our park on --

9 MR. RICE: Walking trails,  
10 those types of things, you know, if you have large  
11 tracts of ground that you want to -- you have a  
12 plan that's laid out or trail system or even --  
13 MS. PICKARD: The railroads.  
14 MR. RICE: -- you know, like a  
15 biking route --  
16 MS. PICKARD: The rails to the  
17 trails.  
18 MR. RICE: But it's just  
19 notice, it's -- I mean, doesn't have a whole lot of  
20 legal effect otherwise and you can change it at any  
21 time.  
22 So, John, you said it's like a  
23 paper tiger, it sort of has that, you know -- it  
24 doesn't have any kind of rule of law over it, you  
25 know. If someone wants to do something, they're

15

1 not bound by what's on the official map. Your  
2 zoning is more binding than the official map.  
3 MR. HOLAHAN: I suppose, John, I  
4 wouldn't want have to go through this --  
5 MR. KERRICK: Which John?  
6 MR. HOLAHAN: You, John, big  
7 John, John Kerrick. I don't know that I'd want to  
8 continually have to go through this, if we were to  
9 adopt an official map and then continually have to  
10 change it, especially with the things that are  
11 coming up for the township now. I could speak  
12 against adopting the official map. I'm not in  
13 favor of the resolution.  
14 MR. KERRICK: That's kind of my  
15 thoughts, but -- do we --  
16 Anybody from the public have any  
17 comments?  
18 Do we want to close the hearing  
19 and move forward, John, or --  
20 MR. RICE: Yeah, if there's no  
21 further public comment, no one wants to make a  
22 motion to approve this or deny this, I guess the  
23 next step would be, if someone wants to make a  
24 motion to approve it or deny it, you could do that  
25 or you could just table it for future

16

1 consideration, you know, upon closing of the  
2 hearing.  
3 So, I mean, I don't know -- I  
4 don't know the history of this, but Monroe County  
5 put this together for you?  
6 MR. KERRICK: Yes.  
7 MR. RICE: I mean, they  
8 basically did this? Is there any -- does the  
9 township have any other obligation other than to  
10 consider this and adopt it or not adopt it? I  
11 mean, is that --  
12 MS. PICKARD: Well, just it was  
13 part of our regional grant for us to do the zoning,  
14 SALDO and official map. So I'm not sure whether --

15 MR. RICE: I think --  
 16 MS. LAMBERTON: We're not  
 17 getting much back anyway, John, so it doesn't  
 18 matter.  
 19 MR. RICE: Yeah, I guess you  
 20 probably want to --  
 21 MS. PICKARD: Well, it's from  
 22 the other, we already got the money back.  
 23 MR. RICE: -- you want to just  
 24 continue this then for future, you know, take it  
 25 under advisement and continue it; and if there's a

17

1 reason to deal with it down the road, you have it  
 2 here. The one thing I would add though is that,  
 3 you know, once you have an official map any plans  
 4 that get approved after that become amendments to  
 5 the official map.  
 6 So it's not like you're going to  
 7 amend the official map, you have a subdivision plan  
 8 or something -- subdivision or land development,  
 9 they become like automatically amendments to your  
 10 official map because now you have the actual  
 11 streets, you have the actual easements that are  
 12 laid out. So --  
 13 MR. KERRICK: So your  
 14 recommendation would be to close the hearing and  
 15 just --  
 16 MR. MOYER: Table it?  
 17 MR. KERRICK: -- table it?  
 18 MS. LAMBERTON: Or we could  
 19 make a motion to vote on it.  
 20 MR. RICE: Unless you want to  
 21 --  
 22 MS. LAMBERTON: Let's get it  
 23 over with.  
 24 MR. RICE: Yeah, unless you  
 25 want to --

18

1 MR. KERRICK: What's the  
 2 board's pleasure?  
 3 MR. RICE: Someone wants to,  
 4 you know, make a motion or call for a vote?  
 5 MR. KERRICK: Well, first we  
 6 got to have a motion to close the hearing. Do we  
 7 have a motion to close the hearing?  
 8 MS. PICKARD: So moved.  
 9 MR. KERRICK: Do we have a  
 10 second?  
 11 MS. LAMBERTON: Second.  
 12 MR. KERRICK: Questions or  
 13 comments from the board?  
 14 Questions or comments from the  
 15 public?  
 16 Call the vote. John?  
 17 MR. HOLAHAN: I vote in favor.  
 18 MR. KERRICK: Anne?  
 19 MS. LAMBERTON: I vote in  
 20 favor.  
 21 MR. KERRICK: Donald?

22 MR. MOYER: I vote in favor.  
23 MR. KERRICK: Heidi?  
24 MS. PICKARD: I vote in favor.  
25 MR. KERRICK: I'll vote in

19

1 favor.  
2 Now, what's the board's pleasure  
3 on --  
4 MS. LAMBERTON: I'd like to  
5 make a motion to approve or deny.  
6 MR. KERRICK: Well, make your  
7 motion.  
8 MS. LAMBERTON: I'd like to  
9 make a motion to approve the official map.  
10 MR. KERRICK: Do we have a  
11 second? Come on, somebody second it --  
12 MR. MOYER: Second. I'll  
13 second it.  
14 MR. KERRICK: Motion and second.  
15 Questions or comments from the  
16 board?  
17 Questions or comments from the  
18 public?  
19 Call the vote. John?  
20 MR. HOLAHAN: I oppose.  
21 MR. KERRICK: Anne?  
22 MS. LAMBERTON: I oppose.  
23 MR. MOYER: I oppose.  
24 MR. KERRICK: Donald?  
25 MR. MOYER: I oppose.

20

1 MR. KERRICK: Heidi?  
2 MS. PICKARD: I'll vote in  
3 favor.  
4 MR. KERRICK: I'll be opposed.  
5 Motion does not pass.  
6 Do you have anything else, John,  
7 under solicitor's report?  
8 MR. RICE: Nothing else.  
9 MR. KERRICK: Do you have  
10 anything -- do you want to go back, Heidi, or  
11 should I go into new business?  
12 MS. PICKARD: Go into new  
13 business.  
14 MR. KERRICK: A's done.  
15 Consider lot joinder -- and if anybody can  
16 pronounce that better than I am, so I'm just going  
17 to use the number -- Lots 5326 and 5327, Clearview  
18 Road in Emerald Lakes.  
19 What's the board's -- do you  
20 have any comment on that, Phyllis?  
21 MS. HAASE: No, sir.  
22 MS. PICKARD: I make a motion  
23 to approve the lot joinder for Lots 5326 and 5327,  
24 Clearview Road, Emerald Lakes.  
25 MR. HOLAHAN: I'll second that

1 that.  
2 MR. KERRICK: Motion and  
3 second.  
4 Questions or comments from the  
5 board on the motion?  
6 Questions or comments from the  
7 public on the motion?  
8 Call the vote. John?  
9 MR. HOLAHAN: I vote in favor.  
10 MR. KERRICK: Anne?  
11 MS. LAMBERTON: I vote in  
12 favor.  
13 MR. KERRICK: Donald?  
14 MR. MOYER: I vote in favor.  
15 MR. KERRICK: Heidi?  
16 MS. PICKARD: I vote in favor.  
17 MR. KERRICK: I'll vote in  
18 favor. Motion carried.  
19 Next item on our agenda, another  
20 lot joinder, Lots 5747 and 5748, Island Drive,  
21 Emerald Lakes.  
22 MR. HOLAHAN: I'll make a  
23 motion that we approve the lot joinder for Jason  
24 and Michelle Gonzalez, Lots 5747, 5748.  
25 MS. LAMBERTON: Second.

1 MR. KERRICK: Motion and  
2 second.  
3 Questions or comments from the  
4 board?  
5 Questions or comments from the  
6 public on the motion?  
7 Call the vote. John?  
8 MR. HOLAHAN: I vote in favor.  
9 MR. KERRICK: Anne?  
10 MS. LAMBERTON: I vote in  
11 favor.  
12 MR. KERRICK: Donald?  
13 MR. MOYER: I vote in favor.  
14 MR. KERRICK: Heidi?  
15 MS. PICKARD: I vote in favor.  
16 MR. KERRICK: I'll vote in  
17 favor. Motion carried.  
18 Next item on our agenda,  
19 consider Red Cross agreement.  
20 MS. LAMBERTON: John, can I  
21 make a comment?  
22 MR. KERRICK: Sure. I'm sorry.  
23 MS. LAMBERTON: Didn't we  
24 discuss whether or not the lot joinders could just  
25 be handled in-house?

1 MR. KERRICK: I thought so, but  
2 I think we have to restart the vote on it.  
3 MS. PICKARD: We talked about  
4 that we wanted it on the record, then that was --  
5 MS. LAMBERTON: I mean, you  
6 guys preview everything and you know that --

7 MS. HAASE: Previously it was  
8 approved by the zoning officer and then a few years  
9 back, I believe it was Clark Connor, planning  
10 commission solicitor at the time, had recommended  
11 that it go on the board's agenda.  
12 MS. LAMBERTON: I just feel  
13 like we're holding these folks up for a monthly  
14 meeting that we really don't need to. Is that  
15 reasonable or unreasonable?  
16 MR. RICE: You're taking two  
17 existing lots, correct?  
18 MS. LAMBERTON: Right.  
19 MR. RICE: When you call the lot  
20 joinder, they're not filing a subdivision plan,  
21 right?  
22 MS. HAASE: Correct.  
23 MR. RICE: It's land  
24 development, it's two existing lots.  
25 MR. McHALE: Extinguishing --

24

1 MR. MOYER: No lines.  
2 MR. McHALE: You're  
3 extinguishing the property boundary.  
4 MR. RICE: If you have a  
5 provision in your zoning ordinance to do it  
6 administratively, you can certainly do it that way.  
7 I mean, it's not a formal -- nothing's getting re  
8 -- they're going to file a consolidated deed so --  
9 they'll transfer one side to the other.  
10 MS. PICKARD: They've actually  
11 filed the deed prior to us --  
12 MR. RICE: Yeah, there's no --  
13 I mean, you don't have any requirement to do this.  
14 MR. KERRICK: What's wrong with  
15 that picture?  
16 MR. HOLAHAN: Yes, but we deny  
17 and they've already done the deed work?  
18 MR. MOYER: Right.  
19 MS. PICKARD: Well, it passed  
20 so we really don't have the right to deny it. I  
21 think it was just a matter administratively that we  
22 did it so that it was on the record.  
23 MR. KERRICK: I'm okay with  
24 administratively if they handle it at the zoning  
25 level.

25

1 MS. LAMBERTON: I'm just saying  
2 -- absolutely.  
3 MR. MOYER: Do we need to make  
4 a rec -- a motion?  
5 MR. KERRICK: It just holds  
6 people up.  
7 MS. LAMBERTON: So at that  
8 point do we need to amend something in our zoning  
9 ordinance that --  
10 MS. PICKARD: We just have to  
11 revise our policy?  
12 MR. RICE: Yeah, I would look

13 at it so you have a, you know --  
14 MS. LAMBERTON: It's clear.  
15 MR. RICE: You ought to at  
16 least file that with the township so you have a  
17 record.  
18 MS. LAMBERTON: Be nice if they  
19 came in and said okay, this is what we do and  
20 they're on their way and they can go do what they  
21 need to do.  
22 MR. KERRICK: That would be --  
23 that's fine and then they could review it and --  
24 yeah, we'll check that.  
25 MS. LAMBERTON: Streamline it.

26

1 MR. KERRICK: We're at the Red  
2 Cross agreement.  
3 Would that be you, Phyllis?  
4 MS. HAASE: Yes, sir. I met  
5 with the Red Cross last week, actually on two  
6 different dates. We went to the shelter, the  
7 emergency service building. Initially it was for  
8 67 people. They're going to most likely reduce  
9 that amount that could be housed there because  
10 there is not air condition in the bays. So they  
11 will be able to use that for three seasons, if need  
12 be, for shelter in the bay, which would increase  
13 the housing. However, during the summer months, it  
14 will be decreased because there's only air  
15 conditioning in the main building.  
16 It most likely will be used for  
17 a cooling station. If someone -- if there's a  
18 disaster in the area or say a large apartment fire  
19 and we need to house people or send them over for  
20 showers, for food, for those types of services,  
21 that most likely what that will be used for.  
22 Otherwise we have the school, TEC, and also the  
23 junior high school and senior high school. It was  
24 stated that the agreement would need to be changed  
25 because the contact information has been changed on

27

1 that. So that is why it's in front of you today.  
2 MS. LAMBERTON: That's all they  
3 need, is updating contact information?  
4 MS. HAASE: Umm-hmm. It is the  
5 same agreement, I believe, that was signed in 2008,  
6 just the emergency management coordinator is  
7 different, a different individual.  
8 MS. LAMBERTON: That's the only  
9 change?  
10 MS. HAASE: Correct.  
11 MR. KERRICK: Do we have a  
12 motion?  
13 MS. PICKARD: So moved.  
14 MS. LAMBERTON: Second.  
15 MR. KERRICK: Motion and  
16 second.  
17 Questions or comments from the  
18 board on the agreement?  
19 From the public on the



20 agreement?  
21 Call the vote. John?  
22 MR. HOLAHAN: I vote in favor.  
23 MR. KERRICK: Anne?  
24 MS. LAMBERTON: I vote in  
25 favor.

28

1 MR. KERRICK: Donald?  
2 MR. MOYER: I vote in favor.  
3 MR. KERRICK: Heidi?  
4 MS. PICKARD: I vote in favor.  
5 MR. KERRICK: I'll vote in  
6 favor.  
7 Next item on our agenda,  
8 consider to renew Transfer Station lease agreement.  
9 There was a provision in our current agreement.  
10 I'm sure you've all read it. They're -- propose an  
11 agreement, if we would extend it for another year.  
12 I personally would recommend that because I think  
13 that Panther Waste has done a great job with  
14 managing the facility and also the cleanliness and  
15 the upkeep.  
16 MR. HOLAHAN: Do we need to  
17 make that in formal motion then?  
18 MR. KERRICK: I don't know, I'd  
19 have to ask John.  
20 MR. RICE: Yeah, I would, just  
21 so it's in the minutes.  
22 MR. HOLAHAN: Then I move to  
23 renew the Transfer Station lease.  
24 MS. LAMBERTON: Second.  
25 MS. PICKARD: And that's for

29

1 one year?  
2 MR. HOLAHAN: For one year.  
3 MR. KERRICK: Who seconded it?  
4 MS. LAMBERTON: I did.  
5 MR. KERRICK: Motion and  
6 second.  
7 Questions or comments from the  
8 board?  
9 Questions or comments from the  
10 public on the motion?  
11 Call the vote. John?  
12 MR. HOLAHAN: I vote in favor.  
13 MR. KERRICK: Anne?  
14 MS. LAMBERTON: I vote in  
15 favor.  
16 MR. KERRICK: Donald?  
17 MR. MOYER: I vote in favor.  
18 MR. KERRICK: Heidi?  
19 MS. PICKARD: I vote in favor.  
20 MR. KERRICK: I'll vote in  
21 favor. Motion carried.  
22 Next item on our agenda,  
23 consider Resolution 2012 dash 013, budget  
24 appropriations.  
25 MS. PICKARD: I had sent you

1 the backup materials out by e-mail. I don't know  
 2 if anybody had any questions. The budget  
 3 appropriations are coming from the liquid fuels  
 4 fund, from the increase in liquid fuels, may put to  
 5 road repairs and to line painting. The appropriate  
 6 supplemental appropriations in the general fund are  
 7 coming from increased revenues and we're getting  
 8 reimbursement for a little over 25,000 for the SMS  
 9 grant for legal so that was going to the zoning and  
 10 legal fund, Pat's been doing that ordinance.  
 11 MS. LAMBERTON: Excellent.  
 12 MS. PICKARD: The other things  
 13 are moving around and we have from funds balance,  
 14 we had to denote the MM0 that we paid over from  
 15 last year's MM0 for prior year expense. The  
 16 auditor wanted that out of funds balance.  
 17 The 61,000 that's down there for  
 18 funds balance is really just a transfer from the  
 19 escrow account to denote for the SMS grant funds  
 20 that we had in escrow, that were not listed in the  
 21 budget, that's prior year revenues, and then the  
 22 175 was for the road projects.  
 23 We also were moving transfer  
 24 from capital into road projects so that we have the  
 25 money to complete -- getting roads ready and the

1 tar and chipping.  
 2 MR. KERRICK: What's the  
 3 board's pleasure?  
 4 MR. HOLAHAN: I'll make a motion  
 5 that we pass Resolution 2012-13, budget  
 6 appropriations or reappropriations.  
 7 MS. PICKARD: It's the  
 8 supplemental and our reappropriation. I'll second  
 9 the motion.  
 10 MR. KERRICK: Did you want to  
 11 correct your motion, John, to --  
 12 I'm sorry, Heidi, what was it?  
 13 MR. MOYER: Supplemental  
 14 appropriations.  
 15 MR. HOLAHAN: Yes.  
 16 MR. KERRICK: You second it,  
 17 Heidi?  
 18 MS. PICKARD: Yes.  
 19 MR. KERRICK: Questions or  
 20 comments from the board on the motion?  
 21 Questions or comments from the  
 22 public?  
 23 Call the vote. John?  
 24 MR. HOLAHAN: I vote in favor.  
 25 MR. KERRICK: Anne?

1 MS. LAMBERTON: I vote in  
 2 favor.  
 3 MR. KERRICK: Donald?  
 4 MR. MOYER: I vote in favor.

5 MR. KERRICK: Heidi?  
6 MS. PICKARD: I vote in favor.  
7 MR. KERRICK: I vote in favor.  
8 Motion carried.  
9 Next item, consider resolution  
10 2012 dash 014, local share account grant.  
11 MS. PICKARD: The Coolbaugh  
12 Township is going to take the lead on applying for  
13 a gaming share grant for two ambulances. The board  
14 of Pocono Mountain Regional EMS has asked that all  
15 the municipalities would join in on that grant  
16 application. It's going to be put in through  
17 Coolbaugh. So this is just the motion saying that  
18 we agree to join in that grant application if it is  
19 the board's desire.  
20 MS. LAMBERTON: Is it a hundred  
21 percent grant?  
22 MS. PICKARD: It is, but  
23 they'll always call up and ask if we put money  
24 forward, so --  
25 MR. KERRICK: Good faith money?

33

1 With this resolution is that sufficient or would  
2 they want a letter?  
3 MS. PICKARD: Well, they would  
4 want a letter of support also.  
5 MR. KERRICK: Or is that  
6 premature at this time for the letter of support?  
7 Does it go now or --  
8 MS. PICKARD: It doesn't matter,  
9 I'd like a letter of support. So we can do it now.  
10 The grant has to go in the end of September.  
11 Usually they ask for the letters of support. Right  
12 after we put it in, it wouldn't hurt to have it go  
13 in with the grant application.  
14 MR. KERRICK: What's the  
15 board's pleasure?  
16 MS. LAMBERTON: Is it going to  
17 cost us any money?  
18 MR. KERRICK: I'm sorry?  
19 MS. LAMBERTON: Is it going to  
20 cost us any money?  
21 MS. PICKARD: No. It'll cost  
22 the ambulance probably the application fee.  
23 MR. KERRICK: There's no such  
24 thing as free money.  
25 MS. LAMBERTON: That's what I

34

1 just said.  
2 MR. KERRICK: No such thing as  
3 free money, might say grant --  
4 MS. LAMBERTON: You echoed me  
5 off of the wall.  
6 MS. PICKARD: They charge a  
7 hundred dollar application fee now. If it is put  
8 in through the industrial authority, I think they  
9 charge \$500, I'm not sure whether it's going to go  
10 in --

11 MS. LAMBERTON: I'm just saying  
12 once the grant is initiated it's nice to know that  
13 it's a hundred percent.  
14 MS. PICKARD: So I'll make that  
15 motion then.  
16 MR. KERRICK: Now, your motion  
17 is --  
18 MS. PICKARD: To approve  
19 resolution --  
20 MR. KERRICK: -- just for the  
21 resolution or also authorize the letter?  
22 MS. PICKARD: I'll add that in  
23 also, authorize the letter of support.  
24 MR. KERRICK: We have a motion.  
25 Do we have a second?

35

1 MS. LAMBERTON: I'll second it.  
2 MR. KERRICK: Motion and  
3 second.  
4 Questions or comments from the  
5 board?  
6 Questions or comments from the  
7 public?  
8 Call the vote. John?  
9 MR. HOLAHAN: I vote in favor.  
10 MR. KERRICK: Anne?  
11 MS. LAMBERTON: I vote in  
12 favor.  
13 MR. KERRICK: Donald?  
14 MR. MOYER: I vote in favor.  
15 MR. KERRICK: Heidi?  
16 MS. PICKARD: I vote in favor.  
17 MR. KERRICK: I'll vote in  
18 favor. Motion carried.  
19 MS. PICKARD: I did have a  
20 couple of other things that kind of crossed over  
21 from the work session on that electricity. I  
22 didn't know, before we close this, or do we want to  
23 --  
24 MR. KERRICK: I think you  
25 should probably talk about it now.

36

1 MS. PICKARD: I've been on and  
2 off, I had given you the quotes that I had from  
3 Constellation Energy and PSATS through Cheryl Heft,  
4 I guess, that's On Demand. I was trying to  
5 coordinate -- usually they'll send me quotes and  
6 they're only good for like 24 hours. So I had them  
7 send me quotes today and just wanted to talk about  
8 it. We can wait.  
9 It seems to me that the old one  
10 that I had from Cheryl actually was starting --  
11 crept up slightly and I was trying to get them --  
12 the one from Constellation didn't include the gross  
13 receipts tax, but he did put the quote in here to  
14 include the gross receipts tax. Constellation's  
15 view is that the other quotes charge a premium for  
16 the gross receipts tax and he said this year it  
17 actually went down and nobody got a refund. So he,

18 you know, did quote it as a comparison basis, but  
19 the contract won't include the gross receipts tax.  
20 So theirs is far lower right now  
21 than the On Demand through PSATS. This was the  
22 original contract that we're in now which is why we  
23 quotes out the future energy cost reduction because  
24 he has the contract. Now we're paying about nine  
25 cents including the GRT, 9.2 per kilowatt hour.

37

1 This is if we do a 12-month, it's at 6.8 and then  
2 it goes up to about 7 cents for the 24 and the 29  
3 month rate.  
4 So let's get some direction, you  
5 know, what you thought you wanted us to do. Our  
6 current rate is held till December or the end of  
7 November, whenever our meter reading is in December  
8 it switches over.  
9 MR. KERRICK: Can I ask a  
10 question? If we would enter into this now, what  
11 happens to the balance of our existing contract?  
12 MS. PICKARD: We have to --  
13 MR. KERRICK: We have to honor  
14 that till the end?  
15 MS. PICKARD: We have to honor  
16 it to the end.  
17 MR. KERRICK: They would hold  
18 this price, whatever it changed?  
19 MS. PICKARD: Exactly, and it  
20 would begin in December for the 12-month.  
21 MR. MOYER: Well, what's the  
22 rate now?  
23 MS. PICKARD: It's on the top  
24 here.  
25 MR. KERRICK: Nine cents.

38

1 MS. PICKARD: .092 is the rate  
2 with the gross receipts tax.  
3 MR. KERRICK: If you do it one  
4 year, it's six, eight?  
5 MS. PICKARD: Yeah.  
6 MS. LAMBERTON: I don't  
7 understand that.  
8 MR. HOLAHAN: Do you know what  
9 the rate is on the gross receipt tax?  
10 MS. PICKARD: No. I don't have  
11 the exact figure now. And it varies and, like I  
12 said, they --  
13 MR. HOLAHAN: It's going to be  
14 proportionate to what we're looking at here  
15 anyways.  
16 MS. PICKARD: This is quoted  
17 with it -- with it in.  
18 MR. HOLAHAN: So you checked  
19 with -- Constellation came back to you and said  
20 this is what's going to happen, right? Did you  
21 check with anybody else, Dominion or Energy  
22 Resources or any of those people as well?  
23 MS. LAMBERTON: There's usually

24 like a list of five of them that always send out.  
25 MS. PICKARD: Yeah. I just did

39

1 the two that were with the PCLM and the PSATS one  
2 and the PSATS is just on your own you go.  
3 MR. HOLAHAN: I guess I'm just  
4 kind of wondering if their fallen rate -- if I knew  
5 that the other people were falling right around  
6 this rate, then I wouldn't have a problem with  
7 doing -- locking that in.  
8 MS. PICKARD: Well, she's about  
9 seven and a half cents, you know, the other rate,  
10 which is behind that -- yeah.  
11 MR. HOLAHAN: Right.  
12 MR. KERRICK: What happened  
13 with COG? Didn't they talk about this one time and  
14 it never got off the ground?  
15 MS. PICKARD: They never got off  
16 the ground and they don't have a secretary or the  
17 support, but the one that they were going to go  
18 through, PSATS, that you're on your own, whatever  
19 you quote. They have a group price for anybody  
20 who's in PSATS and that's the quote that we have.  
21 MR. KERRICK: Do you remember  
22 what the regional police -- they just did one this  
23 year, wasn't it? I don't remember who it was --  
24 MS. PICKARD: I mean, I can,  
25 you know, get them quoted again for next month and

40

1 find out who the police is.  
2 MS. LAMBERTON: We can  
3 certainly look at that. Why don't you do that and  
4 then get multiple ones?  
5 MR. HOLAHAN: Right.  
6 MS. LAMBERTON: That way we'll  
7 feel better.  
8 MR. HOLAHAN: Because there's a  
9 couple other things with -- I got a e-mail from  
10 Rick Bodenshatz (phonetic) from the trustees,  
11 library trustees, and they're shopping for oil and  
12 they want to check with us on where we're getting  
13 our oil and, you know, maybe there's somethings  
14 that we can do.  
15 MR. KERRICK: I think they can  
16 piggyback off our price.  
17 MR. HOLAHAN: I think that's  
18 what they were looking to do with it.  
19 MR. KERRICK: I think I  
20 mentioned to --  
21 MR. HOLAHAN: Well, Rick's  
22 going to give -- call Heidi. So if we could just  
23 take -- I mean, we've got a little bit of time --  
24 MS. PICKARD: Yeah. There's a  
25 little bit --

41

1 MR. HOLAHAN: -- we're locked  
2 in till November.

3 MS. PICKARD: -- of a concern  
4 I've seen through other places about who's entitled  
5 to have the tax-free oil rate that we pay. I'm not  
6 sure whether the library's entitled to get that.  
7 Do you know, John?  
8 MS. LAMBERTON: They're tax  
9 exempt, right?  
10 MR. KERRICK: It's our  
11 building.  
12 MR. MOYER: That gross receipt  
13 tax --  
14 MS. PICKARD: Well, it's our  
15 building.  
16 MR. KERRICK: It's our  
17 building, but they pay for the oil.  
18 MS. LAMBERTON: I need a crash  
19 course on this.  
20 MR. RICE: Yeah, you're going to  
21 pay the year, they're just going to piggyback off  
22 yours.  
23 MS. PICKARD: So there's no --  
24 MR. KERRICK: We bid a certain  
25 amount with COG for the, you know, for the year.

42

1 MR. RICE: Right.  
2 MR. KERRICK: It was 50 some  
3 thousand gallons of gasoline, et cetera, et cetera,  
4 but that is our building.  
5 MR. RICE: They are tenants?  
6 MR. KERRICK: They're our  
7 tenant.  
8 MS. PICKARD: As long as --  
9 MR. KERRICK: I don't see where  
10 that would be --  
11 MS. PICKARD: As long as it's  
12 still our building --  
13 MR. KERRICK: Actually they're  
14 doing that now. COG is bidding that now for the  
15 next year, but we still have -- I have the current  
16 price sheet in there now.  
17 MS. PICKARD: I'm sure if they  
18 called the oil company they would just give them a  
19 good rate.  
20 MR. KERRICK: It's superior.  
21 So we'll just table this.  
22 MS. PICKARD: So if you want to  
23 table this and --  
24 MR. MOYER: We'll get a look at  
25 the other ones.

43

1 MS. PICKARD: If you want to  
2 send me whatever information you have or if we can  
3 find out from the police, I can call Cathy, I  
4 guess.  
5 MR. KERRICK: Do you have  
6 anything else, Heidi?  
7 MS. PICKARD: The only other  
8 thing I just want to really make reference to, was

9 that the Pocono Summit Fire Company had put in a  
10 request for their apparatus funds. They're buying  
11 some gear, \$35,000 worth of gear. They're taking  
12 their money out so I just wanted to let everybody  
13 know. They are up-to-date on their audits.  
14 That was it.  
15 MR. KERRICK: I'm not quite  
16 sure, I guess that would be -- that is equipment  
17 obviously. I was involved in the '80s when that  
18 referendum was on the ballot and at the time it was  
19 for equipment apparatus, no so much personal gear,  
20 because that could come out of relief money; but I  
21 can't tell them, as long as we agreed, how to spend  
22 their money.  
23 MS. PICKARD: And we -- yeah.  
24 MR. KERRICK: I don't know why  
25 they'd want to use that.

44

1 MS. PICKARD: In May of 2011  
2 they bought the same gear that we --  
3 MS. LAMBERTON: Are they  
4 looking for something specific that they needed?  
5 MR. KERRICK: No. They must  
6 not have any money in their relief.  
7 MS. PICKARD: Their gear, I  
8 don't know, he said it expires.  
9 MS. LAMBERTON: Well, there is  
10 a shelf life --  
11 MS. PICKARD: John could speak  
12 to that.  
13 MS. LAMBERTON: -- for a lot of  
14 that stuff.  
15 MS. PICKARD: Is it good for  
16 ten years and then it doesn't --  
17 MR. KERRICK: Could you hold up  
18 on the -- it's a joke. It's just a money maker.  
19 Like they say this expires and --  
20 MS. LAMBERTON: Job security.  
21 MR. KERRICK: Yeah, it costs a  
22 ton of money to outfit a fireman.  
23 MS. PICKARD: Stimulus.  
24 MR. KERRICK: Yeah, stimulus,  
25 okay. Sorry. So do we need a motion then, I

45

1 guess, for that or no?  
2 MS. PICKARD: Well, we can have  
3 a motion if we --  
4 MR. HOLAHAN: What's the  
5 action?  
6 MR. KERRICK: They want to take  
7 some of their tax fund money --  
8 MS. PICKARD: For fire  
9 equipment.  
10 MR. KERRICK: -- Pocono Summit  
11 Fire Company is requesting.  
12 MR. RICE: Money that you've  
13 already given them?  
14 MR. KERRICK: No, no. We have  
15 it, we hold it until they -- the way it's written



16 --  
17 MS. PICKARD: It's a millage,  
18 it's real estate millage that's set aside.  
19 MR. RICE: Right, but you have  
20 it here designated?  
21 MR. KERRICK: Right. They send  
22 in a request and they also send us their current  
23 financials and then we usually --  
24 Do we have a motion for that?  
25 MS. PICKARD: I'll make the

46

1 motion.  
2 MR. KERRICK: Do we have a  
3 second?  
4 MS. LAMBERTON: I'll second it.  
5 MR. KERRICK: Questions or  
6 comments?  
7 Questions for comments from the  
8 public?  
9 Call the vote. John?  
10 MR. HOLAHAN: I vote in favor.  
11 MR. KERRICK: Anne?  
12 MS. LAMBERTON: I vote in  
13 favor.  
14 MR. KERRICK: Donald?  
15 MR. MOYER: I'll vote in favor.  
16 MR. KERRICK: Heidi?  
17 MS. PICKARD: I vote in favor.  
18 MR. KERRICK: I'll vote in  
19 favor. Motion carried.  
20 Do you have anything else,  
21 Heidi?  
22 MS. PICKARD: No, I just had an  
23 announcement that Pocono Summit, I just got this  
24 today, they're having a fire prevention open house  
25 October 20 from 12 to 5, meet your fire company,

47

1 car extrication demonstration, fire extinguisher  
2 demonstration, fire truck rides, operate a hose  
3 line --  
4 MR. KERRICK: Check with your  
5 insurance company before they authorize the fire  
6 company.  
7 MS. PICKARD: -- and be a  
8 firefighter for a day. And they're having a bike  
9 run that we got a letter regarding and Phyllis said  
10 that they didn't need any permits or anything to  
11 waiver. They're having a first annual motorcycle  
12 ride on September 15, 8:30 a.m., the ride starts at  
13 11 and ends at the VFW and that's to support the  
14 wounded warriors and Pocono Summit Volunteer Fire  
15 Company.  
16 MR. KERRICK: I don't know if  
17 you heard me, that we need -- since we carry the  
18 insurance, we need to check with the insurance  
19 company before we --  
20 MS. PICKARD: On this?  
21 MR. KERRICK: -- authorize

22 their fire truck rides.  
23 Anything else? Anything for  
24 announcements?  
25 MS. PICKARD: No, that was --

48

1 MR. KERRICK: Open it up to the  
2 public, anyone have anything they wish to address  
3 the board?  
4 Yes, Wendi? Since you're the  
5 only one here.  
6 MS. WENDI FREEMAN: I just got  
7 an e-mail today from a Mrs. Fund, F-U-N-D,  
8 wondering if we could move the sign to Deer Trail  
9 Road, which is off of 423, left side. If we can  
10 move it out. I know the township has already moved  
11 it from one side to the other, but you still can't  
12 see it, it needs to come out further. I don't know  
13 if that's too close or not, but maybe could  
14 somebody take a look?  
15 MR. KERRICK: What road?  
16 MS. WENDI FREEMAN: Deer Trail  
17 Road the Old Grass Drive West.  
18 MR. KERRICK: Can't see it?  
19 MS. WENDI FREEMAN: She said  
20 you can't see it when you're coming up 423. It  
21 could be just tree covered, but we've already -- we  
22 cut it back and you guys, the township also cut it  
23 back for us and I believe once it -- after it was  
24 moved from the other side of the road.  
25 MR. KERRICK: Okay. I'll check

49

1 it out.  
2 MS. WENDI FREEMAN: All right.  
3 Thank you so much.  
4 MR. KERRICK: You're welcome.  
5 MS. WENDI FREEMAN: That's all  
6 I have.  
7 MR. KERRICK: Anyone else? We  
8 are adjourned from our regular meeting.  
9 (Meeting concluded at 4:20 p.m.)  
10 ---  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

50

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

TARA FIGUCCIO, C.R.

**Tobyhanna Township Planning Commission**  
**January 12, 2012**  
**Reorganization Meeting Minutes**

The reorganization meeting of the Tobyhanna Township Planning Commission was held at 7:00 p.m. on January 12, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	Mark Sincavage	Chair
	Joseph Miller	Vice Chair
	Rob Baxter	Secretary
	Anne Lamberton	Member
	Patricia Rinehimer	Member
	Robert McHale	Township Engineer
	Patrick Armstrong	Township Solicitor
	Phyllis Haase	Township Zoning Officer

The meeting was called to order at 7:00 p.m. by Mr. Mark Sincavage.

**Reorganization**

Anne Lamberton made a motion to maintain the same positions as were held in 2011, and more specifically that the following members should hold the following positions:

Chairman – Mark Sincavage;  
Vice Chairman – Joseph Miller; and,  
Secretary – Rob Baxter.

The motion was seconded by Patricia Rinehimer. The motion passed 5-0.

**Adjournment**

Chairman Sincavage adjourned the reorganization meeting at 7:05 p.m.

**Tobyhanna Township Planning Commission**  
**January 26, 2012**  
**Meeting Minutes**

The meeting of the Tobyhanna Township Planning Commission was held at 5:30 p.m. on January 26, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	Mark Sincavage	Chair
	Joseph Miller	Vice Chair
	Rob Baxter	Secretary
	Anne Lamberton	Member
	Patricia Rinehimer	Member
	Robert McHale	Township Engineer
	Patrick Armstrong	Township Solicitor
	Phyllis Haase	Township Zoning Officer
	Carson Helfrich	Township Planning Consultant

The meeting was called to order at 5:30 p.m. by Mr. Mark Sincavage.

**Planning**

***Zoning Ordinance Amendment*** – The Planning Commission reviewed and discussed the proposed Zoning Ordinance Amendment and in particular the signage requirements. The PC recommended the following revisions be made to the Ordinance:

1. The Commission recommended that the definition of **A-Frame or Sandwich Board Sign** be revised to “A movable sign consisting of two (2) faces which are connected and/or hinged.”
2. The Commission recommended that the definition of **Abandoned Sign** be revised to read “A sign located on a property or premise that is vacant, abandoned and/or otherwise not in use for a period of six (6) consecutive months or more, or a sign that is damaged, in disrepair or vandalized and not repaired within six (6) consecutive months from the day of the damaging event, or for which no legal owner can be found shall be considered abandoned, unless there is some specific action taken by the owner indicating to the Township otherwise during the six (6) month period.”
3. The Commission recommended deleting the definition of **Administrator** and replacing it with Zoning Officer.
4. The Commission recommended revising the definition of **Back-to-Back Sign** to read “A sign constructed on a single set of supports with messages visible on both sides, provided that the message boards shall be physically contiguous.”
5. The Commission recommended deleting the definition of **Cartway** because it is defined elsewhere in the Zoning Ordinance.

6. The Commission recommended revising the definition of **Construction Sign/Project Sign** to read “Any sign temporarily erected and maintained on a particular premises while construction is taking place on said premises to identify the project designer, architect, contractor, developer, finance organization, subcontractor, and/or material’s vendor, upon which property such individual or entity is furnishing labor, financing, material or other services.”
7. The Commission recommended adding “Sign” to the Electronic Graphic definition.
8. The Commission recommended revising the definition of **Flag, Advertisement** to read “Flag fabricated of cloth, canvas, light fabric for the use of drawing attention for the purpose of conveying a commercial or noncommercial message.” The Commission also recommended changing the definition of **Advertisement Flag** to read “See Flag, Advertisement”.
9. The Commission recommended revising the definition of **Flat Sign or Wall Sign** to read “A sign erected parallel to and extending not more than 12 inches from the façade of any building to which it is attached and supported by such building for the entire length of the facade of the building.”
10. The Commission recommended revising the definition of **Freestanding Sign** to read “A sign supported by a sign structure secured in or on the ground and which is wholly independent of any building, fence, vehicle or other support.” The Commission also recommended revising the sample illustrations to only contain a “Pylon”, “Pole” and “Monument” sign. The Commission recommended deleting “Ground Sign” and the City Med Center illustration, and further recommended renaming the Mid State University illustration a Monument Sign.
11. The Commission recommended deleting the definition of **Frontage** in the Sign section of the Ordinance.
12. The Commission recommended deleting the definition of **Holiday Sign**.
13. The Commission recommended revising the definition of **Off-Premises Sign** to read “Any sign located or proposed to be located at any place other than on or within the same platted parcel of land on which the specific business or activity being promoted by such sign is itself located or conducted.”
14. The Commission recommended revising the definition of **On-Premises Sign** to read “Any sign located or proposed to be located within the plat of record for the business or other activity identified on such sign.”
15. The Commission recommended deleting the definition of **Painted Wall Sign**.
16. The Commission recommended revising the definition of **Banners, Pennants and Balloons** to read “Any animated, rotating, fluttering or nonstationary device made of

flexible materials designed to attract attention, whether or not containing a message of any kind.”

17. The Commission recommended revising the definition for **Pennant** to read “See Definition of Banners, Pennants and Balloons.”
18. The Commission recommended revising the definition of **Portable Sign** to read “Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T frames, menu and sandwich board signs and balloons used as signs.”
19. The Commission recommended revising the definition of **Residential Name and Address Sign** to read “One freestanding or wall sign per detached dwelling unit or duplex unit, with an area not exceeding two square feet, which identifies the name of the occupant and/or street address of the dwelling unit, exclusive of the Township’s 911 signage requirements.”
20. The Commission recommended deleting the definition of **Sandwich** or **Sidewalk Sign**.
21. The Commission recommended the Township Solicitor revise the definition of Sign Area.
22. The Commission recommended revising the definition of **Temporary Sign** to read “Any sign intended to be erected or displayed for a limited period as hereinafter set forth in Section 155-35.”
23. The Commission recommended deleting the definition of **Traveled Way** and use the already defined term of Cartway.
24. The Commission recommended revising the definition of **Vehicle Sign** to read “Any sign affixed to a vehicle and used in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle’s primary purpose, but becomes the primary purpose itself. Vehicle signs shall be prohibited in Tobyhanna Township.”
25. The Commission recommended the following revisions to Section 155-22, Prohibited Signs:
  2. “...A frame and sandwich signs.”
  3. “...Flags, except banners shall be permitted as set forth in Section \_\_\_\_\_.” (The Commission combined banners, pennants, balloons and flags in this section to make is less confusing.)
  17. “...not exceeding five square feet, unless otherwise permitted by law.”
  21. “Electronic Graphic Sign that is visible from any public and/or private road, highway, and/or street within Tobyhanna Township.”

22. "Video Sign that is visible from any public and/or private road, highway, and/or street within Tobyhanna Township."
26. The Commission recommended the following revision to Section 155-23.A.:
- "...or abandoned for six (6) consecutive months or more, or a sign that is damaged, in disrepair or vandalized and not repaired within six (6) consecutive months from the day of the damaging event, or for which no legal owner can be found shall be considered abandoned, unless there is some specific action taken by the owner indicating to the Township otherwise during the six (6) month period, such sign shall not thereafter be used except in conformity with the provisions of this Ordinance and any subsequent amendments thereto."
27. The Commission recommended replacing Administrator with Zoning Officer throughout the proposed Zoning Ordinance Amendment.
28. The Commission recommended revising Section 155-23.B.2. to read as follows:
- "When an existing nonconforming billboard or other nonconforming off-premises sign needs repainting and/or repair and 50% or more of the sign remains intact (as determined by the Zoning Officer), such sign may be repainted..."
29. The Commission recommended Section 155-25.C. be revised to read "A private street or road name sign or a traffic directional sign which does not exceed four square feet in sign area, unless otherwise required by law."
30. The Commission recommended revising Section 155-25.F. to read "...exceed four square feet in sign area."
31. The Commission also recommended the Township Staff create a table summarizing the square footage permitted per sign type and per zoning district and use.
31. The Commission recommended revising Section 155-27.A. to read "...10 feet from the cartway or other public way..."
32. The Commission recommended revising Section 155-28.A. to read "By an uncolored, primary source, steady and stationary light directed solely at the sign or from within the sign, and shielded in such a manner so that no light shall go beyond the surface of the sign itself."
33. The Commission recommended the Township Solicitor clarify and revise the language in Sections 155-30 and 31 and further combine the two sections in a manner acceptable to the Commission.
34. The Commission recommended adding a new provision permitting the use of one 'Open Sign' per nonresidential use.



The Commission did not complete its review of the proposed Zoning Ordinance Amendment and will continue with its review of the Zoning Ordinance Amendment at its next public meeting.

**Public Comment**

None.

**Plans to Accept for Review**

None.

**Adjournment**

Mark Sincavage adjourned the meeting at 8:40 p.m.

A G E N D A  
Board of Supervisors  
Regular Business Meeting  
January 3, 2012

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of:
5. Consider the Treasurer's Report: \$120,977.64
6. Solicitor Report:
7. New Business:
  - A. Keswick Pointe PRD Letter of Credit Reduction
  - B. Lot Joinder-Henry J & Mary C Lux Lot 71 Road PP and Lot 72 Road PP & LL Phase 1C Wild Pines
  - C. IH Liquidating Trust Minor Subdivision Plan time waiver request
  - D. Consider Zoning Hearing Board appointment
  - E. Personnel Policy updated
8. Public Questions and Comment

ADJOURNMENT

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, January 3, 2012, beginning at 4:46 p.m.

---

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

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

---

**ORIGINAL**

---

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

1 MR. KERRICK: Call the business  
2 meeting to order January 3, 2012.

3 Announcements, do you have any,  
4 Heidi?

5 MS. PICKARD: No.

6 MR. KERRICK: Consider the  
7 minutes. We don't have any minutes?

8 MS. PICKARD: No, we just got  
9 them.

10 MR. KERRICK: Consider the  
11 treasurer's report. Total amount for board  
12 approval, \$120,977.64.

13 MS. PICKARD: I make a motion  
14 that we approve the bill pack dated January 3, 2012  
15 in the amount of \$120,977.64.

16 MR. HOLAHAN: Second.

17 MR. KERRICK: Motion and  
18 second.

19 Questions or comments from the  
20 board on the motion?

21 Questions or comments from the  
22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

1 MS. LAMBERTON: I'll abstain.

2 MR. KERRICK: Donny?

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

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: Motion carried.

7 Next item, solicitor's report.

8 MR. ARMSTRONG: I have nothing  
9 to report right now. Thank you, Mr. Chairman.

10 MR. KERRICK: New business.

11 First item, Keswick Pointe PRD  
12 letter of credit reduction. I believe it would be  
13 appropriate to have Pat put a motion together for  
14 us pending Bob McHale's review.

15 MR. ARMSTRONG: Yeah, if the  
16 board would want to -- it's my understanding that  
17 Keswick Pointe has submitted a request for  
18 reduction of their letter of credit based upon the  
19 amount of work and improvements that are completed  
20 to date. Bob's already taken a look at it. I  
21 think he had a few more comments to make, but if  
22 the board is willing to entertain a motion to  
23 approve a letter of credit in an amount to be  
24 acceptable and approved by Bob McHale, the township  
25 engineer, subsequent to the full investigation in

1 review of the request of Keswick Pointe.

2 MR. MOYER: So moved.

3 MR. KERRICK: Second. Nice,  
4 Donny, nice one.

5 MS. PICKARD: Can we make that  
6 to an amount not to exceed \$86,384.34?

7 MR. ARMSTRONG: You can.

8 MR. KERRICK: So --

9 MS. PICKARD: You okay with  
10 that?

11 MR. ARMSTRONG: The reduction  
12 shall not exceed that.

13 MR. KERRICK: Do you amend your  
14 motion, Donny?

15 MR. MOYER: Yes, I amend my  
16 motion.

17 MR. KERRICK: Who seconded it?

18 MS. PICKARD: Contingent upon  
19 Bob McHale's review. Then I will second it.

20 MR. KERRICK: Motion and  
21 second.

22 Questions or comments from the  
23 board?

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

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Donny?

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

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

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

12 Next item, lot joinder, Henry J.  
13 and Mary C. Lux, Lot 71, Road PP and Lot 72, Road  
14 PP and LL. I guess they didn't change their names  
15 yet. Phase 1C, Wild Pines.

16 MS. PICKARD: I believe that  
17 Phyllis has reviewed this and everything is found.  
18 I had brought some stuff in that they didn't have.  
19 I think they had the questions about the phasing in  
20 Pine Crest, but this is an approved phase?

21 MR. ARMSTRONG: It's my  
22 understanding that Phase 1C, Wild Pines, is a --  
23 they've already received their final approval as  
24 part of that phase with PRD. So I don't  
25 necessarily see a problem. If you do have a

1 concern, it would be most likely with respect to  
2 the trust, if they have any private restrictions  
3 for those lots in that phase of the PRD.

4 So if you do have any  
5 reservations, you can always make your motion  
6 approving a lot consolidation conditional upon the  
7 applicant complying and receiving any approvals  
8 they need from the Pine Crest Trust or whoever the  
9 --

10 MR. KERRICK: Pine Crest Trust.

11 MR. ARMSTRONG: -- Pine Crest  
12 Trust over in that development.

13 MS. LAMBERTON: Is it Wild  
14 Pines or Pine Crest?

15 MR. ARMSTRONG: I mean, I read  
16 it off the agenda and it looks like Wild Pines.

17 MS. PICKARD: It's Wild Pines  
18 which is part of Pine Crest.

19 MS. LAMBERTON: It says Pine  
20 Crest on the -- isn't that town homes?

21 MS. PICKARD: No.

22 MR. KERRICK: Pine Crest is the  
23 town, I thought Wild Pines is the other side?

24 MS. LAMBERTON: Yeah.

25 MS. PICKARD: It's on the other



1 side.

2 MS. LAMBERTON: So, how can you  
3 join --

4 MR. KERRICK: Wouldn't that be  
5 Wild Pines?

6 MS. LAMBERTON: -- a town home?

7 MR. KERRICK: I said Pine  
8 Crest, I think I'm wrong.

9 MS. PICKARD: It's still part  
10 of the Pine Crest Community Trust, part of the Pine  
11 Crest Development and then Pine Crest PRD.

12 MS. LAMBERTON: No. It says on  
13 the application right here, guys, it says Pine  
14 Crest, the deeds that the people filled out.

15 MR. KERRICK: Okay. So you  
16 make the motion.

17 MS. HAASE: It is Pine Crest  
18 Trust.

19 MS. LAMBERTON: I understand  
20 Pine Crest Trust, but is it in where the town homes  
21 are or over by the golf course?

22 MS. PICKARD: It's over by the  
23 golf --

24 MR. KERRICK: By the golf  
25 course.

1 MS. LAMBERTON: That answers my  
2 question.

3 MR. ARMSTRONG: It is on the  
4 corner of Road PP and Road NN.

5 MR. KERRICK: I thought it was  
6 PP and LL, Phase 1C, Wild Pines.

7 You want me to get the map?

8 MS. LAMBERTON: No, I'm good.

9 MS. PICKARD: No, it's right  
10 here, it does say NN here so maybe they renamed it  
11 LL.

12 MS. LAMBERTON: I just couldn't  
13 understand on the application.

14 MS. HAASE: It has to go  
15 through readdressing.

16 MR. KERRICK: They had one call  
17 in to put signs up so they may have to rename it.  
18 So --

19 MS. LAMBERTON: I'm fine with  
20 that.

21 MR. HOLAHAN: So we're just  
22 looking for?

23 MR. KERRICK: We're looking for  
24 a motion to approve.

25 MR. HOLAHAN: I make that

1 motion.

2 MS. PICKARD: I'll second that  
3 and contingent upon, as Pat had stated, that the  
4 approval and accepting and complying with all the  
5 rules and regulations of the Pine Crest  
6 Development.

7 MR. KERRICK: Motion and  
8 second.

9 Questions or comments?  
10 Questions or comments from the  
11 public?

12 Call the vote. John?

13 MR. HOLAHAN: I vote in favor.

14 MR. KERRICK: Anne?

15 MS. LAMBERTON: I vote in  
16 favor.

17 MR. KERRICK: Donny?

18 MR. MOYER: I vote in favor.

19 MR. KERRICK: Heidi?

20 MS. PICKARD: I vote in favor.

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

23 Next item on our agenda could be  
24 handled at the PC level, so that's off our agenda.

25 Consider zoning hearing board

1 appointment. We have an opening on the zoning  
2 hearing board.

3 Do you want to take action  
4 tonight?

5 MR. HOLAHAN: I do. I want to  
6 appoint John Briggs on the zoning hearing board.  
7 That's the form of a motion.

8 MR. KERRICK: We have a motion  
9 on the floor. Do we have a second?

10 MS. LAMBERTON: I'll second it.

11 MR. KERRICK: Questions or  
12 comments?

13 MR. ARMSTRONG: That is John  
14 Briggs?

15 MR. HOLAHAN: Yes.

16 MR. KERRICK: Questions or  
17 comments from the public on the motion?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in  
22 favor.

23 MR. KERRICK: Donny?

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

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I'll vote in  
2 favor.

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

5 Next item on our agenda,  
6 personnel policy update. Have some housekeeping  
7 items.

8 MR. HOLAHAN: It was  
9 interesting reading.

10 MS. PICKARD: Bits and pieces,  
11 so this will be embedded -- did you get a full --  
12 did you get the --

13 MR. HOLAHAN: I did.

14 MS. PICKARD: This will be  
15 incorporated in our news thing? But some of the  
16 highlights in here, we went through this with our  
17 labor attorney Vicki Beatty. In 404 she just  
18 thought that if somebody was on furlough they do  
19 not -- they shouldn't really be accruing seniority  
20 so we deleted that. We added Section 407, Fair  
21 Labor Standards Act, Safe Harbor. This protects us  
22 on the status of exempt employees. The rest are  
23 right here; if there wasn't, and it went back and  
24 forth, we have township manager slash township  
25 secretary.

1 MR. HOLAHAN: I see -- but on  
2 407 it's all -- it's all addition, there's no  
3 strike through on anything?

4 MS. PICKARD: Yeah, that's all  
5 addition. That's new FSLA?

6 MR. ARMSTRONG: Yeah, it's a  
7 new provision in the statute.

8 MR. HOLAHAN: Right.

9 MS. PICKARD: The disability  
10 leave and the sections for our insurance benefits,  
11 or rather healthcare benefits, which are no longer  
12 insurance, were requested from **Benecon** , our new  
13 self-insured risk pool.

14 MR. HOLAHAN: Okay.

15 MS. PICKARD: So a lot of  
16 things, we had to remove the word insurance and  
17 replace it with healthcare benefits, and they  
18 wanted some clarification on how we manage  
19 disability leaves and how long employees would stay  
20 on the program.

21 MR. HOLAHAN: Right.

22 MS. PICKARD: There is no COBRA  
23 with our self-insurance. So we had to really make  
24 sure we had clarification on that, because the  
25 state -- Pennsylvania has mini COBRA because we

1 don't go under federal COBRA laws.

2 MR. HOLAHAN: Right.

3 MS. PICKARD: So if somebody's  
4 on leave, it needed to be spelled out a little bit  
5 more clearly here. We pretty much done that. She  
6 got rid of some conflicts and redundancy in that  
7 one section on disability leave and mostly replaced  
8 healthcare benefits and healthcare coverage in that  
9 Section 900.

10 She updated our mobile  
11 communication policy to include new devices. Then  
12 ADA is now ADAA. It's the Amendment Act, so there  
13 was a lot of changes to that, that we had to  
14 update. And then, of course, now disability's been  
15 replaced with illness and impacting our ability to  
16 work. They think disability is no longer good  
17 enough.

18 MR. KERRICK: Make a motion?

19 MS. PICKARD: The last section  
20 is Article 1400, which is new, computer hardware,  
21 software, email, internet and social media policy  
22 which is pretty self-explanatory.

23 With that I would like to make a  
24 motion to update our personnel policy as indicated.

25 MR. KERRICK: From our labor

1 attorney.

2 MS. PICKARD: By our labor  
3 attorney.

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

6 MS. PICKARD: Is there any  
7 questions you had on any of that?

8 MR. KERRICK: Got to get them  
9 to second first, Heidi.

10 MS. PICKARD: Okay.

11 MR. HOLAHAN: I'll second.

12 MR. KERRICK: Now, any  
13 questions?

14 MR. HOLAHAN: Looks pretty  
15 straightforward.

16 MR. KERRICK: Any questions  
17 from the board?

18 MR. MOYER: I have none.

19 MR. HOLAHAN: Did you ask me a  
20 question?

21 MR. KERRICK: No, I'm waiting  
22 for Anne. She's reading there.

23 MS. LAMBERTON: I was, I'm  
24 sorry. I didn't see this before.

25 MR. KERRICK: Do you have any



1 questions?

2 MS. LAMBERTON: No, not yet.

3 MR. KERRICK: Does the public  
4 have any questions?

5 MR. HOLAHAN: I guess I should  
6 stop my Twitter feeds here, right?

7 MS. LAMBERTON: That's what I  
8 was reading, the media one.

9 MR. HOLAHAN: I kid. I'm not  
10 Twittering.

11 MR. ARMSTRONG: The social  
12 media aspect has been very hot.

13 MS. LAMBERTON: Oh, I would  
14 think it would have to be.

15 MS. PICKARD: I've had some  
16 issues in some other places.

17 MR. KERRICK: Any questions?

18 MS. LAMBERTON: No, I'm good.  
19 Thank you very much for asking.

20 MR. KERRICK: Questions from  
21 the public?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in

1 favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor.

8 Do we have anything else we wish  
9 to discuss?

10 Does the public have anything?

11 Any questions?

12 It's a pretty painful meeting,  
13 the first one.

14 Wendy, do you have anything?

15 MS. WENDI FREEMAN: No.

16 MR. KERRICK: Phyllis?

17 MS. HAASE: No, sir.

18 MR. KERRICK: Pat? Last  
19 chance.

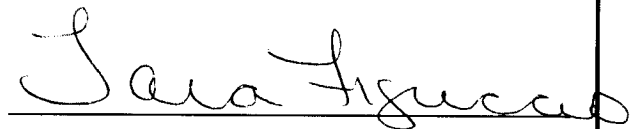
20 MR. ARMSTRONG: No.

21 MR. KERRICK: Thank you for  
22 attending. We're adjourned.

23 (Meeting concluded at 4:58 p.m.)

24 ---  
25

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



TARA FIGUCCIO, C.R.

**ORIGINAL**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

## **AGENDA**

### **TOWNSHIP OF TOBYHANNA BOARD OF SUPERVISORS REORGANIZATION MEETING**

**TUESDAY, JANUARY 3, 2012**

1. Call meeting to order: - Interim Chair.
2. Pledge of Allegiance.
3. Nominate \_\_\_\_\_ to serve as Chair of the Board of Supervisors.
4. Nominate \_\_\_\_\_ to serve as Vice-Chair of the Board of Supervisors.
5. Appoint \_\_\_\_\_ to serve as Township Secretary.
6. Appoint \_\_\_\_\_ to serve as Asst. Township Secretary; to assist and perform duties of Township Secretary in absence of or disability of Township Secretary.
7. Appoint \_\_\_\_\_ to serve as Township Treasurer.
8. Appoint \_\_\_\_\_ to serve as Asst. Township Treasurer.
9. Appoint \_\_\_\_\_ to serve as Chief Administrator of the Township Non-uniformed Pension Plan.
10. Appoint \_\_\_\_\_ to serve as Township Emergency Management Coordinator.
11. Appoint \_\_\_\_\_ to serve as Township Emergency Management Deputy.
12. Appoint \_\_\_\_\_, Township Supervisor, to serve as Township Representative to the Pocono Mountain Regional Police Commission.
13. Appoint \_\_\_\_\_, Township Supervisor, to serve as Township Representative to the Pocono Mountain Regional Police Commission.
14. Appoint \_\_\_\_\_, Township of Tobyhanna resident/taxpayer, to serve as Township Representative to the Pocono Mountain Regional Police Commission.
15. Appoint \_\_\_\_\_, member of the Board of Supervisors, to serve as the Township representative to the Pocono Mountain Council of Governments.
16. Appoint \_\_\_\_\_, Township Supervisor, to serve as a representative to Pocono Mountain Regional Emergency Services Commission.

17. Appoint \_\_\_\_\_, Township Supervisor, to serve as a representative to Top of the Mountain Open Space Advisory Committee.
18. Appoint \_\_\_\_\_, Township Supervisor, to serve as a representative to Regional Comprehensive Plan Committee.
19. Appoint \_\_\_\_\_ to serve as Open Records Officer in accordance with the Pennsylvania Right-To-Know Law.
20. Appoint \_\_\_\_\_, Township Supervisor, to serve as a representative to Monroe County Tax Collection Committee.
21. Appoint \_\_\_\_\_ to serve as Chair of the Vacancy Board.
22. Appoint \_\_\_\_\_ as recording secretary to the Board of Supervisors.
23. Appoint \_\_\_\_\_, to act as Township Solicitor at \$ \_\_\_\_\_ per hour and \$ \_\_\_\_\_ per meeting.
24. Appoint \_\_\_\_\_ to act as Township Planning Commission Solicitor at \$ \_\_\_\_\_ per hour and \$ \_\_\_\_\_ per meeting.
25. Entertain a motion establishing the payment of employee salaries and wages on a bi-weekly basis.
26. Entertain a motion establishing the 2012 Holiday Schedule for the Township Employees.
27. Entertain a motion establishing the Tax Assessor's bond at \$40,000. per annum.
28. Entertain a motion establishing the 2012 mileage rate.
29. CERTIFY the five (5) Township Board of Supervisors, Township Engineer and Township Solicitor as delegates to the Pennsylvania Township Supervisors 2012 Annual Convention.
30. CERTIFY \_\_\_\_\_ to serve as the voting delegate to the Pennsylvania State Association of Township Supervisors 2012 Annual Convention.
31. Approve Agreement to retain Brian Oram, PG for the year 2012 as the professional soil scientist for the Township at the rates set forth in the agreement.
32. Approve L & V Engineering Proposal for Traffic Engineering Services on an as-needed basis for the year 2012.
33. Appoint \_\_\_\_\_ as Alternate Sewage Enforcement Officer for the year 2012.

34. Appoint \_\_\_\_\_ as Sewage Hearing Board for the year 2012.
35. Consider for enactment Resolution No. 2012-001; setting the dates, times and place for Township Public Meetings to be held.
36. Consider for enactment Resolution No. 2012-002; designating certain financial institutions as depositories for Township monies.
37. Consider for enactment Resolution No. 2012-003; appointing \_\_\_\_\_ as the public accounting firm to the Township, replacing the elected/appointed Township auditors.
38. Consider for enactment Resolution No. 2012-004; establishing tax rates for the calendar year 2012.
39. Consider for enactment Resolution No. 2012-005; appointing \_\_\_\_\_ to serve as Special Counsel to the Board on any legal matter that becomes a conflict with the Township Solicitor at \$ \_\_\_\_\_ per hour, \$ \_\_\_\_\_ per meeting.
40. Consider for enactment Resolution No. 2012-006 setting a fee schedule for Subdivision and Land Development, Planned Residential Development, Zoning Hearing Board, Board of Supervisors, and other miscellaneous fees.
41. Consider for enactment Resolution No. 2012-007 amending the Emergency Notification List to the Township's Emergency Operations Plan.

Adjournment.

Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Reorganization Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, January 3, 2012, beginning at 3:45 p.m.

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

---

**ORIGINAL**

---

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

1 MR. ARMSTRONG: Time is now  
2 3:45, approximately, on January 3, 2012. My name  
3 is Patrick Armstrong, the Tobyhanna Township  
4 current solicitor. I will call this reorganization  
5 meeting of the Tobyhanna Township Board of  
6 Supervisors to order.

7 With that, is there a motion  
8 from the board to appoint a temporary chairman to  
9 conduct the operations and action during the  
10 reorganization meeting? Just for this  
11 reorganization.

12 MR. HOLAHAN: Yeah, I'll make  
13 that motion that we appoint John Kerrick as the  
14 temporary for this meeting, for this part of the  
15 meeting.

16 MS. PICKARD: I'll second that.

17 MR. ARMSTRONG: Motion and  
18 second.

19 All those in favor say aye?

20 MS. LAMBERTON: Aye.

21 MR. HOLAHAN: Aye.

22 MR. MOYER: Aye.

23 MS. PICKARD: Aye.

24 MR. ARMSTRONG: Motion carries.  
25 It's yours, John.



1 MR. KERRICK: Okay. First  
2 thing, open with the pledge of allegiance, please.

3 (Pledge of allegiance was  
4 recited.)

5 MR. KERRICK: You threw me a  
6 little curve there tonight, a little different than  
7 you usually do, but that's fine.

8 MR. ARMSTRONG: You want --

9 MR. KERRICK: No, no, fine.

10 First item of business, nominate  
11 obviously one of the supervisors to serve as chair  
12 of the board of supervisors.

13 MS. PICKARD: I make a motion  
14 that we appoint John Kerrick as chairman of the  
15 board of supervisors.

16 MS. LAMBERTON: I second.

17 MR. KERRICK: Motion and  
18 second.

19 Questions or comments?

20 Questions or comments from the  
21 public?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in

1 favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I'll vote in

6 favor.

7 MR. KERRICK: I'll abstain.

8 I'd like to take one second and  
9 thank the board for their confidence for the  
10 chairmanship.

11 Next item, nominate a candidate  
12 to serve as vice-chair of the board of supervisors.

13 MS. LAMBERTON: I will nominate  
14 Heidi Pickard.

15 MR. HOLAHAN: I'll second that.

16 MR. KERRICK: Motion and  
17 second.

18 Questions or comments?

19 MR. HOLAHAN: You said  
20 candidate, is that what we are? Is that what we  
21 all are?

22 MR. KERRICK: I don't know, I  
23 guess.

24 MR. HOLAHAN: Is it just  
25 vernacular, it doesn't matter?

1 MR. KERRICK: I could say  
2 supervisor.

3 MR. HOLAHAN: That's fine.

4 MR. KERRICK: I guess that  
5 would probably be better because some aren't  
6 supervisors --

7 MR. HOLAHAN: Okay.

8 MR. KERRICK: -- as I go  
9 forward.

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Donny?

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

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I'll abstain.

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

21 Next item, appoint a candidate  
22 to serve as township secretary.

23 MS. LAMBERTON: I'd like to  
24 appoint Heidi Pickard to serve as township  
25 secretary.

1 MR. KERRICK: Motion. Do we  
2 have a second?

3 MR. MOYER: Second.

4 MR. KERRICK: Motion and  
5 second.

6 Questions or comments?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I'll abstain.

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

17 Next, appoint a candidate to  
18 serve as assistant township secretary: to assist  
19 and perform duties as the township secretary in the  
20 absence or the disability of the township  
21 secretary.

22 MS. PICKARD: I make a motion  
23 we appoint Margie Argot.

24 MR. HOLAHAN: Yeah, I'll second  
25 that.

1 MR. KERRICK: Motion and  
2 second.

3 Questions or comments?

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in  
8 favor.

9 MR. KERRICK: Donny?

10 MR. MOYER: I vote in favor.

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

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

15 Next we have township treasurer,  
16 appoint a candidate for that.

17 MS. PICKARD: I make a motion  
18 we appoint Theresa Dougherty to serve as township  
19 treasurer.

20 MS. LAMBERTON: Second.

21 MR. KERRICK: Motion and  
22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: I vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll vote in

8 favor. Motion carried.

9 Next item, appoint a candidate  
10 to serve as assistant township treasurer.

11 MR. HOLAHAN: I make a motion  
12 that we appoint Heidi Pickard.

13 MS. LAMBERTON: I'll second.

14 MR. KERRICK: Motion and  
15 second.

16 Questions or comments from the  
17 board or public?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in

22 favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I'll abstain.

2 MR. KERRICK: I'll vote in  
3 favor.

4 Next item -- I'll just keep it  
5 simple -- appoint a candidate to serve as chief  
6 administrator to the Township Nonuniform Pension  
7 Plan.

8 MS. LAMBERTON: I'd like to  
9 nominate John Kerrick.

10 MR. HOLAHAN: I'll second.

11 MR. KERRICK: Motion and  
12 second.

13 Questions or comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I'll abstain.

23 Next item, appoint a candidate  
24 to serve as township emergency management  
25 coordinator.

1 MS. LAMBERTON: I'd like to  
2 nominate John Kerrick.

3 MR. KERRICK: I would like to  
4 abstain.

5 MS. PICKARD: Like to abstain?

6 MR. KERRICK: I mean, I'm  
7 saying I would like to not do that. I would like  
8 to nominate --

9 MS. LAMBERTON: You would not  
10 like to.

11 MR. HOLAHAN: Can we force him  
12 to do this anyway?

13 MS. LAMBERTON: I say we  
14 appoint John Kerrick.

15 MR. HOLAHAN: That was an area  
16 of contention for you last year. I was looking  
17 through the minutes and you did say you would do it  
18 on a temporary basis, so --

19 MR. KERRICK: I think, you  
20 know, that we need some people that -- and also  
21 some people that work here because there's quite a  
22 bit of time involved in training. I think Phyllis  
23 Haase would be a good candidate. Maybe Donny would  
24 want to get involved.

25 MS. LAMBERTON: I would like to



1 nominate Phyllis Haase. If you'll accept, I've had  
2 one rejection so far.

3 MR. KERRICK: That's the word I  
4 was looking for before, but I couldn't get it out,  
5 was rejection.

6 MR. HOLAHAN: I'll second  
7 Phyllis. Sorry, Phyllis.

8 MS. LAMBERTON: Yeah, it's like,  
9 phew, sorry.

10 MS. PICKARD: I just want to  
11 say that Phyllis has done a remarkable job working  
12 with FEMA.

13 MS. LAMBERTON: Oh, my gosh,  
14 yes.

15 MR. KERRICK: Do we have a  
16 second? I apologize. Motion and --

17 MR. MOYER: Second.

18 MR. KERRICK: Motion and  
19 second.

20 Questions or comments?

21 MR. HOLAHAN: We'll assist  
22 because I've been going through those as well. So  
23 won't let you hanging out there taking care of all  
24 it, okay?

25 MS. LAMBERTON: Would you like

1 to be the assistant?

2 MS. PICKARD: There's a deputy.

3 MR. HOLAHAN: I'll campaign for  
4 assistant then.

5 MR. KERRICK: Let's call the  
6 vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. KERRICK: I vote in favor.

15 Motion carried.

16 Sorry, Phyllis.

17 MS. LAMBERTON: Everybody  
18 apologizes.

19 MR. KERRICK: Next, appoint a  
20 candidate to serve as township emergency management  
21 deputy.

22 MS. LAMBERTON: I would like to  
23 nominate John Holahan.

24 MR. MOYER: Second.

25 MR. KERRICK: Motion and

1 second.

2 Questions or comments?

3 MR. HOLAHAN: Actually I wasn't  
4 going to be that much help.

5 MS. HAASE: You already  
6 volunteered.

7 MR. HOLAHAN: It's too late, I  
8 know. I'm okay with that.

9 MR. KERRICK: Any more  
10 questions or comments?

11 Call the vote. John?

12 MR. HOLAHAN: I'll abstain.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in  
15 favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in  
21 favor. Motion carried.

22 MS. PICKARD: I just wanted to  
23 make a comment that we're going to be scheduling  
24 that 300 level class through the county hopefully  
25 soon.

1 MR. HOLAHAN: Okay.

2 MR. KERRICK: Next item on the  
3 agenda, we have to appoint a township supervisor to  
4 serve as township representative to the Pocono  
5 Mountain Regional Police Commission.

6 MS. PICKARD: I make a motion  
7 we appoint John Kerrick to serve as representative  
8 to the Pocono Mountain Regional Police Commission.

9 MR. HOLAHAN: I'll second that.

10 MR. KERRICK: Motion and  
11 second.

12 Questions or comments?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I vote in  
17 favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I'll vote in  
23 favor -- or I'll abstain. Sorry.

24 Next item, we have another  
25 township supervisor to serve as a second

1 representative to Pocono Mountain Regional Police  
2 Commission.

3 MR. HOLAHAN: I make a motion  
4 that we appoint Anne Lamberton.

5 MR. MOYER: Second.

6 MR. KERRICK: Motion and  
7 second.

8 Questions or comments?

9 Call the vote. John?

10 MR. HOLAHAN: I vote in favor.

11 MR. KERRICK: Anne?

12 MS. LAMBERTON: I'll abstain.

13 MR. KERRICK: Donny?

14 MR. MOYER: I vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in  
18 favor. Motion carried.

19 We need a candidate to serve  
20 Tobyhanna Township resident/taxpayer to serve as a  
21 township representative to the Pocono Mountain  
22 Regional Police Commission.

23 MS. PICKARD: I make a motion  
24 we appoint Dave Moyer.

25 MR. HOLAHAN: I'll second.

1 MR. KERRICK: Motion and  
2 second.

3 Questions or comments?

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I'll vote in  
12 favor.

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

15 Appoint the township supervisor  
16 to serve as a representative to Pocono Mountain  
17 Council of Governments.

18 MR. HOLAHAN: Could we have  
19 discussion now?

20 MS. LAMBERTON: Yeah.

21 MR. KERRICK: Sure.

22 MR. HOLAHAN: Are you still  
23 interested in doing it?

24 MS. LAMBERTON: It's yours if  
25 you want it. I mean, I don't mind, I go every

1 month.

2 MR. HOLAHAN: You better stick  
3 with it.

4 MS. LAMBERTON: It's up to you,  
5 Donny, are you interested?

6 MR. MOYER: No.

7 MS. LAMBERTON: You're not  
8 going to do it?

9 MR. MOYER: No, I don't want to  
10 do that.

11 MR. HOLAHAN: I make a motion  
12 that we appoint Anne Lamberton.

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

15 MS. PICKARD: Can we do an  
16 alternate or do you want to do two? We usually  
17 have an alternate.

18 MR. KERRICK: We can do an  
19 alternate. Do have it on the paper? Yeah.

20 MS. PICKARD: I don't know,  
21 last year we did both and just put them in the same  
22 motion.

23 MR. KERRICK: We'll do it in  
24 the same motion again, if you --

25 MS. PICKARD: Would you do

1 alternate?

2 MR. MOYER: Yeah, I'll do that.

3 MR. KERRICK: Donny's the

4 alternate? Or that's the motion, I'm sorry.

5 MS. PICKARD: Is that the

6 motion?

7 MR. HOLAHAN: That's the

8 motion.

9 MR. KERRICK: You'll amend your  
10 motion, John?

11 MR. HOLAHAN: I will make that  
12 motion Annie and Donny as the alternate.

13 MS. PICKARD: I'll second that  
14 motion.

15 MR. KERRICK: Second.  
16 Questions or comments from the  
17 board?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I'll abstain.

22 MR. KERRICK: Donny?

23 MR. MOYER: I'll abstain.

24 MR. KERRICK: Heidi?

25 MS. PICKARD: I vote in favor.



1 MR. KERRICK: I'll vote in  
2 favor. Motion carried.

3 Appoint a township supervisor to  
4 serve as representative to the Top of the Mountain  
5 Open Space Advisory Committee.

6 MS. PICKARD: John, you skipped  
7 one.

8 MR. MOYER: There's 16.

9 MS. LAMBERTON: EMS.

10 MS. PICKARD: Tisk, tisk, tisk.

11 MR. MOYER: 16, there's no  
12 alternate spot for --

13 MR. KERRICK: Oh, I was using  
14 that as an alternate, I apologize. I didn't read  
15 the whole thing.

16 Appoint a township supervisor to  
17 serve as representative to the Pocono Mountain  
18 Regional Emergency Services Commission.

19 MS. LAMBERTON: I'd like to  
20 nominate Heidi Pickard, if you want it.

21 MR. HOLAHAN: I'll second that.

22 MR. KERRICK: Motion and  
23 second.

24 Questions or comments?

25 Call the vote. John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I vote in  
4 favor.

5 MR. KERRICK: Donny?

6 MR. MOYER: I vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I'll abstain.

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

11 Next is township supervisor to  
12 serve as representative to Top of the Mountain Open  
13 Space Advisory Committee.

14 MR. HOLAHAN: Heidi, when you  
15 were doing this last year, were you doing it the  
16 year before and the year before?

17 MS. PICKARD: It doesn't really  
18 matter. I was just really the only one that goes  
19 -- would go to the meetings when they had them and  
20 it was good coordination for me here when things  
21 needed to be done, so, I don't need to be the  
22 representative. I may or may not go depending on  
23 what's going on.

24 MR. HOLAHAN: Not that I'm  
25 expressing an interest in it. This is a little

1       cumbersome in that I haven't done this before. So  
2       I -- you know, we have to talk about it while we're  
3       doing it type of thing. I would just to know that  
4       the names that we're putting in here, people want  
5       to do that and not just feel that you're being  
6       compelled to fill another --

7                       MS. PICKARD:    I don't mind  
8       doing it at all and sometimes it's easier for me to  
9       do some stuff. And they usually meet at 6 or 6:30  
10      after we're here anyway, but if somebody has an  
11      interest I'd love for them to do that. But I may  
12      or may not do it anyway just to be coordinating  
13      with them. I think a lot of stuff they're doing  
14      now, there -- they want to be doing some permits or  
15      they're looking for permission. I mean, they're  
16      pretty self-sufficient.

17                   MR. KERRICK:    How do we do the  
18      citizens on the open space? Do they have term  
19      limits or did we just -- appointed them years ago  
20      and they're still there?

21                   MS. PICKARD:    Exactly.

22                   MR. KERRICK:    Until they decide  
23      to get off?

24                   MS. PICKARD:    They made a joke  
25      about that, that they kind of morphed into more of

1 a park and rec board, as well as open space,  
2 initially.

3 MR. KERRICK: So they have  
4 enough people? Is this something we need to look  
5 at?

6 MS. PICKARD: They're more of  
7 an active, out in the field kind of group. They've  
8 been doing a lot of hard work on the trails and  
9 doing things and moving things forward for us.

10 MR. HOLAHAN: I think there's  
11 got to be something, the continuity of the same  
12 people understanding what's been going on with it,  
13 if it's working.

14 MS. PICKARD: The other side is  
15 with Tunk, and Tunk hadn't been to a lot of  
16 meetings and truthfully they didn't have a lot of  
17 meetings last year because they were out working on  
18 the property doing things. But when they do have  
19 stuff, there's coordination between what Tunk's  
20 doing and what the township is doing, so that's a  
21 consideration with maintenance.

22 But they started giving us those  
23 reports, to let us both -- you know, but the  
24 township -- on the township side we need to be  
25 keeping a little bit better track of who's doing

1 what as far as the townships go so we can reconcile  
2 with Tunkhannock Township as far as Austin T.  
3 Blakeslee.

4 MR. HOLAHAN: I'd like to see  
5 some of those reports at these meetings so we  
6 understand what's going on with that.

7 MS. PICKARD: Like I said,  
8 there's been like two meetings this year because  
9 they've just been really working out in the field,  
10 but --

11 MR. HOLAHAN: I'll make a motion  
12 we appoint Heidi Pickard, township supervisor rep  
13 to the Top of the Mountain Open Space.

14 MS. LAMBERTON: I'll second it.

15 MR. KERRICK: Motion and  
16 second.

17 Questions or comments?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in  
22 favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I'll abstain.

2 MR. KERRICK: I'll vote in  
3 favor.

4 Next item, township supervisor  
5 to serve as representative to the Regional  
6 Comprehensive Plan Committee.

7 MS. PICKARD: I'll just make  
8 the comment that Jamie and I were attending those  
9 meetings, and they were meeting here. I did the  
10 original grant work with DCED. We were going  
11 through the ordinance which we'll probably have to  
12 have a conversation about later on.

13 Now, the planning commission  
14 started reviewing the ordinance so we never really  
15 finished it. So I'm not sure how much work has to  
16 be done on the Regional Comprehensive Plan  
17 Committee at this point in time. We're all  
18 updating the ordinances and then we'll be closing  
19 out the grant.

20 We had an administrative meeting  
21 last week with Carson about how we're going to move  
22 forward with the grant fund relative to  
23 reimbursement for solicitor and engineering  
24 expense. I don't know whether the committee is --  
25 what the purpose is now. We've done the

1 implementation, so I don't think there's going to  
2 be a whole lot moving forward.

3 MR. HOLAHAN: Well, you make it  
4 sound tempting.

5 MS. PICKARD: I would want  
6 somebody else to be on that because I -- usually  
7 Phyllis and myself and Jamie and Mark Sincavage  
8 from the planning commission and Robby Baxter would  
9 attend those meetings. So we had two -- you know,  
10 and that was kind of what we were doing especially  
11 with the ordinance, we had two supervisors, two  
12 planning commission and then the zoning officer  
13 when we're going through the ordinances.

14 MR. HOLAHAN: Well, do we --  
15 can't you just do this?

16 MS. PICKARD: Hmm?

17 MR. HOLAHAN: Can you do this  
18 again?

19 MR. KERRICK: I think she was  
20 trying to talk you into it, John. That's what I  
21 got out of it.

22 MR. HOLAHAN: I tried resisting.  
23 I don't want -- I just --

24 MR. KERRICK: Heidi's there  
25 anyway by the sounds of it.

1 MS. PICKARD: I'm there anyway  
2 and like I said, I don't think there's that much  
3 going forward. If it becomes something more, then  
4 we should look at it again.

5 MR. HOLAHAN: Okay.

6 MS. PICKARD: So, you know --

7 MR. HOLAHAN: If --

8 MS. PICKARD: We've been  
9 meeting here so that's --

10 MR. HOLAHAN: If elected, I  
11 will serve.

12 MS. PICKARD: Well, I'll make a  
13 motion that we appoint John Holahan to serve as  
14 representative to the Regional Comprehensive Plan  
15 Commission. I think that your experience on the  
16 Blakeslee Visioning could really help with that in  
17 that way.

18 MR. HOLAHAN: Good.

19 MS. PICKARD: Would be another  
20 crossover for you.

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

23 MS. LAMBERTON: Second.

24 MR. MOYER: Second. All right.

25 MR. KERRICK: Any questions?



1 Call the vote. John?

2 MR. HOLAHAN: I abstain.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

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

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

13 Appoint a candidate to serve as  
14 open records officer in accordance with the  
15 Pennsylvania Right to Know Law. Presently we have  
16 Heidi.

17 MR. HOLAHAN: I see no --

18 I make a motion that we appoint  
19 Heidi Pickard to serve as the open records officer.

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

22 MS. LAMBERTON: Second.

23 MR. KERRICK: Motion and  
24 second.

25 Questions or comments?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in favor.

5 MR. KERRICK: Donny?

6 MR. MOYER: I vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I'll abstain.

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

11 Next item, appoint a township  
12 supervisor to serve as representative to the Monroe  
13 County Tax Collection Committee.

14 MS. PICKARD: Anne and I were  
15 on the committee initially, when we got started.  
16 Now it's pretty much been administrative tasks that  
17 occurs during the day.

18 MR. KERRICK: So you're saying  
19 you'll take of it?

20 MS. PICKARD: I could take care  
21 of it if that was the desire of the --

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

24 MR. MOYER: So moved.

25 MS. LAMBERTON: Second.

1 MR. KERRICK: Is there a  
2 second?

3 MS. LAMBERTON: Second.

4 MR. KERRICK: Questions or  
5 comments?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I'll abstain.

14 MR. KERRICK: I'll vote in  
15 favor.

16 Appoint a candidate to serve as  
17 chair of the vacancy board.

18 MS. PICKARD: I make a motion  
19 we appoint Mark Argot.

20 MR. KERRICK: Is there a  
21 second?

22 MS. LAMBERTON: I'll second.

23 MR. KERRICK: Motion and  
24 second.

25 Questions or comments?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

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

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

13 Appoint a firm to act as  
14 recording secretary to the board of supervisors.

15 MS. PICKARD: I make a motion  
16 we appoint Panko Reporting as recording secretary.

17 MR. HOLAHAN: I'll second.

18 MR. KERRICK: Motion and  
19 second.

20 Questions or comments?

21 Call the vote. John?

22 MR. HOLAHAN: I vote in favor.

23 MR. KERRICK: Anne?

24 MS. LAMBERTON: I vote in  
25 favor.

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in  
6 favor. Motion carried.

7 Next, we need to nominate and  
8 elect a township solicitor and set the rate.

9 MS. PICKARD: I make a motion  
10 that we appoint the firm Grim, Biehn and Thatcher,  
11 and Patrick Armstrong to act as township solicitor  
12 at a rate of \$150 per hour.

13 MR. KERRICK: Anything for the  
14 meeting?

15 MS. PICKARD: We don't have a  
16 permanent meeting rate, but there's also other  
17 rates that --

18 MR. KERRICK: Does that go with  
19 their proposal?

20 MS. PICKARD: Yeah, with their  
21 proposal. They're the same as last year. I think  
22 it's for litigation and real estate.

23 MR. MOYER: 175 or something?

24 MS. PICKARD: Yeah.

25 MR. KERRICK: Donny, is that

1 part of your motion?

2 MR. MOYER: Yeah.

3 MR. ARMSTRONG: Yeah, the  
4 December 7th letter from my office, the general  
5 legal services would be \$150 per hour, litigation  
6 would be \$170 and real estate would be \$175 per  
7 hour.

8 MS. PICKARD: That's my motion.

9 MR. HOLAHAN: I'll second.

10 MR. KERRICK: Real estate was  
11 175?

12 MR. ARMSTRONG: 175.

13 MS. PICKARD: 175.

14 MR. KERRICK: Motion and  
15 second.

16 Questions or comments?

17 Call the vote. John?

18 MR. HOLAHAN: I vote in favor.

19 MR. KERRICK: Anne?

20 MS. LAMBERTON: I vote in favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I vote in favor.

23 MR. KERRICK: Heidi?

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

1 MR. KERRICK: I'll vote in  
2 favor.

3 MR. ARMSTRONG: Thank you,  
4 guys, I appreciate that.

5 MR. KERRICK: Appoint a firm to  
6 act as planning commission -- township planning  
7 commission solicitor at the rate and the meeting  
8 rate -- per meeting rate.

9 MS. PICKARD: I make a motion  
10 that we appoint Grim, Biehn and Thatcher, and  
11 Patrick Armstrong at the rate of 150 an hour, 170  
12 for litigation and 175 for real estate, which I  
13 don't think is all that relevant for that, but --

14 MR. KERRICK: We have a motion  
15 on the floor. Do we have a second?

16 MR. HOLAHAN: Second.

17 MR. KERRICK: Second.

18 Questions or comments?

19 Call the vote. John?

20 MR. HOLAHAN: I vote in favor.

21 MR. KERRICK: Anne?

22 MS. LAMBERTON: I vote in  
23 favor.

24 MR. KERRICK: Donny?

25 MR. MOYER: I vote in favor.

1 MR. KERRICK: Heidi?

2 MS. PICKARD: I vote in favor.

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

5 MR. ARMSTRONG: Thank you  
6 again.

7 MR. KERRICK: I'll entertain a  
8 motion establishing the payment of employee  
9 salaries and wages on a biweekly basis.

10 MS. PICKARD: So moved.

11 MR. KERRICK: Do we have a  
12 second?

13 MR. MOYER: Second.

14 MR. KERRICK: Call the vote.  
15 John?

16 MR. HOLAHAN: I vote in favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I vote in favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

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

25 Entertain a motion establishing



1 the 2012 holiday schedule for township employees.

2 MS. PICKARD: I make a motion  
3 we approve the 2012 holiday schedule as indicated.

4 MR. MOYER: Second.

5 MR. KERRICK: Motion and  
6 second.

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

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

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

19 MS. PICKARD: So moved.

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

22 MR. HOLAHAN: Second.

23 MR. KERRICK: Questions or  
24 comments?

25 Call the vote. John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I vote in

4 favor.

5 MR. KERRICK: Donny?

6 MR. MOYER: I vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I'll vote in

10 favor.

11 Entertain a motion establishing  
12 the 2012 mileage rate.

13 MR. HOLAHAN: It's currently  
14 55.5, IRS, is that correct?

15 MS. PICKARD: That is correct  
16 and we usually approve that to be the then current  
17 IRS mileage rate.

18 MR. HOLAHAN: All right. I'll  
19 make that motion.

20 MS. LAMBERTON: Second.

21 MR. KERRICK: Motion and second  
22 that we follow the IRS?

23 MS. PICKARD: Umm-hmm.

24 MR. HOLAHAN: Yes.

25 MR. KERRICK: Questions or

1 comments?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in  
6 favor.

7 MR. KERRICK: Donny?

8 MR. MOYER: I vote in favor.

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

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

13 Certify the five township board  
14 of supervisors, township engineer and township  
15 solicitor as delegates to the Pennsylvania Township  
16 Supervisors 2012 Annual Convention.

17 MS. PICKARD: So moved.

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

20 MR. MOYER: Second.

21 MR. KERRICK: Call the vote.  
22 John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in

1 favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

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

8 Certify one of the board of  
9 supervisors to serve as a voting delegate to the  
10 Pennsylvania State Association Township Supervisors  
11 2012 Annual Convention.

12 MS. PICKARD: I'll make a  
13 motion that we appoint Anne Lamberton and John  
14 Holahan as alternate to be our voting delegates at  
15 the PSATS convention.

16 MR. MOYER: Second.

17 MR. KERRICK: Motion and  
18 second.

19 Questions?

20 Call the vote. John?

21 MR. HOLAHAN: I'll abstain.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I'll abstain.

24 MR. KERRICK: Donny?

25 MR. MOYER: I vote in favor.

1 MR. KERRICK: Heidi?

2 MS. PICKARD: I'll vote in  
3 favor.

4 MR. KERRICK: I'll vote in  
5 favor.

6 Approve the agreement to retain  
7 Brian Oram, PG, for the year 2012 as the  
8 professional soil scientist for the township at the  
9 rate set forth in his agreement.

10 MS. PICKARD: I make that  
11 motion.

12 MR. KERRICK: Do we have a  
13 second?

14 MR. HOLAHAN: Second.

15 MR. KERRICK: Questions or  
16 comments?

17 Call the vote. John?

18 MR. HOLAHAN: I vote in favor.

19 MR. KERRICK: Anne?

20 MS. LAMBERTON: I vote in  
21 favor.

22 MR. KERRICK: Donny?

23 MR. MOYER: I vote in favor.

24 MR. KERRICK: Heidi?

25 MS. PICKARD: I vote in favor.

1 MR. KERRICK: I'll vote in  
2 favor. Motion carried.

3 Approve L and V Engineering  
4 proposal for traffic engineering service on an  
5 as-needed basis for the year 2012.

6 MR. ARMSTRONG: The only thing I  
7 would mention about that is, if you do appoint it,  
8 it would be engineering. They submitted that  
9 general addendum to the contract as they did last  
10 year. I would just make it conditional upon the  
11 appointment not including that general agreement or  
12 at least conditional upon terms acceptable to the  
13 township. It's a general agreement that they send  
14 to all their actual clients when they actually do  
15 construction-type or design-type work.

16 MR. HOLAHAN: In the minutes  
17 from January's meeting last year you instruct that  
18 language as well.

19 I'll make it conditional -- I'll  
20 make a motion that we appoint on submission of  
21 conditional terms that we have to agree upon as  
22 township supervisors.

23 Is that clear enough?

24 MR. ARMSTRONG: That's perfect.

25 MS. PICKARD: I'll second the

1 motion.

2 MR. KERRICK: Motion and  
3 second.

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in  
8 favor.

9 MR. KERRICK: Donny?

10 MR. MOYER: I vote in favor.

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

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

15 You seconded it?

16 MS. PICKARD: I did.

17 MR. KERRICK: Appoint an  
18 alternate sewage enforcement officer for the year  
19 2012.

20 MS. PICKARD: I make a motion  
21 we appoint Jeryl Rinehart at \$35 an hour plus  
22 expenses including mileage.

23 MS. LAMBERTON: I'll second.

24 MR. KERRICK: Motion and  
25 second.

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in

5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor.

12 Next, appoint a candidate to  
13 serve as sewage hearing board for the year 2012.  
14 In the past we had George Ewald and last year,  
15 where there was a little concern because we do some  
16 -- we are -- John is our sewage enforcement officer  
17 and the sewage enforcement officer in Tunk.

18 Is that any kind of conflict?

19 MR. ARMSTRONG: I think we're  
20 approaching that differently now. Yeah, there was  
21 an issue.

22 MR. KERRICK: We don't need  
23 this.

24 MR. ARMSTRONG: Well, as an  
25 aside, it's not a bad idea to have one. But as an



1     aside, John and I dealt with enforcement matters a  
2     month or so ago and I assume it resolved, but --  
3     the avenue that we took, rather than actually  
4     having a hearing before the sewage hearing board.  
5     But it is good to have someone appointed. And if  
6     you don't have a name today, you know, you can  
7     revisit it.

8                     MR. KERRICK:     We have a  
9     question with George?

10                    MR. ARMSTRONG:    I don't  
11     necessarily -- the concern you have with respect to  
12     conflict of interest is that you act as the sewage  
13     enforcement officer for Tunk --

14                    MR. KERRICK:     Tunkhannock  
15     Township.

16                    MR. ARMSTRONG:    I don't  
17     necessarily see a direct conflict. If for purposes  
18     of immediacy, if you want to appoint George Ewald  
19     as the alternative.

20                    MR. KERRICK:     It's up to the  
21     board. We can wait, I don't think it's urgent.

22                    MR. ARMSTRONG:    These hearings,  
23     I don't know when the last time you actually had a  
24     hearing.

25                    MR. KERRICK:     A few years ago

1 we had a hearing.

2 MR. ARMSTRONG: It's always a  
3 good idea to have someone in those positions in the  
4 event that you have one, but if you're not sure if  
5 you want to appoint George and if you don't know of  
6 anyone else today, you can, you know, wait or you  
7 can appoint him as the alternate or temporary until  
8 you find someone that you're more comfortable with.

9 MR. MOYER: Was he a supervisor  
10 when he was appointed last time?

11 MR. KERRICK: No.

12 MS. PICKARD: No.

13 MR. MOYER: Does that matter?

14 MR. KERRICK: That's what we're  
15 -- we want to make sure that there's not a  
16 conflict.

17 MS. PICKARD: It didn't matter  
18 until John was doing some work. I still contend  
19 that if we had a problem here that he being a  
20 neighboring supervisor doesn't really pose --  
21 unless he's doing something in Tunk, in which case  
22 Tunk would have their own hearing officer.

23 MR. ARMSTRONG: Right.

24 MR. MOYER: Right.

25 MR. ARMSTRONG: I don't

1 necessarily see a conflict at this point, but, you  
2 know, if you want to consider other potential  
3 candidates, then you can do that.

4 MS. PICKARD: We really were  
5 unable to find somebody to fill that position.

6 MR. ARMSTRONG: It's just like  
7 the UCC Board of Appeals. It's hard for townships  
8 to find candidates that are qualified. And if he's  
9 the only qualified candidate at this point --

10 MR. KERRICK: We have Terry  
11 Martin, is also SEO, but I wouldn't appoint him  
12 unless we'd ask him before we -- and I don't know  
13 if he'd be interested.

14 MS. PICKARD: He does a lot of  
15 work in here too, does that --

16 MR. KERRICK: So did George at  
17 the time.

18 MR. ARMSTRONG: That's where  
19 you could have George as the alternate if --

20 MR. KERRICK: Let's put it on  
21 the table. Is that okay with you guys? You want  
22 to table it or you want to go ahead?

23 MS. PICKARD: That's fine, we  
24 didn't have one last year.

25 MR. KERRICK: Well, that's

1 because we said we would deal with it in February  
2 and we forgot.

3 MS. PICKARD: That's why I  
4 didn't want to.

5 MR. KERRICK: Quite honestly,  
6 it got buried.

7 MR. HOLAHAN: If we don't -- if  
8 we appoint George, then we're not going to look at  
9 it again, frankly. So let's table it to the next  
10 meeting.

11 MR. KERRICK: Put it on your  
12 agenda for next meeting.

13 MR. KERRICK: So that one's  
14 tabled, 34.

15 35, consider the enactment of  
16 Resolution No. 2012 dash 001, setting the dates,  
17 times and place for township public meetings to be  
18 held.

19 MS. PICKARD: I make a motion  
20 we approve Resolution 2012 dash 001, setting up  
21 times, dates and places for township meetings to be  
22 held.

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

25 MS. LAMBERTON: Second.

1 MR. KERRICK: Questions?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

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

12 Consider the enactment of  
13 Resolution No. 2012 dash 002, designating certain  
14 financial institutions as depositories for township  
15 monies.

16 MS. PICKARD: I make a motion  
17 we approve Resolution 2012 dash 002.

18 MR. HOLAHAN: I'll second.

19 MR. KERRICK: Motion and  
20 second.

21 Questions?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in favor.

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I vote in favor.

6 Consider the enactment of  
7 Resolution No. 2012 dash 003, appointing a firm as  
8 the public accounting firm to the township  
9 replacing the elected slash appointed township  
10 auditors.

11 MS. PICKARD: I make a motion  
12 we approve Gneiding, DeSanctis, Blizzard and  
13 Company, LLP, at the rate of \$8500.

14 MR. KERRICK: Who was that?  
15 (Inaudible discussion.)

16 MR. HOLAHAN: Same people we're  
17 presently using, correct?

18 MS. PICKARD: Correct.

19 MR. KERRICK: Correct.

20 MR. HOLAHAN: I'll second.

21 MR. KERRICK: Motion and  
22 second.

23 Call the vote. John?

24 MR. HOLAHAN: I had a question  
25 on it though.

1 MR. KERRICK: Go ahead.

2 MS. PICKARD: Go ahead.

3 MR. HOLAHAN: Last year the  
4 agreement was at 55 and this year 85. I think it  
5 was 55 last year.

6 MS. PICKARD: It wasn't, it was  
7 85 last year. It's been 85 for the last several  
8 years. So I don't know if that was a typo.

9 MR. HOLAHAN: Miswritten then.  
10 I'm cool.

11 MR. KERRICK: Maybe it was a  
12 mistake in the minutes, maybe we didn't pick it up.  
13 It's been 85 for quite a while.

14 MR. HOLAHAN: Okay.

15 MR. KERRICK: All right. Any  
16 other questions?

17 Call the vote. John?

18 MR. HOLAHAN: I vote in favor.

19 MR. KERRICK: Anne?

20 MS. LAMBERTON: I'll vote in  
21 favor.

22 MR. KERRICK: Donny?

23 MR. MOYER: I vote in favor.

24 MR. KERRICK: Heidi?

25 MS. PICKARD: I vote in favor.

1 MR. KERRICK: I'll vote in  
2 favor.

3 Next item, consider the  
4 enactment of Resolution No. 2012 dash 004,  
5 establishing tax rates for the calendar year 2012.

6 MS. PICKARD: I make a motion  
7 we approve Resolution No. 2012 dash 004.

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

10 MS. LAMBERTON: I second.

11 MR. KERRICK: Did you second,  
12 Anne?

13 MS. LAMBERTON: Yes.

14 MR. KERRICK: Questions?

15 MR. HOLAHAN: Yeah, is there  
16 any way to -- never mind.

17 MR. KERRICK: Go ahead.

18 MR. HOLAHAN: I know there is  
19 -- the fact that you guys held the rate and didn't  
20 have to increase it was doing pretty darn good.

21 MS. PICKARD: That's true.

22 MR. KERRICK: Any other  
23 questions?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.



1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: I vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

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

9 Next item, consider the  
10 enactment of Resolution No. 2012 dash 005,  
11 appointing a firm to serve as special counsel to  
12 the board on any legal matter that becomes a  
13 conflict with the township solicitor and set that  
14 rate.

15 MS. PICKARD: I'll make a  
16 motion that we appoint William J. Bolla of  
17 McNamara, Bolla, Williams and Panzer, at a flat fee  
18 of \$100 per travel and an hourly rate of \$185.

19 MR. KERRICK: That was 100  
20 travel flat?

21 MS. PICKARD: Umm-hmm.

22 MR. KERRICK: Plus 185?

23 MS. PICKARD: Per hour.

24 MR. KERRICK: Motion on the  
25 floor. Do we have a second?

1 MR. HOLAHAN: Yeah, I'll  
2 second. These are the same rates as last year?

3 MR. KERRICK: Correct.

4 MS. PICKARD: Correct.

5 MR. KERRICK: Questions or  
6 comments?

7 Call the vote? John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in  
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

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

18 Next item, consider enactment  
19 Resolution No. 2012 dash 006, setting a fee  
20 schedule for subdivision and land development,  
21 planned residential development, zoning hearing  
22 board, board of supervisors and other miscellaneous  
23 fees.

24 MS. PICKARD: I make a motion we  
25 approve Resolution 2012 dash 006.

1 MR. KERRICK: Do we have a  
2 second?

3 MS. LAMBERTON: I'll second.

4 MR. KERRICK: Questions?

5 Call the vote. John?

6 MR. HOLAHAN: I vote in favor.

7 MR. KERRICK: Anne?

8 MS. LAMBERTON: I vote in  
9 favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I vote in favor.

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

16 Consider the enactment of  
17 Resolution No. 2012 dash 007, amending the  
18 emergency notification list to the township's  
19 emergency operations plan.

20 MR. HOLAHAN: I'll make that  
21 motion.

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

24 MS. LAMBERTON: Second.

25 MS. PICKARD: I just want to

1 say that we would need to change the emergency  
2 management coordinator.

3 MR. ARMSTRONG: Yeah.

4 MR. KERRICK: Any other things  
5 we have to change after this meeting.

6 Any other questions?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in  
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

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

18 I make a motion that we adjourn  
19 the reorganization meeting.

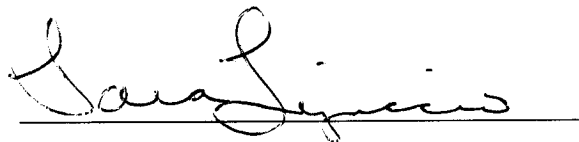
20 MR. MOYER: Second.

21 MR. KERRICK: We're adjourned.

22 (Meeting concluded at 4:22 p.m.)

23 ---  
24  
25

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



TARA FIGUCCIO, C.R.

**ORIGINAL**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**A G E N D A**  
**Board of Supervisors**  
**Regular Business Meeting**  
**October 15, 2012**

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements: Trick or Treat - Wednesday, October 31 6PM-8PM
4. Consider the Minutes of: August 13 2012 Regular Business Meeting  
September 4 2012 Work Session/RBM
5. Consider the Treasurer's Report: \$519,552.40
6. Solicitor Report:
7. New Business:
  - A. Consider Resolution 2012-015 Joe Irizarry
  - B. Consider Resolution 2012-016 Juliet Dunham
  - C. Consider Resolution 2012-017 Appropriations
  - D. TEC PTO Halloween Parade - donation request
  - E. Harvest Corners Produce & Materials, LLC -LDP waiver request
8. Public Questions and Comment

**ADJOURNMENT**

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, October 15, 2012 beginning at 4:30 p.m.

---

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

---

**ORIGINAL**

---

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

1 MR. KERRICK: Call the meeting  
2 to order of the board of supervisors, October 15,  
3 2012. Pledge of allegiance, please.

4 (Pledge of allegiance was  
5 recited.)

6 MR. KERRICK: First item of  
7 business, announcements.

8 MS. PICKARD: Trick or treat  
9 has been scheduled for Wednesday, October 31 from 6  
10 to 8 p.m.

11 MR. KERRICK: Do you have any  
12 other announcements?

13 MS. PICKARD: No. That's it.

14 MR. KERRICK: Next item on our  
15 agenda, consider the minutes of August 13, 2012,  
16 regular business meeting; and September 4, 2012,  
17 work session.

18 MS. PICKARD: I had a couple of  
19 corrections for the August 13 regular business  
20 meeting minutes; on Page 10, Line 19, that should  
21 be county FAP money, F-A-P, not FAT money. And  
22 then on Page 38 the number there should be .092.  
23 That was with reference to the electricity rate.

24 With that, I'd make a motion to  
25 approve the August 13, 2012 regular business meeting



1 minutes and the September 4 work session regular  
2 business meeting minutes.

3 MR. HOLAHAN: I'll second.

4 MR. KERRICK: Motion and second  
5 on the floor. Questions or comments from the  
6 board?

7 Questions or comments from the  
8 public?

9 Call the vote. John?

10 MR. HOLAHAN: I vote in favor.

11 MR. KERRICK: Anne?

12 MS. LAMBERTON: I vote in favor.

13 MR. KERRICK: Donny?

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

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in  
18 favor. Motion carried.

19 Next item on the agenda is bill  
20 pack dated --

21 Is it today's date?

22 MS. PICKARD: October 15.

23 MR. KERRICK: -- October 15.

24 Total amount for board approval is \$519,552.40.

25 MS. PICKARD: I just wanted to

1 make one comment on the escrow account, the check  
2 with Pocono Manor. We're holding that to have them  
3 withdraw the plans. They did request the monies  
4 back, but they still have that open PRD. So they  
5 were going to be sending a letter in to withdraw  
6 the PRD plan. And at that time, we would be able  
7 to refund that fourteen five eighty, but it is not  
8 included in the total amount of the bill pack.

9 With that being said, I'd make a  
10 motion that we approve the October 15, 2012 bill  
11 pack in the amount of \$519,552.40.

12 MR. KERRICK: Motion on the  
13 floor. Do we have a second?

14 MR. HOLAHAN: I'll second.

15 MR. KERRICK: Questions or  
16 comments from the board on the motion?

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

19 Call the vote. John?

20 MR. HOLAHAN: I vote in favor.

21 MR. KERRICK: Anne?

22 MS. LAMBERTON: I vote in  
23 favor.

24 MR. KERRICK: Donald?

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

1 MR. KERRICK: Heidi?

2 MS. PICKARD: I vote in favor.

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

5 Next item, solicitor's report.

6 MR. ARMSTRONG: Now, just as  
7 stated in my work session, I do have an executive  
8 session with respect to personnel after this  
9 meeting.

10 MR. KERRICK: Next item, new  
11 business. Do we want to jump around a little bit?  
12 Heidi?

13 MS. PICKARD: Yeah, well, Joe's  
14 here. I don't know if you want to --

15 MR. KERRICK: Do you want to do  
16 them together or --

17 MS. PICKARD: Yeah, we can do  
18 that. We can skip down, if you want, to C.

19 MR. KERRICK: Wait five  
20 minutes?

21 MR. MOYER: Is she coming?

22 MS. PICKARD: Yeah, Juliet's  
23 coming, she texted me today.

24 MR. KERRICK: Okay. Let's do  
25 the TEC PTO Halloween parade, donation request.

1 MS. PICKARD: He's given them  
2 \$250 the last couple of years.

3 MR. MOYER: Keep the amount the  
4 same and --

5 MR. KERRICK: Yeah, two years  
6 ago we switched from 500 to 250.

7 MR. MOYER: Yeah, I remember it  
8 going down.

9 MR. KERRICK: Do I have a  
10 motion?

11 MR. HOLAHAN: So moved.

12 MR. KERRICK: Hear a second?

13 MR. MOYER: Second.

14 MR. KERRICK: Questions or  
15 comments from the board?

16 Questions or comments from the  
17 public on the motion?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in  
22 favor.

23 MR. KERRICK: Donald?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I vote in favor.

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

4 Next item on our agenda,  
5 consider Resolution 2012 dash 017, appropriations.  
6 It'd be C in your packet.

7 MR. MOYER: Yes.

8 MS. PICKARD: I just wanted to  
9 make a note there was a correction on one of the  
10 items. Margie switched that in the pack, but it  
11 wasn't the one that was mailed out. I had a -- on  
12 the engineering, the 408 engineering overtime --

13 MR. HOLAHAN: Right.

14 MS. PICKARD: -- and  
15 professional liability insurance. I just  
16 transposed a number there and put postage.

17 MR. HOLAHAN: Okay. That was  
18 the question that I had.

19 MS. PICKARD: I guess one of  
20 the bigger items there too was, we were taking that  
21 prior year of police MMO and putting it towards the  
22 current year. That amount was 65 in there.

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

25 MR. HOLAHAN: I'll make a

1 motion we adopt Resolution 2012 dash 017,  
2 appropriations.

3 MR. KERRICK: Motion on the --

4 MS. LAMBERTON: I'll second.

5 MR. KERRICK: Motion and  
6 second.

7 Questions or comments from the  
8 board?

9 Questions or comments from the  
10 public?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in  
15 favor.

16 MR. KERRICK: Donald?

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

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in  
21 favor. Motion carried.

22 We're going to have to go with  
23 just Joe.

24 MS. PICKARD: I guess so.

25 MR. KERRICK: It's easier that

1 way. I don't know about that last name.

2 MS. PICKARD: We have  
3 Resolution 2012 --

4 MS. LAMBERTON: Dash 015.

5 MS. PICKARD: -- dash 015.

6 It's a resolution of the Township of Tobyhanna  
7 Board of Supervisors recognizing Joseph Irizarry  
8 for his time and musical talent donation to the  
9 July 14, 2012 Community Day. And it reads:

10 Whereas, Joe Irizarry is  
11 guitarist Just Joe from local rock band Long Time  
12 Comin' and a Tobyhanna Township resident. And  
13 whereas, in 2010, after finding out that Community  
14 Day would possibly be canceled due to finances,  
15 Joseph stepped up forward and -- stepped forward  
16 and offered his help.

17 And whereas, Joe has arranged  
18 for all the live musical entertainment which  
19 included his band and several other local bands, at  
20 no cost to the township, entertaining the crowd for  
21 the past three years. And whereas, Joseph showed  
22 dedication in serving our community by his  
23 involvement in Community Day.

24 The township recognizes Joe for  
25 giving his time, talent and expertise once more,

1 making the July 14, 2012 Community Day a successful  
2 event that was enjoyed by all. And now therefore,  
3 be it resolved that the Tobyhanna Township Board of  
4 Supervisors presents its resolution to Joseph  
5 Irizarry in recognition of his service to the  
6 Township of Tobyhanna.

7 Resolved and enacted, this 15th  
8 day of October 2012.

9 You want to vote on this first  
10 before we --

11 MR. KERRICK: Do we have a  
12 motion?

13 MS. LAMBERTON: I'll make a  
14 motion.

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

17 MR. MOYER: Second.

18 MR. KERRICK: I'm not going to  
19 do questions or comments.

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in  
24 favor.

25 MR. KERRICK: Donald?



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

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: I'll vote in

5 favor. Motion carried.

6 (Audience applauds.)

7 MR. KERRICK: Joe, as always.

8 MR. JOSEPH IRIZARRY: Oh, thank  
9 you. Thank you.

10 MS. LAMBERTON: Thank you, very  
11 much.

12 MS. PICKARD: Thank you so  
13 much.

14 MR. JOSEPH IRIZARRY: Thank  
15 you.

16 MR. MOYER: Thank you.

17 MS. LAMBERTON: Thank you so  
18 much.

19 MR. HOLAHAN: What I wanted to  
20 do was rename Wednesdays in Tobyhanna Township and  
21 call it Joe Day.

22 (Brief interruption in the  
23 record due to Joseph Irizarry being photographed.)

24 MR. KERRICK: What are we --  
25 next two we have --

1 MS. PICKARD: Well, you know --

2 MS. LAMBERTON: We can make  
3 mention and pass it.

4 MR. MOYER: Of what?

5 MR. KERRICK: Okay.

6 MS. PICKARD: We don't  
7 necessarily need Harv -- I just told Bert that,  
8 you know, if you have any questions on it --

9 MR. KERRICK: All right. We'll  
10 jump down to there then.

11 Harvest Corners Produce and  
12 Materials, LLC, land development waiver request.

13 MR. MOYER: They just want to  
14 move that thing to the other side, correct?

15 MS. LAMBERTON: In the woods  
16 where it's hidden.

17 MS. PICKARD: Yeah, there's a  
18 picture of it in --

19 MS. LAMBERTON: It's a  
20 no-brainer.

21 MR. KERRICK: It's really not  
22 even a building, I don't know why it falls under --

23 MS. PICKARD: I know.

24 MS. LAMBERTON: Yeah, I kind of  
25 wondered the same thing, John, to be honest with

1 you.

2 MR. KERRICK: There's no  
3 foundation system.

4 MR. MOYER: Make a motion to --

5 MS. PICKARD: Well, it should  
6 be in the new ordinance to not require it.

7 MS. LAMBERTON: I think we  
8 should make note of that.

9 MR. KERRICK: Donny, you made a  
10 motion to waive land development?

11 MR. MOYER: Yes, to waive the  
12 land development on that.

13 MS. LAMBERTON: I will second  
14 that.

15 MR. KERRICK: Anne, you second  
16 it?

17 MS. LAMBERTON: Absolutely.

18 MR. KERRICK: Questions or  
19 comments from the board on the land waiver -- or  
20 this land development waiver?

21 Questions or comments from the  
22 public?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

1 MS. LAMBERTON: I vote in  
2 favor.

3 MR. KERRICK: Donald?

4 MR. MOYER: I vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

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

9 That got us another minute.

10 MS. LAMBERTON: We are a no  
11 nonsense board.

12 MR. KERRICK: Public comment?  
13 Anybody have anything for the board?

14 MS. CAROL RAY: I have a  
15 question.

16 MR. KERRICK: Come on.

17 MS. LAMBERTON: Okay.

18 MS. CAROL RAY: The people of

19 --

20 THE REPORTER: Can you just  
21 state --

22 MS. CAROL RAY: I'm sorry Carol  
23 Ray. Do you need to know an address or something?

24 THE REPORTER: No, just spell  
25 first and last name.

1 MS. CAROL RAY: C-A-R-O-L  
2 R-A-Y.

3 MR. ARMSTRONG: Actually, yeah,  
4 an address should be noted for the record.

5 MR. KERRICK: Are you having  
6 dinner tonight so we could find it?

7 MS. LAMBERTON: We'd like your  
8 current physical address, please.

9 MS. CAROL RAY: 144 Flintlock  
10 Trail.

11 MR. MOYER: Or a Mac card and  
12 pin number, please.

13 MS. CAROL RAY: On Kalahari,  
14 people just want to know what's happening. Partly  
15 somebody mentioned to me today the idea of maybe  
16 down the road there would be something with exotic  
17 animals. I think I read that somewhere. Are they  
18 planning some kind of zoo or whatever?

19 MR. MOYER: I think that's part  
20 of it. No?

21 MR. KERRICK: They had  
22 mentioned --

23 MS. LAMBERTON: They currently  
24 have that at one at their facilities.

25 MR. KERRICK: They currently

1 have one in Ohio.

2 MS. CAROL RAY: I guess that's  
3 where --

4 MS. LAMBERTON: Whether or not  
5 they get to that stage will be all economically  
6 driven. Their first phase -- they've done a couple  
7 of presentations here at the township and their  
8 first phase is going to be 100,000 square feet of  
9 convention and indoor water park.

10 I think if you would actually  
11 Google past articles in the Pocono Record, they've  
12 actually been extremely accurate with their  
13 reporting and the numbers, economic numbers that  
14 follow, they've been spot-on so that's a really  
15 good place to start as well; but I think that would  
16 be five, six years down the road if -- if at all.

17 MS. CAROL RAY: I was thinking  
18 that too.

19 MR. KERRICK: They're only here  
20 in season. They winter in Florida.

21 MS. LAMBERTON: Yeah, they're  
22 seasonal.

23 MR. KERRICK: In Ohio.

24 MS. PICKARD: The animals  
25 wouldn't be here.

1 MS. LAMBERTON: The animals  
2 winter in Florida.

3 MR. KERRICK: The animals winter  
4 in Florida.

5 MR. MOYER: They go on  
6 vacation.

7 MS. CAROL RAY: 'Cause that's  
8 one of the questions.

9 MS. LAMBERTON: They have it in  
10 Ohio, in the same climate as we have here, so --

11 MS. CAROL RAY: Well, New  
12 Jersey probably does with Great Adventure.

13 MS. LAMBERTON: Exactly,  
14 exactly.

15 MS. PICKARD: I think it's more  
16 a -- to like a petting zoo. I mean, I don't think  
17 there's --

18 MS. LAMBERTON: You're talking  
19 a giraffe normal --

20 MR. KERRICK: No, they have  
21 tigers, the one in Ohio.

22 MR. MOYER: They have a nice  
23 retirement community down there.

24 MR. KERRICK: They change it  
25 every three months so it doesn't get too large.

1 MS. LAMBERTON: For the  
2 animals?

3 MR. MOYER: Yeah.

4 MS. CAROL RAY: So as far as  
5 the township is concerned, they're gonna go --  
6 Kalahari -- it's okay for Kalahari to go ahead with  
7 their plans to --

8 MR. KERRICK: They have not  
9 submitted plans at this point.

10 MS. LAMBERTON: We're still  
11 waiting to see their plans.

12 MR. KERRICK: We're still  
13 waiting to see the plans. So we haven't even seen  
14 them.

15 MS. LAMBERTON: There's a lot  
16 of engineering that's involved.

17 MR. ARMSTRONG: The only thing  
18 they've submitted is a sketch plan to the planning  
19 commission. And all that is, is an informal review  
20 of what they're thinking about submitting for  
21 purposes of land development.

22 MR. MOYER: Do they have a  
23 website --

24 MS. LAMBERTON: Free admission.

25 MR. MOYER: Do they have a



1 website for the Sandusky one?

2 MR. ARMSTRONG: But they  
3 haven't submitted a land development plan.

4 MS. LAMBERTON: Yeah, actually  
5 --

6 MR. MOYER: Let her know --

7 MS. LAMBERTON: Yeah, actually  
8 we went on their website, kalahariresorts.com, it's  
9 K-A-L-A-H-A-R-I resorts dot com. That's where I  
10 got a lot of my information from.

11 MR. MOYER: It'll give you an  
12 idea. It'll let you know what they're about.

13 MS. CAROL RAY: If this all  
14 takes place, will there be an exit from 380?

15 MS. LAMBERTON: Unfortunately  
16 the Federal Highway Administration is not extremely  
17 partial to that idea, but PennDOT has sat down with  
18 them as well. So they'll be an exit adjoining 940,  
19 not a separate exit, but they'll widen the lanes  
20 coming off 940, right onto 314.

21 MR. MOYER: They're going to  
22 make a turning lane.

23 MS. LAMBERTON: So it'll be  
24 their own lanes going right into 314. Their plan,  
25 as their sketch plan was submitted to the planning

1 commission here, was a four lane boulevard going in  
2 so it doesn't affect local traffic.

3 MS. CAROL RAY: Okay.

4 MS. LAMBERTON: So it's nicely  
5 planned, that's why they want it to be on a  
6 highway, not far from an exit. It's like the  
7 location lend itself very naturally to what their  
8 design was.

9 MS. CAROL RAY: One other quick  
10 question about this short lane. I've seen the  
11 traffic lights that are in front of it now. So is  
12 that bridge going to be finally repaired?

13 MR. KERRICK: We can't answer  
14 that. I can't answer that at this time, I don't  
15 know.

16 MS. CAROL RAY: Oh, okay.

17 MR. KERRICK: It's under  
18 contract --

19 MS. LAMBERTON: It was planned  
20 to.

21 MS. CAROL RAY: I mean, the  
22 planning started about a year or two ago, didn't  
23 it?

24 MR. KERRICK: More like two or  
25 three years ago.

1 MS. CAROL RAY: I remember that  
2 conversation.

3 MS. LAMBERTON: Pennsylvania  
4 Department of Transportation, look at their  
5 website.

6 MR. KERRICK: We did -- as Bob  
7 stated in his report earlier, we asked him to  
8 update us on the traffic lights because we wanted a  
9 battery backup.

10 MS. CAROL RAY: Sure. I'm  
11 thinking that was the same one.

12 MR. KERRICK: That happened at  
13 the Lehigh River Bridge. The power went out  
14 several times during construction and we ended up  
15 going over with generators and we didn't want to be  
16 tied into that, if possible. I can't really answer  
17 that question.

18 MS. CAROL RAY: So when that  
19 happens, will there be something in the newspaper,  
20 whatever, so people will know about it?

21 MR. KERRICK: Yes.

22 MS. CAROL RAY: Okay. Great.

23 MS. LAMBERTON: We could also  
24 post that on our website --

25 MR. KERRICK: Sure.

1 MS. PICKARD: Yeah.

2 MS. LAMBERTON: -- as  
3 information comes available. Pardon?

4 MS. WENDI FREEMAN: Lake Naomi  
5 will post it.

6 MR. KERRICK: Anything else?

7 MS. CAROL RAY: That's it,  
8 thanks.

9 MR. MOYER: Just Joe? Anybody  
10 on that end?

11 MS. LAMBERTON: You guys have  
12 to have something to say. Talk about Joe a little  
13 bit.

14 MR. KEITH NAYLOR: I think he's  
15 a wonderful man.

16 MS. CAROL RAY: We're here in  
17 support of him.

18 MS. LAMBERTON: Are we waiting  
19 for somebody?

20 MS. PICKARD: Yes.

21 MR. MOYER: Juliet.

22 MR. KEITH NAYLOR: Could I ask  
23 one informational question? I know I talked to  
24 Donny about it.

25 MS. LAMBERTON: Please do.

1 MR. KEITH NAYLOR: The status  
2 of Stony Hollow Road -- I hate to bring it up --  
3 they chipped and oiled it across this past month or  
4 two ago. Do we have any plans -- I don't pretend  
5 to know the state of our budget or anything. I  
6 mean, it's fine and sealed certainly, but it's  
7 still a bumpy road.

8 MR. KERRICK: It's --

9 MS. PICKARD: Hi, Juliet.

10 MR. KERRICK: I think Bob  
11 reported that we paved -- or oil and chipped seven  
12 and a half miles of road and we would've -- and  
13 that would've cost us like three and half times  
14 more to pave. It's scheduled to be paved whenever  
15 we can afford it. And we realize that it's not the  
16 smoothest road in the world, but we'll do as --  
17 that's high priority, Stony Hollow.

18 MR. KEITH NAYLOR: I appreciate  
19 that.

20 MR. KERRICK: As far as when, I  
21 can't say.

22 MS. PICKARD: She just pulled  
23 in.

24 MR. KERRICK: Perfect.

25 MS. LAMBERTON: That's why we

1 encourage projects like Kalahari so we have a tax  
2 base that we can generate some income in the  
3 future.

4 MR. MOYER: Yeah, that would be  
5 a big help.

6 MS. LAMBERTON: It'd be a great  
7 shot in our arm. It would help all of us  
8 tremendously.

9 MR. MOYER: This Kalahari  
10 project that we're talking about --

11 MR. KERRICK: Their payroll in  
12 Ohio is 18 million.

13 MR. MOYER: It would be a big  
14 infusion.

15 MS. LAMBERTON: So it would be  
16 a nice local taxable entity that we can earn a  
17 couple of bucks off of and fix some things that  
18 we -- you know, without going back and saying,  
19 gosh, folks that live here for 50 years we need to  
20 raise taxes. It'd be nice not to have to do that  
21 and have money to repair things that we want to.

22 MR. KERRICK: Patti, the good  
23 news is you're finished, land development granted.  
24 We took care of it before you got here, but you  
25 could stay, please.

1 MR. HOLAHAN: Oh, and it's no  
2 longer Wednesday, it's Just Joe Day.

3 MS. LAMBERTON: Yeah, sorry  
4 girls.

5 MR. HOLAHAN: Monday, Tuesday,  
6 Just Joe Day.

7 MR. KERRICK: Okay, Heidi.

8 MS. PICKARD: Well, we have a  
9 resolution here. Do we want to pass the resolution  
10 and then I'll read it or do you want me to read it  
11 and then again --

12 MR. KERRICK: Sure. We have a  
13 motion for Resolution 2012 dash 016.

14 MR. MOYER: So moved.

15 MS. PICKARD: All right, Donny.  
16 I'll second it.

17 MR. KERRICK: Donny did that?

18 MS. PICKARD: Yeah. You want  
19 to vote or we --

20 MR. MOYER: Yeah.

21 MR. KERRICK: Call the vote.  
22 John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in

1 favor.

2 MR. KERRICK: Donald?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 MS. PICKARD: So with that, we  
9 have Resolution 2012 dash 016. Resolution of the  
10 Township of Tobyhanna Board of Supervisors  
11 recognizing Juliet Dunham for her volunteer work  
12 with the township pool registration and the July  
13 14, 2012 Community Day.

14 Whereas, Juliet Dunham is a  
15 Tobyhanna Township resident and a township pool  
16 committee member. And whereas, in the spring of  
17 2012, after finding out that the township pool  
18 would possibly not open due to finances, Juliet  
19 Dunham stepped forward and offered her help. And  
20 whereas, during the month of June Juliet Dunham,  
21 with great enthusiasm, volunteered approximately 24  
22 hours to help with pool registration.

23 And whereas, just as another  
24 annual township summer event was about to take  
25 place, Juliet once again eagerly assisted with the



1 organization of Community Day festivities. And  
2 whereas, Juliet Dunham showed dedication in serving  
3 our community by her involvement in the 2012 pool  
4 season, as well as Community Day.

5 The township recognizes Juliet  
6 for giving her time and her expertise with pool  
7 registration in making the July 14, 2012 Community  
8 Day a successful event that was enjoyed by all.  
9 And now therefore, be it resolved that the township  
10 board of supervisors presents this resolution to  
11 Juliet Dunham in recognition of her time and  
12 service to the Township of Tobyhanna. Resolved and  
13 enacted, this 15th day of October 2012.

14 (Audience applauds.)

15 MR. KERRICK: Thank you. Come  
16 on up.

17 MS. JULIET DUNHAM: Thank you.  
18 Absolutely my pleasure and I look forward to the  
19 2013 season for pool registrations and Community  
20 Day.

21 MR. KERRICK: Thank you.

22 MS. JULIET DUNHAM: Thank you.

23 MS. PICKARD: Thank you.

24 MS. JULIET DUNHAM: Thank you.

25 MR. MOYER: Thank you.

1 MS. JULIET DUNHAM: Thank you.

2 MS. LAMBERTON: Thanks for  
3 helping.

4 MS. JULIET DUNHAM: Thank you,  
5 my pleasure.

6 MR. HOLAHAN: Appreciate it.

7 MS. JULIET DUNHAM: Thank you.

8 (Brief interruption in the  
9 record while Juliet Dunham was being photographed.)

10 MR. KERRICK: Thank you.

11 One more time, anyone from the  
12 public have anything they'd like to address the  
13 board?

14 MR. MOYER: Come on, there's  
15 more questions.

16 MR. KERRICK: Thank you for  
17 attending. We're adjourned.

18 (Meeting concluded at 5:00 p.m.)

19 ---

20

21

22

23

24

25

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

  
TARA FIGUCCIO, C.R.

**ORIGINAL**

**Respectfully submitted:**

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**Tobyhanna Township Board of Supervisors**  
**October 24, 2012**  
**Special Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 7:30 a.m. on October 24, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Donald Moyer	Member

The meeting was called to order at 7:30 a.m. by Mr. John Kerrick.

The sealed bids for surplus items for sale advertised in the Pocono Record October 12, 2012 and bids received no later than 12 pm on October 23, 2012 opened on October 23, 2012 at 12:05 were reviewed for completeness. After a motion made by John Holahan and seconded by Anne Lamberton the amounts for the individual items were discussed and the bids were awarded to the highest bidders as follows:

1995 Dump Truck to Steve Bacik in the amount of \$2,300.01

2000 Dump Truck to Robert Tutrone in the amount of \$6,552.00

Aeriol Tar Buggy Model #KEB-170 to Mike Bartell in the amount of \$652.00

1987 Asplundh Wisper Chipper to Stout Enterprises in the amount of \$2,150.00

#AF-24D Spreader to Steve Bacik in the amount of \$1,102.00

#AF-PS Spreader to Steve Bacik in the amount of \$761.00

The motion to sell the items was approved unanimously.

The Board discussed the proposed 2013 budget.

The meeting was adjourned @ 9:45.

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

A G E N D A  
Board of Supervisors  
Regular Business Meeting  
November 12 2012

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of:
5. Consider the Treasurer's Report: \$543,218.16
6. Solicitor Report: Public Hearing - Ordinance 498 amending zoning map (Alfred Natale property and 3 Twins Realty Partners LP property)
7. New Business:
  - A. Declaration of Disaster-Hurricane Sandy
  - B. Consider Resolution 2012-018 authorizing conveyance of Clymer Library property
  - C. Ratify the refund of Halliwell Zoning building fees
  - D. Consider Audit Proposals
  - E. 2013 Budget
8. Public Questions and Comment

ADJOURNMENT

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, November 12, 2012 beginning at 7:00 p.m.

---

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

---

**ORIGINAL**

---

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

1 MR. KERRICK: Call the regular  
2 business meeting of the board of supervisors to  
3 order with the pledge of allegiance, please.

4 (Pledge of allegiance was  
5 recited.)

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

8 Do you have any, Heidi?

9 MS. PICKARD: No.

10 MR. KERRICK: Do we have any  
11 minutes?

12 MS. PICKARD: No, we just got  
13 them.

14 MR. KERRICK: First item on our  
15 agenda that would be, consider the bill pack dated  
16 December (sic) 12, 2012. Total amount for board  
17 approval \$543,218.16.

18 What's the board's pleasure?

19 MS. PICKARD: I make a motion  
20 that we approve the November 12, 2012 bill pack in  
21 the amount of \$543,218.16.

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

24 MR. MOYER: I'll second.

25 MR. KERRICK: Questions or

1 comments from the board?

2 MR. HOLAHAN: Yes, I have a  
3 question. On the -- when we're approving the bill  
4 pack, there're bills that are -- if we didn't  
5 approve it, what would happen?

6 MR. ARMSTRONG: Are you asking  
7 me?

8 MR. HOLAHAN: Yeah, yeah.  
9 Patrick, I'm sorry.

10 MS. PICKARD: Then I might have  
11 to pull the bill, but there were some bills that  
12 were paid at the end of the month that have already  
13 been paid or already been mailed out.

14 MR. HOLAHAN: Okay. I guess my  
15 question here is, we're looking through the bill  
16 pack and things are being paid prior to us  
17 approving them.

18 MS. PICKARD: In general  
19 there's bills that have to be paid or they'll be  
20 late, that she pays at the end of the month, that  
21 are the beginning of the month bills. So she  
22 usually pays bills generally twice a month.

23 MR. HOLAHAN: Should we be  
24 approving those bills earlier, is my question?

25 MS. PICKARD: We don't have the



1 bills all the time.

2 MR. HOLAHAN: We don't have the  
3 bills yet?

4 MS. PICKARD: Umm-hmm.

5 MR. HOLAHAN: But then we pay  
6 them before we approve them.

7 MS. PICKARD: They come in  
8 between now and the end of the month and have to be  
9 paid by the beginning of the month.

10 MR. HOLAHAN: Patrick?

11 MR. ARMSTRONG: Bills  
12 being like utility --

13 MS. PICKARD: The copier  
14 bill --

15 MR. ARMSTRONG: What kind of  
16 bills are we talking?

17 MS. PICKARD: -- the telephone  
18 bill.

19 MR. ARMSTRONG: What I would  
20 suggest is look at the -- if there could be -- if  
21 it means, you know, timing, if it's timing, whether  
22 or not this board --

23 Are they received in time for  
24 the work session?

25 MS. PICKARD: No.

1 MR. ARMSTRONG: No? So you're  
2 getting --

3 MS. PICKARD: They have to be  
4 paid prior the work session. They're due at the  
5 end of the month or the beginning of the month.  
6 Everything else gets waited until the bill pack.

7 MR. HOLAHAN: I suppose if they  
8 were just utility bills that they're recurring --

9 MS. PICKARD: And there's  
10 sometimes point of sale bills --

11 MR. HOLAHAN: -- I could  
12 understand that.

13 MS. PICKARD: -- that are, you  
14 know, for milk or, you know --

15 MR. MOYER: Do you have  
16 something specific or is there --

17 MR. HOLAHAN: Well, yeah, I was  
18 -- actually it's going to be Item No. C of the  
19 Halliwell building permits.

20 MS. PICKARD: Well, in that I  
21 had asked everybody and I put ratify on that.  
22 That's why I asked because she was looking for that  
23 check sooner. That's why I asked everybody and got  
24 everybody's approval and put it on the bill pack to  
25 ratify that.

1 MR. HOLAHAN: Individually?

2 MS. PICKARD: Umm-hmm.

3 MR. HOLAHAN: And that's okay,  
4 Patrick?

5 MR. ARMSTRONG: Yeah, I mean,  
6 if the board -- you're talking about what's on the  
7 agenda under Item C --

8 MR. HOLAHAN: Right.

9 MR. ARMSTRONG: -- refunded the  
10 Halliwell zoning building fees? It looks like the  
11 applicant -- there must have been a reason to  
12 refund the fees with respect to that application.  
13 And it looks like there was a request to make that  
14 payment before tonight's meeting?

15 MS. PICKARD: Umm-hmm.

16 MR. ARMSTRONG: There was a  
17 poll of the supervisors and no one had --

18 MS. PICKARD: I initially sent  
19 out an email and then if I didn't hear back, I went  
20 to everyone individually and everybody unanimously  
21 said it was okay. So Terry just cut the check and  
22 we mailed it in.

23 MR. ARMSTRONG: What you're  
24 doing tonight is ratifying that decision. This  
25 should probably not -- it sounds -- this isn't

1 something that happens a lot.

2 MS. PICKARD: This is not a  
3 normal thing. I don't think we've refunded  
4 anything.

5 MS. LAMBERTON: I don't know  
6 that I had all the information regarding that. I  
7 think there were circumstances that, a foundation  
8 was in place and things like that, that I was  
9 unaware of, that I would prefer next time to be  
10 made aware of before I'm just kind of questioned  
11 whether or not I'll approve.

12 MS. PICKARD: We didn't rescind  
13 the zoning permit, we just refunded her money  
14 because of the circumstances.

15 MS. LAMBERTON: There were  
16 circumstances that I was not aware of, that I would  
17 prefer to be made aware of, next time I make a  
18 decision.

19 MS. PICKARD: That's fine.  
20 We'll do it that way. I just asked that request  
21 and sent the email and most people were fine with  
22 that so I didn't see it --

23 MR. HOLAHAN: I'm okay, John.

24 MR. KERRICK: Any other  
25 questions or comments?

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

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll abstain.

7 MR. KERRICK: Donny?

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

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

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

13 At this time, we'll turn it over  
14 to our solicitor.

15 MR. ARMSTRONG: Thank you, Mr.  
16 Chairman. The one item under my report is the  
17 proposed zoning map amendment ordinance. If you  
18 recall previously, a property owner petitioned the  
19 Township of Tobyhanna to consider rezoning a  
20 portion of their property from R-1, residential, to  
21 C, commercial.

22 The board and the planning  
23 commission looked at the request. In considering  
24 the neighboring zoning districts and property and  
25 the uses of the properties, it was determined that

1 the township was not opposed to the rezoning as we  
2 -- not only the property that had petitioned the  
3 township, but also the neighboring property  
4 immediately adjacent to that property so that the  
5 zoning line would continue in a straight fashion to  
6 the road. The Tobyhanna Township Planning  
7 Commission has reviewed the proposed ordinance  
8 amending that zoning district. They are in favor  
9 of it.

10 What the ordinance will be doing  
11 is rezoning a portion of Tax Map Parcel No. 1915122  
12 dash 27 and Tax Map Parcel No. 19117180 from R-1,  
13 residential, to C, commercial. The exhibit to the  
14 proposed ordinance indicates the proposed zoning  
15 amendment lot line. As can you see, it's the two  
16 properties on the corner of Route 940 and Hemlock  
17 Road, the back portions of those properties, just  
18 pushing that zoning district line back, it looks  
19 like, approximately -- actually it looks like --  
20 the initial petitioner is in the audience tonight.  
21 I'm not exactly sure how far back it's proposed,  
22 but it's shown on that exhibit plan, I'm just not  
23 finding the correct --

24 MR. HOLAHAN: Prints it 175.

25 MR. ARMSTRONG: Is it 175?

1 MR. KERRICK: 158 on this side.

2 MR. ARMSTRONG: So it's pushing  
3 that zoning district line back. It's been  
4 advertised for a public hearing this evening in the  
5 Pocono Record. It was advertised on October 29 and  
6 November 5 for a public hearing this evening. The  
7 Monroe County Planning Commission has reviewed the  
8 proposed ordinance. You have the review letter  
9 from the county planning commission dated October  
10 21, 2012 with their comments with respect to the  
11 proposed rezoning, as well as the township planning  
12 commission's recommendation from their September  
13 20, 2012 meeting.

14 With that being said, are there  
15 any questions or comments from the board of  
16 supervisors before we open it up for a public  
17 hearing?

18 MR. HOLAHAN: I have none.

19 MS. LAMBERTON: I have none.

20 MR. ARMSTRONG: With that, this  
21 is a proposed ordinance and we will open it up --  
22 the public hearing up for any public comment or  
23 concerns with respect to the proposed ordinance at  
24 this time.

25 MS. JOAN EMSWILER: Are there

1 going to be any right of ways --

2 MR. ARMSTRONG: Just identify  
3 yourself and your --

4 MS. JOAN EMSWILER: Joan  
5 Emswiler, Old Farm Estates, Blakeslee.

6 THE REPORTER: Can you spell  
7 your last name, please?

8 MS. JOAN EMSWILER:  
9 E-M-S-W-I-L-E-R.

10 THE REPORTER: Thank you.

11 MS. JOAN EMSWILER: Are there  
12 going to be any right of ways from this property  
13 onto either Anna or what had been Hemlock, which is  
14 now Old Farm Road, or is everything going to be  
15 coming in and out of 940?

16 MR. ARMSTRONG: No. This is an  
17 ordinance rezoning a portion of those two  
18 properties. It's not a land development plan  
19 before the board tonight. This is a zoning  
20 ordinance amendment, which will be -- the  
21 properties as they abut 940, the front portions of  
22 those properties are currently commercial, zoned  
23 commercial.

24 MS. JOAN EMSWILER: Right,  
25 right.



1 MR. ARMSTRONG: And the back  
2 portions of those properties are currently zoned  
3 R-1, residential. What this ordinance is proposing  
4 is bumping that zoning district line back  
5 approximately, I think -- it's shown on the exhibit  
6 plan -- approximately 150 feet to extend the  
7 commercial zoning district part of that property.  
8 There is no land development plan.

9 So the answer to your question  
10 is, with respect to the proposed ordinance before  
11 this board this evening, there is no right of way  
12 --

13 MS. JOAN EMSWILER: At this  
14 time.

15 MR. ARMSTRONG: -- at this  
16 time. Now, the property owner I do believe is --  
17 they will have a land development plan coming  
18 before the township, but that land development is  
19 not before the board of supervisors this evening.

20 The only thing before this board  
21 of supervisors this evening is the proposed  
22 rezoning ordinance, which is changing the zoning  
23 for those two properties from R-1, residential, to  
24 C, commercial.

25 Yes, identify --

1 MS. HELEN RACHT: I'm Helen  
2 Racht, R-A-C-H-T, also in Old Farm Estates.

3 Now, if this is -- if this goes  
4 through, what are they planning to build there  
5 eventually? You would probably know, huh? Because  
6 last time we --

7 MR. ARMSTRONG: Yeah.

8 MS. HELEN RACHT: -- we were  
9 all against it.

10 MR. ARMSTRONG: The applicant  
11 is in the audience and if they have any comment on  
12 -- they're welcome to provide it as well, but,  
13 again, this is just the ordinance. My  
14 understanding is that there is currently a land  
15 development plan that has been filed with the  
16 township for a Dollar General Store on one of the  
17 properties.

18 MS. HELEN RACHT: You know, we  
19 got the dollar store there.

20 MR. ARMSTRONG: That land  
21 development plan is not before the board tonight.  
22 What's before the board is the ordinance changing  
23 the zoning.

24 MS. HELEN RACHT: You know what  
25 I'm against too is then they go cut all the trees

1 down and that is terrible. They put a building in  
2 there.

3 MR. ARMSTRONG: But you  
4 understand that what's before the board --

5 MS. JOAN EMSWILER: Yeah, I  
6 know.

7 MR. ARMSTRONG: -- is the  
8 zoning ordinance amendment.

9 MS. JOAN EMSWILER: I mean, you  
10 approve it and then the next thing comes and then  
11 you approve it and we are sitting there, you know?

12 MR. ARMSTRONG: Is there anyone  
13 else? Identify your --

14 MR. SEAN McDERMOTT: Sean  
15 McDermott, Zaremba Group, 14600 Detroit Avenue,  
16 Cleveland, Ohio. We are working with the land  
17 owner, Mr. Natale. When we submitted for the  
18 petition to rezone, the township came back and  
19 asked that the zoning should be expanded to  
20 continue the commercial line to the west over to  
21 Old Farm Estates, formerly Hemlock.

22 What we're talking about here is  
23 approximately 1.8 acres --

24 MR. ARMSTRONG: Just -- it's --  
25 I think the board has that exhibit --

1 MS. LAMBERTON: Yeah, if you  
2 want to show --

3 MR. SEAN McDERMOTT: If they  
4 don't mind --

5 MR. ARMSTRONG: Show it to the  
6 audience.

7 MS. LAMBERTON: Yeah,  
8 absolutely. No, that's fine. I think they'd feel  
9 better.

10 MR. SEAN McDERMOTT: What we're  
11 talking about is 1.8 acres. I don't know who --

12 MS. LAMBERTON: Put your back  
13 to us.

14 MR. KERRICK: You can put your  
15 back to us.

16 MS. LAMBERTON: That's fine  
17 absolutely, sir.

18 MR. ARMSTRONG: Should we get  
19 the easel?

20 MS. PICKARD: Yeah, the easel  
21 is over in the corner.

22 MR. MOYER: He got it.

23 MS. LAMBERTON: Yeah, he's a  
24 human easel, that's perfect.

25 MR. SEAN McDERMOTT: So we've

1 got 1.8 acres that we're proposing to be rezoned  
2 from residential to commercial. That still leaves  
3 a very large buffer of residential on the southern  
4 portions of the property. Right now the plan is to  
5 leave this southern portion of the property in its  
6 wooded state. We're gonna have to cut a swale  
7 through here. Understand that's not before the  
8 supervisors tonight. We'll get there -- to the  
9 land development process, but tonight we're just  
10 considering the rezoning of 1.8 acres; .9 of it on  
11 Natale's property and .9 of it onto Twins'  
12 property, where the bank is existing.

13 MS. JOAN EMSWILER: This was  
14 the same application several years ago, right?

15 MR. SEAN McDERMOTT: No, this  
16 is modified --

17 MS. JOAN EMSWILER: Isn't that  
18 the name -- the same name Natale?

19 MR. SEAN McDERMOTT: Same  
20 owner. The same owner still owns it today, but I  
21 believe that proposal had additional commercial  
22 land. It might have shown the entire -- the entire  
23 parcel being developed, that's not our intention.

24 MS. LAMBERTON: Thank you.

25 MR. ARMSTRONG: Are there any

1 other --

2 MR. SEAN McDERMOTT: If you  
3 guys have any questions, I'd be happy to answer  
4 them.

5 MR. ARMSTRONG: Are there any  
6 other comments from the public at this time?

7 Do you have a copy of the  
8 exhibit? It looks like you have a copy of the  
9 exhibit showing the proposed rezoning portion?

10 MS. JOAN EMSWILER: Yeah.

11 MR. ARMSTRONG: Do you have any  
12 questions with respect to that?

13 MS. JOAN EMSWILER: No, because  
14 it doesn't reall -- that doesn't affect us. What  
15 I'm worried about is eventually that they cut the  
16 trees down and then you get all that noise from 940  
17 and once they go, then they want to go in the road,  
18 you know? We have -- we pay taxes in the township  
19 and yet the township does nothing for us, don't  
20 plow the roads, don't fix the road. We have to pay  
21 for that and others driving through and don't pay.  
22 That's what I object.

23 MR. ARMSTRONG: Well, right now  
24 they're not proposing to remove any trees. What I  
25 would --

1 MS. JOAN EMSWILER: I know  
2 they're not, but they will eventually do that.

3 MR. ARMSTRONG: What I would  
4 recommend -- what I would recommend is, there is  
5 currently a plan -- a land development plan  
6 submitted with the township. You'd probably want  
7 to attend the planning commission or board of  
8 supervisors meeting when they consider that plan.

9 MS. JOAN EMSWILER: Yeah.

10 MR. ARMSTRONG: Okay?

11 MS. JOAN EMSWILER: Yeah, okay.  
12 Thank you.

13 MR. ARMSTRONG: Any other  
14 comments from the public? Seeing none, we can  
15 close the public hearing.

16 Any other -- well, before we do  
17 that, any other comments from the board at this  
18 time.

19 That being said, we can close  
20 the public hearing.

21 MS. PICKARD: Motion to close.

22 MR. MOYER: Second.

23 MR. KERRICK: Motion and second  
24 to close the hearing.

25 All in favor, John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I vote in  
4 favor.

5 MR. KERRICK: Donny?

6 MR. MOYER: I vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I vote in favor.

10 Do you want to continue on?

11 MR. ARMSTRONG: Yeah, well,  
12 that motion, from my understanding, was to close  
13 the hearing.

14 MR. KERRICK: Close the  
15 hearing.

16 MR. ARMSTRONG: Does the board  
17 want to entertain a motion with respect to  
18 approving or disproving this proposed ordinance?

19 MR. HOLAHAN: I'll make a  
20 motion that we approve the ordinance.

21 MS. LAMBERTON: I'll second.

22 MR. KERRICK: Motion and second  
23 on the floor to approve Ordinance 498 to amend the  
24 zoning map.

25 Questions or comments from the



1 board?

2 Any other questions or comments  
3 form the public on the motion?

4 Seeing none. Call the vote.

5 John?

6 MR. HOLAHAN: I vote in favor.

7 MR. KERRICK: Anne?

8 MS. LAMBERTON: I vote in

9 favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. KERRICK: I'll vote in

15 favor. Motion carried.

16 Pat, do you want to --

17 MR. ARMSTRONG: Thank you, Mr.

18 Chairman.

19 MR. KERRICK: Anything else?

20 MR. ARMSTRONG: There are no  
21 other items under my report for this evening. I do  
22 have a brief executive session regarding personnel  
23 following the meeting.

24 MR. KERRICK: Next item on our  
25 agenda is new business, declaration of disaster,

1 Hurricane Sandy.

2 That's something we have to just  
3 go over?

4 MS. HEIDI: I guess we're  
5 ratifying that.

6 MR. KERRICK: Just to ratify?

7 MR. MOYER: Yeah.

8 MR. KERRICK: Do we have a  
9 motion to ratify the declaration of disaster?

10 MR. MOYER: So moved.

11 MS. PICKARD: I'll second.

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

14 Questions or comments from the  
15 public on the motion?

16 MS. CAROL RAY: What is it?

17 MR. KERRICK: What is it? It's  
18 a declaration for the disaster for hurricane. So  
19 we're compiling all expenses and submitting them to  
20 FEMA for reimbursement.

21 MS. CAROL RAY: Expenses to the  
22 township?

23 MR. KERRICK: Yes, correct, for  
24 trees down, cleanup, et cetera, et cetera.

25 THE REPORTER: Can I just have

1 your name, please?

2 MS. CAROL RAY: Carol Ray,  
3 R-A-Y.

4 MR. KERRICK: Any other  
5 questions?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in  
10 favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

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

17 Next item, consider Resolution  
18 2012 dash 018, authorizing conveyance of Clymer  
19 Library property.

20 Pat?

21 MR. ARMSTRONG: Thank you.

22 Members of the board, if you recall, probably about  
23 two months ago now, you made a motion to move  
24 forward with conveying the township property where  
25 the Clymer Library is located upon, to convey that

1 property to -- and actually what the public  
2 library's proper name is Clymer Library Association  
3 of Pocono Pines.

4 You made a motion before with  
5 conveying that property, that real property, to the  
6 library association, subject to, in the event of  
7 the future, it would ever not be used for a public  
8 library for purposes of Tobyhanna Township  
9 residents in the future, it would convey back to --  
10 it would revert back to Tobyhanna Township.

11 What this resolution is saying,  
12 it's authorizing either the chairman, the vice  
13 chairman or myself to execute any and all documents  
14 necessary to implement the conveyance, meaning the  
15 deed, agreement of sale, with the library so that  
16 the property, the real property can be conveyed to  
17 the library appropriately.

18 And again, this would all be  
19 subject to a clause in the deed stating clearly  
20 that the property would revert to Tobyhanna  
21 Township in the event that the property is no  
22 longer -- would no longer be used for a public  
23 library down the road in the future.

24 MR. HOLAHAN: I'll make a  
25 motion that we approve Resolution of 2012 dash 018,

1 authorizing conveyance of the Clymer Library  
2 property.

3 MS. LAMBERTON: I'll second.

4 MR. KERRICK: Was that you,  
5 Anne?

6 MS. LAMBERTON: Yes, it was.

7 MR. KERRICK: Motion and second  
8 on the floor for Resolution 2012 dash 018.

9 Do we have any questions from  
10 the board?

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

13 With none, call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I vote in  
17 favor.

18 MR. KERRICK: Don?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

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

24 Next item on the agenda, ratify  
25 the refund Hattiwell (phonetic), Halliwell --

1 MS. PICKARD: Halliwell.

2 MR. KERRICK: -- zoning

3 building fees.

4 MS. PICKARD: I'll make the  
5 motion to approve to ratify.

6 MR. KERRICK: Motion.

7 Do we have a second?

8 MR. MOYER: I'll second.

9 MR. KERRICK: Questions or  
10 comments?

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

13 Call the vote. John?

14 MR. HOLAHAN: I'll abstain.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I'll abstain.

17 MR. KERRICK: Donny?

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

19 MR. KERRICK: Heidi?

20 MS. PICKARD: I'll vote in  
21 favor.

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

24 Our next item, consider audit  
25 proposals for 2013.

1 MS. PICKARD: Yes. You  
2 received two audits, I had handed them out at the  
3 work session. One was from Riley and Associates,  
4 they were for three years, both of them; Bushta's  
5 was 7500 and Riley was 7600.

6 MR. KERRICK: They were for  
7 three year?

8 MS. PICKARD: Yeah, they did  
9 offer a three year.

10 MR. KERRICK: Did they ha -- I  
11 don't have it in front of me.

12 Did they offer a single year or  
13 just a three year?

14 MS. PICKARD: I think we could  
15 take it for a single year if that would be the  
16 board's pleasure, but, you know, they both did a  
17 three-year proposal, we could lock it in and get a  
18 lower rate.

19 MR. HOLAHAN: Heidi, do you  
20 recall last year's, what we paid?

21 MS. PICKARD: 8,000.

22 MS. LAMBERTON: Is was for one  
23 year?

24 MS. PICKARD: One year. We  
25 talked about doing it for three years when we --

1 MR. HOLAHAN: Are we required  
2 to take the lowest bid?

3 MR. KERRICK: You don't have to  
4 bid, it's just operated poorly so --

5 MR. HOLAHAN: With that you're  
6 going to have --

7 MR. KERRICK: No, no, no.

8 MS. PICKARD: No, we're not.  
9 That's professional services. My recommendation is  
10 to stay with Bushta because this year we had that  
11 changeover, the accounting system, it would be a  
12 lot easier to stay with the current auditor. He's  
13 been doing all the work on the transfer and all the  
14 update from one computer system to the other. I  
15 just think it would be easier that way this year.

16 MR. KERRICK: Do we have to  
17 make a decision tonight?

18 MS. PICKARD: No, we don't, but  
19 we did have both of the proposals and --

20 MR. KERRICK: I just asked the  
21 question.

22 MS. PICKARD: They were both  
23 asking what we were doing.

24 MR. KERRICK: I'm not real keen  
25 on a three-year deal, if you want to know the



1 truth, but that's only my opinion.

2 MS. LAMBERTON: Do we normally  
3 get two or three proposals?

4 MS. PICKARD: We haven't gotten  
5 one in a while. Riley wanted to do the proposal  
6 and --

7 MR. KERRICK: I don't think we  
8 advertised for --

9 MS. PICKARD: No.

10 MR. MOYER: Yeah --

11 MR. KERRICK: We didn't  
12 advertise.

13 MS. PICKARD: We did a couple  
14 years ago.

15 MS. LAMBERTON: I remember  
16 getting a couple once before.

17 MS. PICKARD: Yeah, we did a  
18 couple years ago.

19 MR. MOYER: Yeah, we did.

20 MR. ARMSTRONG: The answer to  
21 your question, John, is you do not. This is a  
22 special consultant that you'd be employing.

23 MS. PICKARD: I'll make a motion  
24 that we go with Todd Bushta for the one year.

25 MR. KERRICK: We have a motion

1 on the floor. Do we have a second?

2 MR. MOYER: Are we doing this  
3 now or is that for --

4 MS. PICKARD: Well, I just made  
5 a motion.

6 MS. LAMBERTON: I'd like to get  
7 a third proposal.

8 MR. KERRICK: Well, we got a  
9 motion on the fl -- well, we don't have a second.  
10 It's going to die if we don't get a second.

11 Do we have a second? Motion  
12 died.

13 Next item -- you want to  
14 continue with this or go on?

15 MS. LAMBERTON: No, I'd just  
16 like to see a third.

17 MR. KERRICK: You want to get  
18 another proposal for next month?

19 MS. LAMBERTON: I'd like to.

20 MR. KERRICK: Okay.

21 MS. LAMBERTON: I know I'm not  
22 the only person here deciding, but I just -- a lot  
23 of people looking for work right now. Why not?

24 MR. KERRICK: That's fine.

25 MR. HOLAHAN: Where is the

1 Bushta from? Where's he located?

2 MR. HOLAHAN: He just -- he was  
3 individual out of Stroudsburg, now he's with a firm  
4 down in the Allentown area.

5 MR. KERRICK: Anything else on  
6 that? We'll put it on the agenda for next month  
7 with another proposal.

8 Next item, 2013 budget.

9 MS. PICKARD: I did make copies  
10 out of what was currently on this year's.

11 MR. KERRICK: Did we want to go  
12 through this at this time or continue with the  
13 meeting?

14 MS. PICKARD: Well, you know,  
15 what we could -- this is all we have left on the  
16 meeting. And if we would be able to get this  
17 together tonight, we would be able to authorize the  
18 advertising and adopt it in December at our  
19 meeting. Otherwise we'll have to schedule another  
20 meeting around Thanksgiving and then come in right  
21 before Christmas. We need 20 days to have it  
22 advertised.

23 MS. LAMBERTON: I personally  
24 would like to schedule another meeting.

25 MS. PICKARD: One of the main

1 things that we shaped and we discussed at the work  
2 session, I got -- took the numbers that Phyllis  
3 gave me for emergency management we'll be getting  
4 for the disaster and added those and, uhm -- I put  
5 the whole thing in, but I have the majority of it  
6 going to -- being transferred to capital reserve.

7 MR. KERRICK: That's still not  
8 a guarantee at this time though, correct?

9 MS. PICKARD: No, no, but if --  
10 we'll get something back. I think that we had 70  
11 in there. I have 66 going to capital reserve, uhm,  
12 if we didn't get it.

13 MR. KERRICK: The proposed  
14 budget has no tax increase?

15 MS. PICKARD: There is no tax  
16 increase in this.

17 MR. HOLAHAN: John, I'd like  
18 some more time to take a look at this, even if we  
19 have to schedule another meeting.

20 MR. KERRICK: All right. So do  
21 you want to schedule a meeting now?

22 MS. LAMBERTON: Yeah, while  
23 we're all here we could.

24 MS. PICKARD: Do you want to do  
25 that --

1 MR. KERRICK: Do you want a  
2 work session or do you want a a night meeting,  
3 during the day or do you want a work session, then  
4 a public meeting or what do you have in -- we'll  
5 have to do a public meeting to advertise it.

6 MS. LAMBERTON: In the morning?

7 MR. KERRICK: To authorize it  
8 to advertise.

9 Right, Pat?

10 MR. ARMSTRONG: Umm-hmm.

11 MS. LAMBERTON: Why don't we  
12 try next Wednesday morning?

13 MR. KERRICK: For a work  
14 session?

15 MR. HOLAHAN: Right.

16 MS. LAMBERTON: Whatever works,  
17 yeah.

18 MS. PICKARD: Well, work  
19 session slash special meeting. We'd need to adopt  
20 -- to authorize the advertising.

21 MR. KERRICK: The only thing is  
22 then they don't -- well, the public wouldn't  
23 comment anyway probably till they reviewed it.

24 MR. HOLAHAN: Right.

25 MR. KERRICK: If you'd have the

1 morning meeting, it's very likely that you won't  
2 have any comment from the public.

3 MR. MOYER: Yeah. It's  
4 probably sooner the better because if we need 20  
5 days --

6 MS. PICKARD: So you want to  
7 make it Wednesday, the 21st?

8 MR. HOLAHAN: Yes.

9 MS. PICKARD: That's the day  
10 before Thanksgiving, nobody's going away?

11 MS. LAMBERTON: I'm good, I'm  
12 cooking.

13 MR. HOLAHAN: I'm good.

14 MR. KERRICK: I'll Skype you.

15 MR. MOYER: That's the day  
16 before?

17 MS. LAMBERTON: Are you going  
18 to be away?

19 MR. KERRICK: No. I'm just --  
20 if I'm not -- at what time? 7:30?

21 MS. LAMBERTON: Is that --

22 MR. MOYER: No, that's fine.  
23 Yeah, yeah, yeah, that's good.

24 MR. KERRICK: Can you make that  
25 meeting, Pat?

1 MR. ARMSTRONG: Well, I was  
2 just going to ask, do you want me to attend? I  
3 don't know if you necessarily need me to attend.

4 MR. KERRICK: No. I want to  
5 see him get in the budget. I want to see him come  
6 up from Allentown.

7 MS. LAMBERTON: We can't afford  
8 you.

9 MR. KERRICK: You can call us  
10 if we need you.

11 MR. HOLAHAN: We'll figure this  
12 all out.

13 MR. KERRICK: Do we have  
14 anything else the board wishes to address?

15 MS. LAMBERTON: No, I'm good.

16 MR. KERRICK: Public comments  
17 and questions?

18 MR. HOLAHAN: We've got all  
19 these people from the library here.

20 MR. KERRICK: Do you have any  
21 questions for us?

22 MR. DONALD PITZER: I don't  
23 think so. There was some discussion that this  
24 probably could happen by year end? Is that --

25 MR. ARMSTRONG: You're from the

1 library?

2 MR. DONALD PITZER: Yes.

3 MR. ARMSTRONG: Yeah. What  
4 happened tonight is the board approved the  
5 resolution authorizing the execution -- the  
6 preparation, the execution of all the documents  
7 that are going to be needed to convey the property.  
8 So, yeah, I don't see any procedural issue with  
9 getting it done before the end of the year.

10 MR. KERRICK: You okay with  
11 that?

12 MR. DONALD PITZER: Absolutely,  
13 yeah.

14 MR. KERRICK: Fantastic.

15 MR. HOLAHAN: They look excited  
16 about it.

17 MS. LAURA LASPEE: Will someone  
18 from the township be at our board meeting? Is that  
19 necessary?

20 MR. ARMSTRONG: What I will  
21 probably do is, I spoke with representatives from  
22 -- did I speak with any of you?

23 MR. DONALD PITZER: Tieszan and  
24 Laura were at the --

25 MR. ARMSTRONG: Okay. Perfect.



1 I'll probably reach out to you again to make sure  
2 we can coordinate all the documents and get them  
3 signed in a timely fashion. I'm sorry, I've never  
4 seen -- we've spoken on the phone, but --

5 MR. MARK TIESZSEN: The only  
6 question that I would have that -- I don't know if  
7 you're the right body to be asking or if you can  
8 give us a good answer to this. I guess one of the  
9 only real concerns I have is, what are the  
10 implications on the taxation of the property if it  
11 changes from municipality ownership to a 5013C  
12 nonprofit corporation? Is there any possible  
13 implication that we may lose our tax deferred  
14 status with the county or --

15 MR. ARMSTRONG: That I don't  
16 know, but I can find out for you.

17 MR. MARK TIESZEN: I know it  
18 was just something that was rolling around in the  
19 back of my head, but I thought you could maybe  
20 answer.

21 MR. ARMSTRONG: I don't see why  
22 it would, but if that's a concern of the library,  
23 whether you should, you know --

24 MR. MARK TIESZAN: Yeah, it's  
25 something we'll have to be looking into, but I

1 didn't -- is the county where we go to find or to  
2 get an opinion on that?

3 MS. PICKARD: Yeah.

4 MR. KERRICK: Can you get that  
5 answer?

6 MR. ARMSTRONG: Yeah, I could  
7 get --

8 MR. KERRICK: Pat will get the  
9 answer and call you with it.

10 MR. MARK TIESZEN: Okay.

11 MR. ARMSTRONG: What I'll do  
12 is, I'll make sure I have the answer to that  
13 question before I call you to set up all the  
14 documents.

15 MR. MARK TIESZEN: That would  
16 be great.

17 MS. PICKARD: One of the items  
18 is that if you're performing like a government  
19 function or one that would be normally carried by  
20 the government, it usually would be tax exempt.

21 MR. ARMSTRONG: I don't know  
22 why this conveyance would impact that at all. I  
23 don't think it would.

24 MR. MARK TIESZAN: Right.

25 MR. ARMSTRONG: It would be

1 good to get --

2 MR. MARK TIESZAN: Yeah, just an  
3 answer.

4 MR. ARMSTRONG: -- a confirmed  
5 answer before --

6 MR. KERRICK: Any other  
7 questions or comments from the public?

8 MR. HOLAHAN: Motion to  
9 adjourn.

10 MR. KERRICK: Second?

11 MS. LAMBERTON: Second.

12 MR. KERRICK: We're adjourned.

13 Thank you for attending.

14 (Meeting concluded at 7:30 p.m.)

15 ---

16

17

18

19

20

21

22

23

24

25

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



TARA FIGUCCIO, C.R.

**ORIGINAL**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**Tobyhanna Township Board of Supervisors**  
**November 26, 2012**  
**Special Budget Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 7:00 p.m. on November 26, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Donald Moyer	Member

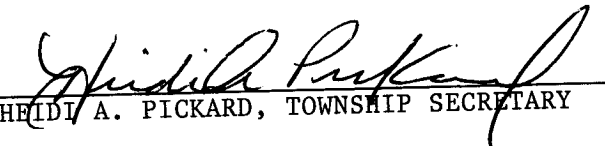
The meeting was called to order at 7:00 p.m. by Mr. John Kerrick.

The current proposed budget drafts were reviewed and discussed and adjusted.

Motion made by Anne Lamberton and seconded by John Holahan to authorize public inspection of the Proposed Draft 2013 Budget. The motion was approved unanimously. The Budget adoption has been advertised for adoption on December 21, 2012 at 12 p.m.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

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, December 10, 2012, beginning at 7 p.m.

---

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

PATRICK M. ARMSTRONG, ESQUIRE,  
Solicitor

---

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

2

1 MR. KERRICK: I'd like to  
2 welcome everyone here this evening for the regular  
3 business meeting. Could we have a pledge of  
4 allegiance to start the meeting, please?

5 (Pledge of allegiance was  
6 recited).

7 MR. KERRICK: First order of  
8 business, announcements.

9 Do we have any, Heidi?

10 MS. PICKARD: Yeah. We just  
11 have our special meeting for the budget on -- to  
12 approve the budget on December 21, at noon.

13 MR. KERRICK: Next item on our  
14 agenda, consider the minutes of October 15, 2012,  
15 regular business meeting; October 24, 2012, budget

16 meeting; November 12, 2012, regular business

17 meeting; and November 26, 2012, budget meeting.

18 What's the board's pleasure?

19 MS. PICKARD: I did have one

20 minor correction on the October 15 regular business

21 meeting on Page 12, Line 7, that should be Bert,

22 B-E-R-T, rather than Burke, and I can make a motion

23 for all of them or do you want me to go through

24 them individually?

25 MR. HOLAHAN: Don't take them

3

1 all at once.

2 MS. PICKARD: Okay. I'll make

3 a motion that we approve the October 15, 2012

4 regular business meeting; the October 24 budget

5 meeting; November 12 regular business meeting; and

6 the November 26 budget meeting.

7 MR. KERRICK: Do we have a

8 second?

9 MR. HOLAHAN: I'll second.

10 MR. KERRICK: Motion and second



11 on the floor.

12 Any questions or comments from  
13 the board on the motion?

14 Any questions or comments from  
15 the public?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in  
20 favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

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

25 Next item on our agenda,

4

1 consider the treasurer's report dated December 10,  
2 2012, total amount for board approval, \$276,851.68.

3 MR. HOLAHAN: I'll make a motion  
4 that we approve the bill packet, \$276,851.68.

5 MR. KERRICK: Do I have a

6 second?

7 MS. PICKARD: I'll second it.

8 MR. KERRICK: Motion and

9 second.

10 Questions or comments from the

11 board on the motion?

12 MS. LAMBERTON: I have a

13 question. There are two professional service

14 charges, John J. Putriment.

15 MS. PICKARD: Yeah, that was --

16 he's the -- the one -- we have two IT people now.

17 He's the one that's nearby that's cheaper rates,

18 that they were doing two different things.

19 MS. LAMBERTON: Why do we have

20 two?

21 MS. PICKARD: Because Bob Wirts

22 is getting ready to retire, so John has been in

23 charge and it's a little bit cheaper amount and is

24 a little bit closer, you know, we don't have to pay

25 travel, so he can come in and do some of the work

1     instead of bringing Bob Wirts in from Forest City.  
2     He's going to do the installation on the printer  
3     that we got from control center.

4                     MR. KERRICK:   What was his  
5     name?

6                     MS. PICKARD:   John Putriment.

7                     MR. KERRICK:   Oh, okay.   Any  
8     other questions or comments?

9                     Questions or comments from the  
10    public?

11                    Call the vote.   John?

12                    MR. HOLAHAN:   I vote in favor.

13                    MR. KERRICK:   Anne?

14                    MS. LAMBERTON:   I'll abstain.

15                    MR. KERRICK:   Heidi?

16                    MS. PICKARD:   I vote in favor.

17                    MR. KERRICK:   I'll vote in  
18    favor.   Motion carried.

19                    Next item, solicitor's report.

20                    Pat?

21                    MR. ARMSTRONG:   Thank you, Mr.  
22    Chairman.

23                    Under my report is titled

24 Arcadia Agreements. There's actually three  
25 agreements. One of them is listed further down but

6

1 we can address them all if you'd like.

2 As you're aware, the Arcadia New  
3 Ventures Park land development plan was approved --  
4 conditionally approved several years ago by this  
5 board. It was preliminary plan approval. As part  
6 of that application, the applicant needs an HOP  
7 permit from PennDOT and the township has been  
8 involved with the permit application.

9 In relation to that, there is an  
10 agreement with the land development applicant  
11 regarding the required drainage facilities and the  
12 maintenance requirements that go along with that  
13 and the traffic signal maintenance agreement with  
14 respect to the proposed and applied for permit  
15 application.

16 Those two agreements, as you're  
17 aware, over the course of the last couple years,  
18 we've gone back and forth with the applicant, but

19 they've come to terms and they've agreed as to what  
20 we've proposed to be included in those agreements.  
21 My understanding is that the township received  
22 signed copies this morning or this afternoon from  
23 the applicant, fully executed by both SIDE  
24 Corporation and Arcadia Properties. You've already  
25 approved these agreements, it's just a matter of

7

1 having them executed.

2 So at this point in time, if the  
3 board wanted to entertain a motion authorizing the  
4 execution of the already executed agreements on the  
5 part of SIDE and Arcadia for the traffic signal  
6 maintenance agreement and the surface storm water  
7 drainage facilities and other drainage facilities  
8 maintenance agreement.

9 MR. KERRICK: You want two  
10 separate motions?

11 MR. ARMSTRONG: You can do  
12 these together.

13 MR. KERRICK: What's the

14 board's pleasure?

15 MR. HOLAHAN: I'll make that in  
16 the form of a motion to execute those agreements  
17 that we've already approved.

18 MR. ARMSTRONG: What they are,  
19 they're agreements outlining the maintenance  
20 requirements and financial securities that the  
21 applicant has to comply with for the required  
22 drainage facilities and the traffic signal that are  
23 tied to the HOP permit.

24 MR. HOLAHAN: Are those the  
25 agreements that we were questioning the language?

8

1 MR. ARMSTRONG: Yes.

2 MR. HOLAHAN: And that's all  
3 been straightened back out? We're back --

4 MR. ARMSTRONG: Yes. They were  
5 very quick to agree to bring them back to the way  
6 they were.

7 MS. LAMBERTON: I'll second.

8 MR. KERRICK: Motion and

9 second.

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

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

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.

19 MR. KERRICK: Heidi?

20 MS. PICKARD: I vote in favor.

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

23 MR. ARMSTRONG: Thank you.

24 There is another agreement in  
25 relation to the Arcadia New Ventures Park land

9

1 development application. Further down on the  
2 agenda it looks like it's listed but if you'd like,  
3 we can address it now.

4 MR. KERRICK: Sure.

5 MR. ARMSTRONG: Okay. It's the  
6 Arcadia agreement for the contribution in lieu of  
7 physical mitigation at the intersection of State  
8 Route 115 and 940. As you're aware, the applicant  
9 and the township and also I believe PennDOT was  
10 agreeable to the amount that was agreed to in the  
11 time frame with respect to contributing that amount  
12 towards the township, towards those potential  
13 future improvements at Route 115 and 940.

14 The applicant has provided the  
15 township with an executed version of the agreement  
16 that was agreed upon and this again would be, if  
17 you so choose, would be a motion to authorize the  
18 execution of that agreement.

19 And again, the total  
20 contribution was -- or is \$50,000. It is split up  
21 between the two lots, Lot 100 and 110, and I  
22 actually don't have the agreement in front of me  
23 but --

24 MR. KERRICK: Do we have it in  
25 here?



1 MS. PICKARD: Yeah --

2 MR. ARMSTRONG: But it is split  
3 between the two.

4 MS. PICKARD: Yeah, it's 35 --  
5 35, 5 for Lot 100 and 14, 5 for Lot 110.

6 MR. ARMSTRONG: Yes. So again,  
7 if the board wanted to entertain a motion to  
8 authorize the execution of that agreement, you can  
9 do so at this time as well.

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

12 MS. PICKARD: I'll move that we  
13 execute the Arcadia agreement for contribution in  
14 lieu of physical mitigation at the intersection of  
15 State Route 115 and State Route 940.

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

18 MR. HOLAHAN: I'll second.

19 MR. KERRICK: Questions or  
20 comments from the board on the motion?

21 Questions or comments from the

22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

11

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in

6 favor.

7 Anything else, Pat?

8 MR. ARMSTRONG: Thank you. No.

9 Just FYI, I did hear back from Clymer Library and

10 they -- again, they haven't really responded

11 substantively with respect to the form deed of

12 dedication and agreement of sale. I'm not exactly

13 sure what their potential revisions would be, but

14 I'm still waiting to hear back substantively as to

15 whether or not they're okay with the draft forms.

16 MS. LAMBERTON: They did

17 question taxes also.

18 MR. ARMSTRONG: Yeah, that  
19 might be what they would really be looking into at  
20 this point.

21 MS. LAMBERTON: They wanted to  
22 get that straightened out before they committed to  
23 anything, that they didn't know what it was going  
24 to cost them. I understand that.

25 MR. ARMSTRONG: But they did

12

1 inform me that they would get back to me as soon as  
2 they're ready to move forward.

3 With that being said, I don't  
4 know if you -- last week we talked a little bit  
5 about the potential sewer issues. I don't know if  
6 you want to talk about that tonight or if you  
7 wanted to wait until a future date.

8 MR. KERRICK: As far as  
9 collection?

10 MR. ARMSTRONG: Not collection  
11 necessarily. It would be for the potential sump

12 pump collections and grease trap issues.

13 MR. KERRICK: I would prefer  
14 that we hold that to a work session so I'm -- I'm  
15 not prepared.

16 MS. LAMBERTON: Okay.

17 MR. KERRICK: I'd like to do  
18 some research.

19 MR. ARMSTRONG: That's fine.

20 MR. KERRICK: On the notes that  
21 we've had from past conversations before we --

22 MR. ARMSTRONG: Okay.

23 MR. KERRICK: Can we do that at  
24 the next work session?

25 MR. ARMSTRONG: Absolutely.

13

1 MS. PICKARD: We have that  
2 joint meeting on the 7th or reorg./work session and  
3 regular meeting, January 7 at 3:30.

4 MR. KERRICK: Can you put it on  
5 the agenda then for then?

6 MR. ARMSTRONG: January 7?

7 MR. KERRICK: January 7. And

8 I'll have my information ready.

9 MR. ARMSTRONG: Thank you. And

10 that's all I have. Thank you.

11 MR. KERRICK: Thank you.

12 Next item on our agenda, new  
13 business, Arlene Seeger, Lot 177 Miller Drive, Lake  
14 Naomi, request for waiver of well isolation,  
15 distance from septic system. It's pretty much  
16 self-explanatory

17 MS. PICKARD: It's actually  
18 further than what it was originally?

19 MR. KERRICK: Correct. Do we  
20 have a motion?

21 MS. PICKARD: I'll make a --

22 MR. HOLAHAN: I'll -- got that?

23 MS. PICKARD: Go ahead.

24 MR. HOLAHAN: I'll make a

25 motion that we grant the waiver for the well

1 isolation for Miss Seeger's property, 177 Miller

2 Drive, Lake Naomi.

3 MR. KERRICK: Do we have a  
4 second?

5 MS. LAMBERTON: Second.

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

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

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I vote in favor.

18 Motion carried.

19 The next two items, zoning  
20 hearing board appointment and planning commission.  
21 You want to table?

22 MS. PICKARD: I was going to  
23 suggest that we table the zoning hearing board  
24 'cause we do have another ad going in the Journal,

25 but I didn't know -- we did receive the letter for

15

1 Patricia Rinehimer to be reappointed.

2 MR. KERRICK: I thought we were  
3 going to readver -- I don't care, but I thought we  
4 were going to readvertise for everything.

5 MS. LAMBERTON: I thought we  
6 did.

7 MS. PICKARD: Okay. I was  
8 putting that in, and it'll only be for a week so  
9 that we could take it up on our December 21  
10 meeting?

11 MR. KERRICK: That's fine. Put  
12 it off to the 21st?

13 MR. HOLAHAN: Sure.

14 MR. KERRICK: 21st, right?

15 MS. PICKARD: Right.

16 MR. KERRICK: Next item,  
17 consider audit proposals. Are we prepared to make  
18 a decision this evening or --

19 MS. PICKARD: I don't know. I

20 still didn't hear back from the third company that  
21 I've tried. I still make a recommendation that we  
22 stay with Todd Bushta.

23 MR. KERRICK: Do we want to  
24 wait until the 21st when we -- see if we receive  
25 the third?

16

1 MS. LAMBERTON: Yeah, I'd like  
2 to.

3 MR. KERRICK: Okay. We'll  
4 table that as well.

5 Next item, consider Resolution  
6 2012 dash 020, appropriations, Item E in your  
7 packet, pretty much self-explanatory. If anybody  
8 has any questions, I guess we can --

9 MS. PICKARD: Do you have any  
10 questions?

11 MR. KERRICK: I guess you can  
12 see on some of the gasoline and the diesel,  
13 obviously the price was a lot higher than projected  
14 so we moved some deicer money there, pretty much



15 self-explanatory.

16 MR. HOLAHAN: I'll make a  
17 motion to approve Resolution 2012 dash 020, the  
18 appropriations.

19 MS. PICKARD: I'll second the  
20 motion.

21 MR. KERRICK: Motion and second  
22 on the appropriations.

23 Questions or comments from the  
24 board?

25 Questions or comments from the

17

1 public?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in  
6 favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Next item on our agenda would be  
12 consider Resolution 2012 dash 021, emergency  
13 operations plan.

14 MS. PICKARD: Copies of papers  
15 that there was some telephone number and names  
16 removed from that, from the EMS, from the change of  
17 staff.

18 MR. KERRICK: Do you have any  
19 comments on that, John?

20 MR. HOLAHAN: No. I'm good  
21 with that actually. I make a motion that we  
22 approve Resolution 12 dash 021, emergency  
23 operations plan.

24 MS. LAMBERTON: I'll second it.

25 MR. KERRICK: Motion and second

18

1 on the floor.

2 Questions or comments from the  
3 board?

4 Questions or comments from the

5 public on the motion?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in

10 favor.

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

13 MR. KERRICK: I'll vote in

14 favor. Motion carried.

15 Next item on our agenda,

16 Tobyhanna Township Volunteer Fire Company requests

17 funds from the fire apparatus fund. Is that for

18 2012?

19 MR. HOLAHAN: Due 2013.

20 MR. KERRICK: Due 2013, but

21 it's --

22 MS. PICKARD: It's due in

23 January but it's -- they have the money there. The

24 -- it's 92,000.

25 MR. KERRICK: We received a --

1 MS. PICKARD: This is for their  
2 new truck, they have five payments of 92,000. They  
3 just wanted to get it in. And we did just receive  
4 their financial statements for 2011 as well, so we  
5 everything from them.

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

8 MS. PICKARD: I'll make that  
9 motion.

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

12 MS. LAMBERTON: I'll second it.

13 MR. KERRICK: Questions or  
14 comments from the board on the motion?

15 Questions or comments from the  
16 public on the motion?

17 Call the vote. John?

18 MR. HOLAHAN: I vote in favor.

19 MR. KERRICK: Anne?

20 MS. LAMBERTON: I vote in  
21 favor.

22 MR. KERRICK: Heidi?

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

20

1 Record time here. We're down to  
2 public comments. Does anybody from the board have  
3 anything before I --

4 Anyone from the public wish to  
5 address the board?

6 Yes, sir.

7 MR. RICHARD CROCONO: Regarding  
8 the pool --

9 THE REPORTER: Can you state  
10 your name, please?

11 MR. RICHARD CROCONO: Richard  
12 Crocono, C-R-O-C-O-N-O.

13 Why was it created?

14 MR. KERRICK: You're asking me?

15 MR. RICHARD CROCONO: Yes.

16 MR. KERRICK: Why the pool was  
17 created?

18 MR. RICHARD CROCONO: Yeah, why  
19 was it created?

20 MR. KERRICK: For recreation, I  
21 would assume.

22 MR. RICHARD CROCONO: Does  
23 anybody know the history of that? Why the pool was  
24 actually --

25 MR. KERRICK: The actual pool

21

1 was from the old camp that was here. This was a  
2 camp at one time, girl's camp.

3 MR. RICHARD CROCONO: It was  
4 refurbished in the late '70s and --

5 MR. KERRICK: No. It was  
6 refurbished in the '80s.

7 MR. RICHARD CROCONO: Okay.  
8 What was the purpose of refurbishing and giving it  
9 to the public? What was the reason for it?

10 MR. KERRICK: Where are you  
11 going with this? What are you asking?

12 MR. RICHARD CROCONO: What am I

13 asking?

14 MR. KERRICK: I don't understand  
15 your question.

16 MR. RICHARD CROCONO: Looking  
17 to close an asset to the community that was never  
18 meant to make money but the money issue is always  
19 brought up. This was supposed to be somewhere  
20 where people can go and mingle together and get  
21 exercise, et cetera, et cetera. This was supposed  
22 to be an asset to the community.

23 When it was first built, there  
24 were very few communities in this area that had  
25 pools. Now a lot of them do. And most of these

22

1 pools are very restricted with who can join, their  
2 cost are very high. They're open to the public,  
3 open to everybody. So people in this community who  
4 want to have a place to go in the summertime, where  
5 there's so little to do up here, now have no place  
6 to go.

7 And I don't think that the board

8 is sticking to the purpose for which it was  
9 intended. I understand you have lots of other  
10 things on your mind and I understand the financial  
11 problems, et cetera, et cetera, I'm not saying --  
12 I'm not making any comments about anything else  
13 that the board does, I'm only talking about the  
14 pool. Okay.

15 I also feel we're being  
16 short-changed as a community and I also feel it's  
17 going to lead to possible problems with people who  
18 don't have a good way to spend their time without  
19 looking for trouble.

20 MR. KERRICK: I appreciate your  
21 comments. I don't think any one of us wanted to  
22 close it and we didn't say we were going to close  
23 it permanently. Unfortunately, we do not have  
24 enough money this year --

25 MR. RICHARD CROCONO: I

23

1 understand.

2 MR. KERRICK: -- to do the



3       repairs and still operate the pool.

4                               MR. RICHARD CROCONO:     Okay.  We  
5       can't afford to do the repairs this year.  My  
6       question is -- I'm thinking in terms of perhaps  
7       when we had the money in the years when we weren't  
8       so lean, we could have done a better job  
9       maintaining it, maybe protecting its assets, et  
10      cetera, et cetera.  It still is one of the most  
11      hidden assets of this whole area.  Most people that  
12      we ask don't know about the pool.  Okay.

13                            Another thing is, if the pool is  
14      not gonna open this year, we don't expect our  
15      finances to turn around in the next few years,  
16      let's be realistic.  With that being the case, I  
17      can't see this pool getting that kind of funds  
18      coming in the near future.  As far as I'm  
19      concerned, the day you say that pool is closed and  
20      it will not open again unless there's major  
21      revamping and that ain't gonna happen in the near  
22      future.

23                            That's my opinion.

24                            MR. KERRICK:     We appreciate  
25      your comments.

1                               Anyone else from the public?

2                               MS. MIDGE SKOV:    I have a

3       question --

4                               MR. RICHARD CROCONO:  Can I just

5       state one last thing?

6                               MR. KERRICK:    You have the

7       floor, you can --

8                               MR. RICHARD CROCONO:   Just one

9       more thing.  I'm sorry.   Why was -- why is it that

10      we were not notified as pool members what's going

11      on.  For instance, there's an article in the

12      newspaper that says December 21 and there's a

13      meeting last Monday, there's a meeting this Monday.

14      If we don't make the call, we don't know about it.

15                               MR. KERRICK:    I didn't write

16      the article in the newspaper.  And as far as I'm

17      concerned, if that's all they had to write about

18      our budget, when we didn't raise taxes and held the

19      line on a lot of things, I think it's a pretty poor

20      article personally, that they had to pick one thing

21 and talk about the pool. I understand your feeling  
22 about the pool and I feel bad as well. We just  
23 don't have enough money to go around. Our revenues  
24 down and our expenses are up.

25 MR. RICHARD CROCONO: Well,

25

1 just maybe he felt the same way I do.

2 THE REPORTER: Can you state  
3 your name, please?

4 MS. MIDGE SKOV: I don't  
5 understand why all through the years we never kept  
6 this pool up.

7 THE REPORTER: Can you state  
8 your name, please?

9 MS. MIDGE SKOV: Midge Skov,  
10 S-K-O-V. Why are we always having this problem?  
11 Why wasn't the pool kept up since 1980 when  
12 everybody started using it?

13 MR. KERRICK: We all haven't  
14 been here that long. We were only given the tool  
15 to work with. We did the best we could for what we

16 had.

17 MS. MIDGE SKOV: And then  
18 there's lights on 940, when (sic) did you put those  
19 up for? I know the bridge has to be fixed.

20 MR. KERRICK: That has nothing  
21 to do with us, ma'am.

22 MS. MIDGE SKOV: I know --

23 MR. KERRICK: That has nothing  
24 to do with us, ma'am. That's PennDOT, that's your  
25 state dollar, that really has nothing to do --

26

1 MS. MIDGE SKOV: I apologize  
2 for that, but this has been in existence for so  
3 long that when you took over, couldn't you have  
4 seen that maybe every year we do something, we do  
5 something?

6 MR. KERRICK: We've done a lot  
7 of improvements and a lot of repairs, but  
8 unfortunately it needs some repairs now that we  
9 just can't afford this year so we decided that we  
10 would close it for one year.

11 MR. RICHARD CROCONO: You're  
12 never gonna open it again.

13 MR. KERRICK: Well, I hope  
14 you're wrong.

15 MS. MIDGE SKOV: You want Pine  
16 Crest to get all the money? Because that's where  
17 everyone's gonna go.

18 MR. KERRICK: I don't know why  
19 you're -- I can't speak for Pine Crest or for these  
20 people.

21 MS. MIDGE SKOV: And you've got  
22 a half a dozen people on the beach over at the lake  
23 who came over this year because the lake is no good  
24 to go swimming in. You're gonna lose all those  
25 people plus more this summer that would have come

27

1 over here because they can't use the lake. I mean,  
2 I know this is like talking about Tinker Bell but,  
3 you know, it's just every year we go through this.

4 MS. PICKARD: I think that  
5 answers some of the question that there hasn't been

6 enough money in the last several years in the  
7 budget to be making these repairs, which now are  
8 totalling close to a quarter million dollars or so?

9 MR. KERRICK: It doesn't need  
10 all that at one time. But, yes, there's a huge  
11 amount of repairs slated over the next five years.

12 MS. MIDGE SKOV: If you close  
13 it, you know you're never gonna open it. You're  
14 gonna lose everybody who's now interested from the  
15 lake.

16 MR. KERRICK: I appreciate your  
17 comments, but I don't want you to think that we  
18 didn't think long and hard about this and just come  
19 up with let's close the pool, that wasn't the first  
20 thing on the -- that wasn't the first thing on the  
21 chopping block, but our expenses went up  
22 considerable; insurance, health insurance, taxes  
23 are down, revenue is down, interest is down.

24 MS. MIDGE SKOV: What about us  
25 taking money out of the taxes? We all had to fill

1 out the sheet and I'm sure most of us said put it  
2 in the taxes.

3 MS. PICKARD: Well, we did some  
4 surveys, but there weren't very many people that  
5 were interested in having their taxes raised.

6 MR. KERRICK: We're one of the  
7 few communities that do have a pool and I agree  
8 with you, it's very nice. Unfortunately only about  
9 two percent of the population of this township use  
10 that pool.

11 MS. MIDGE SKOV: Now that the  
12 lake's going, you'll get a whole lot more.

13 MR. KERRICK: You guys can jump  
14 in at any time.

15 MR. HOLAHAN: No, you're doing  
16 well, John.

17 MS. LAMBERTON: It's a matter  
18 of finance and it's unfortunate.

19 MR. KERRICK: It's just a  
20 matter of finance.

21 MS. LAMBERTON: We actually had  
22 the same situation with the police department. We  
23 are not able to hire more officers. They are down

24 four men. I mean, if you can't -- that's safety,  
25 that's our first concern here as township

29

1 supervisors, we can't even afford to do that right  
2 now.

3 So we've tried to put everything  
4 in perspective and unfortunately we lost money on  
5 reassessments, \$7,000 in one shot, and that's a big  
6 amount of money to us. We're a small township so  
7 unfortunately we have to look at the whole picture.  
8 We don't want to see it closed. I'm not so sure it  
9 won't ever reopen. I can't honestly say that I  
10 agree with you on that, so I hope you're wrong.

11 MS. MIDGE SKOV: It's just that  
12 we've been going through this for so many years.

13 MS. LAMBERTON: I understand.  
14 I looked at this last year and said we need to do  
15 something serious.

16 MS. MIDGE SKOV: Finally can't  
17 we come up with some little solution? It's not  
18 like this is a brand new thing, I mean, it's been



19 going on now for how many years?

20 MR. KERRICK: It really hasn't  
21 gone on that many years, we've talked about not  
22 opening it, seriously.

23 MS. MIDGE SKOV: Well, every  
24 meeting we're fighting for it.

25 MR. KERRICK: That was last

30

1 year, possibly the year before.

2 MS. MIDGE SKOV: The year  
3 before, the year before that.

4 MR. KERRICK: No, not the year  
5 before that. It doesn't matter.

6 MS. MIDGE SKOV: (Inaudible  
7 comment.)

8 MR. KERRICK: I listen to your  
9 comments, I understand what you're saying, but I  
10 don't know what else to say.

11 Anyone else?

12 Yes, ma'am.

13 MS. ANNETTE CROCONO: Hi,

14 Annette Crocono. I was under the impression that  
15 there was going to be a question on the ballot  
16 regarding this and that the people from the town  
17 were going to give their vote as to whether or not  
18 they wanted to pay a little bit more in taxes in  
19 order to keep the pool open and where did that go?  
20 We didn't see -- that was never on the ballot. I  
21 thought it was gonna be a referendum?

22 MS. LAMBERTON: I don't recall  
23 anybody putting anything on a ballot.

24 MR. KERRICK: Did we talk about  
25 that?

31

1 MS. PICKARD: No. We just  
2 talked about different possibilities and really  
3 most of the people from the pool committee that  
4 were involved, really once the pool was opened, we  
5 really didn't see or hear too much from them except  
6 maybe on Community Day and that was -- we had a  
7 couple people come.

8 MR. KERRICK: We had some

9 proposals where a gentleman came in and talked to  
10 us about different ideas that he would have for the  
11 pool and try to renovate what's there but --

12 MS. PICKARD: The River Otters  
13 (phonetic) Group.

14 MR. KERRICK: I couldn't think  
15 of the name. River Otters?

16 MS. LAMBERTON: But then he  
17 would also be taking it over and would take the  
18 control out of our citizens' hands too, as far as  
19 the hours it would be available.

20 MS. PICKARD: He still plans to  
21 come and talk to the township later -- or early  
22 next year, but we don't have any proposals from him  
23 at this point.

24 MS. ANNETTE CROCONO: It's just  
25 so sad because, like you said, there's only two

32

1 percent of the people in this town that go there  
2 and we're the two percent that live in communities  
3 that --

4 MR. KERRICK: Faithfully,  
5 every corner -- every day you're in that corner. I  
6 know you're there. Every day.

7 MR. RICHARD CROCONO: She has a  
8 print over there.

9 MS. ANNETTE CROCONO: Oh yeah.  
10 I didn't -- I'm sorry.

11 MR. KERRICK: No, I see you  
12 there every day. So I know you utilize the pool

13 MS. ANNETTE CROCONO: We love  
14 that pool. We really -- and the one thing that  
15 keeps me living here, because we moved here from  
16 New Jersey and I was never really that happy, but  
17 we joined the pool and I thought oh, this is  
18 wonderful, I love it. And we're now in the process  
19 of looking for another home elsewhere because this  
20 made up my mind and I have wonderful neighbors, I  
21 love my neighbors, but I love my neighbors in New  
22 Jersey too, we have --

23 MR. RICHARD CROCONO: And she  
24 doesn't even swim.

25 MS. ANNETTE CROCONO: I don't

1 even swim, but it was a place for community, a  
2 place where you met people, a place for the kids.  
3 They stayed out of trouble and it was just -- we  
4 enjoyed it, we really did. And I -- this is not a  
5 note or a complaint against anybody at the board  
6 because I've -- we saw Heidi, we spoke many, many  
7 times. This is just my -- my feelings and I really  
8 -- I feel awful because we loved that pool.

9 MR. RICHARD CROCONO: How many  
10 years have we've been members of the town pool  
11 in --

12 MS. ANNETTE CROCONO: Oh, back  
13 in Jersey we were members for like 28 years from  
14 its inception. And one of the saddest things for  
15 me was moving from that pool in New Jersey, so when  
16 we found out there was one here, it was -- it was  
17 good. And I think I speak for a lot of other  
18 people that feel the same way.

19 MR. RICHARD CROCONO: I think  
20 there's a main reason a lot of people are not here  
21 tonight. It's the holidays, it's bad timing, very

22 little notification, we had no time to band  
23 together and try to get anything going. A lot of  
24 people have other commitments that they just can't  
25 break. I know one person had a very good comment

34

1 to make here tonight but she could not make it.  
2 She was ill and she couldn't make it. And I know  
3 (inaudible) something very informative towards what  
4 we had to pursue, but I can't speak for her because  
5 I forgot what her thrust was.

6 MR. KERRICK: You don't have to  
7 speak for her. We all feel the same thing you do,  
8 but we just don't know how to make it work.  
9 There's not enough funds there. If the funds were  
10 there, it would be open.

11 MS. MIDGE SKOV: We have to win  
12 the lottery, people.

13 MR. KERRICK: And I certainly  
14 didn't want to make you or think of you moving that  
15 -- I'm sorry, I'm sorry you feel that way. I hope  
16 the community has more than just the pool to offer

17 that you'd want to stay here.

18 MS. ANNETTE CROCONO: There's  
19 nothing. Believe me, there's nothing. In order  
20 to find anything, if you want to go dancing, you  
21 have to go to --

22 MR. RICHARD CROCONO:  
23 Stroudsburg.

24 MS. ANNETTE CROCONO: Down in  
25 Stroudsburg, 30, 40 miles one way and we're not

35

1 casino people so that doesn't -- that doesn't do it  
2 for me.

3 MR. RICHARD CROCONO: Not into  
4 playing cards and stuff like that, that doesn't  
5 appeal to us so --

6 MS. ANNETTE CROCONO: Couldn't  
7 we float a bond where everybody would give so much  
8 and you would hold that money and when that person  
9 was moving, then a person coming in would pick that  
10 up and the person moving would get his money back  
11 from the bond and the next person who moved in

12 would put that money up for the bond? Could we do  
13 something like that or are there not enough people?

14 Do you know what I'm talking  
15 about?

16 MS. PICKARD: Communities have  
17 that, the private communities have that, but I  
18 don't know that we have the authority to do that  
19 kind of a thing. Just a park and rec impact fee  
20 would be the only thing that --

21 MR. HOLAHAN: But that's  
22 raising taxes. How much does a mill get us?

23 MS. PICKARD: About 183,000.

24 MR. HOLAHAN: How much does a  
25 mill cost the average homeowner in this township?

36

1 35 bucks, something like that?

2 MS. PICKARD: Something like  
3 that.

4 MR. HOLAHAN: Yeah, 35, 40  
5 bucks.

6 MR. RICHARD CROCONO: What was



7 the number that you just stated for the -- how much  
8 does it cost the average person for a household?

9 MR. HOLAHAN: For one -- for us  
10 to raise one mill -- now, how much room do we have  
11 left in our millage before we hit the cap?

12 MR. KERRICK: We don't have --  
13 we don't even have a mill left.

14 MS. PICKARD: 1-2-9.

15 MR. HOLAHAN: 1-2-9? So we  
16 couldn't raise taxes high enough to be able to  
17 cover it because we hit our cap.

18 MS. ANNETTE CROCONO: No, I  
19 wasn't talking about taxes. I was talking about  
20 assess each family that wants the pool, that wants  
21 to be members, say a thousand dollars --

22 MR. RICHARD CROCONO: Like a  
23 bond to join.

24 MS. ANNETTE CROCONO: -- and  
25 that's your bond, you put up a thousand dollars

1 plus you pay -- plus you pay your membership fee

2 every year, \$100. You put up a thousand dollars --

3 MS. LAMBERTON: That's not  
4 enough money. It's unfortunate, you only have 270  
5 some members.

6 MS. ANNETTE CROCONO: So that  
7 doesn't do it?

8 MS. LAMBERTON: Yeah, you're  
9 talking 27,000 --

10 MS. ANNETTE CROCONO: It was a  
11 good idea.

12 MS. LAMBERTON: No, it's a  
13 great -- it's a valid argument, I agree with you.  
14 It's just unfortunate, the numbers of members  
15 aren't great enough to generate enough money to pay  
16 for that amount of repair that needs to be done.

17 MR. RICHARD CROCONO: Excuse me.  
18 You mentioned something about one mill generates  
19 \$183,000, but how much would it cost the average  
20 household?

21 MR. HOLAHAN: I think it's \$35,  
22 somewhere around there.

23 MS. LAMBERTON: But we don't  
24 have a mill left that we can raise it. We're at

25     our max. We're governed by the amount we can

38

1     charge.

2                             MR. RICHARD CROCONO:   Who

3     determines that?

4                             MR. HOLAHAN:    The state.

5                             MS. LAMBERTON:   The state

6     level.

7                             MR. ARMSTRONG:   That's state

8     code.

9                             MS. ANNETTE CROCONO:   We're

10    gonna have a lot of sad people this summer.

11                            MR. HOLAHAN:    It's unfortunate,

12    but we've been working on the budget for a while.

13                            MS. ANNETTE CROCONO:   We

14    realize that.

15                            MR. HOLAHAN:    And you take a

16    look at, what aren't we gonna do, what roads aren't

17    we gonna do this year, what aren't we gonna

18    replace? You have to go through a lot of things to

19    do it. It is difficult. When you sit back --

20 before I became a supervisor, I thought you can  
21 come in here and change this, you can find ways.  
22 It's difficult because you have  
23 to take a look at, you're going to pull from where?  
24 And there's a lot of people that have the projects  
25 that are near and dear to them, but nothing was

39

1 sacred. We went through and had to cut things.  
2 It's unfortunate.

3 MS. ANNETTE CROCONO: It is.

4 MR. HOLAHAN: But that's the  
5 economy right now and we did not want to raise  
6 taxes. We couldn't put even \$35 a year, even \$35 a  
7 year.

8 MS. ANNETTE CROCONO: We  
9 appreciate that.

10 MR. KERRICK: Any other  
11 questions or comments or concerns to the board?

12 With that, we're adjourned.

13 Thank you for attending.

14 (Meeting concluded at 7:34

15 p.m.)

16 ---

17

18

19

20

21

22

23

24

25

40

1

2

3

4

5

6

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

14

15

-----

16

COURTNEY L. ROGERS

17

18

19

20

21

22

23

24

25

**Tobyhanna Township Board of Supervisors  
December 21, 2012,  
Special Meeting Minutes**

One special meeting of the Tobyhanna Township Board of Supervisors was held at 12:00 p.m. on December 21, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	Anne M. Lamberton	Member
	John Holohan, III	Member
	Patrick Armstrong	Township Solicitor

The meeting was called to order at 12:00 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

**Secretary Report – Announcements** - None

**Solicitor Report**

**New Business:**

- A. Motion by Pickard, seconded by Holohan to approve Resolution 2012-022 Disposition of Specific Records. Approved unanimously.
- B. Motion by Lamberton , seconded by Holohan to accept auditing proposal by Reilly & Company for three years at \$7,600.00 per year for audit years 2012-2014. Approved unanimously.
- C. Motion by Lamberton, seconded by Holohan to re-appoint Patricia Rinehimer to the Planning Commission. Approved unanimously.
- D. Motion by Holohan, seconded by Lamberton to appoint Albert L. Rinehimer to the Zoning Hearing Board. Approved unanimously.
- E. Township Auditor appointment tabled due to lack of responses.

The Chair called for an Executive Session at 12:27 to discuss personnel.

The Board reconvened the meeting at 12:39

- F. Motion by Holohan, seconded by Lamberton to approve Resolution 2012-023 2013 Budget. Approved unanimously.

Public Comment: None

Meeting adjourned at 12:40

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**Tobyhanna Township Board of Supervisors  
December 3, 2012,  
Work Session Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 3:30 p.m. on December 3, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	Anne M. Lamberton	Member
	Donald Moyer	Member
	Patrick Armstrong	Township Solicitor
	Robert McHale	Township Engineer
	Phyllis Haase	Township Zoning Officer

The meeting was called to order at 3:30 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

**Public Comment**

Joseph Hanyon, Esq. representing Monroe County CARE, discussed issues discussed at a recent Monroe County Bar Association meeting surrounding the necessity of requiring PA DOT HOP permits for various zoning permits and land development plans.

**Secretary Report**

Looking for input on 2013 Fee Schedule no major increases recommended. Discussed the possible need for a paving permit to be added. Main Lodge rates to remain the same. Ask to forward any recommended changes for Reorganization meeting Resolution.

Received letter from Christine Matirko regarding Zoning Hearing Board reappointment. Would prefer not to be reappointed but willing to remain on until a suitable replacement becomes available.

Expecting a letter from Patricia Rinehimer regarding desire to be reappointed to Planning Commission.

No other responses received from legal notice in the Pocono Record for these positions. Will readvertise and include recent position for Township Auditor recently vacated by the resignation of Albert L. Rinehimer.

**Committee Reports**

***PMREMS*** –Breakfast with Santa December 15, 2012 from 9-12 @ EMS building

***PMRPC*** – .none

***Open Space/ BNA Report*** – none

***MTPTT Regional Comprehensive Plan*** – None

TIF – Anne Lamberton reported that the Monroe County Planning Commission approved the TIF district. First official meeting of the committee will be December 17, 2012.



### **Solicitor Report**

Updated the Board on status of Clymer Library Sale and Arcadia agreements.

Blue Ridge Cable request for blanket ROW agreement is not recommended. Engineer has contacted Mr. Kuhn on the need to submit more specific information and plot plan.

### **DPW and Engineer's Report**

Provided Board with updated status report on various projects. Rental Bids and material bids to be advertised. Discussed received plans from Arcadia traffic plans. Williams pipeline wished to attend Board meeting regarding new line proposed through the Township but unable to coordinate for this meeting.

### **Sewage Enforcement Officer Report**

None

### **Zoning Officer Report**

Discussed recent variances granted by ZHB  
Problems/Complaints received regarding Halliwell foundation in Arrowhead danger with anchor bolts  
Safety Committee status report and DPW training  
Emergency Mgt. Certificated completed to date. Meeting Wednesday evening.  
Pocono Lions Club has requested to coordinate/assist in disaster relief going forward, plans to coordinate with Homeowner Associations as well.  
Kalahari Meeting with Aquatics team 12/11-12 with Bureau Veritas

### **New Business-Work Session Items:**

Holiday and Meeting Schedule for 2013 presented in packet

Resolution 2012-019 request for County Aid for 940/423 Traffic signal pole replacement project in the amount of \$18,500.00 – Motion made by Pickard and seconded by Moyer, approved unanimously.

**The meeting was adjourned at 5:00 PM.**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

A G E N D A  
Board of Supervisors  
Regular Business Meeting  
February 6, 2012

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: December 12, 2011 Regular Business Meeting  
December 21, 2011 Special Meeting
5. Consider the Treasurer's Report: \$563,663.04
6. Solicitor Report:
7. New Business:
  - A. Consider Sewage Hearing Board appointment
  - B. Consider Lot Joinder-Locust Lake Village POA, 319,320 & 321 Fawn Road, LLV
  - C. Consider Lot Joinder-Daniel Seip, 43& 44 Arrowhead Drive, Arrowhead Lakes
  - D. Consider Wagner Forest Park, Section H Sewage Facilities Planning Module Amendment
  - E. Consider Randy Hoffman Minor Subdivision/Fam Bros. Construction, Inc. Lot Consolidation
8. Public Questions and Comment

ADJOURNMENT

Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, February 6, 2012, beginning at 5:05 p.m.

---

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

---

**ORIGINAL**

---

---

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

1 MR. KERRICK: Call the meeting  
2 to order of the board of supervisors, February 6.

3 Could we open the meeting with  
4 the pledge of allegiance, please?

5 (Pledge of allegiance was  
6 recited.)

7 MR. KERRICK: Any announcements,  
8 Heidi?

9 MS. PICKARD: No.

10 MR. KERRICK: Consider the  
11 minutes of the meeting of December 12, 2011,  
12 regular business meeting, and December 21, 2011,  
13 special meeting.

14 What's the board's pleasure?

15 MR. HOLAHAN: Make a motion to  
16 approve.

17 MS. PICKARD: I had a couple of  
18 minor edits. On the December 12 minutes, Page 25,  
19 Line 21, should be "go" instead of "got"; and  
20 December 21 minutes, Page 16, Line 12, this point,  
21 T-H-I-S; and Page 18, Line 16, Haase, H-A-A-S-E.  
22 That was it.

23 MR. KERRICK: Do you amend your  
24 motion, John?

25 MR. HOLAHAN: Yes.

1 MS. LAMBERTON: Second.

2 MR. KERRICK: Motion and

3 second.

4 Questions or comments from the  
5 board?

6 Questions or comments from the  
7 public?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

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

18 Consider the treasurer's report  
19 in the amount of \$563,663.04.

20 What's the board's pleasure?

21 MS. PICKARD: I make a motion  
22 that we approve the treasurer's report in the  
23 amount of \$563,663.04.

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

1 MR. MOYER: I second.

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

4 MR. MOYER: I don't have any.

5 MS. LAMBERTON: No.

6 MR. KERRICK: John, do you  
7 have any questions?

8 MR. HOLAHAN: No.

9 MR. KERRICK: Call the vote.  
10 John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I abstain.

14 MR. KERRICK: Donny?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. KERRICK: I vote in favor.

19 Motion carried.

20 Solicitor's report.

21 MR. ARMSTRONG: I just ask for  
22 a brief session regarding litigation after the  
23 meeting.

24 MR. KERRICK: Sure.

25 New business. Consider sewage

1 hearing board appointment.

2 MS. PICKARD: I appoint George  
3 Ewald as the sewage hearing board officer.

4 MR. HOLAHAN: I'll second.

5 MR. KERRICK: Late that he  
6 found out.

7 MS. LAMBERTON: Does he know?

8 MR. KERRICK: Yes, he knows.

9 Motion and second on the George  
10 Ewald sewage hearing board appointment.

11 Questions or comments from the  
12 public?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I vote in  
17 favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I vote in favor.

23 Consider lot joinder, Locust  
24 Lake Village POA, 319, 320 and 321 Fawn Road,  
25 Locust Lake Village.

1 MR. RONALD GATTI: These three  
2 lots were purchased at a tax sale and we wish to  
3 combine them to the common area. I believe  
4 everything was submitted unless you have any  
5 questions. It's pretty straightforward.

6 THE REPORTER: Could you just  
7 state and spell your name for me, please?

8 MR. RONALD GATTI: G-A-T-T-I,  
9 Ronald, R-O-N-A-L-D, community manager of Locust  
10 Lake Village.

11 MR. KERRICK: Does the board  
12 have any questions?

13 MR. HOLAHAN: It has gone  
14 through the process, is everything gold?

15 MR. KERRICK: I believe  
16 everything was --

17 MR. ARMSTRONG: For lot lines  
18 to be extinguished, in subdividing separate lots,  
19 they have to come back before the municipalities  
20 for approval.

21 In looking at the existing deed,  
22 it seems that those lots are declared to be in the  
23 green area?

24 MR. RONALD GATTI: Yes. It's  
25 the common area of the association.



1 MR. HOLAHAN: I make a motion  
2 that we approve the lot joinder.

3 MS. LAMBERTON: I'll second it.

4 MR. KERRICK: Questions or  
5 comments from the board?

6 Questions or comments from the  
7 public?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in  
12 favor.

13 MR. KERRICK: Donny?

14 MR. MOYER: I vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I vote in favor.

18 Motion carried.

19 MR. RONALD GATTI: Thank you.

20 MR. KERRICK: Consider lot  
21 joinder, Daniel Seip, Lots 43 and 44, Arrowhead  
22 Drive, Arrowhead Lakes.

23 Anyone here?

24 MS. PICKARD: Arrowhead is on  
25 the last page of the packet. The map shows where

1 the lots are. Same thing, everything has been  
2 through the process.

3 MR. KERRICK: What's the  
4 board's pleasure?

5 MR. HOLAHAN: Approve the lot  
6 joinder.

7 MS. PICKARD: I'll second the  
8 motion.

9 MR. KERRICK: Motion and  
10 second.

11 Questions or comments from the  
12 board?

13 Questions or comments from the  
14 public?

15 Call the vote. John?

16 MR. HOLAHAN: I vote in favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I vote in  
19 favor.

20 MR. KERRICK: Donny?

21 MR. MOYER: I vote in favor.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

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

1 Consider Wagner Forest Park,  
2 Section H sewage facilities planning module  
3 amendment.

4 I will recuse myself at this  
5 point.

6 MS. PICKARD: Just, I've talked  
7 to Brogan. I really don't know if you could give  
8 us more information from the DEP. Terry Martin is  
9 here.

10 I understand that there are  
11 fewer lots in this planning module than there was  
12 prior to that. That's as far as my knowledge goes.

13 MR. TERRY MARTIN: The plan of  
14 the township, when it was originally approved, had  
15 a greater number of lots. Some of the lots are  
16 being combined now because of some test results  
17 that were recently performed that showed a couple  
18 of the lots were not adequate for on-site sewage  
19 disposal. What happened is that the number of lots  
20 in the original proposal is less than the original.

21 MR. HOLAHAN: I'll make a  
22 motion that we approve the Wagner Forest Park,  
23 Section H sewage facilities module.

24 MR. ARMSTRONG: I spoke to  
25 John Brogan before the meeting and viewed which

1 would be the latest planning module that was  
2 filed -- John is the SEO -- as well as the December  
3 7, 2011 plan for that planning module.

4 MR. HOLAHAN: I'll make a  
5 motion as an amendment to that -- or condition.

6 MR. MOYER: I'll second.

7 Are you going to do the vote?

8 MR. KERRICK: I can do the  
9 vote, I'm going to abstain any way.

10 Questions or comments from the  
11 board?

12 Questions or comments from the  
13 public?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll abstain.

24 MR. ARMSTRONG: Just for  
25 clarification, Heidi Pickard will issue a letter

1 indicating such to the appropriate agency.

2 MR. KERRICK: Consider Randy  
3 Hoffman minor subdivision, Fam Brothers  
4 Construction, Inc., lot consolidation.

5 MR. TERRY MARTIN: We prepared a  
6 plan. I don't know if you folks had a chance to  
7 look at it before the meeting or not. It's a  
8 proposed line for lands of Randy Hoffman. A lot  
9 consolidation for existing lands of Fam Brothers  
10 and proposed lands of Fam Brothers Construction  
11 located on State Route 940 at the entrance into the  
12 FedEx complex.

13 The purpose of a subdivision is  
14 because of the existing encroachment of the on-site  
15 sewer of the Fam Brothers Construction building is  
16 encroaching lands on to Randy Hoffman. We prepared  
17 a plan cutting out a portion of that and remaining  
18 lands of Hoffman, Parcel A. That parcel was  
19 subdivided off of Hoffman and enjoined in separable  
20 parts of Fam Brothers Construction when the  
21 planning commission reviewed it.

22 Both the township and the county  
23 planning commission recommended approval with the  
24 condition that we submit a deed that shows that  
25 part of the existing lands and Parcel A are

1 combined into one tract.

2 MR. ARMSTRONG: They are owned  
3 by the same property owner?

4 MR. TERRY MARTIN: Owned by the  
5 same property owner.

6 MR. ARMSTRONG: One other  
7 thing. The other declaration order -- basically  
8 the concern is, if you look at the subdivision,  
9 you're not making a straight line to the adjacent  
10 property. That's the purpose of this  
11 recommendation. So procedurally speaking, that's  
12 the way we would consider the minor subdivision by  
13 default in order to prevent the creation of  
14 nonconforming lots. This resulting subdivision  
15 would have been the declaration requiring them to  
16 immediately consolidate that property. It was  
17 created to the adjacent property to minimize the  
18 encroachment.

19 MS. LAMBERTON: Which was the  
20 intention anyway.

21 MR. TERRY MARTIN: Right.

22 MR. ARMSTRONG: -- whether or  
23 not the applicant should make it a straight line or  
24 make it a right angle, which would be cleaner,  
25 rather than the zig-zag representing the

1 neighboring property owner.

2 MS. LAMBERTON: Would they not  
3 agree or --

4 MR. TERRY MARTIN: Mr. Hoffman  
5 wanted the least amount of encroachment.

6 MS. LAMBERTON: Right.

7 MS. PICKARD: Wasn't there an  
8 issue with the parking lots?

9 MR. TERRY MARTIN: That part is  
10 not in this consolidation.

11 MS. PICKARD: How are they  
12 handling that part?

13 MR. KERRICK: They're not or --

14 MS. LAMBERTON: It has  
15 improved. Actually they have removed some of the  
16 garbage back there.

17 MR. ARMSTRONG: Also ultimately  
18 part of the recommendation was to require them to  
19 remove that encroaching parking lot area. I  
20 believe the recommendation was made because it was  
21 looked upon as private.

22 MS. LAMBERTON: Private, yep.

23 MR. KERRICK: Okay. What's  
24 the board's pleasure? You want to entertain a  
25 motion?

1 MS. LAMBERTON: I'll make a  
2 motion to approve.

3 MR. MOYER: I'll second.

4 MR. ARMSTRONG: Just for  
5 clarification, make it conditional upon the  
6 February 1, 2012 letter together with the  
7 applicant's appropriate deeds to be recorded,  
8 showing Fam brothers will be conveyed, the created  
9 subdivided lots are consolidated currently with Fam  
10 Brothers, and also executing the requisite location  
11 to be consolidated.

12 MS. LAMBERTON: I would  
13 propose -- I would say with what he said.

14 MR. TERRY MARTIN: There are  
15 some modifications that we requested that should be  
16 part of the motion.

17 MR. ARMSTRONG: If the board  
18 would entertain the conditions of that motion  
19 together with waiving the SALDO requirements, and  
20 it's SALDO 135.12.D(2); Section 135-15.A(15); SALDO  
21 Section 135-17.L and M; 135-18.B(13) and (15).

22 MS. LAMBERTON: I will make  
23 that motion. I'll amend my motion.

24 MR. MOYER: I'll second.

25 MR. KERRICK: So you amend your



1 motion and amend your second?

2 MS. LAMBERTON: Yes.

3 MR. MOYER: Yes.

4 MR. KERRICK: Any questions  
5 from the board?

6 Questions from the public?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in  
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I vote in favor.

17 Motion carried.

18 MR. TERRY MARTIN: Thank you.

19 Good night.

20 MR. KERRICK: Does the board  
21 have anything else they would like to address?

22 MR. MOYER: No.

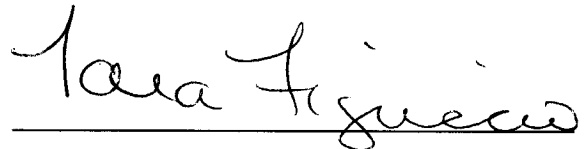
23 MR. KERRICK: Anyone from the  
24 public?

25 We are adjourned.

(Meeting concluded at 5:20 p.m.)

---

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



TARA FIGUCCIO, C.R.

**ORIGINAL**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

A G E N D A  
Board of Supervisors  
Regular Business Meeting  
March 5, 2012

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements:
4. Consider the Minutes of: January 3, 2012 Reorganization Meeting  
January 3, 2012 Regular Business Meeting  
February 6, 2012 Regular Business Meeting
5. Consider the Treasurer's Report: *\$ 136,044.31*
6. Solicitor Report:
7. New Business:
  - A. Consider Planning Commission appointment
  - B. Consider Resolution 2012-008 Prevailing Wage Reform
8. Public Questions and Comment

ADJOURNMENT

**Tobyhanna Township Board of Supervisors  
March 5, 2012  
Regular Meeting Minutes**

The regular meeting of the Tobyhanna Township Board of Supervisors was held at 5:00 p.m. on March 5, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Patrick Armstrong	Township Solicitor
	Robert McHale	Township Engineer
	Phyllis Haase	Township Zoning Officer
	John Brogan	Township Sewage Enforcement Officer

The meeting was called to order at 5:00 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

**Approval of Minutes**

A Pickard/Holahan motion was made to approve the minutes from the January 3, 2012 Board of Supervisors' reorganization meeting. The motion passed 4-0.

A Pickard/Holahan motion was made to approve the minutes from the January 3, 2012 Board of Supervisors' regular meeting, with the revision of the name "Benecon" on Page 12, Line 12. The motion passed 4-0.

A Pickard/Holahan motion was made to approve the minutes from the February 6, 2012 Board of Supervisors' regular meeting. The motion passed 4-0.

**Treasurer's Report**

A Pickard/Holahan motion was made to approve the bill packet in the amount of \$136,044.31. The motion passed 4-0.

**Solicitor Report**

The Solicitor announced that there would be a brief executive session following the meeting to discuss pending litigation matters.

The Solicitor also announced that Chairman Kerrick executed the requisite Section 147(f) Approval following the public hearing held by the Tobyhanna Township Volunteer Fire Company relating to the purchase of the new aerial ladder fire truck.

**New Business**

***Zoning Ordinance Amendment – Monroe County Technical Review*** – A Holahan/Pickard motion was made to forward certain sections of the draft Zoning Ordinance Amendment to the County for a technical review in relation to the grant awarded to the Township. The motion passed 3-1. Supervisor Anne Lamberton voted against it.

***Planning Commission Appointment*** - A Holahan/Lamberton motion was made to reappoint Robert Baxter to the Tobyhanna Township Planning Commission. The motion passed 4-0.

***Resolution 2012-008*** - A Pickard/Holahan motion was made to adopt Resolution 2012-008 in support of Prevailing Wage Reform. The motion passed 4-0.

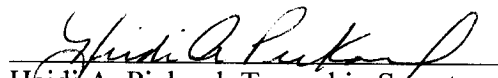
**Public Comment**

There was some brief discussion on the status of the Township pool, but no action was taken by the Board.

**Adjournment**

Chairman Kerrick adjourned the meeting at 5:50 p.m.

Respectfully submitted:

  
Heidi A. Pickard, Township Secretary

**AGENDA  
BOARD OF SUPERVISORS  
Work Session  
March 5, 2012**

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Secretary Report:
4. Solicitor Report:
5. DPW Report and Sewer Report:
6. Engineering Report:
7. Sewer Enforcement Officer Report:
8. Zoning Officer Report:
9. Committee Reports: PMREMS/PMRPC/Open Space/  
CMTPTT Regional Comprehensive Plan
10. New Business:  
Arcadia, New Ventures Park  
Ragnar Relay Pennsylvania - 2012  
Official Map  
Accounting (IT) Proposals  
RSVP

**Tobyhanna Township Board of Supervisors  
March 5, 2012  
Work Session Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 3:30 p.m. on March 5, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Patrick Armstrong	Township Solicitor
	Robert McHale	Township Engineer
	Phyllis Haase	Township Zoning Officer
	John Brogan	Township Sewage Enforcement Officer

The meeting was called to order at 3:30 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

**Secretary Report**

No action taken.

**Solicitor Report**

The Solicitor announced that there would be a brief executive session following the meeting to discuss pending litigation matters.

**DPW Report and Sewer Report**

No action taken.

**Engineering Report**

The Township Engineer informed the Board that he has been reviewing the current lighting on the Township's properties and recommended the Board consider switching to a lower wattage LED light bulb in order to save costs and extend the lifespan of the bulbs. The Board will take it under advisement.

**Sewage Enforcement Officer Report**

No Report.

**Zoning Officer Report**

The Zoning Officer requested that the Board consider implementing a building code inspection process for certain types of uses to ensure the structures are kept in an acceptable and safe condition. The Board will take it under advisement.

**Committee Reports**



**PMREMS** – None.

**PMRPC** – None

**Open Space** – None

**BNA Report** – None

**CMTPTT Regional Comprehensive Plan** – None

**New Business**

**Arcadia, New Ventures Park** – The Applicant provided the Board with a brief update on the HOP improvement maintenance agreements and proposed a possible resolution to the remaining issue of how to handle a default without the filing of a municipal lien against Arcadia's property. The applicant will forward the proposed language to the Township for the Township's review and consideration.

The Applicant also briefly discussed the pending traffic mitigation contribution issue, but no substantive terms were presented to the Board.

**Ragnar Relay Pennsylvania – 2012** – The Board reviewed the proposed race within the Township and did not have an objection to it so long as all the requisite documentation and requirements were met by the applicant.

**Official Map** – The Board reviewed the latest version of the Official Map from the County and expressed a concern about some of the locations identified on the map, particularly the area around the wetlands near the Fern Ridge area. The Township will be asking the County to make revisions to the Official Map before authorizing it to be advertised and/or adopted.

**Accounting (IT) Proposals** – The Board reviewed the proposals for a new accounting system and agreed that it was needed.

**RSVP** – The Board reviewed the proposed Retired and Senior Volunteer Program ("RSVP") Memorandum of Understanding and did not have an objection to it so long as the requisite documentation was provided and/or executed by RSVP and/or the volunteer involved.

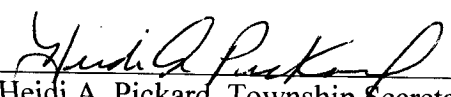
**Public Comment**

None.

**Adjournment**

Chairman Kerrick adjourned the meeting at 5:00 p.m.

Respectfully submitted:

  
Heidi A. Pickard, Township Secretary

**TOBYHANNA TOWNSHIP  
PUBLIC NOTICE**

The Township of Tobyhanna Board of Supervisors has scheduled a Special Meeting on Monday, April 16 2012 at 7:00 PM to discuss the Township Pool at the Government Center Building located at 105 Government Center Way, Pocono Pines, Monroe County, Pennsylvania.

By Order of the  
Township of Tobyhanna  
Board of Supervisors

**Tobyhanna Township Board of Supervisors**  
**April 16, 2012**  
**Special Meeting Minutes**

The Special Meeting of the Tobyhanna Township Board of Supervisors was held at 7:00 p.m. on April 16, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Donald J. Moyer	Member

The meeting was called to order at 7:05 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

The purpose of the special meeting was to discuss whether to open the Township pool for the 2012 season. Various residents voiced their concerns over the possible closing of the facility. Matt Rumph, representing the YMCA and Carmen Brodnax of the Pocono River Otters expressed their willingness to work with the Township and offer swim programs at no cost to the Township in order to continue their use of the facilities. Sophia Estrella representing Camp Restoration in Pocono Pines expressed the Camp's desire to utilize the facilities for their campers also, many of who are underprivileged and have no alternative facilities. Many of the local residents and pool users expressed the need for the pool, the importance of the facility for the kids and their desire to volunteer in promoting and maintaining access to the facilities. The Board expressed their concerns over the costs and various needed repairs, including a new ADA requirement to provide an ADA approved lift assist this year. Many items, including the water filters, may need to be replaced and are not in the budget this year. The pool needs painting. The pool is in dire need of extensive rehab which could cost in excess of \$500,000. There was discussion of possible application of grants and the competitiveness and lack of funding with the current economic climate. There was a recommendation of applying for the Local Share grants providing by the gaming revenue later this year. The residents were asked if they would be in favor of a recreation tax in the future to help cover the costs of the facility going forward and they agreed. There was further discussion of whether non-users of the facility would support subsidizing the pool they were not using. The Board gave the residents one week to come up with some ideas and form a committee to address the situation. Any closing of the pool facility would be done at a subsequent public meeting.


**New Business**

**Official Map** – Ms. Pickard made a motion to authorize the advertising of the Township's Official Map. The motion was seconded by Ms. Lamberton. The Board unanimously voted to authorize the advertising of the Official Map.

**Adjournment**

Chairman Kerrick adjourned the meeting at 8:35 p.m.

Respectfully submitted:

  
Heidi A. Pickard, Township Secretary

**TOBYHANNA TOWNSHIP  
PUBLIC NOTICE**

The Township of Tobyhanna Board of Supervisors has scheduled a Special Meeting on Monday, April 30 2012 at 7:00 PM to discuss the Township Pool and any other business that may come before them at the Government Center Building located at 105 Government Center Way, Pocono Pines, Monroe County, Pennsylvania.

By Order of the  
Township of Tobyhanna  
Board of Supervisors

**Tobyhanna Township Board of Supervisors**  
**April 30, 2012**  
**Special Meeting Minutes**

The Special Meeting of the Tobyhanna Township Board of Supervisors was held at 7:00 p.m. on April 30, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Donald J. Moyer	Member

The meeting was called to order at 7:05 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

The purpose of the special meeting was to continue discussion from the April 16, 2012 Special Meeting whether to open the Township pool for the 2012 season. The residents interested in keeping the pool open will form a committee. The committee will help with pool operating costs through fundraising, publicity and volunteers. This group of residents also offered suggestions, such as extended pool hours, chair rental, and non-residents being allowed to use the facility on a daily basis.

John Kerrick told the residents the largest pool expense is labor at about \$20,000.00 annually. He also reiterated that beyond the operating costs, major repairs or pool upgrades would cost about \$100,000.00 to \$150,000.00. John Holahan made reference to place a referendum on the November ballot to impose a parks and recreation tax. This allocation could help fund the pool.

**New Business**

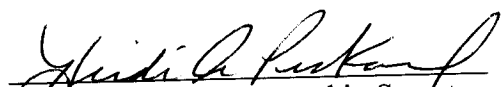
***Township Pool*** – John Holahan made a motion to open the Township Pool for the Summer 2012.

The motion was seconded by Ms. Pickard. The Board unanimously voted to open the Township Pool for the Summer 2012.

**Adjournment**

Chairman Kerrick adjourned the meeting at 8:15 p.m.

Respectfully submitted:

  
Heidi A. Pickard, Township Secretary

A G E N D A  
Board of Supervisors  
Regular Business Meeting  
April 9 2012

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements: Spring Clean Up April 23 to April 28 2012  
May 14 2012 work session/Business Mtg. -T.E.C. @ 9:30 AM
4. Consider the Minutes of:
5. Consider the Treasurer's Report: \$525,131.31
6. Solicitor Report:
7. New Business:
  - A. Consider Planning Commission appointment
  - B. Consider Line Painting Bids
  - C. Consider Resolution 2012-009 Price Adjustment of bituminous materials for small quantities (Quarry Stone and Road Construction Materials)
  - D. Consider Quarry Stone and Road Construction Materials Bids
  - E. Consider Resolution 2012-010 Price Adjustment of bituminous materials for small quantities (Bituminous Seal Coat)
  - F. Consider Bituminous Seal Coat Bids
  - G. 2012 Pool Fees
  - H. Locust Lake Village Fireworks - September 2 2012
  - I. Pocono Summit Volunteer Fire Company - June 22 & 23 festival and parade
  - J. SIDE Corporation KOZ Property
8. Public Questions and Comment

ADJOURNMENT

Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, April 9, 2012 beginning at 7:00 p.m.

---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member  
  
PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

---

**ORIGINAL**

---

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

1 MR. KERRICK: Could we open the  
2 meeting with the pledge of allegiance?

3 (Pledge of allegiance was  
4 recited.)

5 MR. KERRICK: First item of  
6 business, announcements.

7 Heidi?

8 MS. PICKARD: Okay. First off,  
9 we have spring cleanup, that's April 23 to the  
10 28th. The detailed information's on our website or  
11 posted out in the lobby. That will be at our  
12 transfer station on Sullivan Trail and our next  
13 month meeting will be May 14, it's a work --  
14 combination work session and business meeting.  
15 That will be at T.E.C. at 9:30 in the morning. It  
16 would be best, if you were interested in coming, we  
17 could get your name to T.E.C. so they know you're  
18 coming.

19 We received this afternoon -- I  
20 did send it out, but in case you haven't looked at  
21 it, we received an invitation to the Pocono  
22 Mountain West Little League to attend their opening  
23 day activities at Blanche Price Park on April 15,  
24 at 1 p.m. They're doing the dugout dedication  
25 ceremony and having a cookout. So they would like



1 to know if anybody's interested in attending. You  
2 can let me know and I'll let them know.

3 MR. KERRICK: What time? I'm  
4 sorry.

5 MS. PICKARD: One to --

6 MR. KERRICK: 1 p.m.?

7 MS. PICKARD: 1 p.m.

8 MR. KERRICK: That's the  
9 dedication?

10 MS. PICKARD: Well, later on.  
11 Starting at 1 p.m.

12 MR. KERRICK: Sorry.

13 MS. PICKARD: There's a rain  
14 date, the 22nd and the 29th.

15 MR. KERRICK: Wow, they must  
16 expect rain.

17 MS. PICKARD: Exactly.

18 MS. LAMBERTON: Baseball  
19 season --

20 MS. PICKARD: And they --

21 MR. KERRICK: Any other  
22 announcements?

23 MS. PICKARD: No.

24 MR. KERRICK: Thank you.

25 We don't have any minutes to

1 approve, correct?

2 MS. PICKARD: No, we do not  
3 have any minutes to approve.

4 MR. KERRICK: Next item of  
5 business, consider the treasurer's report, bill  
6 pack dated April 9, 2012, total amount for board  
7 approval, \$525,131.31. Bills are up front if  
8 anybody wants to take a look.

9 MS. PICKARD: I'll make the  
10 motion that we approve the bill pack dated April 9,  
11 2012, in the amount of \$525,131.31.

12 MR. KERRICK: Motion on the  
13 floor. Do we have a second?

14 MR. HOLAHAN: I'll second.

15 MR. KERRICK: Motion and  
16 second.

17 Questions or comments from the  
18 board?

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

21 Call the vote. John?

22 MR. HOLAHAN: I vote in favor.

23 MR. KERRICK: Anne?

24 MS. LAMBERTON: I'll abstain.

25 MR. KERRICK: Heidi?

1 MS. PICKARD: I vote in favor.

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

4 Next item, solicitor's report.

5 MR. ARMSTRONG: The only thing  
6 I have under my report is, I forwarded you all the  
7 draft zoning ordinance amendment, as well as the  
8 planning commission members. That was -- it's a  
9 long document. The planning commission is going to  
10 be talking about it this Thursday again. I'm not  
11 sure if they're going to recommend it this Thursday  
12 night or not, depending upon what they -- what  
13 additional comments or revisions they may have. I  
14 have some items that I just need to confirm with  
15 the planning commission before it goes forward, but  
16 just so you guys are all aware.

17 Did everyone receive it?

18 MR. HOLAHAN: I did, yeah.

19 MR. ARMSTRONG: I would start  
20 just taking a look through it so when it is  
21 recommended to this board for action, you know,  
22 you're acclimated with it. That's all I have.

23 MR. KERRICK: I read it  
24 yesterday for Easter. Just kidding.

25 MS. PICKARD: So we can move

1 this for --

2 MS. WENDI FREEMAN: Is that  
3 open for public review?

4 MR. ARMSTRONG: Right now it's  
5 a draft ordinance, it's not a public record until  
6 the board of supervisors actively authorizes it for  
7 advertisement for a public hearing. That's not to  
8 say that there may come a time before the authoriz  
9 -- for advertisement that they may provide it to  
10 the public for review, but as of this point in  
11 time, it's not a public document for purposes of  
12 that definition.

13 MS. WENDI FREEMAN: Thank you.

14 MS. PICKARD: So if we  
15 authorize that for advertising in May we would be  
16 able to take that up in June for our meeting? Is  
17 that 30 days or is that longer for that?

18 MR. ARMSTRONG: The  
19 Municipalities' Planning Code, there is a -- it's a  
20 30 day time clock. So if you would authorize it  
21 for advertisement in May, it would be up for a  
22 public hearing in June. If you'd authorize it in  
23 June, it would be up in July.

24 MR. KERRICK: What's our  
25 deadline?

1 MS. PICKARD: As long as we  
2 have the ordinance forwarded to DCED by the -- by  
3 June, I think we're okay.

4 MR. KERRICK: We don't have to  
5 vote on it at that point?

6 MS. PICKARD: No.

7 MR. KERRICK: Just --

8 MS. PICKARD: But it has to be  
9 pretty shortly after.

10 MR. ARMSTRONG: What I presume  
11 what will happen is when you do authorize it for  
12 advertisement for a public hearing, that letter  
13 with the public notice in the draft document will  
14 be copied to DCED, Monroe County, everyone that's  
15 involved in the process.

16 MR. KERRICK: Anything else?

17 MR. ARMSTRONG: That's all I  
18 have for now.

19 MR. KERRICK: Do we need an  
20 executive session afterwards?

21 MR. ARMSTRONG: No new  
22 litigation. Litigation is, since your work session  
23 last week, is pretty much the same. Nothing  
24 significant has changed.

25 MR. KERRICK: Okay. Thank you.

1                   Next item on our agenda, new  
2 business. Consider planning commission  
3 appointment.

4                   What's the board's pleasure?  
5 Joe Miller, he's been there for many years, has --  
6 his term has expired.

7                   What's the board's pleasure?

8                   I'm sorry?

9                   MS. LAMBERTON: Is he  
10 interested in continuing?

11                  MS. PICKARD: Yeah.

12                  MR. KERRICK: Yes.

13                  MS. LAMBERTON: I'd make the  
14 motion. Go ahead.

15                  MR. HOLAHAN: You want to make  
16 the motion?

17                  MS. LAMBERTON: I'll make a  
18 motion to have Joe reappointed.

19                  MR. HOLAHAN: I'll second that.

20                  MR. KERRICK: Motion on the  
21 floor and second to reappoint Joe Miller.

22                  Any discussion from the board?

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

25                  Call the vote. John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON. I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Next item on our agenda,  
9 consider line painting bids, Section B in your  
10 book. We had two bidders, Interstate Road  
11 Management and Alpha Space Control. As you can  
12 see, they're very close. Like tenth of a cent or  
13 something.

14 MS. PICKARD: This was for all  
15 four --

16 MR. KERRICK: Four  
17 municipalities. It was Tobyhanna Township, we were  
18 the bidder, and Coolbaugh piggy-backed, Tunkhannock  
19 and Mount Pocono Borough.

20 MS. LAMBERTON: Who was the --  
21 can I ask a question?

22 MR. KERRICK: Sure.

23 MS. LAMBERTON: Who was the  
24 company that had issues last year, they ran out of  
25 paint?

1 MR. KERRICK: They were from  
2 Maryland, but we've had --

3 MS. LAMBERTON: Neither one of  
4 these?

5 MR. KERRICK: In the past we've  
6 had some issues was Alpha. Our recommendation --  
7 Bob and my recommendation would be to Interstate,  
8 which is low bid.

9 MS. LAMBERTON: Perfect.

10 MR. HOLAHAN: Yeah.

11 MS. PICKARD: Just as an aside  
12 we did get --

13 MR. KERRICK: You reviewed the  
14 --

15 MR. ARMSTRONG: Yeah, they're  
16 the low --

17 MS. PICKARD: -- a bid in after  
18 the fact, which was not opened, that's available.  
19 That came a day after the bids were required to be  
20 in. I don't know who that was from.

21 MR. KERRICK: Do you just  
22 return it?

23 MS. PICKARD: I guess we return  
24 it. Margie has it op --

25 MR. ARMSTRONG: Oh, you had a



1 bidder submit something after the bid date?

2 MS. PICKARD: Yeah.

3 MR. KERRICK: Just send it  
4 back.

5 MR. ARMSTRONG: Just send it  
6 back.

7 MR. KERRICK: I'll entertain a  
8 motion.

9 MR. HOLAHAN: So moved.

10 MS. PICKARD: Okay. For --

11 MR. KERRICK: For Interstate

12 Line --

13 MR. HOLAHAN: For Interstate.

14 MR. KERRICK: -- Road

15 Management?

16 We have a motion. Do we have a  
17 second?

18 MS. LAMBERTON: I'll second.

19 MR. KERRICK: Questions or  
20 comments from the board on the motion?

21 Questions or comments from the  
22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

1 MS. LAMBERTON: I vote in  
2 favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in  
6 favor. Motion carried.

7 Consider Resolution 2012 dash  
8 009, price adjustment of bituminous material for  
9 small quantities. Basically that's the asphalt  
10 index as it goes up and down. We either get the  
11 reduction or -- not usually a reduction, usually an  
12 increase.

13 Do we have a motion to adopt  
14 Resolution 2012?

15 MS. PICKARD: I'll make a  
16 motion that we adopt Resolution 2012 dash 009.

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

19 MR. HOLAHAN: I'll second.

20 MR. KERRICK: We have a motion  
21 and second. Escalation, that's the word I was  
22 trying to think of.

23 MS. LAMBERTON: Escalation  
24 clause.

25 MR. KERRICK: Clause.

1 Questions or comments from the  
2 board?

3 Questions or comments from the  
4 public?

5 Call the vote. John?

6 MR. HOLAHAN: I vote in favor.

7 MR. KERRICK: Anne?

8 MS. LAMBERTON: I vote in  
9 favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

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

14 Next item on our agenda,  
15 consider quarry stone and road construction  
16 materials bid, Section D.

17 If you take a look at the top  
18 chart, we had four bidders. We had E.R. Linde  
19 Construction, Eureka Stone Quarry, Locust Ridge  
20 Quarry and Tarheel Quarry, LLC. After review, Bob  
21 and I have come to the conclusion that Locust Ridge  
22 would be the lower bidder. And at the bottom, all  
23 the way at the bottom you'll see the miles to the  
24 quarry, but we did -- we used a centroid of the  
25 four municipalities and I think we did that in

1 error. We should do the center of Tobyhanna  
2 Township, but it still would work out to Locust  
3 Ridge would be the closest.

4 MR. HOLAHAN: Yes.

5 MR. KERRICK: The only thing  
6 that we'd recommend is not to accept any of the  
7 antiskid bids, but really don't have to deal with  
8 Locust Ridge if we use those -- if we elect to  
9 award the bid to Locust Ridge.

10 MR. ARMSTRONG: Locust Ridge  
11 was the only one who bid on the bottom portion,  
12 right?

13 MR. KERRICK: Yeah. We don't  
14 have to do that separate. If you look at the  
15 bottom Locust Ridge bid on all the items on our  
16 list and also all the superpave items and the cold  
17 patch.

18 MR. HOLAHAN: Right.

19 MR. KERRICK: So I guess our  
20 recommendation would be to do the aggregate and the  
21 asphalt, award that to Locust Ridge.

22 MS. PICKARD: Less the --

23 MR. KERRICK: Less the  
24 antiskid.

25 MS. PICKARD: -- antiskid which

1 is --

2 MR. KERRICK: Type 2 antiskid.

3 MS. PICKARD: Is that fifty-six  
4 seven hundred?

5 MR. KERRICK: 56,700, correct.

6 And as far as the aggregate and the pave, I  
7 believe, Locust Ridge piggy-backed -- or gave us  
8 some quantities. I think Coolbaugh and Mount  
9 Pocono Borough just gave us numbers on line  
10 painting, if I'm correct. They still have the  
11 option to piggy-back if they'd like, but it's hard  
12 to --

13 MS. PICKARD: Say that again.

14 MR. KERRICK: I think  
15 Tunkhannock is the only one that gave us numbers  
16 for aggregate and asphalt.

17 MS. PICKARD: Oh, okay.

18 MR. KERRICK: As well as  
19 oiling --

20 MS. PICKARD: That makes it  
21 easier for the distance because they're way far,  
22 you know.

23 MR. KERRICK: But the way Pat  
24 explained it to me, it's our bid so we need to take  
25 the centroid of our township.

1 MS. PICKARD: We should have  
2 done the centroid for just Tunk and Toby for these  
3 items --

4 MR. KERRICK: Correct.

5 MS. PICKARD: -- because -- all  
6 right. If I subtract from the aggregate the  
7 fifty-six seven hundred, I'm coming up with  
8 forty-one nine twenty-seven.

9 MR. KERRICK: For the --

10 MS. PICKARD: For the ag --

11 MR. KERRICK: -- aggregate.

12 MS. PICKARD: -- aggregate and  
13 then we have the one thirty-eight six six six  
14 twenty-five.

15 MR. KERRICK: Is this a motion?

16 MS. PICKARD: Well, I'm going  
17 to get to that and then I'm going to ask Pat to --  
18 I'm getting that to be a total of one eighty-five  
19 ninety-three and seventy-five cents. I can recheck  
20 those figures. I don't how I can make the --

21 MR. ARMSTRONG: That would be

22 --

23 MS. PICKARD: -- motion we --

24 MR. ARMSTRONG: That would be  
25 for Locust Ridge for Item Nos. 1 through 8, plus 10

1 through 14?

2 MR. KERRICK: Correct.

3 MR. ARMSTRONG: So basically  
4 minus the PennDOT antiskid materials Type 2?

5 MR. KERRICK: Right.

6 MR. ARMSTRONG: Based upon the  
7 fact that they bid on all the material, plus the  
8 fact that they're closest to Tobyhanna Township?

9 MR. KERRICK: Correct.

10 MR. ARMSTRONG: Taking mileage  
11 and gas and all the above into consideration.

12 MR. KERRICK: Exactly.

13 MS. PICKARD: So I make that  
14 motion and then that total would be 180,593 and 75  
15 cents.

16 MR. HOLAHAN: I'll second.

17 MR. KERRICK: Heidi and John.  
18 Motion and second.

19 That motion okay, Pat?

20 MR. ARMSTRONG: Umm-hmm.

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

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

25 Call the vote. John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Anne?

3 MS. LAMBERTON: I vote in  
4 favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

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

9 Next item, Item E, consider  
10 Resolution 2012 dash 012 (sic), price adjustment  
11 for bituminous materials for small quantities,  
12 bituminous seal coat.

13 MS. PICKARD: I'll make --

14 MR. KERRICK: This will be the  
15 oil and chip versus the other one was your hot mix  
16 asphalt.

17 MS. PICKARD: I'll make a motion  
18 we approve 2012 dash 010.

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

21 MR. HOLAHAN: Yeah, I'll second  
22 it, John?

23 MR. KERRICK: Motion and  
24 second.

25 Questions or comments from the



1 board?

2 MS. PICKARD: Did we vote on  
3 the last one?

4 MR. KERRICK: Yeah, I think we  
5 voted on it.

6 MR. ARMSTRONG: On the price  
7 adjustment resolution?

8 MR. KERRICK: Questions or  
9 comments from the public?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

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

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in  
18 favor. Motion carried.

19 MS. PICKARD: We all voted on  
20 the stone quarry one?

21 MR. KERRICK: I think we did.

22 MS. LAMBERTON: Yeah, we did.

23 MR. KERRICK: Wow, easy.

24 MR. ARMSTRONG: If there's any  
25 confusion -- you know, my recollection is you made

1 a motion to award the bid to Locust Ridge Quarry  
2 based on the fact they bid on all the items  
3 requested by the township, combined with the fact  
4 that the -- you know, the gas and mileage  
5 difference between the quarries in play would add  
6 up to a lower cost to the township.

7 MR. KERRICK: Next item on our  
8 agenda, consider bituminous seal coat bids, Item F.  
9 Open your packet to F.

10 We had a bid from Pocono Spray  
11 Patching, Asphalt Maintenance Solution LLC; Midland  
12 Asphalt Materials Inc.; Dosch King, Inc.; Pennsy  
13 Supply, Inc.; and Wayco. The low bid was Dosch  
14 King, Inc. Tunk gave us some numbers for oil and  
15 chip, as well as ours.

16 MS. PICKARD: So your  
17 recommendation is?

18 MR. KERRICK: Recommendation  
19 would be Dosch King as low bid.

20 MS. PICKARD: I'll make that  
21 motion we approve the bid from Dosch King Company,  
22 Inc., in the amount of \$263,587.52 for bituminous  
23 seal coat.

24 MS. LAMBERTON: I'll second.

25 MR. KERRICK: Motion and

1 second.

2 Questions or comments from the  
3 board?

4 Questions or comments from the  
5 public on the motion?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in  
10 favor.

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

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

15 Next item on our agenda, 2012  
16 pool fees. Not all at once.

17 MS. PICKARD: I did some  
18 research. I had -- did a spreadsheet to send you  
19 on what our actual cost was for the fees. And I  
20 had put in here for where it would be with a 25  
21 percent increase and that's what we budgeted. We  
22 came in somewhat under budget last year, we may do  
23 that this year. With that, right now we do have an  
24 agreement and collected funding from the YMCA Camp.  
25 I do have five of the lifeguards that I asked to

1     come back.

2                     I compared our rates with Stroud  
3     Regional. They didn't do any increases this year.  
4     I looked at our rates and compared them. I can  
5     make another suggestion that we raise the seasonal  
6     family memberships up to 150 for Toby and 300 for a  
7     Tunk resident. The other thing that I found with  
8     dealing -- speaking with the Stroud Open Area was  
9     that they do limit their -- they have a definition  
10    of the family and they limit that to parents and/or  
11    adults, up to four children under eighteen living  
12    in the same household. I think that might not be a  
13    bad idea. They do a lot of that to bring  
14    grandparents and whatnot, but they do make any  
15    larger groups pay the individual rate as well.

16                    I don't know. I haven't spoke  
17    with YMCA, but I'm sure they've already advertised  
18    their camp. When we had our meeting last week, we  
19    had all discussed moving forward. It's my  
20    recommendation that with those changes I just  
21    suggested on the seasonal family rate, other than  
22    what's in your packet, that we adopt those rates.

23                    MR. KERRICK: I have a  
24    question. How many families did we have last year  
25    from Tobyhanna Township? You know I was going to

1 ask that, I'm sorry.

2 MS. PICKARD: I know and I had  
3 that. I was -- I just got back today and I don't  
4 have that packet of information. I can try to --

5 MR. KERRICK: My point is --  
6 does anybody want to go first?

7 MR. HOLAHAN: No. Go ahead.

8 MS. PICKARD: I thought Margie  
9 would have put it in here, but --

10 MR. KERRICK: Thanks. We don't  
11 have a huge amount of attendance at the pool. So  
12 it's a small portion of Tobyhanna Township that  
13 utilizes it, compared to all the taxpayers. I  
14 don't think -- if we're going to open it this year,  
15 I don't think that's enough of an increase.

16 MS. LAMBERTON: What does  
17 Stroud charge?

18 MR. KERRICK: I think if the  
19 people want to use it, unfortunately, it's a  
20 tremendous expense that we have to raise.

21 MS. LAMBERTON: What does  
22 Stroud charge?

23 MR. KERRICK: They don't charge  
24 much, but they have several pools and a lot more  
25 people.

1 MS. PICKARD: They have a  
2 single pool pass and a dual pass. So their single  
3 pass is a hundred dollars a family, their dual pass  
4 is a hundred and fifty. So I was looking at -- you  
5 know, looking at those to be consistent with their  
6 dual pass. It would be pretty much close, but by  
7 raising to 150 and 300 we're going up from 100 so  
8 it's like a 50 percent increase.

9 MR. KERRICK: I understand that.

10 MR. HOLAHAN: It's just not  
11 going to generate a heck of lot more revenue.

12 MR. PICKARD: If we raise it  
13 too much more, we're not going to get anybody to be  
14 able to afford, that's the other thing, if we tip  
15 the scale to --

16 MR. KERRICK: Is it fair to the  
17 other taxpayers to subsidize the thing for two  
18 people?

19 MS. PICKARD: We, you know, can  
20 --

21 MR. KERRICK: I mean, when  
22 times were different --

23 MS. PICKARD: I know that, but  
24 we did --

25 MR. KERRICK: I understand.

1 I'm trying to talk here.

2 MS. PICKARD: I'm a not opposed  
3 to whether we open or close it, but we did budget  
4 it. I already have kids that -- it's hard to find  
5 a job, that now think they're coming back and I had  
6 the YMCA that's advertising the camp and everything  
7 already. So it's hard at this stage of the game --

8 MR. KERRICK: Something could  
9 still break that you couldn't open the pool anyway.  
10 So that doesn't bother me, but --

11 MS. PICKARD: I understand  
12 that, I understand that.

13 MR. KERRICK: If you look at the  
14 numbers, you know, we took in say 13 versus 49.

15 MS. PICKARD: But there's no  
16 pool anywhere that really is going to --

17 MR. KERRICK: I know, but we  
18 are struggling to stay afloat.

19 MS. PICKARD: Okay.

20 MR. KERRICK: So I just think  
21 it's a discussion that we need to have here.

22 MS. PICKARD: I understand that  
23 and I wish we would have had it at budget time, but  
24 --

25 MR. KERRICK: We've been --

1 well, at budget time really --

2 MS. PICKARD: I thought when we  
3 talked earlier, you thought that we could limp  
4 through and that was our conversation.

5 MR. KERRICK: My point, I'm not  
6 saying to close the pool, I'm saying that we need  
7 to raise this more.

8 MS. PICKARD: Well, I think a  
9 50 percent increase --

10 MR. KERRICK: If they come,  
11 they come; if they don't, they don't.

12 MS. PICKARD: -- is pretty  
13 steep.

14 MR. KERRICK: I know it is, but  
15 look at the numbers what it cost to operate and  
16 what we take in.

17 MS. LAMBERTON: It should at  
18 least cover itself.

19 MR. KERRICK: It's never going  
20 to cover itself.

21 MR. HOLAHAN: Yeah, that's  
22 you're right.

23 MR. KERRICK: It's never going  
24 to cover itself.

25 MR. HOLAHAN: It's tripled



1 you'll have to quadruple.

2 MS. PICKARD: And just to --  
3 not to compare apples to oranges, but, you know,  
4 the baseball we don't get anything and we pay, you  
5 know, a good portion of the money to upkeep the  
6 park or to do the main lodge. And it's not that  
7 those things shouldn't be discussed, but we take in  
8 \$6,000 for the main lodge. I don't know if we  
9 cover the cleaning -- and barely the cleaning and  
10 electric, but the ball fields and the amount of  
11 time and extra help we've put in the summer to the  
12 parks don't have any revenue, basically. That's  
13 just something that local governments do to benefit  
14 the community.

15 MS. LAMBERTON: Oh, and I  
16 respect that. I think, how many kids play ball.

17 MS. PICKARD: I get that and I  
18 think that sufficient discussion needs to happen  
19 going forward.

20 MR. KERRICK: Look at what we  
21 spend on the open space at the Austin T. Blakeslee  
22 to maintain it. You know, it was supposed to be  
23 open space. Now we got a pavilion, we got garbage,  
24 you know, it just becomes more -- the monster  
25 becomes bigger that we have to take care of.

1 MS. LAMBERTON: I think it's  
2 unfortunate because we're taking less in that  
3 something's going to have to give.

4 MS. PICKARD: But I think at the  
5 end of the day it's, you know -- if we were --

6 MR. KERRICK: Two things we  
7 have to decide. A, are we going to open it and if  
8 we are, what are we going to charge? Then we move  
9 on.

10 MR. HOLAHAN: Well, what's an  
11 acceptable amount for -- what years past has it  
12 cost? There is going to be a cost to parks and  
13 recreation.

14 MR. KERRICK: I think -- it  
15 cost for the pool?

16 MR. HOLAHAN: Right.

17 MR. KERRICK: The membership  
18 was like \$75 for many years, wasn't it, Heidi?

19 MS. PICKARD: It was 40 when I  
20 first came.

21 MR. HOLAHAN: No, I'm sorry.  
22 What was the cost to -- I see from 2011 that it  
23 cost the township \$37,000 after revenues and  
24 expenses.

25 MS. PICKARD: It's been more. I

1 think we've really --

2 MR. KERRICK: It depends if you  
3 have any of the mechanical things fail, but last  
4 summer we had a warm summer. So if you look at the  
5 propane, I was way under budget on the propane.  
6 You know, that's an option --

7 MS. LAMBERTON: We also have  
8 the expense to --

9 MR. KERRICK: -- not that I  
10 want this on the record. This is an option, you  
11 can turn the heat down a little bit.

12 Don't put that on the record.

13 MS. PICKARD: The other thing is  
14 I have camp restoration down at the Life Church on  
15 Sullivan Road that's been calling me and I have --  
16 I keep missing her, thankfully, but I did call her  
17 today. She has 58 kids that she wants to bring up  
18 here and I told her it would be about \$3 a kid for  
19 each of their visits if they want to come, but I  
20 wasn't sure where we were at.

21 So I do have some of these  
22 groups that they have 58 kids and maybe she could  
23 split them up because that's a lot of kids. They  
24 usually -- we limit them from 11 to 1 or something,  
25 that would be like \$174 a pop. I don't know how

1 long their camp is, but if it's like six weeks and  
2 we did them once a week that would be another  
3 thousand dollars.

4 MR. HOLAHAN: Right. So  
5 instead of projecting a \$46,000 loss, it would be a  
6 \$45,000 loss.

7 MS. PICKARD: Well, and that's,  
8 you know -- like I said, if -- you know, that's  
9 what we have budgeted. Again, I don't know if  
10 it'll actually come in --

11 MR. KERRICK: A point well  
12 taken that Heidi had with the parks. And we do  
13 spend a lot of money on the ball fields, to upkeep  
14 those. And it kind of was expected, I guess, of  
15 municipalities to have some passive recreation for  
16 your residents, but with the times that we're in,  
17 we have to pick and choose. We need to do road  
18 work and if I knew that we had a stream there -- I  
19 mean, I've preached this for two years and we still  
20 don't have a funding source for the roads.

21 MS. LAMBERTON: I think it's  
22 going to get slimmer too.

23 MR. KERRICK: Well, there's a  
24 lot of variables that could come into play.

25 MS. PICKARD: Well, and one of

1 the things if we'd look at adjusting the budget  
2 down the road is -- that there is, you can have a  
3 millage for parks and rec. So that we could have  
4 two-thirds of a mill to cover this part of the  
5 budget and then free up that money, if we chose to  
6 raise taxes.

7 MR. KERRICK: The problem that  
8 I see by -- I know what I said here. People are  
9 struggling now to pay their taxes and then you  
10 raise the prices too much, they can't come.

11 MS. PICKARD: They can't come  
12 and then we'll have fewer people.

13 MR. KERRICK: It's like a  
14 double-edged sword here.

15 MR. HOLAHAN: If you raise  
16 taxes, then you're going to be assessing everybody  
17 to keep the pool open.

18 MS. PICKARD: Not for the pool,  
19 the pool and the parks.

20 MR. HOLAHAN: As a township  
21 those are some of the things we're supposed to be  
22 doing, is providing for the health, welfare and  
23 safety of our people. And if that includes -- does  
24 that include supplying a pool for them? Certainly  
25 recreation.

1 MR. KERRICK: When we started  
2 to -- prices started to skyrocket on operating  
3 these, we opened it up to Tunkhannock Township and  
4 we thought we would get a considerable amount of  
5 people from Tunkhannock and we really don't, do we?

6 MS. PICKARD: We get a few  
7 families, but we have some people that come on a  
8 daily rate basis, but not to the, you know --

9 MR. KERRICK: The pool doesn't  
10 --

11 MR. HOLAHAN: We're dealing in  
12 a little more unique situation in that all of our  
13 communities, they either have pools or lakes and  
14 then the beaches and things like that like. So  
15 there's -- I could see if we were some place where  
16 that wasn't available. There's no wonder that we  
17 don't get a lot of attendance if associations are  
18 providing that for their residents already. Why  
19 spend \$175 to come here when you can go to the lake  
20 at Locust or --

21 MS. PICKARD: Yeah, but we do  
22 get a lot Locust Lake residents and a lot of  
23 Greenwood Acres and a lot of Camelot and Wagner's  
24 residents that join the pool because they don't  
25 have the pool available. So -- and we do --

1 MR. KERRICK: Unfort --

2 MS. PICKARD: -- actually get  
3 some Lake Naomi people.

4 MR. KERRICK: In my opinion a  
5 lot more people could come, it's underused.

6 Don't you think, Heidi,  
7 seriously? You see it every day.

8 MS. PICKARD: On a hot day the  
9 place is packed.

10 MR. KERRICK: For an hour or so  
11 it's hot, on a hot day and then they're gone.

12 MS. PICKARD: We didn't have  
13 that very good summer last year.

14 MR. KERRICK: Some days there's  
15 hardly anybody there.

16 MS. PICKARD: We have increased  
17 because we had \$12,000, which was about 25 percent  
18 higher than we had the year before. We usually  
19 took in, you know, the last couple of years nine or  
20 ten.

21 MR. KERRICK: Let's make a  
22 decision. A, we open or close. Let's do that  
23 first.

24 What's everybody's pleasure?

25 MR. HOLAHAN: I'll make a

1 motion that we close the pool.

2 MR. KERRICK: Do we have a  
3 second?

4 MS. LAMBERTON: I'd have to  
5 second it.

6 MR. KERRICK: Motion and second  
7 on the floor.

8 Any discussion?

9 MR. HOLAHAN: That was a heck  
10 of a thing to have to do, but with compared to what  
11 our budget is -- the only other thing that I'm  
12 thinking of is we'd have to open the budget back  
13 open -- back up again and look at a tax increase.  
14 Where inner cap --

15 MS. PICKARD: We can't -- we  
16 can't have a tax increase.

17 MR. HOLAHAN: What would we  
18 get, an assessment for parks and rec?

19 MS. PICKARD: We can't do that  
20 this year --

21 MR. KERRICK: We can't do that  
22 midstream, we'd have to do that next year.

23 MS. PICKARD: -- the tax bills  
24 are out. We'd have to do it next year.

25 MR. HOLAHAN: We don't want to



1 do that. I don't have any other discussion.

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

4 MR. HOLAHAN: I have one other  
5 thing. When doing something like this, is this  
6 something that we should actually advertise ahead  
7 of time? I know we're running close here, but we  
8 don't have anybody here that would be -- that's  
9 going to be affected by this and if word got out --

10 MS. PICKARD: It's really too  
11 late to make a decision. If we say no now, we  
12 can't wait a month and then --

13 MR. HOLAHAN: Understood.

14 MS. PICKARD: -- move forward  
15 and have John get the pool ready and find  
16 lifeguards, because I have to tell everybody  
17 tomorrow to try to find another job.

18 MR. ARMSTRONG: Contracturally  
19 the employees --

20 MS. PICKARD: The YMCA and I  
21 signed an agreement and we took money. So we can  
22 refund the money, but I don't --

23 MR. ARMSTRONG: There's no  
24 contracts with the incoming employees. There is a  
25 memorandum of understanding with Tunk, but I

1 believe there's a provision in there that allows  
2 Tobyhanna Township to, you know, act as appropriate  
3 for Tobyhanna Township. Any monies collected to  
4 date would have to be returned to that end, if you  
5 guys decide to move forward with closing it this  
6 evening.

7 MR. KERRICK: What your point  
8 is, John, that you'd want to hear from the public a  
9 little more before you made this --

10 MR. HOLAHAN: Oh, I think we  
11 will, but just based --

12 MS. PICKARD: Oh, you will.

13 MR. HOLAHAN: -- on this --

14 MR. ARMSTRONG: There is -- you  
15 haven't really discussed it previously, but there  
16 is -- like you said, you can you assign a millage,  
17 a certain millage for park and rec, if you were to  
18 do that at the end of this year when that  
19 discussion comes up again. You could -- I'd have  
20 to look at the process. You may be able to pose  
21 that question and -- I don't now how serious you  
22 are about that possibility, but you can always go  
23 that route.

24 MS. LAMBERTON: We're looking  
25 at a substantial upgrade that's needed as well.

1 There's work that needs to be done on it. We've  
2 got ADA compliance that's going to be required. I  
3 mean, it's not even that we might want to do it, we  
4 have to do it. I mean, there's just other expenses  
5 on top of this, that's what I'm afraid of.

6 MR. HOLAHAN: Those expenses  
7 aren't figured in here?

8 MS. LAMBERTON: Correct.

9 MS. PICKARD: Well, there was  
10 room in the budget for the ADA -- for the lift  
11 and --

12 MR. HOLAHAN: And capital  
13 improvements?

14 MS. LAMBERTON: We don't how  
15 many --

16 MS. PICKARD: No. I had that  
17 in rec supplies, at that we were looking at. It  
18 wasn't that much.

19 MS. LAMBERTON: We don't have  
20 an amount of how many actual members out of all of  
21 the taxpayers.

22 MS. PICKARD: I can -- if you  
23 want to just break for a minute, I can try to  
24 locate that.

25 MS. LAMBERTON: I'd like to hear

1 that. We have 8,000 township residents and there's  
2 40 families that join.

3 MR. KERRICK: Why don't we --

4 MR. HOLAHAN: Can we come back  
5 to this?

6 MR. KERRICK: Well, there's a  
7 motion -- there's a motion and a second on the  
8 floor.

9 MS. PICKARD: Well, we can  
10 table the motion, do the rest and come back and I  
11 can --

12 MR. KERRICK: I can come back  
13 and we can -- I can continue on and then we can get  
14 the research and come back.

15 MR. HOLAHAN: Okay. Let's do  
16 that, we'll table it.

17 MR. KERRICK: So do I need a  
18 motion to table it?

19 MR. HOLAHAN: Motion to table  
20 my own motion.

21 MR. KERRICK: Well, you could  
22 rescind -- you could rescind your motion.

23 MR. ARMSTRONG: You could  
24 rescind and let it die and --

25 MR. KERRICK: Rescind your

1 motion, rescind your second, it could die.

2 MR. HOLAHAN: I'll do that.

3 MR. KERRICK: And then we'll  
4 start over.

5 So you're rescinding your  
6 motion, you rescind your second?

7 MS. LAMBERTON: Sure.

8 MR. KERRICK: We'll come back  
9 to that, table it.

10 Locust Lake Village fireworks.

11 Anyone here from Locust Lake?  
12 September 2, 2012. We just have to approve and  
13 then they get the permit at the time with the --

14 MS. PICKARD: They get the  
15 permit as soon as Phyllis and --

16 MR. KERRICK: Entertain a  
17 motion?

18 MR. HOLAHAN: So moved.

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

21 MS. PICKARD: I'll second it.

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

24 Questions or comments from the  
25 public?

1 Call the motion. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

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

10 Next item, Pocono Summit  
11 Volunteer Fire Company, June 22, 23, festival and  
12 parade.

13 MS. PICKARD: They're looking  
14 for a waiver for their permit fee and we've  
15 generally done that every year.

16 MR. KERRICK: Motion to approve  
17 the waiver?

18 MS. PICKARD: So moved. I make  
19 that motion.

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

22 MR. HOLAHAN: Second.

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

25 Questions or comments from the

1 public?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in  
6 favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

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

11 Next item, S.I.D.E. --

12 MS. PICKARD: Well, wait. We  
13 just -- they also want to have the parade and  
14 they're --

15 MR. KERRICK: It's not in  
16 Tobyhanna Township. It's not -- it has nothing to  
17 do with us.

18 MS. PICKARD: All right.

19 The parade is not in Tobyhanna  
20 Township, I'm sorry. Correct? They're talking  
21 about 940, that's all in Coolbaugh Township. They  
22 really need to go to Coolbaugh not to Toby.

23 MS. PICKARD: They go down  
24 Summit Avenue to Hummingbird Road?

25 MR. KERRICK: Only a portion of

1 that, only a small portion, which is our road, we  
2 don't have a problem with it. They need to do that  
3 for PennDOT --

4 MS. PICKARD: Okay. All right,  
5 but we're okay with --

6 MR. KERRICK: -- and that is  
7 not --

8 MS. PICKARD: But we're okay --

9 MR. KERRICK: -- with our  
10 portion.

11 MS. PICKARD: With our portion,  
12 okay.

13 MR. KERRICK: I'm sorry.

14 Next item, S.I.D.E. Corporation,  
15 KOZ property.

16 MS. PICKARD: I just wanted --  
17 I got this -- this came in today, but Mr. Sincavage  
18 had notified us that there was a reduction in the  
19 assessment from the '09 on our KOZ agreement,  
20 because they have moved the house to a location on  
21 Streams Edge where it's being assessed there at  
22 full rate. So he was asking for an amendment to  
23 the KOZ agreement to change the assessed value as  
24 it is currently, in the county, to the 2010 value,  
25 which is \$750,880. It was a \$39,000 change that



1 they just moved the house across the street.

2 MR. KERRICK: I'm a little  
3 upset that this came in at the last minute and was  
4 put on here.

5 MS. PICKARD: I know.

6 MR. KERRICK: And we didn't  
7 have Pat review it, we didn't have a chance to  
8 review it. I don't see why it can't wait till next  
9 month.

10 MS. PICKARD: Okay. Well, they  
11 had sent in and requested this a month ago and he  
12 just said he just changed it and --

13 MR. KERRICK: I never saw it a  
14 month ago.

15 MS. PICKARD: I spoke to -- it  
16 was copied.

17 MR. KERRICK: Did you guys see  
18 it a month ago?

19 MS. LAMBERTON: I saw it today  
20 for the first time.

21 MR. KERRICK: First time I  
22 heard it was tonight and we have a cut off date for  
23 our agenda and I'm just shocked.

24 MS. PICKARD: I had copied  
25 that. We talked about it, but I know. Well, I

1 just made a decision to put it on here. If not --  
2 because we didn't meet till May 14, but we can put  
3 it on the May agenda.

4 MR. KERRICK: From this day  
5 forward I'd like to review all agenda items before.  
6 I don't like surprises.

7 MS. PICKARD: That's fine, and  
8 I apologize because I was out of town.

9 MR. KERRICK: Wait till next  
10 month?

11 MS. PICKARD: We can put it on  
12 the May agenda.

13 MR. ARMSTRONG: Yeah, it's a  
14 decision for the board. You have an agreement with  
15 S.I.D.E. under that KOZ requiring to pay X amount  
16 for the next so many years and that X amount is  
17 based upon 2009 assessed value. It's -- you know,  
18 they received a decreased value because it's in the  
19 KOZ zone, but it looks like the value of that  
20 property decreased a little bit when they moved  
21 this building from the property.

22 So if the board is in favor in  
23 devising it, that's fine. If you want to wait  
24 until May, that's fine. It's a decision of the  
25 board.

1 MS. LAMBERTON: How many more  
2 years is that KOZ valid for even?

3 MR. ARMSTRONG: It's not  
4 anywhere near --

5 MS. PICKARD: I knew the answer  
6 for that, 2020, I think.

7 MS. LAMBERTON: Is it that  
8 long?

9 MS. PICKARD: Yeah.

10 MR. ARMSTRONG: They have some  
11 time left.

12 MS. PICKARD: Generally it was  
13 -- it locked in so that if they built the building  
14 for Arcadia, it wouldn't increase the value, but  
15 this was a weird thing where they moved the  
16 building to that --

17 MR. ARMSTRONG: It's a  
18 double-edged sword, it protects them, but it also  
19 protected the township in this case to a certain  
20 extent, but if you want to, you know, change the  
21 amount --

22 MS. PICKARD: We can put it on  
23 the May agenda, but I just wanted to give us, you  
24 know, the option if we wanted to --

25 MS. LAMBERTON: Let me ask a

1 question. In two years if it's reassessed again?

2 MR. ARMSTRONG: If it's  
3 reassessed and the value goes up, he's not going to  
4 come back to you and --

5 MS. LAMBERTON: If it goes  
6 down?

7 MR. ARMSTRONG: If it goes  
8 down, he may be back in front of you. I mean, it's  
9 a decision for the board. You have an agreement,  
10 the value is what it is, but you know, the board  
11 needs to --

12 MS. LAMBERTON: On the upside  
13 of this, you should also know, it's stated in here  
14 that they actually are paying more of a tax on the  
15 property that it's being moved to. So the  
16 township's actually doing okay.

17 MR. HOLAHAN: It's being moved  
18 out of the KOZ?

19 MS. LAMBERTON: Correct.

20 MS. PICKARD: We were only  
21 getting 25 --

22 MR. HOLAHAN: It's already been  
23 moved out of the KOZ.

24 MS. PICKARD: And we're only  
25 getting 25 percent when it was staying in. Now

1 it's moved and we're getting the full value --

2 MS. LAMBERTON: Taxation.

3 MS. PICKARD: -- of it outside  
4 of the KOZ.

5 MR. HOLAHAN: Okay. So it's 50  
6 mills from 38,000 assessed value in a month?

7 MS. LAMBERTON: You want that  
8 off the top of my head, John?

9 MS. PICKARD: The KOZ agreement  
10 is only getting 25 percent of that anyway.

11 MS. LAMBERTON: So it's not a  
12 terrible loss.

13 MR. ARMSTRONG: All that would  
14 need to be done if the board is --

15 MS. PICKARD: We'll put it on  
16 the May agenda.

17 MR. ARMSTRONG: If you want to  
18 move forward with that in that direction in May, we  
19 just do a quick addendum to that agreement saying  
20 that the new value is X.

21 MS. PICKARD: Do you want me to  
22 see if I can grab that?

23 MR. KERRICK: While you're  
24 doing that, does anyone from the public have any  
25 comment or questions for the board?

1 MR. ARMSTRONG: Seeing none,  
2 can you -- I'm second guessing myself. Can you  
3 read -- can you go back to when that motion was  
4 made to see -- to make sure that they voted on it?

5 (Discussion off the record.)

6 (Meeting recessed at 7:40 p.m.  
7 and resumed at 7:50 p.m.)

8 MS. PICKARD: These were the  
9 Tunkhannock's?

10 MR. KERRICK: You don't have to  
11 count those, do you?

12 MS. PICKARD: Well, I just want  
13 to see how many families they have.

14 MR. HOLAHAN: I'll make a  
15 motion that we do not reopen the pool this year.

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

18 MS. LAMBERTON: I will second  
19 that.

20 MR. KERRICK: Motion and  
21 second. Questions or comments?

22 MR. HOLAHAN: Now, is there --  
23 we got into this any further and we found out we  
24 could find some bread somewhere, we could elect to  
25 open it? I know that we're going to be sending --

1 we got to send notices out to people that are  
2 looking for it, but I'm just saying this is -- we  
3 could change our mind. Be cumbersome.

4 MR. ARMSTRONG: Yeah. Yeah,  
5 you could always change your mind. I think it's  
6 going to put a wrench in the system of the  
7 memberships and the YMCA and --

8 MS. PICKARD: It will be hard  
9 to find lifeguards and it will not be, you know,  
10 real feasible.

11 MR. HOLAHAN: I don't have any  
12 more --

13 MS. PICKARD: I have the camps  
14 that now I'm telling -- I have to cancel with YMCA,  
15 they're going to have to pull all their advertising  
16 and things that they've already done and gone  
17 forward in advertising price according to having  
18 the pool available. And then I have this other  
19 group that they'll be looking for someplace else  
20 to, you know -- she was asking me if you don't open  
21 it, where there were other alternatives then. And  
22 we've had Wee Ones and some of the other day cares  
23 also come in and bring groups.

24 MR. ARMSTRONG: The only thing  
25 I'll check with MOU with Tunkhannock, but I'm

1 positive there's a provision that gives Tobyhanna  
2 Township full reigns of whether or not it opens or  
3 not.

4 MR. KERRICK: Any other  
5 discussion?

6 MR. HOLAHAN: No.

7 MR. KERRICK: Donny's not going  
8 to make it. Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in favor.

12 MR. KERRICK: Heidi?

13 MS. PICKARD: I vote against.

14 MR. KERRICK: I vote against.

15 MS. PICKARD: Tell Donny to --

16 MR. KERRICK: He can't come.  
17 What do we do now? Vote again?

18 MR. ARMSTRONG: It's a tie  
19 vote.

20 MS. LAMBERTON: So no action to  
21 be taken.

22 MR. HOLAHAN: We move on from  
23 here then.

24 MS. PICKARD: Well, where do we  
25 move on to because I need to --



1 MR. HOLAHAN: There's no  
2 action.

3 MR. KERRICK: There's no  
4 action.

5 MR. HOLAHAN: Did we vote on  
6 raising the fees?

7 MR. KERRICK: No.

8 MR. HOLAHAN: Then we should  
9 vote on that.

10 Pat, if there's no action --

11 MR. ARMSTRONG: Two to two  
12 vote. There was no --

13 MR. HOLAHAN: We have not closed  
14 the pool at this point and we're not -- there's no  
15 action to be taken, so we're assuming that the  
16 pool's opening?

17 MR. ARMSTRONG: Correct.

18 MR. HOLAHAN: Right.

19 MR. ARMSTRONG: So if the pool  
20 is opening, if you want to raise the fees, you may  
21 want to have that discussion and make another  
22 motion.

23 MS. PICKARD: I think we --

24 MR. HOLAHAN: I'll make a motion  
25 that we raise the fees. And you have it by 25

1 percent?

2 MS. PICKARD: I did by 25, but  
3 I was also -- what I had in here, I was looking at  
4 increasing the seasonal memberships even more, to  
5 150 for a family and 300 for a Tunk family. And  
6 also limiting the family to be, you know, two  
7 adults and four children living in the same  
8 household under 18, children.

9 MR. HOLAHAN: Is there any  
10 thought that the price might be a deterrent? How  
11 about if we lower the price and then we get more  
12 people? We're having a sale. You don't like that  
13 idea?

14 MS. LAMBERTON: Keep your pool  
15 open, everybody's in.

16 MR. ARMSTRONG: Those who sign  
17 up on or before --

18 MR. HOLAHAN: A discount rate,  
19 sure, early bird special. Seriously, I think if  
20 the word got out that this came down to almost  
21 closing the pool because of budget --

22 MS. LAMBERTON: Lack of  
23 membership.

24 MR. HOLAHAN: -- and the number  
25 of people there, the people that really want it are

1 going to come out and maybe you'll see some more  
2 support on it.

3 MS. LAMBERTON: It's certainly  
4 worth an effort.

5 MR. HOLAHAN: So I would say  
6 that they don't -- Heidi, if you take a look at --  
7 you're thinking 150 and 300, 175 and 300?

8 MS. PICKARD: I was just --  
9 because John on the other hand was saying that the  
10 rates were too low, I had the 125 --

11 MR. KERRICK: I was trying to  
12 generate more revenue, but point well taken, that  
13 people maybe can't afford.

14 MS. PICKARD: Yeah. Well,  
15 that's --

16 MR. KERRICK: Is there any way  
17 that we cut some of these expenses down? We have  
18 bare minimum lifeguards now? We can't get rid of  
19 one lifeguard?

20 MS. PICKARD: I only have five  
21 coming back.

22 MR. KERRICK: This number here  
23 reflects more?

24 MS. PICKARD: Yeah, but I think  
25 last year we ended up closing the last week with

1 the holidays and we had some closed days because of  
2 weather. I think we had a rainy --

3 MR. KERRICK: We didn't open  
4 that last week because the weather was --

5 MS. PICKARD: The other thing  
6 we could do is, we could -- I know -- I think  
7 Emerald Lakes has their pool closed a couple days a  
8 week.

9 MS. LAMBERTON: We'll just use  
10 yours.

11 MR. HOLAHAN: On the days yours  
12 are closed we'll rent theirs.

13 MS. PICKARD: I talked to  
14 Stroud about subbing the whole thing out, but they  
15 said they didn't have enough money.

16 MR. KERRICK: So what are we  
17 doing? Fees stay the same or are going to raise?  
18 What was your motion?

19 MR. HOLAHAN: I would like to  
20 raise the fees, but offer a discount. The fees  
21 could remain the same if they're signed up by a  
22 certain date.

23 Do we have to work that stuff  
24 out?

25 MR. ARMSTRONG: That's

1 administrative. If you want to put it in your  
2 motion, you can or you could just leave a general  
3 and let Heidi and staff review --

4 MS. PICKARD: Early bird  
5 special on the 2011 rates.

6 MR. HOLAHAN: I don't think we  
7 should be doing board action on figuring out our  
8 fees. You all take care of that, you know, Heidi,  
9 the office and then let's -- so it's -- because  
10 it's not board action, then we could just come in  
11 and sit down and talk about fees and how to do  
12 that, correct?

13 MR. ARMSTRONG: Umm-hmm. Well,  
14 wait, wait, wait.

15 MS. PICKARD: I'm not sure I  
16 understand.

17 MR. HOLAHAN: Yeah, I would  
18 suggest that maybe you take a look and say, okay  
19 let's take a look at raising the fees, but what  
20 we'll do is -- if you could pick a date and say if  
21 you signed up by this date and give plenty of  
22 opportunity for people to be able to do that, take  
23 advantage of that, that they get it for the old  
24 rate; otherwise they'll have to pay the new  
25 increased fee.

1 MS. PICKARD: Leave it at that  
2 25 percent rate? At the 125, 250, what I had  
3 written on your paper?

4 MR. HOLAHAN: Right.

5 MR. ARMSTRONG: If they sign up  
6 by a certain date.

7 MR. HOLAHAN: Right.

8 MR. ARMSTRONG: If they don't,  
9 it'll go up however much.

10 MS. PICKARD: I thought you  
11 meant last year's rates? No?

12 MR. HOLAHAN: I'm sorry, last  
13 year's rate.

14 MS. PICKARD: Yeah. So you're  
15 saying leave it at last year's rate until like June  
16 10 or something?

17 MR. HOLAHAN: If they sign up  
18 by then; otherwise they pay --

19 MS. PICKARD: They sign up by  
20 that date, after that --

21 MR. HOLAHAN: -- a pretty good  
22 increase and I think we need to put it out there  
23 and let people know that this was --

24 MR. ARMSTRONG: Your next  
25 month's meeting is at the elementary school.

1 MS. PICKARD: We did that. We  
2 usually send fliers out, maybe we can bring fliers  
3 with us.

4 MR. HOLAHAN: Just make an  
5 announcement at that point then, that would work  
6 certainly.

7 MS. PICKARD: And Jeanine can  
8 help with that.

9 MS. JEANINE HOFBAUER: Do you  
10 know what deadline date you're thinking of? It  
11 would help --

12 MR. KERRICK: June 1.

13 MS. LAMBERTON: Memorial Day.

14 MR. KERRICK: I said June 1,  
15 same thing, Memorial Day.

16 MS. JEANINE HOFBAUER: Put in  
17 like a lock-in on last year's rates type of thing.

18 MS. LAMBERTON: Or like the  
19 Friday before so it doesn't affect the township  
20 being called --

21 MS. PICKARD: We usually didn't  
22 have signup dates until June. So we'd have to  
23 logistically figure that out and I don't think --

24 MR. KERRICK: Don't forget the  
25 kids get out of school the 7th or something versus

1 last year was the middle of --

2 MS. LAMBERTON: End of June.

3 MR. KERRICK: We didn't open  
4 till the end of June, the pool last year.

5 MR. HOLAHAN: We're just look  
6 for a call of action at this point so people will  
7 come and make their commitments if they're willing  
8 to do this or not. At least we'll some idea what  
9 we're going to have for the season.

10 MS. PICKARD: June 1 is a  
11 Friday.

12 MR. KERRICK: That's it, June 1.

13 MR. HOLAHAN: Okay.

14 MS. LAMBERTON: There you have  
15 it.

16 MS. PICKARD: Okay. When's the  
17 paper going to print?

18 MR. KERRICK: Anyone from the  
19 public have anything else?

20 MR. JEANINE HOFBAUER: I'll  
21 submit my --

22 MR. KERRICK: Yes, sir. Mr.  
23 Gill?

24 MR. GILBERT WERNER: Gilbert  
25 Werner, Emerald Lakes outgoing general manager.



1 The new general manger is here, Allen Roth, and I  
2 just wanted to comment about the pool. We've been  
3 involved with that problem. As I said earlier, we  
4 had our pool shut down three days, almost four  
5 days, the outdoor pool, last year because of cost.

6 I'll work with or -- Mr. Roth  
7 will work with the board to get a blurb out in our  
8 newsletter or an email blurb for that, to try to  
9 generate some of our people to use the township  
10 pool. I know last year some of the renters -- some  
11 of the homeowners that rent their house during the  
12 summer wouldn't quagmire because we had shut down  
13 the pool. So I'll certainly work with the board to  
14 get that word out to our non full-time residents  
15 that rent their property. Maybe that would help  
16 you.

17 MR. KERRICK: Thank you. Been  
18 a pleasure working with you.

19 MR. GILBERT WERNER: My  
20 pleasure.

21 MR. KERRICK: Anyone else?

22 MR. HOLAHAN: Did you all spend  
23 this much time talking about it or -- about the  
24 pool?

25 MR. GILBERT WERNER: More.

1 MS. LAMBERTON: Your homeowners  
2 pay for yours, absolutely.

3 MR. GILBERT WERNER: No  
4 additional fees.

5 MS. PICKARD: So you're closing  
6 yours three days --

7 MR. GILBERT WERNER: We've  
8 changed it this time. Mr. Roth is going to have it  
9 only closed two days, but it's still during the  
10 time that perhaps the people that rent their houses  
11 would be in that mix, so they would get involved.  
12 Last year we sent quite a few over.

13 MR. KERRICK: Thank you.  
14 Anything else from the board?  
15 We're adjourned.

16 (Meeting concluded at 8:05 p.m.)

17 ---

18

19

20

21

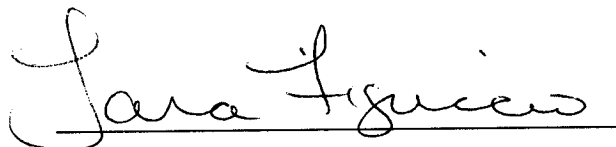
22

23

24

25


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



TARA FIGUCCIO, C.R.

**ORIGINAL**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**A G E N D A**  
**Board of Supervisors**  
**Regular Business Meeting**  
**June 11 2012**

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Announcements: Pool Opening June 15 2012  
Community Day July 14 2012  
PSVFC Festival and Parade June 22 and 23 2012  
TTVFC Carnival July 4 - 7 2012
4. Consider the Minutes of: May 14 2012 Regular Business Meeting
5. Consider the Treasurer's Report: \$417,978.87
6. Solicitor Report: Public Hearing -Official Map
7. New Business:
  - A. Consider adopting Official Map
  - B. Consider Moose Crossing Phasing Amendment
  - C. Consider Life Church request for waiver of Land Development
  - D. Consider Resolution 2012-011 Budget Adjustment
8. Public Questions and Comment

**ADJOURNMENT**

Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, June 11, 2012, beginning at 7:03 p.m.

---

PRESENT:

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

---

**ORIGINAL**

---

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

1 MR. KERRICK: Call the meeting  
2 to order of the board of supervisors June 11, 2012.  
3 Pledge of allegiance, please.

4 (Pledge of allegiance was  
5 recited.)

6 MR. KERRICK: First order of  
7 business, announcements.

8 MS. PICKARD: I have our  
9 tentative pool opening date as June 15. I think  
10 we're going to start filling it tomorrow and we're  
11 shooting for the 15th. Community Day is scheduled  
12 for Saturday, July 14. Pocono Summit Volunteer  
13 Fire Company Festival and Parade is June 22 and 23  
14 and the Tobyhanna Township Volunteer Firemen's  
15 Carnival will be in Blakeslee July 4 through the  
16 7th. That's all I have.

17 MR. KERRICK: That's all you  
18 have? Thank you.

19 Next item, consider the minutes  
20 of May 14, 2012, regular business meeting.

21 MS. PICKARD: I'll make a  
22 motion that we approve the May 14th minutes.

23 MR. MOYER: Second.

24 MR. KERRICK: Motion and  
25 second.

1 Questions or comments from the  
2 board?

3 Questions or comments from the  
4 public?

5 Call the vote. John?

6 MR. HOLAHAN: I vote in favor.

7 MR. KERRICK: Donny?

8 MR. MOYER: I vote in favor.

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

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

13 Next item on our agenda,  
14 consider the treasurer's report. Total amount for  
15 board approval is \$417,978.87.

16 MS. PICKARD: I make a motion  
17 that we approve the June 11, 2012 bill pack in the  
18 amount of \$417,978.87.

19 MR. HOLAHAN: John?

20 MR. KERRICK: Is that a second?

21 MR. HOLAHAN: Yeah, I'll  
22 second.

23 MR. KERRICK: Motion and  
24 second.

25 Questions or comments from the

1 board?

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

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

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

12 Next item, solicitor's report.

13 MR. ARMSTRONG: Thank you, Mr.  
14 Chairman. The one item under my report this  
15 evening is the public hearing for the official map.  
16 As the board may recall, the planning commission  
17 has previously recommended the adoption of the  
18 official map. The official map is up on the wall  
19 up there, it's dated June 2012. In addition with  
20 that official map, there's an ordinance for the  
21 township to consider adopting -- that would adopt  
22 that as the official map of Tobyhanna Township.

23 You authorized the advertisement  
24 of this public hearing to consider the official map  
25 ordinance, as well as the adoption of the official



1 map dated June 2012, prepared, actually, by Monroe  
2 County's Planning Commission. This has been  
3 advertised for a public hearing this evening. It  
4 was advertised in the Pocono Record on May 28 and  
5 June 4 of 2012 for a public hearing. The ordinance  
6 and the official map was available at the township,  
7 as well as the Pocono Record, as well as the Monroe  
8 County Law Library for public inspection.

9 The proposed ordinance and the  
10 official map was forwarded to all of the  
11 neighboring municipalities of Tobyhanna Township,  
12 as well as Monroe County, as well as the school  
13 district. We only received two responses -- two  
14 comment letters back in response to all of those  
15 forwarding of the ordinance and the map. One was  
16 from Mount Pocono Borough, they did not have any  
17 comments with respect to the proposed ordinance and  
18 official map. And the other one's from the Monroe  
19 County Planning Commission, they had some minor  
20 comments and they also recommended the township  
21 adopt the official map and ordinance.

22 One thing that had come up on  
23 the map is a property owner to the lake -- Pocono  
24 Lake Preserve identified inaccurate labeling on the  
25 official map as it was prepared. The Pocono Lake

1 Preserve since then has contacted and has been in  
2 discussions with Monroe County. Monroe County  
3 revised the map to correct those labelings on the  
4 map and that's why it's dated, actually, June 2012.

5 The ordinance was also minorly  
6 clarified with respect to the mislabeling of those  
7 areas on the map and it clarified the fact that the  
8 only land of interest or purposes of the official  
9 map are those designated reserve areas identified  
10 as potential conservation considerations, potential  
11 trail considerations or proposed trails and  
12 potential PennDOT improvements that are labeled on  
13 the key on the top right-hand corner of the  
14 official map.

15 With that being said, I think  
16 the board is well aware as to what this official  
17 map is proposing and the purpose of it. The  
18 purpose of it is to identify certain areas within  
19 the township that the township wanted to -- or  
20 wants to preserve -- potentially preserve down the  
21 road and acquire down the road. And what this  
22 proposed ordinance and the official map will do is,  
23 it sets a specific reserve time frame of six months  
24 for anyone owning that property.

25 If they wanted to build, put

1 improvements on those properties identified on the  
2 official map, they will have to notify the township  
3 and the township will then have a six-month time  
4 frame to decide whether or not the township does  
5 want to acquire those lands or if it does not. The  
6 official map and the proposed ordinance will be in  
7 effect for 25 years, unless you have one of those  
8 property owners notify you of their intent to do  
9 something on those identified lands and in that  
10 case the six-month time frame will start.

11 With that being said, this is a  
12 public hearing. At this time I think we can open  
13 up the public hearing.

14 Are there any questions or  
15 comments from the board at this time?

16 MR. KERRICK: What properties  
17 did we identify?

18 MR. HOLAHAN: Looks like just  
19 Minsi.

20 MS. PICKARD: Well, Camp Minsi.

21 MR. KERRICK: That was the only  
22 parcel we identified?

23 MS. PICKARD: The other side of  
24 the stream from the Blakeslee Natural Area were the  
25 potential considerations. The trail -- most of the

1 trail is running along 423 or it's in state  
2 gamelands. And then we had the asterisk where we  
3 had potential PennDOT improvements at those  
4 intersections.

5 MR. KERRICK: Where? Oh, okay.

6 MR. ARMSTRONG: I think the  
7 intent of the planning --

8 MS. HEIDI: On this lane, Stony  
9 Hollow, Caughbaugh, 115 and all our Blakeslee  
10 Corners and 940, 423. We also put one by the  
11 junction there on 940.

12 MR. HOLAHAN: Now, Pat, are we  
13 just putting this out there that we're going to  
14 forewarn people of the possibility that we may be  
15 interested in this property?

16 MR. ARMSTRONG: Yes. You're not  
17 -- yes, exactly. You're not -- this is not a  
18 taking of the property. It's an identification  
19 tool for the township to identify certain lands  
20 that you're interested in for purposes of the  
21 future. You're not taking any land by way of this  
22 map, you're just identifying it.

23 Like you said, it's a  
24 notification tool to property owners that if their  
25 properties are one of those properties identified

1 on that official map, that they should be aware  
2 that if they want to do anything with it, they're  
3 going to have to come to the township and notify  
4 you and give you the six-month time frame to decide  
5 whether or not you want to move forward with  
6 whatever the public services or public lands that,  
7 you know, foresee in the future doing on their  
8 property or if you don't, and that's the six-month  
9 time frame.

10 MS. PICKARD: Can we reduce  
11 that to three months?

12 MR. ARMSTRONG: You could or  
13 the way it's -- the state has a 12-month reserve  
14 time frame. The planning commission recommended six  
15 months and that's what's in the ordinance right  
16 now. You could have three months if you wanted,  
17 that would have to obviously be a revision to the  
18 ordinance, but the way it's written right now it's  
19 a six-month time frame.

20 And what that means is, if  
21 someone with one of those properties comes in and  
22 they want to put up a shed or they want to put up a  
23 structure on that property, they notify the  
24 township. Now, the township, if you know right off  
25 the bat, you can just say okay, go for it; or the

1 only time that six-month time frame is really going  
2 to come into play is if someone notifies you and  
3 the township really does want to move forward with  
4 taking that property because I don't foresee you  
5 holding someone up for the entire six months if  
6 there's no inclination of the board to move forward  
7 with taking that property.

8                   You can -- once notified you  
9 can, you know, unilaterally as a board say okay,  
10 we're not interested in taking your property, move  
11 forward with your permit or do whatever you want to  
12 do.

13                   MR. HOLAHAN:    Can this  
14 ordinance be changed afterwards?

15                   MR. ARMSTRONG:   Yes, yes. You  
16 can -- you can amend the ordinance you can amend  
17 the map.

18                   MR. HOLAHAN:    I guess one of my  
19 concerns is that it's not just this board, but  
20 future boards, but it doesn't seem like anything's  
21 really that firm that this couldn't get changed  
22 next year, the year after, two months.

23                   MS. PICKARD:    Another board  
24 could come in and do an official map themselves and  
25 make everything a potential -- if we --

1 MR. KERRICK: If we're not  
2 interested, then why are we even doing it?

3 MS. PICKARD: Well --

4 MR. KERRICK: We don't have the  
5 money.

6 MS. PICKARD: We don't have the  
7 money today, but this is in the future. The thing  
8 with the Camp Minsi was when we started this, that  
9 was when they had gotten the money for the dam from  
10 the state and they were in the process of entering  
11 a conservation easement with DCNR and the County  
12 Open Space Fund. And that seemed to have stalled  
13 right now, but that was all potentially working on  
14 an easement at that time.

15 MR. KERRICK: If we close the  
16 hearing, do we have to vote on it at this meeting?

17 MR. ARMSTRONG: It's been  
18 advertised for a public hearing this evening. If  
19 you don't act on it, you should either continue the  
20 hearing to another date or you're going to have to  
21 -- you're going to have to readvertise it for  
22 another public hearing, if the board wants to move  
23 forward.

24 MR. KERRICK: I think all the  
25 board members should be here personally, I think.

1 MS. PICKARD: If we wanted to  
2 change to lessen --

3 MR. KERRICK: That's only my  
4 opinion.

5 MS. PICKARD: If we wanted to  
6 lessen that time --

7 MR. ARMSTRONG: If you wanted  
8 to lessen the time --

9 MS. PICKARD: -- as being less  
10 restrictive, do we need to readvertise that?

11 MR. ARMSTRONG: If that's -- if  
12 you're going to lessen the time from six months to  
13 three months, I would -- I would recommend  
14 readvertising it for a new public -- public  
15 hearing. I mean, is it a substantive change,  
16 probably not, but with something like that I always  
17 suggest to readvertise it. If, you know, that's  
18 the -- you know, the will of the board.

19 MR. HOLAHAN: Well, have we had  
20 anybody other than the preserve make comment?

21 MS. PICKARD: No, just the  
22 county --

23 MR. MOYER: That was not even a  
24 comment so much as that is just something was  
25 labeled --



1 MS. PICKARD: That was a  
2 correction of a mistake from the county.

3 MR. MOYER: -- yeah, was  
4 labeled wrong.

5 MR. ARMSTRONG: Yeah, we only  
6 got -- out of all of the letters we sent to the  
7 neighboring municipalities, we only got one back  
8 from Mount Pocono Borough and the other one was  
9 from the county planning commission.

10 MS. PICKARD: Did you want to  
11 continue this to July?

12 MR. KERRICK: I just -- it  
13 would be nice if all of us were here --

14 MS. PICKARD: That's what I'm  
15 saying.

16 MR. KERRICK: -- but it's up to  
17 everyone else.

18 MR. MOYER: Yeah, we can wait  
19 for Annie. I mean, we can keep the hearing open,  
20 right?

21 MR. ARMSTRONG: Yeah. What I  
22 would suggest is to continue the hearing. If  
23 that's what you guys want to do, you would continue  
24 the public hearing until -- set it on the record  
25 the date and the time when your July meeting would

1 be and that's when the continued hearing would be.

2 MR. HOLAHAN: Make that in form  
3 of a motion?

4 MR. ARMSTRONG: Yes. Yes, and  
5 if you're going to do that, I would suggest  
6 deciding tonight if you want to decrease it from  
7 six months to three months.

8 MR. HOLAHAN: Then I'll make a  
9 motion that we continue the hearing to next month  
10 decreasing the time from six months to three  
11 months.

12 MR. ARMSTRONG: What was the  
13 date and time?

14 MS. PICKARD: July 9, 7 p.m.

15 MR. HOLAHAN: Okay.

16 MS. PICKARD: So if that was his  
17 motion, I'll second that.

18 MR. KERRICK: Motion and second  
19 on the floor.

20 Questions or comments from the  
21 board?

22 Questions or comments from the  
23 public?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll vote in  
6 favor. Motion carried.

7 Anything else, Pat?

8 MR. ARMSTRONG: The only other  
9 thing I have, it's not under my report, but as  
10 you're aware the planning comission recommended the  
11 zoning ordinance. I believe you have scheduled a  
12 special meeting for next week, the 19th --

13 MS. PICKARD: At 5:30.

14 MR. ARMSTRONG: -- at 5:30. Do  
15 you want to wait to start discussing the zoning  
16 ordinance till next week or do you want to -- I  
17 mean, that's up to the board.

18 MR. HOLAHAN: I prefer to wait.

19 MR. ARMSTRONG: Everyone else?

20 MR. KERRICK: I just have one  
21 question on that.

22 Do we want to take sections?  
23 Heidi had suggested that maybe we each take a  
24 section or sections and go through that and then  
25 report back before the 19th so we're a little more

1 organized.

2 MR. HOLAHAN: Agreed.

3 MR. KERRICK: Do -- how do you  
4 want to do that?

5 MS. PICKARD: I was talking to  
6 Pat that Section 4 and Section 8 are the meat about  
7 what's allowed in each district.

8 MR. KERRICK: So we should just  
9 --

10 MS. PICKARD: It seems like we  
11 should start --

12 MR. KERRICK: -- we should all  
13 go through four and eight?

14 MR. HOLAHAN: Yeah.

15 MR. KERRICK: Or do you want  
16 someone else to go through other sections?

17 MS. PICKARD: Eight is the  
18 specific uses that --

19 MR. HOLAHAN: Is going to be  
20 the most cumbersome?

21 MR. ARMSTRONG: The most detail  
22 oriented section, yeah. What the specific uses  
23 section is, is they'll give you a specific use and  
24 then they'll set forth the specific requirements or  
25 regulations that they have to comply with.

1 MR. HOLAHAN: Do we have  
2 homework then?

3 MS. PICKARD: Yes.

4 MR. KERRICK: Yes.

5 MS. PICKARD: Chapter 4 will be  
6 just the uses in each district and whether it's  
7 special exception or conditional use, setback --

8 MR. ARMSTRONG: Just one other  
9 item is, the planning commission also on Thursday  
10 night made another recommendation to this board for  
11 the SALDO. They did push it on to you subject to a  
12 couple revisions that I have to get with Bob McHale  
13 on, the township engineer, with regard to roads.  
14 Once I do that, I'll forward that document on to  
15 you as well for consideration. I'm assuming you  
16 don't want to tackle that on the same night that  
17 you do the zoning?

18 MS. PICKARD: No.

19 MR. ARMSTRONG: So just an FYI,  
20 it is coming down the pike.

21 MR. KERRICK: How did they --  
22 did they talk at all about roads?

23 MR. ARMSTRONG: Briefly what  
24 Bob and I are going to talk about is a way to  
25 incorporate the PennDOT and AASHTO standards into

1 your ordinance.

2 MR. KERRICK: That's fine, but  
3 there's some small -- it was a real tiny  
4 subdivision where some of us break into two or  
5 three lots. That would get quite expensive for  
6 someone to put -- you know, I mean, we have to be  
7 careful what -- I feel we have to be careful what  
8 we do --

9 MR. ARMSTRONG: That's why --

10 MR. KERRICK: -- and I know  
11 we're probably not prepared to talk about it  
12 tonight, but I didn't want to see it turn into a  
13 PennDOT 408 huge highway for two lots.

14 MR. ARMSTRONG: I'm not -- I'm  
15 not the one to talk -- it's Bob.

16 MR. KERRICK: Should we do that  
17 at our work session then?

18 MR. ARMSTRONG: Bob explained  
19 it to the PC that -- it's too bad Anne isn't here,  
20 but Bob explained it to the PC that it might  
21 actually work to the benefit of the applicant at  
22 certain situations, but I'm not -- I wouldn't -- I  
23 wouldn't -- I'm not versed -- well versed in  
24 PennDOT publications for roadway standards and  
25 subbases and where -- that's Bob. And I'm hoping

1 when this board considers the SALDO, that Bob's  
2 able to -- maybe it'll be in a work session that  
3 we'll be able to do it, I'm not sure.

4 MS. PICKARD: I think Bob and  
5 Phyllis were --

6 MR. KERRICK: Let's make it in  
7 the work session.

8 MR. ARMSTRONG: That's up to  
9 the board.

10 MS. PICKARD: Yeah.

11 MR. KERRICK: Okay?

12 MS. PICKARD: They did ask Bob  
13 and Phyllis to come on the 19th, unless you don't  
14 want them there?

15 MR. KERRICK: No, why wouldn't  
16 I want them there?

17 MR. ARMSTRONG: But that was --

18 MR. KERRICK: At our next work  
19 session we'll talk about the SALDO?

20 MS. PICKARD: I think it's July  
21 2.

22 MR. ARMSTRONG: That was a  
23 specific concern of the planning comission as well.  
24 That's all I have for my report this evening.

25 Thank you, Mr. Chairman.

1 MR. KERRICK: Thank you.

2 Next item, new business.

3 Official map is off. Consider Moose Crossing  
4 phasing amendment.

5 MR. HENRY GEARHART: Hi, my  
6 name is Henry Gearhart. It's H-E-N-R-Y  
7 G-E-A-R-H-A-R-T. I'm requesting amendment to the  
8 phasing schedule for the land development plan,  
9 Phase 3 of Gearhart Properties and Moose Crossing.  
10 I would like to extend the anticipated date of  
11 completion from June 30, 2012 to June 30, 2014.

12 Phase 3 is the relocation of the  
13 temporary office, office and retail space, one  
14 residential apartment, install 17 parking spaces,  
15 completion of basement too, and install the  
16 remaining wearing course. Also before the drainage  
17 plan was approved as part of the land development  
18 plan, the drainage plan shall remain valid until  
19 June 30, 2014.

20 Upon approval, we agree that we  
21 will record the amendment in the Recorder's Office  
22 of Monroe County and bring a copy of the recording  
23 receipt to the township. And this is strictly  
24 based on the economy, is the reason why I'm asking  
25 for this extension on it.



1 MR. KERRICK: Do we have a  
2 motion?

3 MR. HOLAHAN: I'll make the  
4 motion that we approve the extension for Moose  
5 Crossings.

6 MR. KERRICK: Do we have  
7 second?

8 MR. MOYER: Second.

9 MR. KERRICK: Questions or  
10 comments from the board?

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

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

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

21 MR. HENRY GEARHART: Thank you  
22 very much.

23 MR. KERRICK: Thank you. Good  
24 luck.

25 MR. ARMSTRONG: Mr. Gearhart?

1 MR. HENRY GEARHART: Yes.

2 MR. ARMSTRONG: You'll be --  
3 once the board executes this, you'll be recording  
4 that like you've done the other extensions?

5 MR. HENRY GEARHART: That's why  
6 it's -- yep. Absolutely.

7 MR. ARMSTRONG: You'll send the  
8 township copies of that recorded document?

9 MR. HENRY GEARHART: Right. I  
10 think that you have the letter that I already  
11 signed, had notarized. That should be in your  
12 possession. Once you sign that and I get that, I  
13 will take it to the recorder's, come back with the  
14 receipt and give it to you. Okay?

15 MR. ARMSTRONG: Thank you.

16 MR. KERRICK: Thank you.

17 MR. HENRY GEARHART: Thank you.

18 MR. KERRICK: Next item on our  
19 agenda, consider Life Church request for waiver of  
20 land development.

21 Is anyone here from Life Church?

22 No?

23 Pretty self-explanatory?

24 MS. PICKARD: That was the --

25 MR. KERRICK: Pavilion?

1 MS. PICKARD: -- pavilion.

2 MR. KERRICK: We talked about  
3 it earlier?

4 MS. PICKARD: Yeah. It's on  
5 the existing asphalt.

6 MR. KERRICK: What's the  
7 board's pleasure?

8 MS. PICKARD: I'll make a motion  
9 that we waive the land development plan for Life  
10 Church for the installation of a 24 by 34 foot  
11 steel frame pavilion on their existing asphalt  
12 court.

13 MR. KERRICK: Motion. Do we  
14 have a second?

15 MR. MOYER: Second.

16 MR. KERRICK: There's no fees  
17 involved with that?

18 MS. PICKARD: No.

19 MR. KERRICK: Motion and  
20 second.

21 Questions or comments from the  
22 board?

23 Questions or comments from the  
24 public?

25 Call the vote. John?

1 MR. HOLAHAN: I vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Next item on our agenda,  
9 consider Resolution 2012 dash 00 -- or 011, excuse  
10 me, budget adjustment.

11 Heidi, you want to issue that  
12 one?

13 MS. PICKARD: I had two items on  
14 -- that we were increasing our budget. One was for  
15 the 140,000, which is the estimate of what we're  
16 receiving from FEMA for the Lee and Irene events.  
17 And also -- and we're putting that to road  
18 construction and reconstruction and the  
19 twenty-three two eighty-one, eighty-eight, which is  
20 for the insurance proceeds for the traffic pole at  
21 4 -- Route 423 and 940, which is going to the  
22 traffic signal repair. We're just increasing the  
23 revenue and expenditures for those two accounts.

24 I make a motion that we approve  
25 Resolution 2012 dash 011.

1 MR. KERRICK: We have a motion.  
2 Do we have a second?

3 MR. HOLAHAN: I'll second.

4 MR. KERRICK: Motion and  
5 second.

6 Questions or comments from the  
7 board?

8 Question --

9 Do you have a question?

10 MR. MOYER: Uh-uh.

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

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

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

21 Do you have anything else? No?  
22 Does anyone from the board have  
23 any --

24 Anything you'd like to discuss?

25 MR. MOYER: I don't.

1 MR. KERRICK: This time we'll  
2 open it to the public for comment or question.

3 Anyone? You look like you're  
4 getting ready.

5 MR. HOLAHAN: Your pencil came  
6 out.

7 MR. KERRICK: Pencil came out  
8 of your mouth. Nothing?

9 FEMALE VOICE: I'm good. Thank  
10 you.

11 MR. KERRICK: Anyone?  
12 I guess we're ready for  
13 adjournment.

14 MS. PICKARD: Well, a couple of  
15 minutes early.

16 MR. KERRICK: You want me to  
17 wait?

18 MS. PICKARD: No.  
19 Thank you for attending. We're  
20 adjourned.

21 (Meeting concluded at 7:25 p.m.)

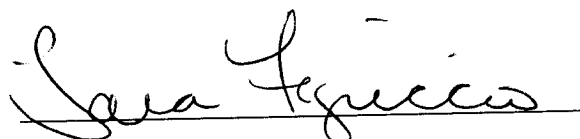
22 ---

23

24

25

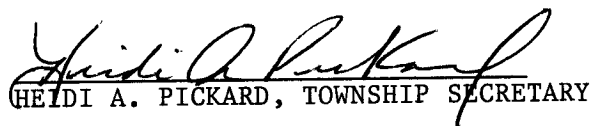
I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the notes taken by me at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.



TARA FIGUCCIO, C.R.

**ORIGINAL**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**AGENDA  
BOARD OF SUPERVISORS  
Work Session  
June 4 2012**

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Secretary Report:
4. Solicitor Report: Official Map
5. DPW Report and Sewer Report:
6. Engineering Report:
7. Sewer Enforcement Officer Report:
8. Zoning Officer Report:
9. Committee Reports: PMREMS/PMRPC/Open Space/  
CMTPTT Regional Comprehensive Plan
10. New Business:  
  
Henning Property defacto subdivision created when PennDOT ran Route 940  
through the property  
  
Pocono River Otters discussion-installing a bubble over the pool  
  
Draft of June 11 2012 Regular Business Meeting Agenda  
  
Zoning Ordinance Review



**Tobyhanna Township Board of Supervisors**  
**June 4, 2012**  
**Work Session Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 3:30 p.m. on June 4, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Donald J. Moyer	Member
	Patrick Armstrong	Township Solicitor
	Robert McHale	Township Engineer
	Phyllis Haase	Township Zoning Officer

The meeting was called to order at 3:30 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

**Secretary Report**

Discuss the possible donation of a soccer goal by the Knights of Columbus, waiting for additional information.

Discuss the Police MMO for 2011, Board agreed to pay the balance MMO from Twp. funds due to the increase in State Aid received last year.

**Solicitor Report**

Discussed pending changes to the Official Map to correct private landowners (Pocono Lake Preserve) private easement with the Wildlands Conservancy. George Basilla to prepare a corrected map. Also added the definition of "designated reserve area" within the Ordinance to clarify the potential conservation and traffic considerations listed on the map.

**DPW Report and Sewer Report**

No action taken.

**Engineering Report**

Provided BOS with new gas log for underground storage tanks

Advised BOS of Arcadia's request to correct their Wetland Crossing profile to reduce their total fill and gabion wall height by approx. three feet. The Board was in agreement with Bob's recommendation to adjust.

Discussed the 423/940 traffic signal replacement to be completed by Telco @ the estimated cost of \$18,140.

## **Sewage Enforcement Officer Report**

No Report.

## **Zoning Officer Report**

Zoning Ordinance Review – See below

## **Committee Reports**

*PMREMS* – None.

*PMRPC* – None

*Open Space* – None

*BNA Report* – None

*CMTPTT Regional Comprehensive Plan* – None

**Clymer Library** – was in attendance and discussed some repair/maintenance items including basement moisture and tree removal to be discussed further with the Director of DPW.

## **New Business**

1. Terry Martin discussed the Henning Property defacto subdivision created when PA DOT ran Route 940 through the property and provided the condemnation documents from PA Dot and previous conveyances.
2. The Pocono River Otters discussed with the BOS the possibility of installing a bubble over the pool and allowing the pool to run year round. They will follow up with more specific cost analysis and business plan and bring back to the Board.
3. The BOS approved the draft agenda for Monday, June 11, 2012 Regular Business Mtg.
4. The Board will schedule a special work session meeting to review the proposed zoning ordinance.


## **Public Comment**

None.

## **Adjournment**

Chairman Kerrick adjourned the meeting at 5:30 p.m.

**Respectfully submitted:**

  
HEDI A. PICKARD, TOWNSHIP SECRETARY

**AGENDA  
BOARD OF SUPERVISORS  
Work Session  
July 2 2012**

1. Call Meeting to Order: John E. Kerrick, Chair
2. Pledge of Allegiance
3. Secretary Report:
4. Solicitor Report: Official Map
5. DPW Report and Sewer Report:
6. Engineering Report:
7. Sewer Enforcement Officer Report:
8. Zoning Officer Report:
9. Committee Reports: PMREMS/PMRPC/Open Space/  
CMTPTT Regional Comprehensive Plan
10. New Business:
  - TTVFC Carnival-request waiver of permit fee
  - Draft of July 9 2012 Regular Business Meeting Agenda (note: this meeting was cancelled)
  - Arcadia Fair Share Contribution-537 Plan
  - Zoning Ordinance Review
  - Consider Resolution 2012-012 Disposition of specific records
  - Consider Lot Joinder - Rachel & Sophia Tarantul, Lots 37 & 38 Pueblo Place,  
Arrowhead Lake

**Tobyhanna Township Board of Supervisors**  
**July 2, 2012**  
**Work Session Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 3:30 p.m. on July 2, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member
	Anne M. Lamberton	Member
	Donald J. Moyer	Member
	Patrick Armstrong	Township Solicitor
	Robert McHale	Township Engineer
	Phyllis Haase	Township Zoning Officer

The meeting was called to order at 3:30 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

**Secretary Report**

Announced the dates for the TTVFC Carnival @ the Blakeslee Village Plaza July 4-7, 2012

Announced/Reminder of Community Day to be held @ Blanche Price Park on July 14, 2012 from 2-7 PM

The Draft Zoning Ordinance, SALDO and Official Map Ordinances were forwarded to DCED as per Grant Agreement closed June 30, 2012.

**Solicitor Report**

The public hearing for the Official Map Ordinance was rescheduled for the Board's August 13, 2012 meeting.

**DPW and Engineer's Report**

Bridge Inspection Report was received from PennDOT for Old Route 940. The Township should receive the report for Millers Drive Bridge next week.

Ann Lamberton will record the Centani Drainage Easement Agreement which is now fully executed.

Bob McHale discussed the receipt of a Model Flood Plain Ordinance from Kalie @ DCED, and will discuss the ordinance with Trish Attardo from MCCC with whom we've been working on amending our Chapter 77 stand alone ordinance.

John Kerrick brought up getting a revised proposal from RKR Hess for the 537 Plan.

John Kerrick advised the Board that the Tar and Chip bid was delayed until August which would be preferable. Wendy Freeman from the Lake Naomi Club had expressed that they would be happier if it was done after Labor Day.

### **Sewage Enforcement Officer Report**

No Report.

### **Zoning Officer Report**

Zoning Ordinance Review – See below

### **Committee Reports**

***PMREMS*** – Scott Topping has been hired as the new Managing Director

***PMRPC*** – None

***Open Space*** – None

***BNA Report*** – None

***CMTPTT Regional Comprehensive Plan*** – SMS Grant closeout to be completed by the end of July, Heidi A. Pickard is working with Carson Helfrich to get the requisite information from the other municipalities.

### **New Business-Work Session Items:**

1. TTFVC submitted a waiver request for their bazaar permit fee. Motion by Pickard, Second by John Holahan, to waive the permit fee. Motion approved unanimously.
2. Arcadia Fair Contribution – Bob McHale spoke with Melissa Maupin from PennDOT regarding contribution and new electronic “e-permitting” requirements which go into effect on July 11, 2012. The Board discussed and recommended the amount of the fair share contribution to the intersection of 115/940 to be \$50,000. As per recommendation by John Kerrick, not to require payment of contribution until time of construction when the building permits from the Township are pulled. Letter from Solicitor to be sent to Arcadia’s attorney. Motion subject to the execution of the pending agreements for Drainage and Traffic Signal of which the Township is permittee. Motion made by Anne Lamberton, Seconded by Heidi A. Pickard. Motion passed unanimously.
3. The Board decided to cancel their July 9, 2012 Regular Business Meeting and August 6, 2012 Work Session and reschedule the Official Map Ordinance continuance Hearing for their August 13, 2012 Regular Meeting/Work Session to be held at 3:30 PM

### **Regular Business Meeting Items:**

- A. Official Map to be rescheduled and advertised for Monday, August 13<sup>th</sup> @ 3:30 PM.
- B. Consider Resolution 2012-012 Disposition of specific records. Motion by Heidi A. Pickard, Seconded by Donald Moyer, to approve Resolution 2012-012. Motion approved unanimously.
- C. Consider Lot Joinder – Rachel & Sophia Tarantul, Lots 37 & 38 Pueblo Place, Arrowhead Lake. Motion by Heidi A. Pickard, Second by John Holahan, to approve the lot joinder application. Motion approved unanimously.


- D. The Board discussed and revised the Zoning Ordinance, Articles XI, XII & XIV. The Board will schedule a future meeting to complete its review of the Parking and SALDO provisions.

**Public Comment**

None.

The meeting was adjourned at 5:50 PM.

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

**Tobyhanna Township Board of Supervisors  
September 4, 2012  
Work Session & Regular Business Meeting Minutes**

The work session of the Tobyhanna Township Board of Supervisors was held at 3:30 p.m. on September 4, 2012 at the Tobyhanna Township Government Center, Pocono Pines, PA.

Present:	John E. Kerrick	Chair
	Heidi A. Pickard	Vice Chair
	John J. Holahan III	Member – arrived 4:12 pm
	Anne M. Lamberton	Member
	Patrick Armstrong	Township Solicitor
	Robert McHale	Township Engineer
	Phyllis Haase	Township Zoning Officer
	John Brogan	Sewage Enforcement Officer

The meeting was called to order at 3:45 p.m. by Mr. John Kerrick with the Pledge of Allegiance.

Introduction of New Managing Director – Pocono Mountain Regional EMS: Scott Topping, the new Managing Director of the Regional EMS presented Tobyhanna Township statistics and the benefits of the subscription program to the residents at an annual donation of \$65.00.

**Public Comment**

Barb Hijazi, of Lake Naomi, presented her concerns and suggestions for safety improvements at Miller Drive and Tanglewood. Discussions included visual enhancements, clearing the site triangle of vegetation in the ROW, and reflectors. She also raised concerns regarding the handling of debris removed from roadways in several areas including Red Spruce, Redwood Terrace and Clear Pond which will be handled by the Director of DPW.

**Secretary Report**

Supervisor Pickard announced the dates for Township Cleanup to be held at the Sullivan Trail Transfer Station from October 6-13, 2012. Detailed information will be posted at the Township office and on the Township website.

**Committee Reports**

***PMREMS*** – There will be a Chinese Auction on November 3, 2012; Paradise Township donated Toughbooks; and, Locust Lakes Village donated \$1,249 from their Chinese Auction.

***PMRPC*** – The Regional Police Foundation Golf Tournament will be at Wild Pines the weekend of September 8<sup>th</sup> and 9<sup>th</sup>.

***Open Space/ BNA Report*** – There was a Maintenance Report for July/August presented by the Open Space Committee.

***CMTPTT Regional Comprehensive Plan*** – None.

### **Solicitor Report**

The Solicitor reminded the Board that they need to review and consider the proposed rezoning ordinance at their regular business meeting.

### **DPW and Engineer's Report**

The Township Engineer distributed the DPW/Engineer Projects Report (updated 9/4/12) and reported on the updated items. The Township Engineer also updated the Board regarding the August Fuel Inventory report and recommended looking into new software to help accommodate new regulations and reporting requirements. The Engineer also provided the Board with information regarding recent certifications for underground storage tanks obtained by himself and John Kerrick to meet new requirements.

### **Sewage Enforcement Officer Report**

No Report.

### **Zoning Officer Report**

The Zoning Officer provided an Emergency Operation Plan Update including needed revisions to the Dam plans and the need to advertise/solicit for those having special needs during and emergency (i.e. language barriers, physical disabilities, etc.).

The Zoning Officer presented information for the Zoning change request from the Zaremba Group.

### **New Business-Work Session Items:**

1. Pinecrest Phasing Schedule- The Board determined that the phasing schedule amendment received from Pinecrest Development Corporation shall fall under the Permit Extension Act and therefore the prior phasing schedule from 2010 would control subject to the Permit Extension Act. A letter will be sent to Pinecrest to inform them that the 2010 Phasing Schedule will remain in effect subject to those provisions of the Act.

### **Regular Business Meeting:**

### **Treasurer's Report:**

**Motion made by Heidi Pickard and seconded by John Holahan to approve the September 4, 2012 bill pack totaling \$297,556.41. Motion passed unanimously.**

### **Solicitor's Report:**

The Township Solicitor announced there would be an executive session at the end of the meeting to discuss litigation matters.

The Board discussed the proposed transfer of the Clymer Library Building and real property to the Clymer Library at the price of \$1.00 with the condition that it remain a public library.

**Motion made by John Holahan and seconded by Anne Lamberton to move forward with**



transferring the property to the Library. Motion passed unanimously. Pat Armstrong will reach out to the Library to discuss the matter and then draw up the requisite documents.

**New Business:**

- A. The Board considered acknowledging the Fiscal Year 2013 Minimum Municipal Obligation to the Township of Tobyhanna Non-Uniformed Employees Pension Plan. Secretary Heidi A. Pickard announced the MMO to be \$42,253.30. **Motion made by John Holahan and seconded by Anne Lamberton to acknowledge the 2013 MMO. Motion passed unanimously.**
- B. Dollar General/Zaremba Zoning Change Request. The Board discussed authorizing the advertising of the extension of the commercial zoning line adjustment to be consistent with the easterly zoning line as per the submitted zoning change application. Discussion was made to continue the zoning district line to the western property which is currently owned by First Northern Bank in order to maintain consistent zoning lines and proper planning. It was suggested that the bank be contacted and made aware to see if they would want the line adjusted through their property as well. **Motion made by John Holahan and seconded by Anne Lamberton to authorize the Township Solicitor to work with the applicant to obtain the necessary information and advertise the zoning change request, which included both the Zaremba Group and Bank properties. The Board passed the motion unanimously.**

The meeting was adjourned at 5:00 PM. At which time the Board went into Executive Session to discuss pending litigation until 5:20.

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY