

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

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In Re: Reorganization Meeting

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

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ROBERT J. McHALE, Township  
Engineer

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

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In Re: Regular Business Meeting

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Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, September 9, 2013 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

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

3 (Pledge of allegiance was  
4 recited.)

5 MR. KERRICK: Like to welcome  
6 everyone here this evening for our regular business  
7 meeting.

8 First item on our agenda,  
9 announcements?

10 You have any, Heidi?

11 MR. PICKARD: I just wanted to  
12 announce that we have Fall Cleanup and that will  
13 begin on Saturday, October 5, and run through  
14 Saturday, October 12. The hours are at our  
15 transfer station off Sullivan Trail Road, Monday

16 through Friday eight to four, Saturday eight to  
17 three.

18 And the recycling transfer  
19 station is also there and there's some items that  
20 obviously are not allowed and the fees run from \$30  
21 to a carload to a one ton truck, a hundred to a  
22 hundred and thirty. If you need any other  
23 information, give a call at the township.

24 That's it.

25 MR. KERRICK: Any other

3

1 announcements? That's all?

2 MS. PICKARD: That's all.

3 MR. KERRICK: Thank you.

4 Next item on our agenda,  
5 consider the minutes of August 5, 2013, work  
6 session; August 12, 2013, regular business meeting;  
7 and August 15, 2013, special meeting.

8 What's the board's pleasure?

9 MR. HOLAHAN: I'll make a  
10 motion that we approve the minutes from the August

11 5, August 12 and August 15 meetings.

12 MS. PICKARD: I'll second that  
13 motion, but I had a couple corrections on the  
14 August 12 business meeting. On Page 2, it should  
15 be brother rather than brother-in-law, on Line 16;  
16 and on Line 12, that should be exception rather  
17 than extension, on the August 15, Line 12, Page 28.

18 MR. HOLAHAN: I'll approve  
19 those amendments to corrections.

20 MR. KERRICK: Motion and  
21 second.

22 MS. PICKARD: Thank you.

23 MR. KERRICK: Any questions or  
24 comments from the board?

25 Questions or comments from the

4

1 public on the motion?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Donald?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

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

10 Next item on our agenda,  
11 consider the treasurer's report. Total amount for  
12 board approval is \$261,194.10.

13 MR. HOLAHAN: I'll make a  
14 motion that we approve the treasurer's report in  
15 the amount of \$261,194.10.

16 MS. PICKARD: I'll second the  
17 motion.

18 MR. KERRICK: Motion and  
19 second.

20 Questions or comments from the  
21 board?

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

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

1 MR. KERRICK: Donald?

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

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: I'll abstain due

6 to a conflict with Papillon and Moyer and Locust

7 Ridge Quarry.

8 Next item on our agenda,

9 solicitor's report.

10 MR. ARMSTRONG: Thank you, Mr.

11 Chairman. There's nothing listed under my report;

12 however, as you're aware, there are a number of

13 agreements currently being prepared and reviewed

14 and attempted to be finalized with respect to the

15 Kalahari Resort project, namely the sewer

16 agreements at this point in time.

17 You all were forwarded the

18 proposed provision with respect to the pretreatment

19 requirements, I think, Monday of last week, we got

20 it pretty late in the day and we didn't get a

21 chance to really discuss it at your work session on

22 Monday. You all wanted a chance to digest it.

23 MR. KERRICK: But they had a

24 meeting after that, correct?

25 MS. HAASE: Yes.

6

1 MR. KERRICK: We're on the same  
2 page?

3 MS. HAASE: Yes.

4 MR. KERRICK: I didn't mean to  
5 interrupt you, Pat. I just want to make sure we're  
6 on the same page.

7 MR. ARMSTRONG: Okay.

8 MR. KERRICK: Pocono Township.

9 MS. HAASE: Yes. This past  
10 Tuesday Pocono Township had their sewer meeting.  
11 Players from Kalahari Resorts/Pocono Manor  
12 attended. I attended on behalf of the township.  
13 There seemed to be a miscommunication with the  
14 pretreatment, when that started or may need to  
15 start, whether it was at the time the CO was issued  
16 after Phase 1 or whether it was four years or two  
17 years.

18 It was worked out at the sewer



19 meeting that it should be four years. So the  
20 agreement that was sent to you folks on Monday  
21 should reference now four years.

22 MR. ARMSTRONG: I have not  
23 gotten the revised version of that provision. I  
24 was just -- before the meeting, I met with Ralph  
25 Matergia who represents Pocono Manor/Kalahari in

7

1 the project and he's -- my understanding is he'll  
2 be circulating the revised version tomorrow with  
3 some tract changes. I'll probably follow suit with  
4 some additional changes from our perspective.

5 I just need to make sure that  
6 this board is aware of what this additional  
7 provision will do when added to the Pocono  
8 Township/Tobyhanna Township sewer service  
9 agreement.

10 This provision as proposed will  
11 be inserted into that agreement. And what it is  
12 essentially doing is rather than -- because my  
13 understanding is Pocono Township was taking the

14 position that there's likely some pretreatment  
15 requirements that Kalahari would have to comply  
16 with and it's -- the provision will allow some time  
17 to go in order to have the Phase 1 and Phase 2  
18 projects finally completed. Because my  
19 understanding is Kalahari is taking the position  
20 that once it's built out, there won't be any need  
21 for pretreatment.

22 I'm not an engineer. I don't  
23 understand everything there is to know about sewer,  
24 but apparently with the additional flows and not so  
25 concentrated of a waste, so to speak, will help

8

1 them not need to install these pretreatment  
2 facilities. So the purpose of this is to postpone  
3 the construction of a pretreatment facility in the  
4 event that it's not needed down the road.

5 Phyllis, I believe just  
6 indicated that, at least from what I understood you  
7 just said, Pocono Township would be agreeable to a  
8 four year time frame?

9 MS. HAASE: Yes.

10 MR. ARMSTRONG: Basically get  
11 deferral period?

12 MS. HAASE: That is correct,  
13 and that would allow, as Pat had stated, when the  
14 retail comes on -- when and if that comes on, it  
15 will help dilute the waste. So that's why they're  
16 giving them the extension.

17 MR. HOLAHAN: Right. And I  
18 believe during -- because we got to hear some of  
19 that at one of the meetings and they were going to  
20 escrow an anticipated 900,000 with an acceleration  
21 clause or a pricing freeze clause --

22 MS. HAASE: Correct.

23 MR. HOLAHAN: -- to that  
24 effect.

25 That still remains, correct?

9

1 MR. ARMSTRONG: That is one of  
2 the requirements of this agreement. There is a  
3 \$900,000 number in that agreement for a letter of

4 credit. I have not seen a cost estimate, I don't  
5 know where they're getting that number from.  
6 Obviously, we're going to be requesting them to  
7 provide us with a cost estimate because one thing  
8 to keep in mind is that Tobyhanna Township's going  
9 to be in agreement with Pocono Township for their  
10 sewer service.

11 And ultimately Pocono Township's  
12 going to look at Tobyhanna Township. If there  
13 needs to be pretreatment four years down the road,  
14 they're going to look at Tobyhanna Township. We  
15 are in turn going to look at Kalahari/Pocono Manor.

16 So we need to make sure, number  
17 one, that the financial security, the letter of  
18 credit, is ample enough to complete pretreatment  
19 facility improvements in the event that they're  
20 needed.

21 MR. HOLAHAN: Right.

22 MR. ARMSTRONG: And we need to  
23 make sure that Kalahari posts it because if they  
24 don't, we could essentially be on the hook by  
25 agreeing with Pocono Township.

1                   MR. HOLAHAN: I think that  
2     number was proposed by the engineering firm that's  
3     representing --

4                   MR. KERRICK: Pennoni.

5                   MR. ARMSTRONG: Pennoni and  
6     Associates. That's my understanding, but I have  
7     not seen a cost estimate. I don't know if Bob  
8     McHale, the township engineer, has had a chance to  
9     review it.

10                  MR. KERRICK: No, he hasn't  
11     seen it yet. We haven't seen it yet.

12                  MR. ARMSTRONG: So obviously  
13     that's one of the issues that are outstanding with  
14     respect to agreeing to this provision. The other  
15     one is basically, in theory, is this board -- will  
16     this board -- I mean, obviously it's not final yet  
17     because you have to adopt an ordinance authorizing  
18     it; but is the board, in theory, in agreement with  
19     what this pretreatment provision is suggesting?

20                  MR. HOLAHAN: I am.

21                  MR. ARMSTRONG: Remember this

22 is -- you know, this is for the agreement between  
23 Tobyhanna and Pocono.

24 MS. PICKARD: I just had a  
25 question, when you were talking last week, you said

11

1 about that we may need to own the facilities or  
2 have them turned over? I mean, assuming we don't  
3 need them, it's immaterial, but are we still going  
4 to be responsible for those pretreatment  
5 facilities?

6 MR. ARMSTRONG: The sewer lines  
7 associated with the connection from -- it's going  
8 to be the Tobyhanna Township Collection System.  
9 It's going to be connecting Kalahari/Pocono Manor  
10 to the Pocono Township Collection System. Those  
11 lines between Pocono Township and the  
12 Kalahari/Pocono Manor, they will be owned by  
13 Tobyhanna Township eventually, when they're  
14 completed to the satisfaction of the township. We  
15 will own those lines.

16 MR. KERRICK: With all

17 maintenance fees and operation fees being passed  
18 back on to Kalahari/Pocono Manor.

19 MR. ARMSTRONG: To Kala --

20 MR. KERRICK: That's in the --

21 MS. PICKARD: So the  
22 pretreatment would be part of the collection system  
23 is what I'm asking.

24 MR. KERRICK: Yes.

25 MR. ARMSTRONG: Yes.

12

1 Ultimately, yes.

2 MR. KERRICK: Yes.

3 MR. ARMSTRONG: There is --  
4 obviously the agreement's not final yet, but there  
5 are provisions. I just sent out tract changes to  
6 counsel for Kalahari/Pocono Manor requiring them to  
7 be ultimately responsible for the payment for  
8 capital improvements, for repairs, general  
9 maintenance, as well as tapping fees, user fees  
10 associated with the Tobyhanna Township Collection  
11 System.

12 MS. PICKARD: But if they would  
13 need the pretreatment, we need to make sure  
14 whatever they're proposing would be adequate;  
15 otherwise the township would be on the hook.

16 MR. ARMSTRONG: Right. That's  
17 again why we need to see the cost estimate and Bob  
18 needs to review it or --

19 MR. KERRICK: From what I  
20 understood, and I think John was at the meeting,  
21 it's a package plan, Heidi, and it just plops into  
22 place before the pump station. I'm not an expert.

23 MS. PICKARD: I don't --

24 MR. KERRICK: They would have  
25 to review that, but from what I understood it was a

13

1 very simple process; drop it in, plug and play.

2 MR. HOLAHAN: But the results  
3 of the consideration that it would be possibly  
4 owned by Kalahari, so that they would -- otherwise  
5 we have to bid. There was discussion on --

6 MR. KERRICK: They would --



7 MS. PICKARD: But that's what  
8 we were talking --

9 MR. HOLAHAN: -- how we would  
10 bid all those things out.

11 MS. PICKARD: -- about last  
12 week, yeah.

13 MR. KERRICK: They would put it  
14 in and then dedicate like the --

15 MS. PICKARD: Dedicate it to  
16 us.

17 MR. KERRICK: -- sewer line.  
18 If that's what you're asking. I didn't understand  
19 your question.

20 MS. PICKARD: Well, part of it.

21 MR. ARMSTRONG: That's the way  
22 it has always been proposed to me. Now, again, if  
23 -- this board needs to be agreeable to that. I'm  
24 not telling you either way, I'm just saying that's  
25 how it's been proposed. If you don't -- if you

1 want to take a different position, you have to let

2 me know.

3 MS. PICKARD: We just want to  
4 be sure that you have all your -- all our basis  
5 covered.

6 MR. ARMSTRONG: Yeah, I mean,  
7 at the end of the day you -- and I've said this  
8 before -- you need to be aware that the Pocono/Toby  
9 agreement, Pocono's going to be looking at Toby.  
10 And Toby in turn is going to be looking at  
11 Kalahari/Pocono Manor.

12 MR. HOLAHAN: There's five of  
13 us, we can take them.

14 MR. ARMSTRONG: You need to --  
15 that's the overall arrangement in these agreements;  
16 is that Pocono is going to look at Toby, Toby's  
17 going to look at Kalahari and Pocono Manor.

18 MR. KERRICK: All along we had  
19 no problem mirroring the Pocono/Toby agreement,  
20 just basically the same thing to them.

21 MR. ARMSTRONG: Yep. I mean,  
22 it's --

23 MR. KERRICK: With the  
24 escalation clause, et cetera, everything that John

25 mentioned.

15

1 MR. ARMSTRONG: It's an  
2 agreement, agreements have been breached before.  
3 You just need to be aware that Pocono and Toby  
4 there's a -- that's a separate and distinct  
5 agreement.

6 MR. KERRICK: But there's also  
7 a line of credit.

8 MR. ARMSTRONG: For the  
9 pretreatment facilities.

10 MS. PICKARD: For the  
11 pretreatment.

12 MR. KERRICK: Then they talked  
13 about some for maintenance fees as well.

14 MR. ARMSTRONG: Yeah. The way  
15 we're handling, I don't know how much in depth you  
16 want to look -- get into that, but the sewer  
17 service agreement between Pocono and Kalahari -- or  
18 Tobyhanna, Kalahari, Pocono Manor, we're requiring  
19 a certain administrative reserve fund in addition,

20     which is -- I proposed it to be 75 percent of their  
21     annual anticipated user charges. I haven't -- they  
22     initially proposed 10 percent as a reserve --

23                     MR. KERRICK:    A little spread  
24     there.

25                     MR. ARMSTRONG:   I want to make

16

1     sure that Tobyhanna Township has enough in reserves  
2     to cover in the event that they default. So we'll  
3     see how that all pans out. I actually have a  
4     meeting with Chuck Zwally and Ralph Matergia's  
5     going to participate via phone on Thursday. It'll  
6     probably be a pretty lengthy discussion, 'cause  
7     there's a number of agreements to go through, but  
8     that's where we're at.

9                     MR. HOLAHAN:    Surely there must  
10    be other agreements around somewhere that we could  
11    take a look and say, here's an appropriate number  
12    other than just grabbing something.

13                     MR. ARMSTRONG:   But I guess,  
14    before I move on, because this is all -- everyone's

15 still in agreement with this overall arrangement

16 and how it's --

17 MR. HOLAHAN: Yes.

18 MS. PICKARD: Yes.

19 MR. MOYER: I am as well.

20 MR. ARMSTRONG: There might be

21 some other things later on in the agenda that are

22 listed several --

23 MR. KERRICK: We're still on

24 the time table for the 25th?

25 MS. HAASE: We are. I had

17

1 asked Pocono Township at the sewer meeting if they

2 could give us a definitive answer, that did not

3 occur. My concern was I was told, well, we'll come

4 back at our next sewer meeting, which would be --

5 MR. KERRICK: The 24th.

6 MS. HAASE: -- the 17th and

7 give you a decision. We have a special meeting

8 scheduled for the 25th and that would not allow me

9 enough time to have it published in the Pocono

10 Record because there needs to be a seven day span.

11 MR. ARMSTRONG: It's an  
12 intergovernmental agreement. When you do one of  
13 those, you have to authorize it by ordinance and  
14 there's a seven day requirement to advertise the  
15 ordinance.

16 MR. KERRICK: So we should not  
17 have the 25th or --

18 MS. HAASE: No. What had  
19 occurred is the supervisors authorized Attorney  
20 McManus to advertise once there was an agreement  
21 internally with the intermunicipal agreement. So I  
22 anticipate us being fine with the 25th.

23 MR. ARMSTRONG: So what I will  
24 do, so long as the board is still agreeable, I will  
25 advertise that ordinance as soon as I get a green

18

1 light from Pocono on the sewer service agreement  
2 between Pocono Township and Tobyhanna Township.

3 And really the only real  
4 outstanding item is this pretreatment facilities

5 provision and once Pocono Manor/Kalahari circulate  
6 their comments and suggested revisions and I do  
7 mine sometime tomorrow, get a response back from  
8 Tim McManus hopefully in the near future, we'll be  
9 in a better position to advertise it and move  
10 forward for the 25th.

11 MS. PICKARD: Are we doing  
12 something with the NID on the 25th?

13 MR. ARMSTRONG: You still need  
14 the NID ordinance, although I have not seen the  
15 final NID plan. My understanding is that they're  
16 still preparing it. One of the holdups on that is  
17 the NID plan, the final NID plan, needs to  
18 incorporate the lot that is being created by the  
19 Pocono Manor 2013 subdivision, which has not been  
20 recorded yet.

21 My understanding is that we are  
22 waiting for some revised plans from Pocono Manor  
23 based on some comments from the township engineer  
24 sometime last week. I actually -- Ralph Matergia  
25 was here before your meeting, I handed him all the

1 -- handed to him the development agreement, the  
2 declarations, (inaudible) land development  
3 agreement. So he has all the written legal  
4 document agreements that need to be executed.  
5 We're just waiting on one of the exhibits, which is  
6 the revised subdivision plan.

7                               Once they have all that, they  
8 can record it. Once they record it, they can  
9 incorporate that lot that is being created into the  
10 NID plan, and the organization that's finalizing  
11 the NID plan can finalize the plan and we can be in  
12 a better position to advertise and adopt your NID  
13 ordinance.

14                           MS. PICKARD: Do we have to  
15 approve those agreements?

16                           MR. ARMSTRONG: Which  
17 agreements?

18                           MS. PICKARD: The subdivision  
19 agreements. I don't remember whether we did or  
20 not.

21                           MR. ARMSTRONG: Oh, you did.

22                           MR. PICKARD: We granted



23 conditional for John to sign them.

24 MR. ARMSTRONG: You granted

25 conditional final approval back in April/May. And

20

1 my understanding that Pocono Manor wanted to sit on

2 it until they knew that the whole project was

3 moving forward. And now that it is, they're

4 hustling and trying to get it recorded; but once

5 they sign it, my understanding is they'll drop it

6 off to the township tomorrow or the next day.

7 MS. HAASE: Okay.

8 MR. ARMSTRONG: You know,

9 thereafter you've already conditionally approved

10 it. If you want to again make a motion to

11 authorize John to execute once received with their

12 signatures, you can do that tonight.

13 MS. PICKARD: If we need to

14 that was my purpose.

15 MR. ARMSTRONG: Yeah, why don't

16 you -- it makes sense. It's been a few months, why

17 don't we do it just to keep the record clean.

18 MS. PICKARD: I'll make that  
19 motion authorizing John to sign those agreements  
20 for the Pocono Manor subdivision.

21 MR. HOLAHAN: I'll second.

22 MR. KERRICK: Motion and  
23 second.

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

21

1 Questions from the public on the  
2 motion?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Donny?

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

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

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

11 Anything else, Pat?

12 MR. ARMSTRONG: That's all I

13 have. Thank you.

14 MR. KERRICK: Next item on our  
15 agenda, manager's report.

16 MS. HAASE: Yes, Mr. Chairman.  
17 I just have a few announcements. Just so the board  
18 is aware I will be attending the DRBC hearing in  
19 New Jersey regarding BCRA's water docket. I will  
20 be attending the September 11th hearing, but I will  
21 not attend the meeting date of the 12th.

22 I did receive the emergency  
23 repair permit for the sand filter building on  
24 Friday. So we're in the process of receiving the  
25 bids, which we would have them, I believe, Thursday

22

1 by 10 o'clock or Friday by 10 o'clock and then we  
2 could move forward.

3 MR. KERRICK: Anything else,  
4 Phyllis?

5 MS. HAASE: Yes. We have an  
6 agreement with our current electric supplier which  
7 is going to be expiring in December. We've reached

8 out and received multiple quotes. And  
9 Constellation, which we currently use, was the  
10 lowest at .066. So if it pleases the board, we'd  
11 like to move forward with going into another  
12 agreement with them.

13 MS. PICKARD: Is that for 12,  
14 24 or --

15 MS. HAASE: That is going to be  
16 the decision. They're offering 12, 24 or 36  
17 months.

18 MS. PICKARD: Say that again.

19 MS. HAASE: 12, 24 or 36  
20 months.

21 MS. PICKARD: There were  
22 different rates?

23 MS. HAASE: I believe so. They  
24 were just slightly --

25 MS. PICKARD: Yeah.

23

1 MS. HAASE: Yeah, just a  
2 fraction.

3 MR. HOLAHAN: What was it  
4 compared to the other ones, Phyllis?

5 MS. HAASE: First Energy was  
6 .083, Direct Energy was .078. We did receive  
7 another quote that came in this afternoon, but it  
8 was higher and I did not write that down.

9 So is it acceptable with the  
10 board that we move forward with that?

11 MR. MOYER: I'm fine with that.

12 MR. HOLAHAN: Yep.

13 MR. KERRICK: That's fine.

14 MS. HAASE: Do we need that by  
15 motion?

16 MS. PICKARD: We do, but we  
17 should say the term whether we wanted it for 12, 24  
18 or 36, think it would be at least -- I mean,  
19 slightly goes up for the three years, but I think  
20 two years we'd be still lower than anything else  
21 that would -- you know, with the tax .06638, I  
22 mean, it's not that --

23 MS. HAASE: I believe it was  
24 the board's decision last year to go with 12  
25 months. If you'd want to go with 24, that would be

1 acceptable as well. It's entirely up to the board.

2 MR. HOLAHAN: So we have to do

3 this in form of a motion?

4 MS. PICKARD: Yes.

5 MS. HAASE: Yes, sir.

6 MR. HOLAHAN: Make a motion

7 that we go with Constellation for the term of 24

8 months at the rate of .06638.

9 MS. PICKARD: Yes.

10 MR. MOYER: I'll second.

11 MR. KERRICK: Motion and second

12 on the floor.

13 Questions or comments from the

14 board?

15 Questions from the public on the

16 motion?

17 Call the vote. John?

18 MR. HOLAHAN: I vote in favor.

19 MR. KERRICK: Donald?

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

21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: Motion carried.  
24 MS. HAASE: We will be getting  
25 together the bids for the sludge and equipment

25

1 rental. The board also will be needing to go into  
2 an agreement with the Little League for the parks.  
3 And our management company for the transfer station  
4 will need to execute that at our October meeting as  
5 well.

6 Station 33 had sent in a request  
7 for two events that they'd like the board to  
8 consider; September 11, Saint Mary's Memorial  
9 Service and 9/14 Jackson Township Wetdown. With  
10 reviewing this it's not an education or a safety  
11 event. It's more a participation if they so choose  
12 to attend.

13 If the board does not wish to  
14 acknowledge that, I have nothing further.

15 MR. HOLAHAN: I'll acknowledge

16 it.

17 MS. PICKARD: I'll second  
18 acknowledge it. Do we need a -- or is that good?  
19 Okay. It's acknowledged.

20 MR. KERRICK: A wetdown?  
21 Anything else, Phyllis?

22 MS. HAASE: No, sir.

23 MR. KERRICK: New business,  
24 Riley and Company.

25 MS. DEBRA BORGER: Thank you,

26

1 John. For those of you who don't me or my firm, my  
2 name is Debbie Borger. I'm from Riley and Company.  
3 Our firm is going to be doing your township audit  
4 for -- we did it for '12 and we will be doing that  
5 through 2014.

6 Just wanted to let you know that  
7 our firm has been in business in the Poconos for  
8 over 40 years and during that time we handled many  
9 governments and Jay Grobelny and I were here and  
10 performed the audit of the township -- actually we



11 were here several months ago.

12 MS. HAASE: I'm sorry, Debbie,  
13 do you have another copy by any chance with you?

14 MS. PICKARD: Here's another  
15 one.

16 MS. HAASE: Do you have an  
17 extra one for Pat?

18 MS. PICKARD: Yeah.

19 MS. HAASE: Thank you.

20 MS. DEBRA BORGER: On your --  
21 at your place at the table everybody received a  
22 draft financial statement. Heidi and Phyllis have  
23 reviewed those statements and they've approved them  
24 for presentation for the board for your review and  
25 for any questions that you might have. I'm going

27

1 to at this time go through the financial statements  
2 briefly and highlight some areas and then we'll ask  
3 you, board members, to review the statements and  
4 provide any questions that you may have to Phyllis  
5 or Heidi or myself.

6                               My card is attached to the  
7       statements. We would appreciate it if you have any  
8       questions that you would contact one of us by  
9       Friday, end of the day, so we can hopefully get  
10      these statements wrapped up by the end of next  
11      week. So that will be September 20, that's our  
12      goal.

13                            So I'll get started on the  
14      financial statements. I'd like to call your  
15      attention to the auditor's report. Independent  
16      auditor's report is maybe like the third page in,  
17      independent auditor's report at the top of it. For  
18      anybody who took the time last year or might take  
19      the time this year to compare this report to the  
20      one that was attached to the financial statements  
21      from last year, you will notice that there were  
22      significant changes to the format of the report.

23                            Basically the content is the  
24      same, it's put together in a different format, but  
25      the important thing to you or any of your

1 constituents about this report is what the auditor  
2 has to say about the financial statements. And  
3 that place is on Page 2 where we provide our  
4 opinion on the financial statement and that's in  
5 the middle of the page. And in it, it says: That  
6 the financial statements present fairly in all  
7 material respects the financial position of the  
8 government and results of its operations.

9                               So basically that's telling you  
10 that the information included in these statements  
11 and provided by the township is accurate in all  
12 material respects and that's what you guys should  
13 expect from your administration and your staff.  
14 And that what's your constituents should expect as  
15 well. I'm going to move on -- unless you have a  
16 question about the report, I will move on to the  
17 statement of net position, which is Exhibit A,  
18 which follows the auditor's opinion.

19                           This financial statement and the  
20 one following it, which is a statement of  
21 activities, which is Exhibit B, present the  
22 financial information for the township, basically  
23 similarly to what you would see in a business

24 environment. It's probably not something that you  
25 as a board member look at on an ongoing basis, but

29

1 it's an important tool because it takes the whole  
2 of the government and puts it together using the  
3 whole picture.

4 But I will hit the highlights of  
5 that and I'm going to compare it to your 2011  
6 financial statement just to give you a context of  
7 it. But the first section of this financial  
8 statement relates to the cash and cash equivalents.  
9 And when you compare these numbers to the financial  
10 statements for 2011, your cash position is about  
11 \$500,000 higher than it was at the end of 2011.

12 Looking at the next section,  
13 which is property and equipment, there's a  
14 significant investment that the township has in  
15 property and equipment. And if you look at the  
16 breakdown there, there is a net -- this would be  
17 undepreciated value or cost of the property and  
18 equipment of the township of about 85 -- \$8.5



14 next, from 2011 to 2012.

15                               And essentially the statement of  
16 activities breaks down the financial information  
17 for the township in different departments, so  
18 general government, public safety, public works,  
19 culture and recreation, community development, and  
20 other, and then further into the sewer operations.  
21 When you look at this, expenses for the township as  
22 a whole, including the sewer, were up like \$544,000  
23 for the year.

24                               When you look at revenues, they  
25 were up about \$70,000. So during this year the

31

1 overall loss in the township, when you consider it  
2 on the basis of accounting use for these  
3 statements, was \$436,000. Now, primarily that  
4 means that you -- well, the information that comes  
5 out of this is if -- there's depreciation that the  
6 township has of 495,000. So when you're talking  
7 about the net loss you, and you think about how  
8 cash was used, it really isn't a reflection of cash

9 as much as a reflection of the depreciation.

10 Are there any questions on those  
11 statements?

12 The next section is Exhibit C  
13 which is balance sheets. These are the balance  
14 sheets of all the governmental funds. So your  
15 governmental funds, the total assets in these funds  
16 are down about \$20,000 from 2011. So when I'm  
17 telling you they're down, I'm looking at total  
18 governmental funds, that column, that compared to  
19 the prior year is down about 20,000. And among the  
20 individual funds it varies, depending on the  
21 activities of that fund.

22 Then looking at the liabilities,  
23 they were down as well. So your -- your fund  
24 balance is up in total, in your governmental funds,  
25 by about 45,000. Something that you -- you guys

32

1 might be interested in looking at, is your fund  
2 balances, you'll see will have different  
3 assignments based on what the purpose of those

4 funds are. For example, like in your special  
5 revenue funds, the equity in those funds are  
6 restricted because of the purpose for which those  
7 funds were created and are operated.

8 Are there any questions on that?

9 Then we'll go to Exhibit D,  
10 which is about two pages back, and that is your  
11 statement -- excuse me -- of revenues, expenditures  
12 and changes in fund balances. And this is for all  
13 your governmental funds as well. The total revenue  
14 for the township was down about \$90,000 in this  
15 year. And, again, that's total across all of those  
16 funds. You'll see variances between the different  
17 funds as to whether they were up or down, but in  
18 total it was down.

19 Looking at the expenditures, the  
20 total there is up about 280,000. And different  
21 areas that they are up and down in this -- in  
22 expenditures of -- it varied, but the biggest  
23 change was in highways and streets, public works.

24 MR. HOLAHAN: Debra, you're  
25 quoting year to year for 2011, where are those



1 numbers? You've got them there, but it's --

2 MS. DEBRA BORGER: I have --

3 well, and you guys have them in the financial

4 statements from last year, but --

5 MR. HOLAHAN: Understood.

6 MS. DEBRA BORGER: -- I was

7 just trying to give you a context.

8 MR. HOLAHAN: I'm having a

9 little difficulty following -- I get the general

10 concept, but you're saying up on this one, down

11 this one year to year, and I would have to go dig

12 up last year's audit to -- okay, I trust you. I

13 just want to make sure that I'm on the right page.

14 Right, Donny?

15 MR. MOYER: Yeah.

16 MS. HAASE: If need be, if

17 you'd like us to forward another copy to you, we

18 can do that.

19 MR. MOYER: We just did one.

20 MR. HOLAHAN: You just did one

21 yourself, yeah -- I mean, okay.

22 MS. DEBRA BORGER: That was one  
23 of the things that, you know, we had to look at as  
24 part of the audit, as to how did things compare  
25 from year to year.

34

1 MR. HOLAHAN: Understood.

2 MS. DEBRA BORGER: But  
3 certainly in the office there's a copy of the 2011  
4 audit. If you have any specific questions, I know  
5 Heidi or Phyllis or I can answer the --

6 MR. HOLAHAN: I'd certainly  
7 like to see that, because generally we're up 45,  
8 we're down 50 and they even out, but -- but looking  
9 at this now, it's not apparent. At some point like  
10 to be able to put those numbers next to these  
11 numbers and we can maybe divine some great  
12 information out of it.

13 MS. DEBRA BORGER: Sure, sure.  
14 So at the bottom of that page, you'll see the  
15 excess of revenues -- or excess deficiency of  
16 revenues over expenditures is, there's \$17,000

17 positive revenues in the township for the year of  
18 2012.

19 And go to the next page, which  
20 is Page 2 of Exhibit E. It -- it shows you the  
21 reconciliation of the fund balances between the  
22 beginning numbers and the ending numbers. That  
23 will agree back to your balance sheet.

24 MR. HOLAHAN: Folks, this is  
25 much more exciting if you saw what we're looking at

35

1 here. I saw he escaped for a little bit there.

2 MS. DEBRA BORGER: I can't  
3 imagine.

4 MS. PICKARD: Just for a  
5 clarification, special revenue is a highway aid  
6 fund pretty much.

7 MS. DEBRA BORGER: Highway aid,  
8 library, fire.

9 MS. PICKARD: Well, we don't  
10 have a library fund.

11 MS. DEBRA BORGER: Right.

12 MS. PICKARD: Right now.

13 MS. DEBRA BORGER: You don't  
14 have it, but the transactions are recorded there on  
15 financial statements.

16 Any more questions on those  
17 financials?

18 MR. HOLAHAN: I have none.

19 MS. DEBRA BORGER: Is there  
20 something, John, and, Heidi?

21 MS. PICKARD: No, no, no. Not  
22 at all.

23 MS. DEBRA BORGER: Okay. Then  
24 Exhibit G is the statement in net position of the  
25 proprietary fund, which is your sewer fund.

36

1 Looking at that what you'll see is the cash and  
2 cash equivalents of \$245,000. Last year at the end  
3 of the year there, it was 277. It was down about  
4 34,000. You have net capital assets of about \$6.1  
5 million and it gives you the details on that.

6 The debt at the end of the year

7     there was \$4,700,000 in debt, the prior year there  
8     was 4.9 million. So that reflects payoff of a  
9     hundred and seventy-three thousand in principal for  
10    the year. There's net equity in the fund of \$1.6  
11    million at the end of 2012. That is up from the  
12    prior year of -- I'm sorry, it's down from the  
13    prior year. The prior year was a million seven.

14                             And when you go to Exhibit H  
15    that will show you how those numbers were arrived  
16    at. During 2012 there was \$640,000 of charges for  
17    services, sewer services. And this is collections,  
18    this is on a cash basis. So then when you go to  
19    operating expenses, you actually have 277,000 in  
20    operating costs, operating the sewer and related  
21    maintenance, et cetera; 284,000 of depreciation,  
22    for total operating expenses of 561,000.

23                             Down below that is your other  
24    expenses and interests on the debt, is considered  
25    to be an other expense, so that's a hundred and

1     eighty-some thousand dollars. So you come down to

2 a net loss, net negative change in net position of  
3 100 -- about a hundred and three thousand dollars,  
4 and that gives you your net position at year end.

5 Any questions on sewers?

6 MR. HOLAHAN: I have none.

7 MS. DEBRA BORGER: The next set  
8 of statements is your statement in net position of  
9 the pension fund. So there's two statements there,  
10 statement of net position and the statement of  
11 revenues and expenses. There is 861,000 of assets  
12 in the township pension fund. That's up 120,000  
13 from the prior year. And then you go to Exhibit J,  
14 that will give you the details of the numbers  
15 there, how that was arrived at.

16 Your investment income was like  
17 \$74,000 and that's an improvement. In the prior  
18 year it was negative. As everybody would look  
19 back, they would say, yeah, the stock market really  
20 stunk in 2011, that's how that ended up to be that  
21 way. So during 2012 you had a net increase of a  
22 hundred and twenty-one thousand dollars in the  
23 fund, taking you from 740,000 to 860.

24 Are there any questions about

25 pension?

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1                               Behind those statements there  
2 are numerous notes to the financial statements. We  
3 -- we worked with some of the previous auditor's  
4 notes and we added information in many cases.  
5 Something that I'm sure that the supervisors are  
6 interested in is, in the section where we discussed  
7 capital assets, Page 7. We did a project here to  
8 make sure that the depreciable assets, the capital  
9 assets, were complete and accurate. And the staff  
10 spent a lot of time getting information together  
11 historically. There had been a study in 2004 and  
12 then from between -- that was done by an  
13 engineering firm.

14                               Between 2004 and 2012, your  
15 staff went through and looked at, and probably  
16 primarily Heidi, went through and looked and  
17 researched additions to the capital assets for that  
18 time period. So that information has been  
19 incorporated in these financial statements. So if

20 you take a look at last year's statements again,  
21 you're going to see that capital assets are -- are  
22 different from what they were on those statements.

23 And there is a note later on in  
24 the financials, it would be Note 5 that tells you  
25 the information that was derived there. That's

39

1 Page 16 and Page 17 of the notes to the financial  
2 statements.

3 MR. HOLAHAN: Did we make --  
4 you make reference to that we're using cash basis  
5 as opposed to like almost a GAP? So there's no  
6 suggestion we would change the way we're doing  
7 work, is there, in the management?

8 MS. DEBRA BORGER: I'm not  
9 suggesting that you change it. Your statements are  
10 done cash basis in the funds and your GASB 34, the  
11 government-wide statements are done. It's modified  
12 cash. Basically the modifications are the  
13 recording of capital assets and debt.

14 MR. HOLAHAN: Right.



15 MS. DEBRA BORGER: It's not GAP  
16 as you point out, but changing to GAP would be more  
17 complicated, more -- and not as easily understood  
18 and there may not be a real purpose for you to do  
19 that.

20 MR. HOLAHAN: Yeah, let's not  
21 do that then.

22 MS. DEBRA BORGER: Sometimes  
23 when you're doin -- if you would end up going for  
24 like major bond financing or something like that,  
25 they might require that, but you can deal with that

40

1 at the time. Are you trying to say that this is  
2 like difficult?

3 MR. HOLAHAN: I suppose if  
4 everybody knew that this is what was going to  
5 happen, you might not have shown up until about  
6 8:40.

7 MS. DEBRA BORGER: Yeah,  
8 auditors have a way of clearing the room.

9 MR. HOLAHAN: 7:30, 7:40.

10 MS. DEBRA BORGER: Any more  
11 questions on capital assets?  
12 Then in case you're interested,  
13 Note 6 has long-term debt information in it and it  
14 tells you about the balances that are outstanding  
15 and also about repayment information that might be  
16 informative to you. The rest of this -- the rest  
17 of the notes go over pension plan information and  
18 various -- identifying the various required  
19 disclosures that have to be made for the township.  
20 Are there any questions on the  
21 notes?  
22 MR. HOLAHAN: I'd like to sit  
23 in front of the fireplace with a glass of wine and  
24 enjoy this.  
25 MS. HAASE: Good reading

41

1 material.

2 MS. DEBRA BORGER: Really? The  
3 further -- further on in the package is  
4 supplementary information, which is -- it's an

5 actual comparison, which I didn't go over because I  
6 think the board focuses on those and that's  
7 something that you're probably more comfortable  
8 with looking at on your own.

9                               So if there are questions on  
10 those, you know, feel free to ask once you had time  
11 to enjoy it with a glass of wine. If there's any  
12 questions, I'll be happy to try to answer any of  
13 them. Included in your packet also are certain  
14 letters that the auditors have to provide to the  
15 township. In addition there's a letter that you  
16 have to -- the township provides back to the  
17 auditors confirming it's -- that the information  
18 provided to the auditors was true, correct and  
19 complete.

20                               THE REPORTER: Can you just  
21 hold on one minute? Excuse me.

22                               (Brief recess for reporter to  
23 adjust equipment.)

24                               MS. DEBRA BORGER: After you've  
25 had a chance to review the financial statements and

1 the letters, again, we'll be happy to address any  
2 questions that you have.

3 MR. HOLAHAN: This is strictly  
4 presentation, there's no action involved here,  
5 correct? It's just a draft?

6 MS. HAASE: That's correct.

7 MR. HOLAHAN: Thank you.

8 MS. DEBRA BORGER: Thank you.

9 MR. HOLAHAN: It was fun.

10 MS. DEBRA BORGER: I would like  
11 to thank the staff of the township for all their  
12 help and assistance in the audit. This was --  
13 being our first year audit, it takes a lot of  
14 information gathering and a lot of assistance from  
15 the staff because we're learning all about the  
16 township in many of the different aspects. So we  
17 definitely appreciated that help.

18 MS. PICKARD: Thank you.

19 MR. KERRICK: Thank you.

20 MR. MOYER: Thank you.

21 MS. DEBRA BORGER: Sure.

22 You're welcome.

23 MR. KERRICK: Anyone have any  
24 questions?  
25 Next item on our agenda, fiscal

43

1 year 2014 minimum municipal obligation to the  
2 Tobyhanna Town -- or the Township of Tobyhanna  
3 Nonuniformed Employee Pension Fund.

4 MS. PICKARD: We're required to  
5 announce the 2014 minimum municipal obligation for  
6 2014. It will be 32,100 -- \$32,001.

7 MR. KERRICK: Next item on our  
8 agenda, consider RETTEW agreement, rehabilitation  
9 to Old Route 940 bridge over Upper Tunkhannock  
10 Creek.

11 MS. HAASE: Yes, sir. If you  
12 recall at the work session, Mr. Jim Hendricks from  
13 RETTEW Engineering gave a presentation and also  
14 there was some discussion regarding the work that  
15 would need to be done to submit their GP-11 for the  
16 bridge.

17 Mr. Hendricks was requested to

18 phase it out so we could address so much this year  
19 and so much next year and that's what this  
20 agreement would be for. The initial phase would be  
21 -- the first section of it would be Phases 1  
22 through 6. And that would be submitting a GP-11 to  
23 do a topographic survey wetland delineations,  
24 hydraulic study, E&S plan and preliminary  
25 engineering, at the cost of thirty-one six fifty.

44

1 Phases 7 through 9 would be the  
2 final plans, all their approvals from the outside  
3 agencies and the bidding process. Those phases  
4 would be twenty-six five. In your packet -- I'm  
5 sorry, I think that was -- yeah, it was submitted  
6 in your packet. There is the scope of services for  
7 Phases 1 through 9.

8 We've looked at the funding,  
9 that was another question. We certainly hope that  
10 we can get reimbursed with grant monies either  
11 through the county or the LSA Grant; however, until  
12 we get approval, we still need you to proceed with

13     this.  So we would take some monies out of the  
14     consulting engineering services and then I would  
15     need to reappropriate the remainder.  Right now  
16     there's just under 7,000 in there.  So we need to  
17     reappropriate about 24,000.

18                     MR. HOLAHAN:  And you would  
19     take that from general?  Reappropriate it from  
20     where?  General?

21                     MS. HAASE:  Yes, sir.  What Mr.  
22     Hendricks did explain to the board at the work  
23     session was that he at least needed to begin on  
24     this phase of it in order to submit and everything  
25     by June because it's going to take him a period of

45

1     time.

2                     MR. MOYER:  Are we looking at  
3     one through six or one through nine?

4                     MS. HAASE:  One through six,  
5     that would be --

6                     MS. PICKARD:  What was the  
7     total of that, Phyllis?

8 MR. MOYER: Thirty-one.

9 MS. HAASE: One through six was  
10 thirty-one six fifty.

11 MS. PICKARD: That's just the  
12 fees? Oh, not that's not. I'm not getting that  
13 when I add it up.

14 MR. HOLAHAN: It's pretty  
15 extensive with the engineering, the wetlands in one  
16 call and location and utilities and notifying  
17 property owners and finding out who they are is --  
18 the survey's \$9500, they break it down for us here.

19 MS. HAASE: There is a  
20 breakdown.

21 MR. HOLAHAN: I don't know if  
22 -- I don't know if that's a good price or not. I  
23 mean, I've got nothing to -- nothing to base that  
24 on.

25 MS. PICKARD: Phyllis, that's

46

1 on Page 6 and 9, so that first page is 1 through 6.

2 I'm not getting that amount. There's no \$50 in



3     there. I'm getting like twenty-nine nine. Am I  
4     adding --

5                     MS. HAASE:    That could be my  
6     error.

7                     MS. PICKARD:   I have  
8     twenty-nine nine. And you said from the general  
9     fund? 'Cause I didn't think we had the money there  
10    from the general fund.

11                    MS. HAASE:    We would have to  
12    reappropriate from other line items.

13                    MS. PICKARD:   Okay. I thought  
14    we were looking at some of the other funds or the  
15    capital fund?

16                    MS. HAASE:    Well, I think we  
17    can look at some items probably in DPW, whatever I  
18    -- because this is related to Department of Public  
19    Works.

20                    MS. PICKARD:   Yeah, I  
21    understand.

22                    MR. KERRICK:   We have 18 that  
23    we could ask to be reappropriated to county.

24                    MR. HOLAHAN:   What? I didn't  
25    catch that, John.

1                           MR. KERRICK:    We have 18 that  
2    was liquid -- or yeah, liquid fuels from the  
3    county.

4                           MR. HOLAHAN:    Okay.

5                           MR. KERRICK:    It was  
6    appropriated to a traffic project and I asked if we  
7    could reappropriate it and they said yes.

8                           MS. PICKARD:    Can we do that?  
9    Can we pay for the engineer with the liquid fuels?

10                          MR. KERRICK:    As far as I know  
11   you can. I would research it, but --

12                          MS. PICKARD:    Yeah. So that's  
13   half of it.

14                          MS. HAASE:     So that be about  
15   6,000 that I would need to -- to come up with for  
16   2013.

17                          MS. PICKARD:    What are you  
18   thinking, John? Did you want to --

19                          MR. HOLAHAN:    Ask him if he'll  
20   take 50, right?

21 MR. ARMSTRONG: Heidi, just to  
22 address your con -- I just did some quick math and  
23 it looks like it does -- if you look at just Phases  
24 1 through 6, it does go to twenty-nine nine, but  
25 then they factored in seventeen fifty --

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1 MR. HOLAHAN: 1750.

2 MS. PICKARD: Oh, okay.

3 MR. ARMSTRONG: -- in other  
4 expenses, yeah.

5 MS. PICKARD: Oh, okay. Thank  
6 you.

7 MR. HOLAHAN: This Phase 1  
8 through 6 needs to be done anyway before we can  
9 move on to anything else and I did look at the  
10 breakdown. It's why these guys do what they do  
11 because they can figure these things out, but I  
12 would say that we move ahead with Phases 1 through  
13 6.

14 MS. PICKARD: Is that your  
15 motion?

16 MR. HOLAHAN: And then we'll  
17 reappropriate for that and that would be my motion.  
18 MS. PICKARD: I'll second that.  
19 MR. KERRICK: One through six,  
20 the motion was?  
21 MR. ARMSTRONG: Would you like  
22 to condition that? I looked through it quickly, I  
23 got it this afternoon, this proposal. Do you want  
24 me to look through it a little --  
25 MR. HOLAHAN: With a condition.

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1 I'll amend my motion with the condition of  
2 Patrick's approval.  
3 MS. PICKARD: I amend my  
4 second.  
5 MR. KERRICK: You okay with a  
6 second?  
7 MS. PICKARD: Yeah.  
8 MR. KERRICK: Motion and  
9 second.  
10 Questions or comments from the

11 board?

12 Questions from the public?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Donald?

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

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. KERRICK: I vote in favor.

20 Motion carried.

21 Next item on our agenda,

22 consider Keswick Pointe second amended declaration

23 of protective covenants and easements.

24 MS. PICKARD: I'll make a

25 motion that we approve the Keswick Pointe second

50

1 amended declaration of protective covenants and

2 easements.

3 MR. KERRICK: Do we have a

4 second?

5 MR. HOLAHAN: I'll second.

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

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: Donald?

13 MR. MOYER: I'll 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 Next item on our agenda,  
19 consider purchase of utility billing software.

20 MS. HAASE: Yes, Mr. Chairman.

21 As -- again, as we discussed at our work session  
22 over the last two months we've been looking at ways  
23 that we could either function more efficiently or  
24 have better control of certain situations. The one  
25 suggestion I got back to the board was that we take

1 back utility billing -- billing inhouse.

2 Heidi, Terry, Donna Knecht and  
3 myself have viewed multiple, multiple, multiple  
4 softwares. We've come up, we've all agreed, that  
5 this particular software seemed to be very  
6 efficient, user friendly and it's exactly what the  
7 township was looking for. We had different  
8 presentations from companies that we asked them,  
9 can the software do X, Y and Z, and they're like  
10 they don't know, we'll have to get back to you,  
11 we'll see if we can change it.

12 Every question we asked of this  
13 company, they not only said yes, but they were on  
14 the computer with us showing us how they can  
15 accomplish that task. The price point is extremely  
16 reasonable, it's 350 a quarter and a \$500 rate for  
17 conversion. And there is not a monthly maintenance  
18 fee as the other programs all required.

19 MR. HOLAHAN: Software upgrades  
20 included?

21 MS. PICKARD: This isn't really  
22 a software purchase, it's a web base.

23 MR. HOLAHAN: On the Cloud,

24     okay.

25                             MS. PICKARD:     Yeah.

52

1                             MS. HAASE:     Yes.

2                             MR. HOLAHAN:     All right.

3     Gotcha.   Okay.

4                             MS. PICKARD:     So we're not  
5     really buying the software, we're paying a fee and  
6     it includes everything.

7                             MS. HAASE:     Right.   What we  
8     would be paying is what we would be paying the  
9     other companies for their monthly maintenance.

10                            MR. HOLAHAN:     Sure.

11                            MS. HAASE:     We do feel that his  
12     is going to be more efficient for the township,  
13     collectionwise, keeping control of the accounts,  
14     the ability to issue payoff, ask questions, answer  
15     questions quickly and efficiently.

16                            So what I would request is the  
17     board consider this, that we move forward with this  
18     software company.   And if that is a decision of the



19 board, we would also need to notify our current  
20 provider, Aqua PA, they require a 60-day  
21 notification to terminate their contract -- not to  
22 renew their contract for 2014.

23 MR. HOLAHAN: All right.

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

53

1 MR. HOLAHAN: I would make a  
2 motion that we proceed with the agreement and the  
3 notification to Aqua PA to take care of the billing  
4 for the sewer in-house.

5 MR. KERRICK: Motion, do we  
6 have a second?

7 MR. MOYER: I'll second.

8 MR. KERRICK: Motion and  
9 second.

10 Question or comments? Any other  
11 questions?

12 MR. HOLAHAN: So who's been  
13 handling collections before?

14 MS. PICKARD: Me and Patrick.

15 MR. HOLAHAN: Okay. I'm not --

16 MS. HAASE: We're going to  
17 focus a little bit more on collections moving  
18 forward. Currently the company that we use right  
19 now, they solely do our billing. So you're going  
20 to be saving a substantial amount of money by doing  
21 it in-house. We're still going to have the  
22 postage, but the timewise right now that Heidi and  
23 Donna and Terry are involved in the sewer, they're  
24 already involved in that, we're already paying  
25 them.

54

1 MS. PICKARD: It's a lot a back  
2 and forth, to get current balances and get back and  
3 get billing histories, a lot of that going back and  
4 forth and emailing everybody is one of the --

5 MR. HOLAHAN: Sounds like it  
6 should make it easier on our sewer customers to  
7 stay up-to-date with their billing and maybe help  
8 them through some of the difficult times other than

9 the way we're handling it now, so --

10 MS. PICKARD: One of the things  
11 that we've talked about too that none of the other  
12 softwares could accommodate a payment plan and a  
13 monthly even billing of a payment plan. This will  
14 do that and be easy.

15 The other thing that Phyllis  
16 neglected to mention about the postage is they have  
17 a whole internet thing where we can email bills.  
18 So it was something that maybe we can bring up  
19 later too. Right now if you pay the full year up  
20 front you have a five percent discount, we might be  
21 able to do something for those that don't choose  
22 that option to have a discount if they do ebilling  
23 and we'd be saving all the postage and we can just  
24 email the bills out.

25 MS. HAASE: And also the

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1 ability to pay online.

2 MS. PICKARD: They have access  
3 for paying online and those fees would be passed on

4 to the customer if they choose to do that.

5 MR. HOLAHAN: Okay. My motion  
6 still stands.

7 MS. HAASE: Thank you.

8 MR. KERRICK: Your second  
9 stand, Don?

10 MR. MOYER: Might as well,  
11 yeah.

12 MR. KERRICK: Any other  
13 questions or comments?

14 Questions or comments from the  
15 public?

16 Call the vote? John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Donald?

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

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

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

24 Next item on our agenda,  
25 Tobyhanna Township Sewer Authority.

1 Patrick?

2 MR. ARMSTRONG: Yeah, I think  
3 it kind of goes with G as well. My understanding  
4 is when you were -- well, the reason it came up  
5 was -- with respect to the payment, the cost of the  
6 waste water treatment plant sand filter building,  
7 whether or not you were going to consider a small  
8 cap loan or consider using some monies within the  
9 general fund to pay for that emergency repair, with  
10 the understanding that the sewer fund would  
11 reimburse the township's general fund at the time.

12 Just as an aside, if you were to  
13 go in that route, you do -- I think I looked at it  
14 a little bit, but you could probably do it by  
15 resolution, just a reappropriation of the general  
16 fund towards the sewer building; but that prompted  
17 the discussion I had with Phyllis I guess last  
18 week, with respect to the Tobyhanna Township Sewer  
19 Authority.

20 Currently your sewer authority  
21 exists on paper, but it's my understanding that

22     there's been no active board of the sewer authority  
23     for some time. The township has kind of been de  
24     facto sewer authority maintaining the building and,  
25     you know, the maintenance with respect to the

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1     existing Blakeslee Area sewer area. And I guess  
2     that prompted the discussion whether or not the  
3     township wants to start considering whether or not  
4     it wants to maintain the sewer authority as a  
5     separate and distinct entity or if you wanted to  
6     consider, you know, dissolving it.

7                     My understanding is that's why  
8     it's on the agenda.

9                     MS. HAASE: Yes, sir.

10                    MR. ARMSTRONG: I'm not sure if  
11     the township wants to discuss that tonight or not.

12                    MS. PICKARD: I'd like to  
13     discuss it in so far as loaning money, whether  
14     you're saying that's an internal thing or it would  
15     be would this make a difference and how would that  
16     make a difference?

17 MR. ARMSTRONG: No. I mean, if  
18 you're saying if the township would be -- decide to  
19 utilize money from the general fund to pay for the  
20 sand filter building repair?

21 MS. PICKARD: To loan --

22 MR. ARMSTRONG: I mean, the way  
23 you would look at it is, it would be -- it's in the  
24 general fund so it would be reappropriation, but in  
25 that resolution, you'll do it by resolution, you'll

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1 make clear that it's the understanding that the  
2 sewer fund will pay back the general fund over a  
3 course of so many years, however that's to be  
4 arranged, if you don't decide to go through a  
5 regular small cap loan under the Unit Debt Act.

6 MS. HAASE: And if in fact we  
7 had a sewer authority, in essence the sewer  
8 authority would be the one trying to obtain the  
9 funding versus the township supervisors.

10 MR. HOLAHAN: How about if  
11 plans for expanding the sewer plan coming from the

12 Blakeslee Area? We're going to need to pretty much  
13 set an authority in the place to do some things  
14 along that way, 'cause we'll be looking at capital  
15 improvements.

16 MS. PICKARD: That would be the  
17 same authority.

18 MR. ARMSTRONG: Wait, wait,  
19 wait.

20 MR. HOLAHAN: Right.

21 MR. ARMSTRONG: You're talking  
22 the Kalahari/Pocono Manor?

23 MR. KERRICK: No, no.

24 MR. ARMSTRONG: They're  
25 separate, the Blakeslee Area.

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1 MR. KERRICK: Talking about the  
2 Blakeslee Area.

3 MR. ARMSTRONG: Blakeslee  
4 Area's the sewerred area that is the intent of the  
5 existing on-paper Sewer Authority of Tobyhanna  
6 Township to govern.



7 MR. KERRICK: How would the  
8 sewer authority be able to borrow money? They  
9 don't have anything.

10 MR. ARMSTRONG: Well, exactly.  
11 Right now it doesn't, it's just on paper.

12 MR. KERRICK: It's on paper  
13 that's all it is.

14 MR. ARMSTRONG: It never -- to  
15 my understanding, I don't even know if it was ever  
16 actually --

17 MR. KERRICK: They had some  
18 meetings, but they don't have anything. It still  
19 belongs to the township.

20 MR. ARMSTRONG: I mean, that's  
21 the problem. That's why you're stuck with the  
22 township either taking out this small cap loan or,  
23 you know -- or doing a reappropriation of the  
24 general fund money for purposes of paying for that  
25 building.

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1 MS. PICKARD: Well, the

2     refinance we did on the sewer is the township  
3     revenue, it's a debt.

4                     MR. ARMSTRONG:    Yeah.

5                     MS. PICKARD:    We put it through  
6     the sewer, but we're re -- the township's  
7     responsible.  So if we did have the sewer  
8     authority, they'd be responsible to pay that loan  
9     to the township, I'm assuming, out of whatever.

10                    MR. KERRICK:    I don't think so.

11                    MR. ARMSTRONG:   The refunding  
12     from two years ago?

13                    MS. PICKARD:    Yeah.

14                    MR. ARMSTRONG:   Well, it's the  
15     township that took out that refinance, so the  
16     township's on the hook, not the authority, with  
17     respect to the refinance loan.

18                    MS. PICKARD:    If they had an  
19     active normal authority that collected the revenues  
20     and did the billing, they'd have to pay the loan,  
21     correct?

22                    MR. HOLAHAN:    Unless we form an  
23     authority that assumed the debt.

24                    MR. ARMSTRONG:   Right.

25

MS. PICKARD: I don't know how

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1 you could do that with -- we'd still be responsible  
2 to the bank.

3 MR. HOLAHAN: We got lawyers  
4 for that stuff.

5 MS. PICKARD: Yeah.

6 MS. HAASE: That's the buffer  
7 between the board of supervisors and the authority.

8 MR. HOLAHAN: Right. It's not  
9 going to solve that.

10 MR. KERRICK: That doesn't have  
11 to be solved tonight.

12 MR. HOLAHAN: I don't -- no, we  
13 wouldn't solve it tonight.

14 MR. ARMSTRONG: No, no. My  
15 understanding is that the sand filter situation  
16 prompted maybe that discussion to take place at  
17 some time in the not too distant future and that's  
18 why -- it's my understanding that's why it's on the  
19 agenda.

20 MR. KERRICK: So we'll carry it  
21 on the agenda and we'll research it and talk about  
22 it at our work session.

23 MR. MOYER: Umm-hmm.

24 MR. KERRICK: Okay with you?

25 MR. HOLAHAN: Yes, please.

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1 MS. PICKARD: Yeah, that's  
2 fine. I just -- I'm still not quite sure. So it  
3 doesn't matter if we want to loan money, whether  
4 we're loaning it to ourselves or to the authority?

5 I just -- that's what I thought  
6 it was on, that was one of the questions we had.  
7 So that makes no never mind as far as making sure  
8 it gets paid back or making it more official?

9 MR. ARMSTRONG: Well, what you  
10 do is --

11 MS. PICKARD: 'Cause you're  
12 saying you're reappropriating money, so --

13 MR. ARMSTRONG: That's what you  
14 do, you do a resol -- a very specific resolution

15 with respect to reappropriating some of the general  
16 fund money to be utilized for the sand filter  
17 building, but in that resolution you would make  
18 clear as to what the conditions of the repayment  
19 into the general fund would be. 'Cause it's the --  
20 it's the township that's -- there's authority in  
21 the equation right now.

22 MR. MOYER: It's us anyway.

23 MR. ARMSTRONG: It's the  
24 township. So you set it forth in the resolution as  
25 you want it to proceed into the future. Meaning --

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1 MS. PICKARD: But we had talked  
2 in the future and we had this conversation before  
3 that possibly we could just have the board be the  
4 municipal authority. There's no benefit to that or  
5 there's no -- I'm just --

6 MR. ARMSTRONG: You could.

7 MS. PICKARD: 'Cause we talked  
8 about inactivating the authority or --

9 MR. ARMSTRONG: Yeah, we talked

10 about that when I first came on board.

11 MS. PICKARD: Yeah, I know, we  
12 talked about it for a long time; but in this case  
13 as we move forward and we're going to be doing all  
14 these things, I think -- you know, obviously we  
15 need to talk about it at a work session, but we  
16 need to really think what direction. And if we had  
17 a sewer authority, could that be involved in the  
18 Kalahari or not, if we wanted it?

19 MR. ARMSTRONG: No.

20 MS. PICKARD: No.

21 MR. ARMSTRONG: Well, no, no,  
22 because that's not -- remember, the sewer lines,  
23 everything -- everything in that agreement, in the  
24 agreement --

25 MS. PICKARD: Is Pocono.

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1 MR. ARMSTRONG: Well, it's --

2 MR. KERRICK: Tobyhanna

3 Township.

4 MS. PICKARD: Well, Tobyhanna

5 Township, but it's --

6 MR. ARMSTRONG: We're not  
7 treating it, we're just collecting it and  
8 transmitting it, it's a transmission.

9 MS. PICKARD: We're a customer  
10 of --

11 MR. ARMSTRONG: We're a  
12 customer, we're a bulk customer of Pocono Township.

13 MR. KERRICK: Pocono Township.

14 MS. PICKARD: Yeah, okay.

15 MR. KERRICK: Okay. So we'll  
16 carry that on our agenda.

17 Funding for wastewater treatment  
18 plant sand filter.

19 MS. HAASE: The bid packets  
20 went out, they've been picked up. There was  
21 presubmission meeting on September 6 and 9. The  
22 deadline to return is going to be Friday, at 10  
23 a.m. So we're moving quickly with this, as quickly  
24 as possible due to the fact it's an emergency.

25 I do have the building permit, I

1     just need to secure the funding. Landmark Bank is  
2     offering a special -- it's a term of five years and  
3     it's less than 125,000, at a rate -- a fixed rate  
4     of 1.99. So we have that option or we have the  
5     option again of lending monies from one account to  
6     another -- one fund to another.

7                     MR. KERRICK:    Would it be  
8     possible to have a meeting Monday after the bids  
9     come in so we -- I mean, right now we're not quite  
10    sure where we are or do you need an answer tonight?

11                    MS. PICKARD:    The Landmark was  
12    a special promotion that I don't how much longer  
13    that's going to be on the table.

14                    MR. HOLAHAN:    It's a great  
15    rate. How does --

16                    MS. PICKARD:    But if we loaned  
17    the money to the sewer we could charge the same  
18    rate or two percent.

19                    MR. HOLAHAN:    And then what --  
20    how -- would we end up changing rates? I mean,  
21    where are we with --

22                    MS. PICKARD:    What was the



23 amounts?

24 MR. ARMSTRONG: The letter of  
25 intent will remain valid until September 17. I'm

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1 looking at it.

2 MR. HOLAHAN: Next week.

3 MS. PICKARD: That's the 16th.

4 MR. KERRICK: Same day as  
5 Pocono's meeting.

6 MS. PICKARD: Yeah, but we have  
7 to do it before Pocono --

8 MR. KERRICK: No, I'm just  
9 saying, can't be the same day.

10 MS. PICKARD: We'd have to  
11 advertise the meeting. What would be the purpose  
12 of waiting? Because it's going to be -- what was  
13 the --

14 MR. KERRICK: There is no -- I  
15 just was -- a question.

16 MS. PICKARD: The estimates are  
17 the estimates.

18 MR. ARMSTRONG: Well, the one  
19 thing I would say is I haven't -- under the Unit  
20 Debt Act this is a small cap borrowing amount;  
21 however, you still have to do -- your auditor's  
22 here. There's a calculation you have to do to make  
23 sure that you can out this amount.  
24 MS. DEBRA BORGER: That's  
25 correct.

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1 MR. ARMSTRONG: When we did the  
2 refunding two years ago, I think you had plenty of  
3 a buffer that I don't think this is going to --  
4 MS. PICKARD: But we'd still  
5 have to do that with --  
6 MR. ARMSTRONG: No, no, you  
7 don't file with DCED, you don't have to do that  
8 whole thing.  
9 MS. PICKARD: Okay.  
10 MR. ARMSTRONG: You don't have  
11 to do the -- this is small cap, but you still have  
12 to make sure you can take out this amount of money.

13     There's a calculation that you -- that you need to  
14     do.

15                     MS. DEBRA BORGER:    You do, but  
16     I'm not sure about what's small cap and what isn't.  
17     That's the only thing I'm not sure off the top of  
18     my head.

19                     MR. ARMSTRONG:    It's 120 --

20                     MS. PICKARD:    125 and it's five  
21     years from that.

22                     MR. ARMSTRONG:    It's within a  
23     five-year term so you'd be okay.

24                     MS. DEBRA BORGER:    Yeah, but  
25     isn't that -- isn't there some kind of a limit as

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1     far as a total debt in relation to that?

2                     MR. ARMSTRONG:    That's what I'm  
3     saying, that's -- they'd have to figure out if they  
4     can actually do this or not.

5                     MS. DEBRA BORGER:    But even  
6     smaller item like you have to look at the whole  
7     picture --

8 MR. ARMSTRONG: Right.

9 MS. DEBRA BORGER: -- to know  
10 whether it qualifies you for that.

11 MR. ARMSTRONG: Right and what  
12 I'm saying is, I don't know if anyone's actually  
13 done that yet. I don't anticipate it being an  
14 issue.

15 MS. PICKARD: Todd did it --  
16 Todd did it two years ago when he --

17 MR. ARMSTRONG: Right.

18 MS. PICKARD: -- for the small  
19 Unit Debt Act, we didn't borrow any other money  
20 since then.

21 MS. DEBRA BORGER: It would not  
22 be a difficult thing to accomplish --

23 MS. PICKARD: Yeah, well if it  
24 were --

25 MS. DEBRA BORGER: -- to

1 complete a new form. You'd start with Todd and  
2 work forward.

3 MR. KERRICK: What's the  
4 board's pleasure?

5 MR. HOLAHAN: I don't know  
6 what's being asked of me.

7 MS. PICKARD: What was the  
8 amount of the annual payment for the five years?

9 MS. HAASE: I have the 10 year,  
10 not the 5 year. Initially we tried to do it at 10  
11 years. I want to say it was 24.

12 MS. PICKARD: Thought it was  
13 like 26 or somewhere around there.

14 MS. HAASE: Yeah.

15 MS. PICKARD: Does that sound  
16 right?

17 MS. HAASE: Yes. It's a  
18 10-year --

19 MS. PICKARD: Does that sound  
20 right?

21 MS. DEBRA BORGER: Well, it  
22 would have to be -- it would have to be higher than  
23 25,000 because --

24 MS. PICKARD: Than 25,000.

25 MS. DEBRA BORGER: Yeah, 25

1 times 5 is 125 so it would need to be, you know,  
2 26, 27, something like that.

3 MS. PICKARD: I mean, we have  
4 to pay for it, however --

5 MR. KERRICK: What my thoughts  
6 were, John, is I knew what the dollar amount was  
7 and maybe there's no -- we don't need to wait. We  
8 need to know what it is that we need and then how  
9 we're going to pay it back. And then we'd either  
10 decide to look at ourselves or go outside. That is  
11 my thought.

12 MR. HOLAHAN: Right. It's not  
13 something we can determine tonight. You're  
14 thinking of doing it --

15 MS. PICKARD: Well, the maximum  
16 that it's ever going to be is a hundred  
17 twenty-three in five years --

18 MR. KERRICK: For that, yes.

19 MR. HOLAHAN: For the 125.

20 MR. KERRICK: I don't know if

21 the bids --

22 MS. PICKARD: And we'd have to

23 --

24 MR. KERRICK: -- 75, I have no

25 idea what it's going to come in at.

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1 MS. PICKARD: It should be

2 lower than that, but we talked about trying to get

3 both of them out of this.

4 MS. HAASE: We did; however,

5 during the work discussion it came out that perhaps

6 the Headworks building would wait until the spring.

7 MR. KERRICK: That was my

8 recommendation.

9 MS. PICKARD: Well, we could

10 still borrow the hundred --

11 MR. KERRICK: But we have no

12 idea what that'll be, that isn't even out for bid

13 at this time.

14 MS. PICKARD: But that was

15 going to be a lot less. No?

16 MS. HAASE: Yes, it was less.

17 MR. KERRICK: There's a lot of  
18 things in there that have about to be changed,  
19 electric -- electrical in the Headworks and I can't  
20 answer that question. I think we need to -- my --  
21 I want to concentrate on this, the emergency.

22 MS. PICKARD: So it's probably  
23 going to be less than a hundred. Well, I don't  
24 care what we decide, but we need to decide.

25 MS. HAASE: I think a hundred

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1 and twenty-four exactly is what came back from -- a  
2 hundred and twenty-three came back from Landmark.  
3 Once the contractor is secured, they're going to  
4 need some type of payment, initial payment. So  
5 they're going to have to start under construction  
6 again, this is emergency, we still need to move  
7 this along as quickly as possible.

8 MS. PICKARD: I think we  
9 could -- we have the money, as long as we got the  
10 money back from the bank that would be good.



11 MS. HAASE: Understood, but  
12 that's why I'm asking the direction of the board.  
13 Do you want us to proceed with moving to Landmark  
14 to securing this loan?

15 MR. HOLAHAN: I would say, yes.

16 MR. MOYER: I would say, yeah,  
17 at that rate.

18 MR. HOLAHAN: That would be my  
19 motion.

20 MS. PICKARD: Okay.

21 MR. KERRICK: So you made a  
22 motion, John?

23 MR. HOLAHAN: I did.

24 MR. ARMSTRONG: To notify  
25 Landmark that it's the township's position to

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1 proceed with the proposal dated September 3, 2000

2 --

3 MR. HOLAHAN: Verbatim.

4 MR. KERRICK: Do we have a

5 second?

6 MS. PICKARD: Were you  
7 seconding that?  
8 MR. MOYER: I'll second it,  
9 verbatim.  
10 MR. KERRICK: I won't be able  
11 to vote on this, I believe I have a conflict. I  
12 sit on the board at Landmark as an advisory member,  
13 so I will call the vote, but I will not vote.  
14 Any questions or comments from  
15 the public on the motion?  
16 Call the vote. John?  
17 MR. HOLAHAN: I vote in favor.  
18 MR. KERRICK: Donald?  
19 MR. MOYER: I'll vote in favor.  
20 MR. KERRICK: Heidi?  
21 MS. PICKARD: I vote in favor.  
22 MR. KERRICK: I'll abstain.  
23 Do you have anything else, Pat?  
24 Oh, yes, we do. If you're going  
25 to whisper, do it louder.

1                   MR. ARMSTRONG:   No, all I was  
2   saying to the township manager was to follow up  
3   with Riley so we make sure that you meet the  
4   requirements under the Unit Debt Act in order to  
5   take out the \$123,000 small cap loan.

6                   MS. PICKARD:    I think we had --

7                   MR. ARMSTRONG:   I wasn't  
8   whispering anything inappropriate.

9                   MR. KERRICK:    We have one more  
10   item.

11                  MR. MOYER:     What's the one more  
12   item, it's not on my --

13                  MR. KERRICK:    It's in your  
14   packet on the well --

15                  MS. PICKARD:    Well, it's the  
16   paper just laying there of -- apparently Phyllis  
17   just got this.

18                  MS. HAASE:     This was actually  
19   presented to --

20                  MR. KERRICK:    It was presented  
21   to John, but the letter wasn't in till today, this  
22   part.

23                  MR. MOYER:     The easement?

24 MR. KERRICK: They have a  
25 malfunction.

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1 MR. MOYER: With their sewer,  
2 yes.

3 MR. KERRICK: They have a  
4 malfunction with their sewer and their isolation  
5 distance will be, I think, 45 or 47 feet.

6 MS. PICKARD: It says 45.

7 MR. KERRICK: 45?

8 MS. PICKARD: I'll make a  
9 motion to approve the well isolation distance of 45  
10 feet as indicated on the plan and the letter for  
11 Florence Sweifach, S-w-e-i-f-a-c-h.

12 MR. ARMSTRONG: Would you like  
13 a condition that John Brogan confirming that, the  
14 SEO of Tobyhanna Township, is okay with this  
15 application?

16 MS. PICKARD: Yes.

17 MR. HOLAHAN: I'll second.

18 MR. KERRICK: Motion and

19 second.

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

22 MR. HOLAHAN: John will  
23 probably advise them we'll want it fully cased as  
24 well. John will take care of that?

25 MS. PICKARD: Yeah, I think

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1 he's already been on the case.

2 MR. KERRICK: He's been there,  
3 they've done testing, et cetera.

4 MR. ARMSTRONG: If you wanted  
5 to amend that motion to not only confirm that John  
6 Brogan's on board, but any amendments and/or  
7 additional requirements suggested or advised by  
8 John Brogan.

9 MR. HOLAHAN: I'll amend my  
10 motion to --

11 MS. PICKARD: And mine.

12 MR. KERRICK: What did he say?

13 MS. PICKARD: Verbatim.

14 MR. KERRICK: Verbatim.  
15 MR. HOLAHAN: Verbatim.  
16 MR. KERRICK: Any 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: Donald?  
21 MR. MOYER: I'll vote in favor.  
22 MR. KERRICK: Heidi?  
23 MS. PICKARD: I vote in favor.  
24 MR. KERRICK: I vote in favor.  
25 Motion carried.

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1 Anything else from the board?  
2 Pat?  
3 MR. ARMSTRONG: I do have two  
4 things that just popped in my head going through  
5 this meeting. The Keswick Pointe, one thing I  
6 would like to do is to reach out to Bob McHale to  
7 make sure that some of those revisions in the  
8 beginning with respect to the --

9 MS. PICKARD: The phasing?

10 MR. ARMSTRONG: -- the phasing  
11 and the identification dates for the plans that  
12 differed from the first amended declaration, I  
13 would -- I need to confirm with Bob that those are  
14 accurate. I haven't seen any revised plans. I'm  
15 assuming that there are.

16 MS. HAASE: I haven't received  
17 them.

18 MR. ARMSTRONG: Okay.

19 MR. HOLAHAN: It just looked  
20 like they were changing the --

21 MR. ARMSTRONG: The square  
22 footage --

23 MR. HOLAHAN: The minimum  
24 square footage is --

25 MS. PICKARD: Yeah.

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1 MR. KERRICK: Yeah.

2 MR. ARMSTRONG: The substantive  
3 portion of the change in the square footage, but on

4 the first page some of the whereas clauses there  
5 were some changes as to the references to the dates  
6 of the plans.

7 MS. PICKARD: I think it just  
8 said Phase 1 and it hadn't been revised previously  
9 is what --

10 MS. HAASE: I think it  
11 referenced Phase 3.

12 MS. PICKARD: And this added  
13 Phase 3 or the dates of the revised plan.

14 MR. KERRICK: So we need to  
15 change our motion?

16 MR. ARMSTRONG: No, no. I just  
17 wanted to let everyone know I'm going to confirm  
18 with Bob to make sure that everything's accurate in  
19 the changes. And with respect to the RETTEW  
20 proposal, I'll look through that, Phases 1 through  
21 6; but I'm assuming -- you don't have to decide  
22 this tonight, but my recollection of the actual  
23 estimate for that bridge, when and if it comes time  
24 for construction, there's a pretty significant  
25 amount of money.



1                   There is a process for such --  
2   that's not a small cap clearly loan, it's a larger  
3   loan. There's a significant process under the Unit  
4   Debt Act. I don't know when the board wanted to  
5   start looking into that. It looks like the -- it  
6   looks like the purpose of the motion tonight was  
7   just to move forward with some of these initial  
8   phases to keep it on track timewise.

9                   MS. HAASE:   For permitting.

10                  MR. KERRICK:   For permitting.

11                  MR. ARMSTRONG:   For permitting,  
12   okay.

13                  MR. HOLAHAN:   Which may take  
14   till June.

15                  MR. KERRICK:   Or longer.

16                  MR. MOYER:   Or longer, yeah.

17                  MR. HOLAHAN:   Of course.

18                  MR. KERRICK:   What I have is a  
19   note into DPW on the budget. We're starting to  
20   prepare the budget. That's in there to talk about  
21   when we get to budget time. For future -- point

22 well taken.

23 MS. HAASE: And we also have --

24 MS. PICKARD: That was the

25 other --

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1 MS. HAASE: We also have the

2 LSA Grant, which we had discussed.

3 MS. PICKARD: Do we need a

4 motion to go for that Marcellus and the LSA Grant

5 before the next meeting? Because I know the LSA

6 Grant is due by the end of September. I guess

7 we'll meet -- we can do it on the 25th, if we need

8 a motion for that?

9 MR. ARMSTRONG: Is it the

10 actual grant application?

11 MS. PICKARD: Yeah.

12 MR. KERRICK: No, not the LSA,

13 but not the Marcellus, it was just a letter.

14 MS. PICKARD: No, the LSA is

15 the grant application. I don't know what the

16 county is requiring.

17 MR. ARMSTRONG: The one thing I  
18 will say is --

19 MS. PICKARD: Usually they make  
20 us sign an agreement at the county.

21 MR. KERRICK: They said --  
22 excuse me. All they said was initially to send the  
23 letter --

24 MS. PICKARD: Yeah.

25 MR. KERRICK: -- with a

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1 proposal.

2 MS. PICKARD: Okay. Well, that  
3 probably doesn't have a September deadline anyway.

4 MR. KERRICK: Well, they had  
5 --it's them that have to make up their mind where  
6 they're going to put money, they have the money  
7 from what I gather.

8 I'm sorry.

9 MR. ARMSTRONG: I'm not sure  
10 which is which, but the actual grant application,  
11 when you do a grant application, typically they

12     require the actual agreement with the application  
13     that you agree to. So I would just -- I don't know  
14     if you have that yet or not.

15                     MS. PICKARD:    Um-mmm.

16                     MR. ARMSTRONG:   Like almost an  
17     exhibit to the actual application is the actual  
18     agreement. So you're agreeing to the terms of the  
19     grant before you even get issued an approval of the  
20     grant.

21                     MR. KERRICK:    Understood.

22                     MR. ARMSTRONG:   So what I'm  
23     trying to say is if you want to move forward with  
24     it, you should be making a motion authorizing it,  
25     because you'd be agreeing to the terms of the

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1     agreement by applying for it.

2                     MR. KERRICK:    To make a motion?

3                     MS. PICKARD:    I guess I'm a  
4     little confused now, but we can't do that on the  
5     25th, we need to do that now?

6                     MR. ARMSTRONG:   Oh, yeah, you

7 can do it on the 25th. I'm not telling you, you  
8 can't do it on the 25th.

9 MS. PICKARD: Well, we can do  
10 it now, I don't care.

11 I'll make a motion to that --

12 MR. ARMSTRONG: I haven't -- I  
13 don't know if anyone's actually seen --

14 MS. PICKARD: Whatever you just  
15 said verbatim.

16 MR. ARMSTRONG: Well, I don't  
17 know if anyone's actually seen the grant  
18 application and/or agreement.

19 MS. HAASE: For the LSA or --

20 MS. PICKARD: I have the  
21 application. I have -- you know, I didn't know  
22 which direction we were going, but it has to be in  
23 by September 30. Did we apply -- we didn't apply  
24 for LS -- yeah, we -- no, Tunk did all the other  
25 times. We might've applied in conjunction with --

1 MR. KERRICK: The 25th? You

2 want to do it the 25th or you want to do it  
3 tonight?

4 MS. PICKARD: Let's do it the  
5 25th, then I'll have more of it together by then.

6 MR. ARMSTRONG: I mean, at the  
7 end of the day, I'll be honest with you, the  
8 chances of you changing terms in that agreement are  
9 very slim to none.

10 MS. PICKARD: No. The chance  
11 of --

12 MR. ARMSTRONG: You should  
13 always be aware of what you're agreeing to  
14 beforehand.

15 MS. PICKARD: The chance of  
16 getting the money is probably very slim as well.

17 MR. KERRICK: Any other?  
18 Phyllis?

19 MS. HAASE: No, sir.

20 MR. KERRICK: Anyone from the  
21 public?

22 Yes, sir?

23 MR. BRAD GRAHAM: Brad Graham,  
24 G-r-a-h-a-m. Copy of the draft audit, the

25      availability, is that going to be online or can we

84

1      just come here and pick one up at the township?

2                              MR. KERRICK:    I don't think the  
3      draft will be available, we'll wait until it's  
4      finished.

5                              MS. PICKARD:    We'll get the  
6      finalized and then that will be in.

7                              MR. BRAD GRAHAM:    Okay.    Thank  
8      you.

9                              MR. KERRICK:    Any other  
10     questions?

11                              We're adjourned.    Thank you.

12                              (Meeting concluded at 8:20 p.m.)

13                              ---

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I hereby certify that the

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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



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TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, July 8, 2013 beginning at 7:00 p.m.

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

---

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

2

1 MR. KERRICK: Call the meeting  
2 to order with the pledge of allegiance.  
3 (Pledge of allegiance was  
4 recited.)  
5 MR. KERRICK: I'd like to

6 welcome everyone here this evening.

7 First announcement we have,  
8 board's work session last Monday afternoon, we  
9 appointed Phyllis Haase as our township manager. I  
10 just want to announce that to the public.

11 We'll start with announcements.

12 Do you have anything, Heidi?

13 MS. PICKARD: I just have the  
14 Community Day is this Saturday from two to seven up  
15 in the park.

16 MR. KERRICK: Thank you.

17 We have a long list of minutes  
18 to approve: April 25, public hearing amending the  
19 Flood Plain Management Ordinance; April 25, 2013,  
20 public hearing, proposed Tobyhanna Township Tax  
21 Increment Financing District Plan for the Kalahari  
22 Resort; May 6 special meeting, Kalahari Resort Land  
23 Development Plan; May 13, 2013, regular business  
24 meeting; May 15, 2013, public hearing, preliminary  
25 Tobyhanna Township Neighborhood Improvement

3

1 District Plan for the Kalahari Resort project; May  
2 17, special meeting; and June 3, special meeting.

3 What's the board's pleasure? We  
4 do not have our work session minutes from June 3.

5 MR. MOYER: Any corrections on  
6 any of them or they're all good?

7 MS. PICKARD: No. They're  
8 good.

9 MR. MOYER: I'll make a motion  
10 we approve the minutes.

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

13 MR. KERRICK: Motion and

14 second.  
15 Questions or comments on the  
16 motion from the board?  
17 From the public, on the motion?  
18 Call the vote. Anne?  
19 MS. LAMBERTON: I vote in  
20 favor.  
21 MR. KERRICK: Donny?  
22 MR. MOYER: I'll vote favor.  
23 MR. KERRICK: Heidi?  
24 MS. PICKARD: I vote in favor.  
25 MR. KERRICK: I'll vote in

4

1 favor. Motion carried.  
2 Next item, consider the  
3 treasurer's report. Total amount for board  
4 approval is \$308,074.98.  
5 MS. PICKARD: I make a motion  
6 that we approve the bill pack dated July 8, 2013 in  
7 the amount of \$308,074.98.  
8 MR. KERRICK: Motion. Do we  
9 have a second?  
10 MR. MOYER: I'll second.  
11 MR. KERRICK: Questions or  
12 comments from the board?  
13 Questions or comments from the  
14 public?  
15 Call the vote. Anne?  
16 MS. LAMBERTON: I vote in  
17 favor.  
18 MR. KERRICK: Donny?  
19 MR. MOYER: I vote in favor.  
20 MR. KERRICK: Heidi?  
21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I'll vote in  
23 favor. Motion carried.  
24 Solicitor's report.  
25 MR. ARMSTRONG: Thank you, Mr.

5

1 Chairman. There's nothing listed under my report  
2 for this evening. However, you were forwarded -- I  
3 sent you an email with respect to the --  
4 negotiations with respect to the sewer agreements  
5 between Pocono Township and Tobyhanna Township, as  
6 well as Kalahari and Pocono Manor in relation to  
7 the Kalahari Resorts project.

8 Counsel for Pocono Manor  
9 Investors is requesting possibly setting up a staff  
10 meeting with maybe a supervisor present to discuss  
11 some of the terms of that agreement and also my  
12 response. I am available on Wednesday of this  
13 week. I don't know if anyone from the board's  
14 available as well.

15 If not, I talked to Ralph  
16 Matergia, who represents Pocono Manor in this  
17 situation, and he indicated that he -- that he  
18 understands that it might go -- the meeting  
19 actually might be scheduled for next week if need  
20 be; but I am available on the 10th. I don't know  
21 if anyone knows their schedules for the 10th, but  
22 is it --

23 MS. LAMBERTON: Do you know  
24 what time?

25 MR. ARMSTRONG: No time set,

6

1 just dates that I'm aware of, at this point in

2 time.

3 MS. LAMBERTON: Okay. I'm

4 available to go the 10th or the 11th.

5 MR. ARMSTRONG: Regardless of

6 the time?

7 MS. LAMBERTON: I'll make

8 myself available.

9 MR. ARMSTRONG: Does everyone

10 -- good with the -- does the board agree to at

11 least meet and discuss the matter with them?

12 MS. LAMBERTON: Absolutely.

13 MR. ARMSTRONG: Other than

14 that, there's nothing that I really have to --

15 MR. KERRICK: You'll let us

16 know what time?

17 MR. ARMSTRONG: Absolutely.

18 MR. MOYER: Yeah, I --

19 MR. ARMSTRONG: What I will do

20 is I will follow up -- I'll follow up with

21 Kalahari, Pocono Manor and Pocono Township to see

22 when and if we can get the schedule, let them know

23 that the 10th, pretty much anytime, it sounds, we

24 -- Anne and I will be available and then hopefully

25 they will. If not, if it's next week, I'll follow

7

1 up with you guys what dates are thrown out.

2 MS. LAMBERTON: Sounds good.

3 MR. KERRICK: Anything else?

4 MR. ARMSTRONG: No. There was

5 also a correspondence, since we're talking about

6 Kalahari, with respect to the sewer permit

7 application this afternoon. I think it would be a

8 good idea to finalize -- to get these agreements,

9 these sewer agreements finalized before Tobyhanna

10 Township executes any permit applications.  
11 Anyone have a problem with that?  
12 MS. LAMBERTON: No, not at all.  
13 MR. ARMSTRONG: That's all I  
14 have.  
15 Thank you.  
16 MR. KERRICK: You sure?  
17 MR. ARMSTRONG: Oh, and a brief  
18 executive session with respect to personnel.  
19 Thank you.  
20 MR. KERRICK: Thank you, Pat.  
21 Next item on our agenda, old  
22 business. Tobyhanna Township Volunteer Fire  
23 Company and Pocono Summit Volunteer Fire Company  
24 approving non-fire fighting activities for July and  
25 August.

8

1 MR. MOYER: Is there a list in  
2 there?  
3 MS. LAMBERTON: I don't know.  
4 I don't see. Do you have one?  
5 MS. PICKARD: I don't know  
6 where the list is for Toby.  
7 MR. KERRICK: What's the  
8 board's pleasure?  
9 MS. PICKARD: We don't have a  
10 list for --  
11 MR. KERRICK: For who? Thought  
12 they were in our packet.  
13 MS. LAMBERTON: I only see  
14 Pocono Summit. I don't think we should be doing  
15 it.  
16 MS. PICKARD: What's the date  
17 of your beef roast?

18 MALE VOICE: August --  
19 MS. PICKARD: The 17th?  
20 MR. TROY COUNTERMAN: The third  
21 Saturday. Yeah, August 17.  
22 MR. KERRICK: What's the  
23 board's pleasure?  
24 MS. LAMBERTON: I personally  
25 would like to let it up to the insurance company

9

1 and stay out of it. That's just my opinion.  
2 MR. ED TUTRONE: John?  
3 MR. KERRICK: I'm sorry, Ed.  
4 MR. ED TUTRONE: If you let it  
5 up to the insurance company and stay out of it, we  
6 definitely will not be covered.  
7 MS. PICKARD: It has to be  
8 approved at the -- acknowledged at the meeting.  
9 MR. MOYER: I'm okay with the  
10 ones without the alcohol, the beef roast and stuff.  
11 MS. PICKARD: That's done.  
12 MR. MOYER: What we say doesn't  
13 matter anyway.  
14 MS. LAMBERTON: That's my  
15 point.  
16 MR. KERRICK: What's that?  
17 MS. LAMBERTON: What we say  
18 doesn't matter.  
19 MR. MOYER: But if we don't say  
20 anything, they're not covered for anything.  
21 MS. LAMBERTON: But they could  
22 come back and say it doesn't really matter what you  
23 say.  
24 MR. KERRICK: It put us in an  
25 awful -- awkward situation, it's ridiculous.



1 MS. LAMBERTON: Everybody  
2 should be concerned about the liability for the  
3 township, but guess that doesn't matter here.  
4 MR. KERRICK: I'm worried about  
5 the liability for the township --  
6 MS. LAMBERTON: So am I.  
7 MR. KERRICK: -- or I wouldn't  
8 be here.  
9 MS. LAMBERTON: I just -- I  
10 listened to what Patrick said, we do not need to  
11 get involved in this was his opinion, as well as if  
12 you do --  
13 MR. MOYER: Is that right, we  
14 don't have to act at all?  
15 MR. ARMSTRONG: There's nothing  
16 requiring you to act in how the fire departments  
17 are asking you to act. If you don't acknowledge  
18 and indicate that you're okay with them  
19 participating in certain events, and it's not a  
20 clear fire fighting activity and it's considered an  
21 ancillary activity, then, yes, if they -- someone  
22 gets hurt and they file a workers' comp claim, they  
23 are not going to be covered, which is why some  
24 events make sense; the parade, the community event,  
25 but others don't likely make sense, you know. Let

1 me see.  
2 MS. PICKARD: I don't have a  
3 problem with the lists on Tobyhanna. There's still  
4 some things on the Summit's that were brought up.  
5 I'm not sure when the parades were. One is done,

6 the Greene-Dreher for Pocono Summit.  
7 Do you know about when those  
8 were?  
9 MR. ED TUTRONE: That was this  
10 past weekend.  
11 MS. PICKARD: One was in  
12 Covington and one was in Gouldsboro.  
13 MR. MOYER: I don't see --  
14 MS. LAMBERTON: -- in Covington  
15 last week.  
16 MR. KERRICK: Well, I know, but  
17 they're back on the list.  
18 MR. KERRICK: Coin tosses are  
19 back too, I see.  
20 MS. PICKARD: Well, this is the  
21 same original list and the coin tosses are on. I  
22 don't have a problem with the breakfast, the  
23 Community Day, the open house --  
24 MR. KERRICK: So make a motion.  
25 MS. PICKARD: -- or the roast

12

1 beef.  
2 I'll make a motion that we  
3 acknowledge the list of activities for Tobyhanna  
4 Township Volunteer Fire Company as of Mr. Tutrone's  
5 email on Monday, July 1; and the Pocono Summit  
6 monthly breakfast, the Community Day, the October  
7 19 Fire Company Open House and the beef dinner.  
8 MR. MOYER: I'll second that.  
9 MR. KERRICK: Motion and  
10 second.  
11 Questions or comments from the  
12 board?  
13 Questions from the public on the

14 motion?

15 MR. TROY COUNTERMAN: What  
16 about our business meetings?

17 MR. ED TUTRONE: Is that  
18 covered? I know we tried to discuss that last  
19 month, that and the memorial services.

20 MS. PICKARD: That was on  
21 there.

22 MR. KERRICK: I think she said  
23 everything on your letter, didn't she?

24 MR. ED TUTRONE: I didn't  
25 include that on that one because last month you

13

1 guys had approved --

2 MR. KERRICK: They're here.

3 MR. ED TUTRONE: -- the  
4 meetings.

5 MS. PICKARD: Yeah, they are.  
6 It was with Linda Creed breast cancer.

7 MR. KERRICK: Business  
8 meetings?

9 MS. PICKARD: Yeah.

10 MR. ED TUTRONE: Oh, I didn't  
11 think I put it back on the list.

12 MR. KERRICK: Any other  
13 questions?

14 Call the vote. Anne?

15 MS. LAMBERTON: I am opposed.

16 MR. KERRICK: Donny?

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

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 I don't like it at all, but it  
23 is what it is.  
24 New business, consider  
25 Resolution 2013 dash 021, authorizing the price

14

1 adjustment for bituminous material for small  
2 quantities.  
3 What's the board's pleasure on  
4 the resolution?

5 MS. PICKARD: I'll make a  
6 motion that we approve the 2013 Resolution 021,  
7 authorizing the price adjustment of bituminous  
8 materials for small quantities.

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

11 MR. MOYER: I'll second.

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

14 MS. LAMBERTON: What is this  
15 for?

16 MR. KERRICK: Small quantities  
17 price adjustment for --

18 MS. LAMBERTON: Why are we  
19 adjusting a price?

20 MR. KERRICK: With the asphalt  
21 index.

22 MS. LAMBERTON: Okay. I'm  
23 sorry. I wasn't following.

24 MR. KERRICK: Any questions  
25 from the public?

15

1 Call the vote. Anne?

2 MS. LAMBERTON: I vote in favor.  
3 MR. KERRICK: Donny?  
4 MR. MOYER: I'll vote in favor.  
5 MR. KERRICK: Heidi?  
6 MS. PICKARD: I vote in favor.  
7 MR. KERRICK: I'll vote in  
8 favor. Motion carried.  
9 Now we're into our 2013  
10 bituminous seal coat contract.  
11 Do you have any comments, Pat?  
12 MR. ARMSTRONG: No. I'm  
13 looking at the bids that were received. It looks  
14 like the lowest bidder that submitted a bid is  
15 Dosch King. Looks like the bids were done in  
16 conjunction with Tunkhannock, Mount Pocono Borough  
17 and Coolbaugh Township. All the bids from Dosch  
18 King were the lowest bids. The other two bidders  
19 were AMS, Asphalt Maintenance Solutions and  
20 Midland.  
21 MR. MOYER: How was these guys?  
22 Didn't we have them last time?  
23 MR. KERRICK: Yeah, we had a  
24 lot of problems.  
25 MR. MOYER: We did?

16

1 MR. KERRICK: Yeah. I didn't  
2 -- I talked to Coolbaugh --  
3 MS. LAMBERTON: Based on  
4 performance?  
5 MR. KERRICK: Coolbaugh bid  
6 with us, Mount Pocono and Tunkhannock, as you're  
7 aware. The only ones that used them last year were  
8 Tunkhannock and ourselves, Coolbaugh did not and  
9 Mount Pocono.

10 MS. LAMBERTON: They never came  
11 back and did something for you, I remember you  
12 saying.

13 MR. KERRICK: They didn't come  
14 back.

15 MS. LAMBERTON: Right.

16 MR. KERRICK: We didn't ask  
17 them to yet.

18 MR. MOYER: Yeah.

19 MR. KERRICK: That was the  
20 question I had to Pat.

21 MS. LAMBERTON: Didn't they not  
22 complete something or post signs or --

23 MR. KERRICK: There was a lot  
24 of things they did not do. They didn't have enough  
25 people, they didn't have flaggers, they didn't have

17

1 signs. I could go on and on, and I think  
2 Tunkhannock had some issues as well.

3 MR. MOYER: Yeah. I remember  
4 talking to somebody.

5 MR. KERRICK: We cannot  
6 condition -- the contract is the contract.

7 MR. ARMSTRONG: This year's bid  
8 and this year's bid, is this year's bid, you can't  
9 condition it upon last year's -- fixing of anything  
10 from last year.

11 MS. LAMBERTON: No, I  
12 understand that, but what about their performance?

13 MR. ARMSTRONG: The  
14 performance? If you're asking if the lowest bidder  
15 can be rejected for past performance, the answer is  
16 yes. However, you need to specifically have an  
17 explanation, specifics of written documents as to

18 how they defaulted in the past and I'm not  
19 necessarily sure if we have that at this point in  
20 time.

21 MR. KERRICK: Not enough to go  
22 to court, I wouldn't want to. We have some  
23 documentation, but not enough that I would be  
24 comfortable.

25 MR. ARMSTRONG: Okay. Well,

18

1 then I think your -- given the bids that came in,  
2 I'm not -- you know, maybe they're a little overbid  
3 overbudget, but you're either tasked with either  
4 accepting and awarding the bid to Dosch King at  
5 this point in time, with the understanding that  
6 this year's bid is this year 's bid; however, you  
7 know, if you still haven't gone back to them about  
8 last year's work that hasn't been corrected, let  
9 them know.

10 MR. KERRICK: We talked to them  
11 at the end of the year last year.

12 MR. ARMSTRONG: Oh, so they're  
13 aware of it?

14 MR. KERRICK: Yes, but they  
15 didn't -- their answer was if they got the bid this  
16 year, they would fix it.

17 MR. ARMSTRONG: Well, we can't  
18 -- it wouldn't be appropriate for you to condition  
19 your approval -- the award of the bid on that.

20 MR. MOYER: Right.

21 MR. ARMSTRONG: But you can  
22 still, you know, remind them they are the lowest  
23 bidder so if you are going to award the bid, that's  
24 who it would be to, but you could always reject all  
25 bids. This is, you know, within the discretion of

1 the board.

2 MR. KERRICK: What's the  
3 board's plea -- well, what'll happen again if we --

4 MS. LAMBERTON: You work with  
5 them, yeah.

6 MR. KERRICK: If we put the bid  
7 packet together and put it out, I can tell you  
8 who's going to be the low bidder again.

9 MS. LAMBERTON: Them.

10 MR. MOYER: Yeah. We're for  
11 them, but, you know, I would talk with them and  
12 say, you know, last year was a few issues and --

13 MR. ARMSTRONG: This time  
14 around be very --

15 MR. MOYER: Yeah. I'd like to  
16 make sure that the foremen are on top of whatever  
17 and make sure we don't have issues again.

18 MR. KERRICK: Okay.

19 MR. MOYER: I guess, I mean --

20 MR. KERRICK: On the list that  
21 we have here, I'm not sure whether we can do all  
22 those because of our funding. We may have to cut  
23 -- we have 36 roads.

24 MS. PICKARD: We're just doing  
25 a single coat on our road?

1 MR. KERRICK: Single coat,  
2 yeah.

3 MS. PICKARD: Are all those  
4 roads in shape to be --

5 MR. KERRICK: Yes.



6 MS. PICKARD: They don't need  
7 any other work done?  
8 MR. KERRICK: Minimal. We did  
9 the work last year, the patching and the milling  
10 fill last year. Most of these could just be  
11 sealed; all of them can be sealed actually. It's  
12 the whole Camelot section, there's some roads in  
13 Blakeslee and the old 940.  
14 MS. PICKARD: Well, the things  
15 with the signs and them not having flaggers, how is  
16 that going to be handled this year if they --  
17 MR. KERRICK: Tell them that  
18 they have to stop and leave the job unless they  
19 have the proper manpower and equipment.  
20 MS. PICKARD: That's all in the  
21 bid document.  
22 MR. KERRICK: It was in there  
23 last year, but we were running out of time for  
24 weather, so we kind of helped them get it finished.  
25 And I think -- I can't speak for Tunkhannock, but I

21

1 think they did the same.  
2 MR. ARMSTRONG: Do you know  
3 which ones you can and which ones you --  
4 MR. KERRICK: The exact roads?  
5 MR. ARMSTRONG: Right.  
6 MR. KERRICK: Well, I got --  
7 MR. ARMSTRONG: Because the bid  
8 documents -- I'm looking at the bid documents and  
9 you did reserve the right to accept or reject any  
10 and all proposals or portions thereof and to delete  
11 projects or portions of the projects depending on  
12 budgetary restraints. So you do have the ability  
13 to go through and --

14 MR. KERRICK: Right. Bob and I  
15 were going to go through one more time and identify  
16 which ones would be taken out.

17 MS. PICKARD: We have to award  
18 the bid without those roads, is that what you're  
19 saying?

20 MR. KERRICK: No. I think in  
21 the bid you can pick and choose, that's the way it  
22 was written.

23 MR. ARMSTRONG: Right, right.

24 MS. PICKARD: So we can award  
25 the bid now and then --

22

1 MR. KERRICK: You award the bid  
2 and -- but we don't have to do all 36.

3 MS. PICKARD: And they were the  
4 high bidder for the fiber reenforce, there's no way  
5 we can --

6 MR. KERRICK: No, it --

7 MS. PICKARD: That can't be  
8 separated?

9 MR. ARMSTRONG: No, the way  
10 this is worded --

11 MR. KERRICK: The way it's  
12 written, it's all one.

13 MR. ARMSTRONG: -- it's all  
14 one, right. My understanding is --

15 MS. PICKARD: Is that something  
16 we would do?

17 MR. KERRICK: They're probably  
18 going to use the low bid because they don't do it.

19 MR. MOYER: They're going to  
20 sell it.

21 MS. PICKARD: Then just charge

22 us the difference?

23 MR. MOYER: Yeah.

24 MR. KERRICK: I don't know that  
25 for a fact, but I would assume.

23

1 MS. PICKARD: Because they were  
2 quite a bit higher on that.

3 MR. KERRICK: Not ridiculous  
4 high, was it?

5 MS. PICKARD: A dollar  
6 something from the low bid, they were 4.75 and low  
7 bid was 3.56 on that.

8 MR. KERRICK: What's the  
9 board's pleasure?

10 MS. PICKARD: What were we  
11 doing the fiber on?

12 MR. KERRICK: The old 940.

13 MS. PICKARD: What do you want  
14 to do?

15 MR. MOYER: Yeah. That's your  
16 expertise, John, what do you --

17 MR. KERRICK: I'm not happy,  
18 but we don't have much choice.

19 MS. PICKARD: There's a  
20 question in the audience from somebody from Tunk.

21 MR. KERRICK: I just wanted to  
22 make sure you were done first.

23 MR. TROY COUNTERMAN: Could you  
24 -- could you reject their bids, rebid it with all  
25 your stipulations and your concerns into the new

24

1 bid?

2 MS. LAMBERTON: It's already in  
3 there, isn't it?  
4 MR. KERRICK: I don't think you  
5 can put in a stipulation like that from what our  
6 legal counsel tells us.  
7 MR. ARMSTRONG: You can, but  
8 the problem is we don't have anything that would be  
9 a real basis at this point in time from last year.  
10 What I would suggest going  
11 forward is, if you do award it to Dosch King and if  
12 they do proceed to do the same mistakes or whatever  
13 imperfections they did last year, we'll document it  
14 well this year. And then if we're in the same spot  
15 next year, you know, you'll be sitting in a  
16 different seat.  
17 MS. LAMBERTON: We do COG bids,  
18 Jack, right, and it's all based on performance?  
19 And if they don't perform, ixnay on the  
20 contractsnay, you know what I mean?  
21 MR. JACK RADER: Oh, yeah.  
22 MR. KERRICK: We have a  
23 performance in there as well.  
24 MR. JACK RADER: We award it  
25 like that, though.

25

1 THE REPORTER: Can I just have  
2 your name, please?  
3 MS. LAMBERTON: I'm sorry.  
4 MR. JACK RADER: Jack Rader.  
5 THE REPORTER: Can you spell  
6 your last name?  
7 MR. JACK RADER: R-A-D-E-R.  
8 THE REPORTER: Thank you.  
9 MR. KERRICK: Isn't that in

10 there, the performance?  
11 MR. ARMSTRONG: Oh, yeah, yeah.  
12 MS. LAMBERTON: So you're  
13 covered. I think what Troy's bringing up is  
14 already in the contract, is what I'm trying to make  
15 that comment.  
16 MR. TROY COUNTERMAN: The bid  
17 bond should've been pulled months ago, honestly, on  
18 both sides. And then that probably would've gave  
19 you another loophole.  
20 MR. ARMSTRONG: The performance  
21 bond --  
22 MR. TROY COUNTERMAN: Yeah,  
23 from the last year.  
24 MR. ARMSTRONG: -- from last  
25 year.

26

1 MR. TROY COUNTERMAN: Yeah.  
2 MR. ARMSTRONG: If, I guess --  
3 the question is if the deficient -- I don't know  
4 what kind of deficiencies we're talking about.  
5 MR. KERRICK: Had some areas  
6 where it lifted and it sounds easy to pull that,  
7 but I don't think -- there's a lot more to it when  
8 you do that legalitywise.  
9 MR. ARMSTRONG: Yeah.  
10 MR. KERRICK: And I don't think  
11 -- it would've just cost us a ton of money in  
12 court.  
13 MS. LAMBERTON: You turn good  
14 money bad.  
15 MR. KERRICK: Then you're  
16 throwing good after bad, in my opinion. We want it  
17 fixed obviously, but --

18 MS. PICKARD: But now we're  
19 stuck with this situation.  
20 MR. KERRICK: We're not stuck,  
21 you can reject it.  
22 MR. MOYER: Well, and who knows  
23 what you get if you go with the next guy. You  
24 know, what I mean? You're not guaranteeing that  
25 they're going to do it any better so --

27

1 MS. LAMBERTON: It just costs  
2 more.  
3 MR. MOYER: Right.  
4 MS. PICKARD: Do we have to  
5 award them tonight or is it --  
6 MR. LAMBERTON: We're paying  
7 more for them to do less.  
8 MS. PICKARD: Would it make a  
9 difference to wait?  
10 MR. KERRICK: There's a time  
11 limit that you have to have it done by and they'll  
12 never be able to make it --  
13 MS. LAMBERTON: Because of  
14 weather.  
15 MR. KERRICK: It's in August  
16 and --  
17 MS. LAMBERTON: Yeah, yeah.  
18 Well, I mean, you can --  
19 MR. KERRICK: You can wait till  
20 next month, but then you might as well take your  
21 deadline and move it out because they're not going  
22 to make it.  
23 MS. LAMBERTON: Right, right.  
24 MR. KERRICK: I don't think a  
25 month is going to make a difference. Either you

1 are going to do it or we're not going to do it. We  
2 have to make up our mind.

3 MS. LAMBERTON: You plan on  
4 sealing these -- Old 940, is that what you're  
5 planning on doing? Is that in your projected job  
6 scope?

7 MR. KERRICK: These are the  
8 ones that we projected.

9 MS. LAMBERTON: Okay, okay.

10 MS. PICKARD: Old 940 was one  
11 road that had the fiber reenforce.

12 MR. KERRICK: We wanted to try  
13 that and see how it compared to the longevity on  
14 the --

15 MS. LAMBERTON: Yeah, I  
16 remember Bob talking about that.

17 MR. KERRICK: What's the  
18 board's pleasure?

19 MS. LAMBERTON: I'll make a  
20 motion to accept the Dosch King bid based on  
21 knowing that the performance is an issue this year.  
22 Put it on record.

23 MR. KERRICK: Anything you want  
24 to add to that motion?

25 MR. ARMSTRONG: Subject

1 possibly to performing those portions of roads only  
2 within the budget constraints of Tobyhanna Township  
3 to be determined by township staff.

4 MS. LAMBERTON: Director of  
5 DPW.

6 MR. ARMSTRONG: Right.  
7 MR. MOYER: All right. I'll  
8 second it.  
9 MR. KERRICK: Motion and  
10 second.  
11 Questions or comments from the  
12 board?  
13 Questions or comments from the  
14 public?  
15 Call the vote. Anne?  
16 MS. LAMBERTON: I vote in  
17 favor.  
18 MR. KERRICK: Donny?  
19 MR. MOYER: I vote in favor.  
20 MR. KERRICK: Heidi?  
21 MS. PICKARD: I vote in favor.  
22 MR. KERRICK: I vote in favor.  
23 Next item, our line painting.  
24 We have one bid from Interstate.  
25 MS. LAMBERTON: Well, that

30

1 makes it easy.  
2 MR. KERRICK: I compared it to  
3 COG's and it's pretty much the same price as what  
4 they had. This is also with Coolbaugh, Mount  
5 Pocono --  
6 MR. MOYER: And Tunk?  
7 MR. KERRICK: -- Tunk.  
8 MS. PICKARD: I'll make a  
9 motion that we award the line painting contract to  
10 Interstate.  
11 MR. KERRICK: Do we have a  
12 second?  
13 MR. MOYER: I'll second.



14 MR. KERRICK: Questions or  
15 comments from the board on the motion?  
16 From the public on the motion,  
17 questions or comments?  
18 Call the vote. Anne?  
19 MS. LAMBERTON: I vote in  
20 favor.  
21 MR. KERRICK: Donny?  
22 MR. MOYER: I vote in favor.  
23 MR. KERRICK: Heidi?  
24 MS. PICKARD: I vote in favor.  
25 MR. KERRICK: I vote in favor.

31

1 Motion carried.  
2 Next item on our agenda,  
3 consider Resolution 2013 dash 022, budget  
4 reappropriations.  
5 Anyone have any questions on  
6 that? Pretty much self-explanatory.  
7 MR. MOYER: Yeah, I don't have  
8 any on it. I looked it over before, so --  
9 MS. PICKARD: Is that your  
10 motion?  
11 MR. MOYER: Yeah. I'll make a  
12 motion we --  
13 MS. PICKARD: I'll second the  
14 motion.  
15 MR. KERRICK: Motion and  
16 second.  
17 Questions or comments from the  
18 board?  
19 Questions or comments from the  
20 board on the motion?  
21 Questions from the public on the

22 motion?

23 Call the vote. Anne?

24 MS. LAMBERTON: I vote in

25 favor.

32

1 MR. KERRICK: Donny?

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

3 MR. KERRICK: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. KERRICK: Motion carried.

6 Next item, consider reappointing

7 Anne Sincavage to the zoning hearing board.

8 MS. PICKARD: I make a motion

9 we reappoint Anne Sincavage to the zoning hearing

10 board.

11 MR. MOYER: I'll second.

12 MR. KERRICK: Motion and second

13 to reappoint Anne another term.

14 Questions or comments?

15 Questions or comments from the

16 public?

17 Call the vote. Anne?

18 MS. LAMBERTON: I vote in

19 favor.

20 MR. KERRICK: Donny?

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

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. KERRICK: I vote in favor.

25 Motion carried.

33

1 MR. MOYER: Just a side note, I

2 received an email, I think everybody did, from John  
3 Holahan and he was in favor for Anne too.

4 MR. KERRICK: Put that in the  
5 record.

6 Next item, formation of fire  
7 company subcommittee.

8 MS. LAMBERTON: Who wants to be  
9 on the committee?

10 MR. KERRICK: Just waiting for  
11 some discussion.

12 MR. MOYER: This is for --

13 MR. KERRICK: We had the talk  
14 last week to see if we could get people --

15 MS. LAMBERTON: Discuss a  
16 regionalization.

17 MR. KERRICK: -- from the board  
18 and each respective fire company and have a couple  
19 of meetings.

20 MS. LAMBERTON: John, I think  
21 you should be on it --

22 MR. KERRICK: Anyone else?

23 MS. LAMBERTON: -- just for  
24 your experience. I don't know anything about fire.

25 MS. PICKARD: I would think we

34

1 should have the chief's --

2 MR. KERRICK: Well, that's up  
3 to them. I wasn't going to appoint them, I just  
4 was going to ask --

5 MS. PICKARD: So we just want  
6 --

7 MS. LAMBERTON: Why don't you  
8 and John do it together, because you do popo  
9 together and then, you know --

10 MR. MOYER: I'll do it with  
11 you, John.  
12 MS. LAMBERTON: Yeah. Look at  
13 me, I threw you right under the bus, didn't I?  
14 MR. MOYER: It's just timewise,  
15 because of popo.  
16 MS. LAMBERTON: I know, I know.  
17 Do it right after it, right before it.  
18 MS. PICKARD: Are we going to  
19 send a letter out to them to request them to  
20 appoint how many people?  
21 MR. KERRICK: Yeah. I was  
22 going to ask if they would do two if they want --  
23 MS. LAMBERTON: You should keep  
24 it small.  
25 MR. KERRICK: I think two's

35

1 enough --  
2 MS. LAMBERTON: Yeah, keep it  
3 small.  
4 MR. KERRICK: Give us a couple  
5 dates --  
6 MS. LAMBERTON: Yeah.  
7 MR. KERRICK: -- next month or  
8 two and sit down.  
9 MR. MOYER: Got that? You'll  
10 take that back to George? That works.  
11 MS. PICKARD: For August?  
12 MR. KERRICK: I don't think you  
13 can get it this month, it'll probably be August.  
14 MS. LAMBERTON: What are you  
15 guys doing tomorrow?  
16 MR. MOYER: Popo meeting.  
17 MR. KERRICK: I got a phone

18 call after they read the art -- some people read  
19 the article in the paper, there was another  
20 township that was willing to talk as well.  
21 MS. LAMBERTON: I got a couple  
22 phone calls too. I think they thought it was very  
23 positive.  
24 MR. KERRICK: Even if it was  
25 just with the equipment, purchasing equipment, so

36

1 there wasn't duplication. I don't know where it'll  
2 go, but anyway --  
3 MS. PICKARD: Do we want to  
4 make a motion --  
5 MS. LAMBERTON: Something to at  
6 least talk about.  
7 MS. PICKARD: -- to appoint you  
8 and Donny to that?  
9 MR. KERRICK: Do we have a  
10 motion, it's just an informal --  
11 MR. ARMSTRONG: Yeah, if it's  
12 informal, you don't need to.  
13 MR. KERRICK: Pat, do you have  
14 anything else?  
15 MR. ARMSTRONG: Just the brief  
16 executive session with respect to personnel.  
17 That's it.  
18 MS. LAMBERTON: He said brief.  
19 MR. KERRICK: That key word you  
20 had in there.  
21 MR. ARMSTRONG: Brief.  
22 MR. KERRICK: That's the word I  
23 was looking for.  
24 MR. ARMSTRONG: As brief as you  
25 allow it to be.

1 MR. KERRICK: Brief.

2 MR. MOYER: You heard that from

3 an attorney.

4 MR. KERRICK: Phyllis, do you

5 have anything?

6 MS. HAASE: No, sir, I do not.

7 MR. KERRICK: Anyone from the

8 board have anything?

9 MS. LAMBERTON: I'd like to

10 welcome Phyllis.

11 MS. HAASE: Thank you.

12 MS. LAMBERTON: Good luck.

13 MR. MOYER: Welcome, Phyllis.

14 MS. HAASE: Appreciate it.

15 MR. KERRICK: Anyone from the

16 public?

17 Yes, sir?

18 MR. TROY COUNTERMAN: John, we

19 had a conversation with George Tallmadge out of

20 Pocono Summit beginning of last week. I called and

21 let you know what was going on.

22 Just so the rest of the board

23 knows, there was emails sent to the control center.

24 Starting probably in two, possibly three weeks,

25 we'll be doing full dispatch 24/7, 365 days in

1 Tobyhanna Township. So, just so we get the ball

2 rolling there, we will probably going to pop into

3 their meeting tomorrow night in case there's any

4 other questions. And then we'll let them know that

5 you're only looking for two.

6 MR. KERRICK: Good.  
7 MR. MOYER: Two from each or --  
8 MR. KERRICK: Yeah. I think  
9 two's enough. That's up -- I would request two.  
10 MR. MOYER: That's up to them.  
11 MS. LAMBERTON: Yeah.  
12 MR. KERRICK: That's good. You  
13 work together -- the more you work together, the  
14 better it'll be.  
15 MR. TROY COUNTERMAN: On your  
16 concern of duplication of services equipmentwise, I  
17 also talked to the control center and probably at  
18 the end of the summer after everybody gets back  
19 from vacation, we're going to go into box alarms,  
20 so we're not repeating equipment, so forward  
21 motion.  
22 MR. KERRICK: Good. Good to  
23 hear.  
24 Anybody else from the public?  
25 Thank you for attending. We're

39

1 adjourned.  
2 (Meeting concluded at 7:32 p.m.)  
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I hereby certify that the

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

TARA WILSON, C.R.



22

23

24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, June 10, 2013, beginning at 7 p.m.

---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
DONALD J. MOYER, Board Member  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member  
  
PATRICK ARMSTRONG, ESQUIRE, Solicitor  
  
ROBERT McHALE, P.E., Township Engineer  
  
ALSO PRESENT: Phyllis Haase, Zoning Officer

---

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

2 the regular business meeting with the pledge of  
3 allegiance.

4 (Pledge of Allegiance.)

5 MR. KERRICK: Do you have  
6 announcements?

7 MS. PICKARD: Just a reminder  
8 that community day is July 11 from 2 to 7. We  
9 haven't heard from some of the vendors. Please get  
10 in touch with us soon. That's it.

11 MR. KERRICK: Okay. Thank you.  
12 Next item, consider the minutes of April 8th, 2013  
13 regular business meeting and May 6, 2013 work  
14 session. What's the board's pleasure?

15 MR. HOLAHAN: I'll make a motion  
16 we accept the minutes of April 8th and the May 6th  
17 meetings.

18 MR. KERRICK: Is there a second?

19 MS. PICKARD: I'll second.

20 MR. KERRICK: Motion and second.

21 Questions or comments from the board? Questions or  
22 comments from the public?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

3

1 MS. LAMBERTON: I vote in favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: Vote in favor.

6 MR. KERRICK: Motion carried.

7                               Next item on our agenda, pay our  
8   current obligations. Total for board approval is  
9   \$277,194.54. Bills are up front if anybody would  
10 like to take a look. What's the board's pleasure?

11                           MS. PICKARD: Make a motion that  
12 we approve the bill pack dated June 10, 2013 in the  
13 amount of \$277,194.54.

14                           MR. MOYER: I'll second it.

15                           MR. KERRICK: Motion and second.  
16 Questions or comments from the board? Questions or  
17 comments from the public?

18                           Call the vote. John?

19                           MR. HOLAHAN: I vote in favor.

20                           MR. KERRICK: Anne?

21                           MS. LAMBERTON: I vote in favor.

22                           MR. KERRICK: Donny?

23                           MR. MOYER: I vote in favor.

24                           MR. KERRICK: Heidi?

25                           MS. PICKARD: I vote in favor.

4

1                           MR. KERRICK: Motion carried.

2                           Next item, solicitor's report.

3                           MR. ARMSTRONG: Thank you,  
4 Mr. Chairman. First item on my report is a public  
5 hearing for a proposed ordinance authorizing the  
6 Township of Tobyhanna to enter into an  
7 intergovernmental cooperation agreement with Pocono  
8 Township regarding the possible establishment of  
9 the Tobyhanna Township Neighborhood Improvement  
10 District. As the board is likely aware, in

11 relation to the potential Neighborhood Improvement  
12 District that Tobyhanna Township is considering, it  
13 has already held a public hearing on, a part of the  
14 neighborhood improvement district will extend into  
15 Pocono Township. Given the fact that a portion of  
16 the NID will extend into Pocono Township, it's  
17 necessary to enter into an intergovernmental  
18 agreement with Pocono Township, having them and  
19 Tobyhanna Township agree to, you know,  
20 responsibilities and requirements pursuant to the  
21 NID Act and the municipal or I'm sorry the  
22 Intergovernmental Agreement Act.

23                               The ordinance is authorizing an  
24 intergovernmental agreement wherein Pocono Township  
25 will agree to delegate all of the rights and

5

1 responsibilities with respect to administering the  
2 NID District, including the NID District that  
3 extends into Pocono Township onto Tobyhanna  
4 Township, and Tobyhanna Township agrees to accept  
5 those rights and responsibilities for the NID Act.  
6 The staff here was kind enough to print out the  
7 portions of the NID District that will extend into  
8 Pocono Township. As the board is aware, what  
9 caused this was the extension of the sewer and  
10 water lines from Tobyhanna Township into Pocono  
11 Township. So if you want to page through there,  
12 there's two maps with the sewer extension as well  
13 as two maps with the water line extension.

14                               And, again, this ordinance is  
15 authorizing the Township of Tobyhanna to enter into

16 such an intergovernmental agreement with Pocono  
17 Township with respect to establishing and  
18 administering that NID District beyond Tobyhanna  
19 Township' borders. This ordinance has been  
20 advertised for public hearing this evening before  
21 the board with the Pocono Record. So that being  
22 said, I think we can open up the public hearing for  
23 any public comment. Is there any comment from the  
24 board at this time?

25 MR. HOLAHAN: I have none.

6

1 MS. LAMBERTON: I have none.

2 MR. ARMSTRONG: Any comments  
3 from the public? Seeing none, I think we can close  
4 the public hearing.

5 I do see that the considered  
6 Ordinance No. 504 which would be authorizing the  
7 Intergovernmental Cooperation Agreement between  
8 Tobyhanna Township and Pocono Township regarding a  
9 possible establishment of the Tobyhanna Township  
10 Neighborhood Improvement District is further down  
11 under new business on the agenda. Would the board  
12 like to consider that ordinance now or would you  
13 prefer to wait until the new business portion?

14 MS. LAMBERTON: I'll consider  
15 it. I'll make a motion to consider Ordinance No.  
16 504 authorizing the Intergovernmental Cooperation  
17 Agreement between Tobyhanna Township and Pocono  
18 Township regarding the possible establishment of  
19 the Tobyhanna Township Neighborhood Improvement

20 District.  
21 MR. HOLAHAN: I'll second that.  
22 MR. KERRICK: Motion and second.  
23 Questions or comments from the  
24 board? Questions or comments from the public?  
25 Call the vote. John?

7

1 MR. HOLAHAN: I vote in favor.  
2 MR. KERRICK: Anne?  
3 MS. LAMBERTON: I vote in favor.  
4 MR. KERRICK: Donny?  
5 MR. MOYER: I vote in favor.  
6 MR. KERRICK: Heidi?  
7 MS. PICKARD: Vote in favor.  
8 MR. KERRICK: I vote in favor.  
9 Motion carried.  
10 MR. ARMSTRONG: Then the next  
11 item, kind of the same. You've approved the  
12 ordinance, you've enacted the ordinance. Now there  
13 is the Intergovernmental Agreement. If there would  
14 be a motion to authorize the execution and move  
15 forward with signing the agreement.  
16 MR. HOLAHAN: I'll make that in  
17 the form of a motion.  
18 MS. PICKARD: I'll second.  
19 MR. KERRICK: Motion and second.  
20 Questions or comments from the board? Questions or  
21 comments from the public?  
22 Call the vote. John?  
23 MR. HOLAHAN: I vote in favor.  
24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I vote in favor.

8

1 MR. KERRICK: Donny?

2 MR. MOYER: I vote in favor.

3 MR. KERRICK: Heidi?

4 MS. PICKARD: Vote in favor.

5 MR. KERRICK: And I vote in

6 favor. Motion carried.

7 Next item.

8 MR. ARMSTRONG: Thank you. Next

9 item under my report is discussion with respect to  
10 the natural gas route through Coolbaugh Township  
11 and the Borough of Mount Pocono and schedule a  
12 meeting date. Similar to the sewer and the water  
13 line extension that would be included in the NID,  
14 we recently learned that, and, again, this is with  
15 respect to the Kalahari Resort project, that the  
16 proposed natural gas line that would be servicing  
17 the Kalahari Resort project is also intended to be,  
18 at least partially funded through the TIF funds  
19 and, therefore, intended to be included within the  
20 NID District. Now, the natural gas lines extend  
21 beyond Tobyhanna Township borders and they extend  
22 into Coolbaugh Township as well as Mount Pocono  
23 Borough. That being said, you did just approve an  
24 ordinance entering into intergovernmental agreement  
25 with Pocono Township due to the fact that the sewer

9



1 and water lines extend beyond boundaries. This  
2 would be similar to that in that if the NID were to  
3 extend into Coolbaugh and or Mount Pocono Borough,  
4 we would need identical, not identical, but similar  
5 intergovernmental agreements to cover that. I have  
6 been informed that Coolbaugh Township has reviewed  
7 this and it's my understanding that they will be  
8 advertising an ordinance in their agreement with  
9 Tobyhanna Township for a June 18th meeting, but you  
10 may want to check that. I'm not entirely sure  
11 that's the date. I'm fairly confident, based on my  
12 conversation with Jerry Hanna, the solicitor for  
13 Coolbaugh Township. Given the fact that this is  
14 the last scheduled meeting for Tobyhanna Township  
15 for the month of June, number one, if the board of  
16 supervisors were to entertain moving forward with  
17 authorizing and advertising an ordinance  
18 authorizing the entering into and intergovernmental  
19 agreement with Coolbaugh Township to include the  
20 gas, the natural gas lines within the NID District,  
21 you would need to, number one, authorize that  
22 ordinance and advertisement of it for a public  
23 hearing and set a date for a special meeting to  
24 consider that ordinance and hold that public  
25 hearing, if you wanted to do that before the end of

10

1 June.

2 MS. PICKARD: Would we be doing  
3 Mount Pocono at the same time in one agreement?

4 MR. ARMSTRONG: I have not heard  
5 from Mount Pocono Borough. I don't know if anyone

6 has spoken with -- I see Michelle Bisbing, I don't  
7 know if she has or not, but what I'm planning on  
8 doing is following up with Mount Pocono Borough as  
9 well as Peter Carlucci who represents the Monroe  
10 County IDA who's been involved in this process. I  
11 know there was some discussions whether or not they  
12 needed to include the entire UGI gas line within  
13 the NID. If they do, Mount Pocono Borough will  
14 obviously need to be included. If they do not,  
15 there might be a way to only include Coolbaugh  
16 Township. But I don't know that sitting here  
17 tonight.

18 If you wanted to authorize both  
19 the Coolbaugh and Mount Pocono Borough, Mount  
20 Pocono Borough conditional upon whether or not we  
21 actually need it, you can do that as well, and  
22 maybe hold them both on the same night, if in the  
23 event that we do need both of those agreements.

24 MR. MOYER: Sounds to me the way  
25 to go.

11

1 MR. ARMSTRONG: And then in the  
2 event that --

3 MS. MICHELLE BISBING: We  
4 haven't approached Mount Pocono or talked to them  
5 about it yet. In talking with Peter Carlucci, what  
6 we're looking at doing is trying to fund the very  
7 small portion that is in the Borough of Mount  
8 Pocono, designate that for funding with a different  
9 funding source, so that we wouldn't have to go

10 through that process with the Borough of Mount  
11 Pocono, only Coolbaugh.

12 MR. ARMSTRONG: For purposes of  
13 the minutes, just state your name.

14 MS. MICHELLE BISBING: I'm  
15 Michelle Bisbing from the Monroe County IDA.

16 MR. ARMSTRONG: So what I can do  
17 is I can reach out to Peter Carlucci to confirm  
18 that. And if that's the case, then we really only  
19 do need to move forward with Coolbaugh Township.

20 MR. MOYER: Perfect.

21 MS. LAMBERTON: Or approve  
22 conditional with if we need to utilize Mount  
23 Pocono.

24 MS. MICHELLE BISBING: I believe  
25 their ad was in the paper on Saturday and they are

12

1 going to -- you were right on that date --

2 MR. ARMSTRONG: Coolbaugh  
3 Township?

4 MS. MICHELLE BISBING: Yes.

5 MR. ARMSTRONG: If anyone is  
6 interested in looking at it, I do have the natural  
7 gas line proposed. I can pass that out as well.

8 MR. HOLAHAN: But, Patrick, what  
9 do we need to do to move --

10 MR. ARMSTRONG: Just a motion  
11 authorizing me to move forward with the advertising  
12 and preparation of the ordinance.

13 MR. HOLAHAN: So moved.

14 MS. LAMBERTON: Second.

15 MR. KERRICK: That was John and  
16 Anne.  
17 MR. ARMSTRONG: And my  
18 understanding is that motion is for Coolbaugh  
19 Township and in the event that we need it for the  
20 Mount Pocono Borough as well, correct?  
21 MS. PICKARD: You need a date on  
22 that?  
23 MR. ARMSTRONG: Well, let's move  
24 forward with this motion and then if you guys have  
25 a date that everyone's agreeable for to have a

13

1 special meeting, you can set that.  
2 MR. KERRICK: Questions or  
3 comments?  
4 MS. LAMBERTON: I have none.  
5 MR. KERRICK: Questions or  
6 comments from the public?  
7 Call the vote. John?  
8 MR. HOLAHAN: I vote in favor.  
9 MR. KERRICK: Anne?  
10 MS. LAMBERTON: I vote in favor.  
11 MR. KERRICK: Donny?  
12 MR. MOYER: I vote in favor.  
13 MR. KERRICK: Heidi?  
14 MS. PICKARD: I vote in favor.  
15 MR. KERRICK: I vote in favor.  
16 Should it be after their's or  
17 before -- Coolbaugh's?  
18 MR. ARMSTRONG: Well, we need

19 seven days to advertise it. We're at the ten, so  
20 it's going to likely be after.  
21 MR. MOYER: They will have to be  
22 different, right, if they're funding it different?  
23 We won't be able to do them together, will we?  
24 MR. ARMSTRONG: Well, if Mount  
25 Pocono Borough funds differently, we won't even

14

1 need to worry about entering into an  
2 intergovernmental.  
3 So I need at least seven days to  
4 advertise the ordinance. Margie's not here. I  
5 think we need at least a maybe three day timeframe  
6 to advertise in the Pocono --  
7 MS. HAASE: Generally, you are  
8 correct. I had spoken to Mr. Kerrick earlier. The  
9 applicant will be in the area on the 18th and 19th.  
10 The 18th I don't think is going to be doable. The  
11 19th is going to be pushing it, but they did ask me  
12 to relate to the board if they would consider  
13 having a meeting during that time to save them  
14 because they will be in the area.  
15 MS. LAMBERTON: Will the 19th  
16 work for advertisement?  
17 MS. HAASE: It's going to be  
18 tough.  
19 MR. ARMSTRONG: Yeah. Why don't  
20 you do this. If you can find another date after  
21 the 19th -- we'll do the 19th if we can get it in  
22 the newspaper -- Margie and Phyllis have some pull  
23 with the newspaper, right? If we can get the ad in

24 in time, we will, if not, maybe a fall-back date.

25 MS. LAMBERTON: The 20th.

15

1 MS. PICKARD: We have a conflict  
2 on the 20th. We have a 6 o'clock meeting.

3 MS. LAMBERTON: Let's make it at  
4 5, 5 o'clock on the 20th.

5 MR. MOYER: That's a Thursday,  
6 right?

7 MS. LAMBERTON: Yes, sir. How's  
8 that work?

9 MR. MOYER: That's fine.

10 MS. PICKARD: We're talking 5  
11 o'clock on the 19th to keep it simple.

12 MR. ARMSTRONG: The one thing I  
13 will maybe mention, you still have the actual NID  
14 ordinance to hold the public hearing for and  
15 consider for adoption and that date has not been  
16 scheduled yet because we are still trying to piece  
17 together all the final portions of that final NID  
18 Plan. If you wanted to maybe consider something a  
19 little later in the month, in the event that we can  
20 get it all together and have both public hearings  
21 on the same date, we can consider that rather than  
22 having to come back before the end of June after  
23 the 20th. But that's up to the board.

24 MS. PICKARD: So we'll have to  
25 come back for the NID after the 20th because that

1 doesn't fall within the timeline?

2 MR. ARMSTRONG: Well, I don't  
3 anticipate having everything we need for the final  
4 NID plan before -- in time to get it advertised for  
5 the plan.

6 MS. LAMBERTON: How about the  
7 27th, the following week.

8 MS. PICKARD: It will be tough  
9 to make it the 20th, isn't it?

10 MR. ARMSTRONG: If I were to do  
11 a legal ad it would be tough to get the 20th, but  
12 then you guys are able to work miracles somehow, so  
13 I'm going to let Phyllis and Margie handle that.

14 MS. PICKARD: You're saying we  
15 need something else on the 27th?

16 MS. LAMBERTON: I'm giving  
17 Patrick time for the NID. That's what we are  
18 working on.

19 MR. HOLAHAN: This isn't just --  
20 I mean, we'd have to be able to meet with -- we  
21 want to make it convenient for our residents to be  
22 able to make these meetings also, instead of having  
23 one meeting after another after another, if we can  
24 combine these and make it just a little more  
25 efficient for residents and staff. So we pushed it

1 back a week to the 27th, 26th through 27th? If we  
2 can take care of everything at the same time.

3 MR. MOYER: How about the 26th?

4 MS. LAMBERTON: I'm fine that

5 date.

6 MR. HOLAHAN: I'm good.

7 MS. PICKARD: At 5?

8 MS. LAMBERTON: That's fine with  
9 me. Are you okay with 5, 5:30?

10 MR. HOLAHAN: I am, again -- for  
11 people that have real jobs.

12 MS. PICKARD: 6 o'clock.

13 That gives them a chance to get  
14 here, I agree.

15 MR. ARMSTRONG: I do have  
16 another meeting that night, but in the event that I  
17 cannot move mine, clearly either I will find  
18 someone to cover that or someone from my office  
19 will be here that day.

20 MS. LAMBERTON: As long as  
21 you're comfortable with that.

22 MR. ARMSTRONG: Absolutely. So  
23 are we scratching June 19th? We are doing June --

24 MR. KERRICK: June 26th, 6 p.m.

25 MR. ARMSTRONG: Thank you. The

18

1 next item under my report is discussion, Kalahari  
2 Boulevard maintenance responsibilities. My  
3 understanding last meeting, Phyllis had a list of  
4 potential discussion points through her discussions  
5 with Kalahari and certain items that are still left  
6 open, particularly with respect to the maintenance  
7 of Kalahari Boulevard and some other open ended  
8 items that required the board's consideration and



9 input. I'm not sure if the board -- did you want  
10 to discuss that tonight? It's under my report.  
11 It's probably more of a follow-up from Phyllis'  
12 list and whether or not the board has had a chance  
13 to consider it and wants to discuss it this  
14 evening.

15 MR. HOLAHAN: Well, we're  
16 talking some of those items were with the paving.  
17 I had concerns about paving, the base, because we  
18 are going to have to maintain that after it's  
19 dedicated.

20 MR. ARMSTRONG: Kalahari  
21 Boulevard?

22 MR. HOLAHAN: Yeah. Did the  
23 engineering get to look at that.

24 MR. KERRICK: They did not get  
25 anything to us at this time. We did talk briefly

19

1 about them bonding it for their second and third  
2 base which they had no problem with, but I think  
3 it's a little premature to talk about the roadway  
4 this evening.

5 MR. HOLAHAN: Okay.

6 MS. HAASE: Mr. Chairman, again  
7 the applicant was hoping that this could be  
8 discussed when he was present. Possibly this could  
9 be done on the 26th. We have a hearing and a  
10 special meeting to discuss that if that's  
11 acceptable to the board.

12 MR. KERRICK: That's fine.

13 MR. ARMSTRONG: Okay. And then

14 the next item under my report is discussion, sewer  
15 agreement status, Pocono Township and the BCRA. As  
16 the board's aware, part of the Kalahari Resort  
17 project will include the construction and  
18 dedication of a sewer collection system of Kalahari  
19 to designate it and dedicate it to Tobyhanna  
20 Township once completed and that collection system  
21 will be tying into the existing Pocono Township  
22 system which in turn finds its way down to the BCRA  
23 for treatment. And part of that and part of the  
24 requirements in proceeding and implementing that  
25 will be finalizing an agreement between Tobyhanna

20

1 Township and Pocono Township and BCRA as well as a  
2 separate agreement between Tobyhanna Township and  
3 Kalahari and Pocono Manor.

4 I have forwarded some  
5 correspondence to the board with respect to where I  
6 am with negotiations, spoke with Pocono Township  
7 and BCRA, and at this point in time I'm not sure  
8 if, you know, continuing negotiations makes sense,  
9 given the fact that at the end of the day this is  
10 going to be passing through us and onto the laps of  
11 Kalahari and Pocono Manor. I've circulated the  
12 latest draft, working draft, it's not a final  
13 document yet, of the draft sewer agreement between  
14 Tobyhanna Township, the BCRA and Pocono Township.  
15 I'm going to probably discuss with the solicitors  
16 for both those entities a couple outstanding items  
17 in the next day or so, and what I would have the

18 board consider is with the understanding that this  
19 is not a final document. There are obviously terms  
20 that you've just started looking at and you  
21 probably have some questions and comments and  
22 concerns, but in an attempt to keep this moving  
23 forward, if the board would like to at least  
24 indicate to Pocono Manor or Pocono Township and the  
25 BCRA that we believe we are at a point where we

21

1 think it's time to proceed and move this agreement  
2 or at least the terms on to Kalahari and Pocono  
3 Manor to try, you know, move our agreement with  
4 Kalahari and Pocono Manor to a conclusion, it would  
5 be appropriate at this time. I'm not sure how the  
6 board wants to view that. Obviously, you're aware  
7 that I do have some concerns about some of the  
8 provisions, but at the end of the day we are -- the  
9 intent of that is a pass through, but so long as  
10 the board is okay with me proceeding in that  
11 fashion I would.

12 MR. KERRICK: I think that they  
13 should review the draft at this time.

14 MR. HOLAHAN: I agree.

15 Pass it on to Kalahari.

16 MR. ARMSTRONG: What I  
17 anticipate doing is having my conversation  
18 hopefully tomorrow morning, if not tomorrow  
19 morning, Wednesday with two solicitors for the BCRA  
20 and Pocono Township and let them know, and kind of  
21 talk through some of the outstanding items in my  
22 head, but let them know that we think it's time to,

23 you know, forward it on to the next party due to  
24 the fact that it is going to be their  
25 responsibility in their agreement with us, so we

22

1 can start those discussions as well.

2 MR. HOLAHAN: Agreed.

3 MS. LAMBERTON: I agree with  
4 that. Do you need a motion or do you --

5 MR. ARMSTRONG: Just general  
6 consensus that we are not finalizing, executing,  
7 approving anything at this point in time. Everyone  
8 is acceptable with that process moving forward.

9 MR. HOLAHAN: Yes.

10 MR. KERRICK: We'll email you  
11 and copy everyone, so everybody sees it, if you  
12 have any questions for Pat?

13 MS. LAMBERTON: Absolutely.

14 MR. ARMSTRONG: Those are all  
15 the items under my report. Thank you.

16 I will note that we had a brief  
17 executive session beforehand with respect to  
18 discussion of legal matters and legal advice.  
19 Thank you.

20 MR. KERRICK: Thank you. Next  
21 item, new business. Consider Resolution 2013-019  
22 adjusting the 2013 budget for supplemental  
23 appropriations.

24 MR. HOLAHAN: I make a motion we  
25 adopt Resolution 2013-019 adjusting the 2013 Budget

1 for supplemental appropriations.

2 MS. PICKARD: I'll second the  
3 motion.

4 MR. KERRICK: Motion and second.

5 Questions or comments from the board?

6 Questions or comments from the  
7 public?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I vote in favor.

17 Next item, Resolution 2013-020,

18 prevailing wage. I think we did this a while back.

19 MS. PICKARD: You did. This was

20 a newer version that PSAT had requested that we

21 adopt and send to our legislators. It includes the

22 maintenance provisions being removed which was

23 added by litigation.

24 MR. KERRICK: Is that a motion?

25 MS. PICKARD: I'll make a motion

1 that we approve Resolution 2013-020.

2 MR. MOYER: I'll second it.

3 MR. KERRICK: Motion and second.

4 Questions or comments on the  
5 motion?  
6 MR. HOLAHAN: I have none.  
7 MR. KERRICK: Questions from the  
8 public on the motion?  
9 Call the vote. John?  
10 MR. HOLAHAN: I vote in favor.  
11 MR. KERRICK: Anne?  
12 MS. LAMBERTON: I vote in favor.  
13 MR. KERRICK: Donny?  
14 MR. MOYER: I vote in favor.  
15 MR. KERRICK: Heidi?  
16 MS. PICKARD: I vote in favor.  
17 MR. KERRICK: I vote in favor.  
18 Motion carried.  
19 Next item on the agenda, Moose  
20 Crossing, amended land development plan.  
21 MR. McHALE: Chrissie Hemler is  
22 here with Reilly Associates. Discuss that briefly.  
23 Go ahead, please.  
24 MS. CHRISSY HEMLER: We are here  
25 with Henry Gearhart, the owner of the Moose

25

1 Crossing project. We were at the work session last  
2 week to talk about our amended land development  
3 plan. The project was basically broken up into  
4 three phases. It's located just to the east of the  
5 intersection of 940 and 115. Phases I and II have  
6 already been constructed. It consists of nine  
7 storage buildings with lighting and landscaping,

8 parking and fencing and security system. The sewer  
9 line had been extended during Phase I. In the  
10 frontage, the driveway access in the parking area  
11 out front had also been constructed during Phase I  
12 and II. Phase III initially proposed construction  
13 of a 9375 square foot building out to the front of  
14 the site along 940 that was going to have office  
15 and retail and the Gearhart's residence on the  
16 second floor apartment, which is permitted under  
17 your ordinance. Because of economic conditions and  
18 the Gearharts' attempt at trying to find retailers  
19 that they wanted to bring to Blakeslee had been  
20 unsuccessful and because they're about 95 percent  
21 occupied right now in the storage facilities, that  
22 the market's really driving the storage use.

23 So our Phase III now proposes  
24 the addition of 57 more units. The Gearharts are  
25 going to still build their residence on the top

26

1 part of this building here, the three thousand  
2 square foot building, and the first floor would be  
3 a garage and an office and some interior storage  
4 units for the project.

5 We've submitted the plan to Bob.  
6 He's had a chance to take a look at it, went to the  
7 county for review and we did receive their review  
8 comments today, and just a minor clean up notes on  
9 the plan that we did take care of. We did bring  
10 some revised plans. Do you want me to put some  
11 plans out in front of you?

12 MR. MOYER: I'm fine.

13 MR. KERRICK: I don't think so.  
14 MS. LAMBERTON: I have looked at  
15 it.  
16 MS. CHRISSY HEMLER: So the  
17 Gearharts are anxious to get moving and get their  
18 project completed after -- it's been a long haul  
19 for them. So we are here to request approval of  
20 the plan for conditional approval.  
21 MR. KERRICK: Entertain a  
22 motion?  
23 MS. LAMBERTON: I'll make a  
24 motion for final approval for the amendment.  
25 MR. MOYER: I'll second it.

27

1 MR. KERRICK: Motion and second.  
2 MR. ARMSTRONG: And, again, this  
3 would be conditional upon the comments and  
4 requirements set forth in the June 7, 2013 review  
5 letter of the township engineer.  
6 MS. LAMBERTON: I'll amend my  
7 motion.  
8 MR. MOYER: Amend my second.  
9 MR. KERRICK: Any questions or  
10 comments?  
11 MR. HOLAHAN: I do. The review  
12 that came back from the county planning, have all  
13 those things been addressed or we have those in  
14 here? The thing you sent out today, Heidi --  
15 MR. McHALE: Pretty much --  
16 MS. PICKARD: There wasn't



17 really much there. It mentioned the EDU's, which  
18 we --

19 MR. McHALE: Which was already  
20 taken care of. The traffic they were indicating it  
21 will be less trips generated with this use versus  
22 the originally proposed use. They had some other  
23 questions regarding stormwater which we already  
24 have taken care of. And the highway occupancy  
25 permit they received and turned in a copy of the

28

1 PennDOT HOP with the acknowledgement of  
2 completion -- portion complete, finished and signed  
3 off by PennDOT, which means their permit's  
4 finished.

5 MS. CHRISSY HEMLER: Right.

6 MR. McHALE: The only thing I  
7 recall, Chrissy, was that you submitted to the  
8 conservation district for and E and S plan review.

9 MS. CHRISSY HEMLER: The NPDES  
10 permit had been closed out because the basins were  
11 constructed and stabilized. And the conservation  
12 district had just requested a simple E and S plan  
13 for the remainder of the project. That's been  
14 submitted. We've been deemed complete. It's very  
15 simple, you know, very simple E and S plan for a  
16 very small work area, so we don't anticipate any  
17 problems or any project changes due to that.

18 Most of the comments on those  
19 two letters were just statements of the  
20 affirmative. We are asking questions. There was  
21 one thing that they had asked, if there was some

22 confusion with the square footage of the building,  
23 and we did clean up that note on the plan. So that  
24 was the one thing we did --

25 MR. HOLAHAN: There was

29

1 something else about fencing, lighting,  
2 landscaping? Those were all addressed?

3 MS. CHRISSY HEMLER: The  
4 landscaping and lighting had been added in Phases I  
5 and II. That was required as part of the project.  
6 That was done. Item on the fencing, we are just  
7 proposing to construct exactly what's already at  
8 the site, just to the extend --

9 MR. HOLAHAN: Okay.

10 MR. KERRICK: Any other  
11 questions?

12 Questions or comments from the  
13 public?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in favor.

18 MR. KERRICK: Donny?

19 MR. MOYER: I vote in favor.

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I vote in favor.

23 Motion carried.

24 MS. CHRISSY HEMLER: Thank you  
25 very much.

1 MS. LAMBERTON: Good luck.

2 MS. CHRISSY HEMLER: Thank you.

3 MR. HOLAHAN: Good luck.

4 MR. KERRICK: Next item on our

5 agenda is the Tobyhanna Township Volunteer Fire

6 Carnival, request to waive the permit fee.

7 MR. HOLAHAN: I make a motion we

8 waive the permit fee for the carnival.

9 MS. PICKARD: I'll second the

10 motion.

11 MR. KERRICK: Motion and second.

12 Questions or comments?

13 Questions or comments from the

14 public?

15 Call the vote. John?

16 MR. HOLAHAN: I vote in favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I vote in favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I vote in favor.

24 Next item on our agenda,

25 workers' compensation insurance, non-firefighting

1 activities. Proposed authorization letter. You

2 want to take this, Pat?

3 MR. ARMSTRONG: Do I want to  
4 take it? I guess, the board -- I guess this first  
5 came up a while ago, a couple months ago. It's  
6 kind of come full circle. I provided some  
7 responses to some questions and concerns. They  
8 pretty much have been the same since the beginning.  
9 It started as a resolution. Now it looks like it's  
10 correspondence in response to the fire department's  
11 request. Everyone should be aware of my  
12 correspondence in relation to this was sent out to  
13 the township's worker's comp carrier, so I'm not  
14 exactly sure where the board wants to go. It's on  
15 your agenda. Clearly the township, as you're  
16 aware, is responsible for reimbursing the worker's  
17 comp premiums for the fire department and the  
18 worker's comp act covers the fire fighters for  
19 certain fire fighting activities, but there is  
20 language in the act with respect to authorized  
21 activities. And my understanding is that this came  
22 about from the fire departments requesting specific  
23 authorization for certain activities, these lists  
24 being some, all or the lion's share of them.  
25 Are there any questions that the

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1 board has for me? I think everyone's been aware of  
2 the issues. At this point in time like I said the  
3 board can authorize these, if the board so chooses,  
4 so long as the appropriate conditional language is  
5 included, but there is nothing requiring the board  
6 to issue this correspondence or adopt such a

7 resolution. Ultimately I can't tell you either way  
8 to go. I need to make sure that the appropriate  
9 interests of the township are covered in either  
10 direction. With that being said, any specific  
11 questions of me at this point in time?

12 MR. HOLAHAN: I think we were  
13 taking a look in trying to decide if we need -- we  
14 are just looking for a letter as opposed to a  
15 resolution or ordinance, correct?

16 MR. McHALE: It could be in the  
17 form of a letter, it can be in the form of a  
18 resolution, it can even be in the minutes. Just, I  
19 guess, simply it would be some authorization coming  
20 from the governing body to basically just authorize  
21 certain events that are non firefighting events or  
22 activities.

23 My understanding in reading  
24 through some of the documentation, I didn't read  
25 all 493 pages obviously of the Workers Compensation

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1 Act or anything like that, but in the excerpts that  
2 we had discussed with our insurance carriers and  
3 such, was that if you don't authorize the  
4 activities then if there was a worker's comp claim,  
5 then it's not likely that they would be able to  
6 bring that forth as far as that goes. If the board  
7 wanted to authorize events that were -- I know in  
8 past discussions you had spoken about no alcoholic  
9 beverages be sold or partaken in during these  
10 events. Also that no high risk sporting activities  
11 be a part of these activities either. So if you

12 wanted to go through the list and any of those  
13 items that would contain such, eliminate them or if  
14 you just want to take a month at a time, you could  
15 even do that. You could take the whole year at a  
16 time. So there is several different approaches  
17 that could be taken as far as providing some  
18 authorization. But if no authorization is given,  
19 it's my understanding, and Pat, correct me if I'm  
20 wrong, but if they try to make a worker's comp  
21 claim they would not be able to do that if it's not  
22 authorized first by the elected body.

23 MR. HOLAHAN: Are we extending  
24 worker's comp insurance beyond what the insurance  
25 company's already covered? So we can put anything

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1 down here but the insurance company could come back  
2 and say we are not covering that just because we  
3 authorized it.

4 MR. KERRICK: That's what the  
5 insurance company did say. They said it in black  
6 and white.

7 MS. PICKARD: They said they  
8 weren't going to make a blanket statement that  
9 these events would be covered because they don't  
10 know how the events were being handled. They want  
11 us to take that responsibility. I think Pat has in  
12 here too that we don't guarantee that they're going  
13 to cover any claim anyhow.

14 MR. KERRICK: There also was a  
15 thing from Brown and Brown as late as today where

16 there's other insurance. Maybe we need to look  
17 into that. My suggestion is that we maybe cover  
18 till our next meeting whatever events they have and  
19 explore it a little bit more.

20 MR. HOLAHAN: Well, it's  
21 important that we --

22 MR. KERRICK: I think some of  
23 these things are extending beyond the workmen's  
24 comp, the scope of workmen's comp in my mind.

25 MR. HOLAHAN: Yes, but it's

35

1 important that we cover our firemen --

2 MR. KERRICK: Absolutely.

3 MR. HOLAHAN: -- to make sure  
4 that they are not left out with exposure. But  
5 we've got to be able to do that with -- I need to  
6 be more clear on it. I don't mind taking this out  
7 to the next meeting or two meetings if that's what  
8 we have to do for the specific activities that are  
9 listed here, but I'm still confused.

10 MR. KERRICK: The more you read,  
11 the more you get confused.

12 MR. HOLAHAN: I'm concerned  
13 about the liability. I don't want to tell firemen  
14 that they're covered, that we're saying you're  
15 covered, and then you get injured --

16 MR. ARMSTRONG: We are not.  
17 We're not saying anyone's covered.

18 MR. HOLAHAN: Well, that's what  
19 the letter seems to imply, and I want to make sure  
20 that we don't do that because then, by inference,

21 somebody will think that they're covered for an  
22 activity that may --  
23 MR. ARMSTRONG: In the most  
24 simplistic terms, the fire department could come in  
25 on a monthly basis and ask the board to authorize

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1 event X, Y or Z and can --

2 MS. LAMBERTON: But if we're not  
3 saying they are covered why are we even getting  
4 involved with what the insurance company is going  
5 to handle anyway?

6 MS. PICKARD: They won't handle  
7 it.

8 MR. HOLAHAN: It sounds like the  
9 insurance company is saying we have to put a letter  
10 out there anyway.

11 MR. KERRICK: Well, it didn't  
12 say a letter. You could reference it in your  
13 minutes of your meeting.

14 MR. HOLAHAN: Right.

15 MR. KERRICK: -- and they  
16 would -- I don't want to say cover. I don't know.

17 MR. HOLAHAN: In the vernacular  
18 that we are using here, it could get lost, it could  
19 get confused and I want to make sure that we don't  
20 put something out here that is maybe not clear  
21 because I'm not clear on it yet.

22 MS. PICKARD: I think that was  
23 the intent when sending this to SWIF and they  
24 wouldn't comment on it, but Paul (inaudible), our



25 insurance broker did, and he said that on all of

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1 these things they are going to either pay the claim  
2 or it would be denied and there would be an appeal  
3 process. Or his third option, and I know Tobyhanna  
4 Township has their own accident disability policy,  
5 that would cover them in an event. The workers'  
6 comp does not. But I think the bottom line is none  
7 of those activities that they are doing when  
8 they're going out there trying to raise funds for  
9 the fire company which protects our citizens, they  
10 would not be covered and I think they go out there  
11 and do these things and they do a lot of things  
12 where they are not getting paid and put their time  
13 out --

14 MR. KERRICK: We're not saying  
15 that at all, Heidi.

16 MS. PICKARD: I know that, but I  
17 think they --

18 MR. KERRICK: That accident  
19 insurance might be better to have versus the  
20 worker's comp. That's something we don't know. We  
21 need to talk to our insurance.

22 MR. MCHALE: There was a  
23 workers' comp appeals board versus Mahoning  
24 Township Supervisors that I forwarded this  
25 afternoon and I don't anticipate that you had time

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1 to really digest that and look through it. It's

2 got a lot of good information. It makes some  
3 comparisons for things that have happened in the  
4 past in other cases involving worker's comp claims.  
5 I think maybe the chairman was indicating, perhaps,  
6 just look at this month and get the authorization,  
7 if you will, move forward in the minutes just  
8 simply on those activities that are going to go  
9 this month until your next meeting. Have a chance  
10 to digest that, look further into --

11 MS. LAMBERTON: I think we  
12 should digest it before we make any decision.

13 MS. PICKARD: A lot of these are  
14 this month.

15 MR. HOLAHAN: For a couple of  
16 these things that are listed here are pretty clear  
17 that it would get covered anyway. Firemen's  
18 festival, the firemen's parade, Tobyhanna Community  
19 day.

20 MR. KERRICK: There's an email  
21 that came today from the chief of Pocono Summit and  
22 wanted to know why we wouldn't -- I don't want to  
23 say the word cover, why we wouldn't authorize their  
24 festival because they sell beer and wine coolers.  
25 Well, our insurance company said do not get

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1 involved with alcohol. So, I mean, it's not us,  
2 it's the insurance company. I don't want to --

3 MS. PICKARD: I think that was  
4 taken out of context.

5 MR. McHALE: It will get

6 complicated if there's a sale of alcoholic  
7 beverages and someone at the festival say gets into  
8 an encounter with one of the firemen and, you know,  
9 how does that get handled as far as workers' comp?

10 MR. HOLAHAN: It doesn't sound  
11 like worker's comp, it sounds like that would be  
12 liability or something like that, correct?

13 MS. PICKARD: Correct. I think  
14 in the document that we have from PSATS from A. J.  
15 Thomson, they had said -- they suggest you not  
16 approve any activities where it will be selling,  
17 serving, distributing alcoholic beverages unless a  
18 liquor license has been obtained by the fire  
19 company and property liability coverage is in place  
20 with coverage extending to municipalities. And we  
21 did get a certificate from them as additional  
22 insured and they did get a copy of that. They had  
23 also assured that their firemen were not drinking,  
24 and I know George had said in the past that he had  
25 no problem that there would not be a claim in the

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1 event if somebody was drinking from the fire  
2 department. And it doesn't cover any of the  
3 attendees. That would be on their liability  
4 policy.

5 MR. KERRICK: I'm not in favor  
6 of the alcohol. Sorry. We are responsible for the  
7 whole township in liability and I just don't think  
8 that that's a good thing.

9 Did anybody review to see what  
10 kind of liquor liability they have? I didn't even

11 know that existed until just now.

12 MS. PICKARD: Well, I just was  
13 talking to them today. I know we had gotten the  
14 certificate for the parade and everything else. I  
15 did not specifically -- Linda Wade is here from  
16 Pocono Summit. I think she could probably  
17 explain -- you know, let us know what your coverage  
18 is.

19 MR. KERRICK: I don't know if  
20 that's sufficient with our carrier. I don't know,  
21 maybe I'm off base here, I don't know how you  
22 guys --

23 MR. HOLAHAN: Were discussing  
24 worker's comp right now. I'm not sure that that's  
25 the worker's comp claim.

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1 MR. KERRICK: They want it as  
2 workmen's comp claims.

3 MR. HOLAHAN: They want the  
4 exclusion of the alcohol in worker's comp.

5 MR. KERRICK: But we said in our  
6 work session we didn't want to do that because of  
7 the alcohol.

8 MR. HOLAHAN: That's why we have  
9 attorneys.

10 MR. MOYER: Yeah, that was my  
11 comment.

12 MS. PICKARD: Leave it to the  
13 professionals.

14 MR. HOLAHAN: Yeah, let's not

15 get them involved. Okay, so we need to move this  
16 forward here or are we moving it forward?

17 MS. LAMBERTON: I think we  
18 should table it.

19 MS. PICKARD: Well, there is  
20 activities that are coming up and we've already had  
21 some and there are some coming up this next month  
22 and probably -- the Tobyhanna Township's carnival  
23 and festival is the first week of July.

24 MS. LAMBERTON: They had it last  
25 year. I think we should all be clear on this. I

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1 don't think everybody is.

2 MS. PICKARD: I'm just not sure  
3 what's not clear.

4 MR. ARMSTRONG: In the event the  
5 board wants to table it but consider however many  
6 events there are between now and your next meeting,  
7 if that's the direction you're considering going,  
8 you could, if you have that list in front of you,  
9 look through them, but don't -- all you would do  
10 here tonight is do you authorize Pocono Summit or  
11 Tobyhanna Township, do you authorize them having  
12 that event or participating in that event or not?  
13 Nothing to do with worker's comp, just whether or  
14 not it's an event that you think is appropriate for  
15 that particular fire department, for this month,  
16 and then maybe take a better look at it long term  
17 going forward for your next meeting.

18 MR. HOLAHAN: I make a motion  
19 that we authorize -- I'll leave it like that, that

20 we authorize for Pocono Summit Volunteer Fire  
21 Company the -- you want me to list these? Yes, I  
22 will. Chime in here whenever I don't have an  
23 answer for myself. Annual firemen's festival --  
24 MR. ARMSTRONG: And these are  
25 events between now and your next meeting?

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1 MR. HOLAHAN: They are. And  
2 that's for the dates 28th and 29th; the annual  
3 firemen's festival parade on the 29th; for  
4 Tobyhanna Township --  
5 MS. PICKARD: There's also  
6 probably a monthly breakfast in there.  
7 MR. HOLAHAN: There is a monthly  
8 breakfast. It's the third Sunday.  
9 A worker's comp for a breakfast?  
10 I think we should approve the menu.  
11 MS. LAMBERTON: No liquor.  
12 MR. HOLAHAN: Then for Tobyhanna  
13 Township Volunteer Fire Company, the annual  
14 carnival from the 25th to the 9th of July.  
15 MS. PICKARD: I'll second.  
16 MR. ARMSTRONG: And, again, that  
17 motion is only that the board of supervisors is  
18 authorizing the two identified fire departments to  
19 participate in those events.  
20 MR. HOLAHAN: That is my motion.  
21 MR. ARMSTRONG: Nothing more.  
22 MR. HOLAHAN: Nothing more.  
23 MR. MOYER: I'm fine with that.

24 MR. KERRICK: Motion and second.  
25 Question or comments?

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1 Question or comments from the  
2 public?

3 Eddie.

4 MR. ED TUTRONE: Ed Tutrone,  
5 Tobyhanna Township Fire Company, Assistant Chief.

6 One of the things you might need  
7 to add to your motion about meetings, we have  
8 monthly meetings and you guys through the work  
9 session said you were going to request us to be at  
10 the work session. You're going to send the letter  
11 to both fire companies and let us know.

12 MR. HOLAHAN: I'll add the  
13 meetings to my amendment.

14 MS. PICKARD: I'll add that to  
15 my second.

16 MR. KERRICK: Amended motion and  
17 second. Now any other questions? Somebody else  
18 back here had their hand -- yes, ma'am.

19 A VOICE: So you're saying,  
20 according to our workmen's compensation carrier,  
21 there will be no coverage for our members at our  
22 festival for worker's comp?

23 MR. KERRICK: That's not what  
24 we're saying.

25 A VOICE: You're granting

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1 permission --

2 MR. ARMSTRONG: This board

3 cannot represent what will and what will not be

4 covered with respect to workers compensation.

5 That's pursuant to the Workers' Compensation Act

6 and the Workers' Compensation Policy that the fire

7 departments maintain, that is paid for by Tobyhanna

8 Township. We are not making any representations

9 with respect to what claim or what claims would not

10 be covered at all.

11 MR. KERRICK: Any other

12 questions?

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I'm opposed.

17 MR. KERRICK: Donny?

18 MR. MOYER: I vote in favor.

19 MR. KERRICK: Heidi?

20 MS. PICKARD: I'll vote in

21 favor.

22 MR. KERRICK: I'm opposed.

23 Motion carried.

24 Next item, Village Center

25 Visioning Project. The planning commission is

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1 requesting a planner assistance.

2 MS. HAASE: Yes, Mr. Chairman.

3 The planning commission -- we've been reviewing

4 visioning for the township and we are kind of at a



5 stand still and feel like we need some direction to  
6 allow us to move forward. A few stumbling blocks  
7 is our eastern section of the township is  
8 commercial industrial. They are not quite certain  
9 how to bring that into our visioning. It's  
10 certainly not a walkable neighborhood district.

11 Moving into Pocono Summit we had  
12 some discussion on Thursday that perhaps we should  
13 move that to our gateway. That too is basically  
14 built out with a few lots here and there. There's  
15 on-lot systems, certain requirements are different  
16 than our Blakeslee area. And Mr. Sincavage had  
17 requested the board of supervisors consider hiring  
18 a consultant to come in and help us move this  
19 process along. The planning commission is also  
20 asking the board then to allocate monies of course  
21 to pay for the planner and they cannot move forward  
22 until you folks have made a decision. So that is  
23 where the planning commission is at this point.

24 MR. HOLAHAN: Any idea what kind  
25 of budget that the consultant's going to demand or

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1 require?

2 MS. HAASE: I did not. I do  
3 have a name of a planner that was given to us on  
4 Thursday evening. I do have some information, so I  
5 can reach out to her, but wanted to make certain  
6 the board was acceptable with that. I did speak to  
7 Heidi this morning regarding any monies that we  
8 still had from the Blakeslee visioning. So those  
9 are some things that we just need to work out.

10 MR. HOLAHAN: What do we have  
11 left over?

12 MS. PICKARD: Well, technically  
13 we don't have anything left over. We spent about  
14 12,500 dollars and we still have four thousand  
15 which was the money that we had gotten from our  
16 private partners. That wasn't, you know --  
17 reimburse the township, which we reallocated as a  
18 supplemental appropriation. We have four thousand  
19 sitting in that account, \$4,012.00 I think.

20 MS. LAMBERTON: So we do have  
21 four thousand.

22 MR. HOLAHAN: We still need a  
23 proposal. We can't move forward --

24 MS. LAMBERTON: Why don't you  
25 get some prices, Phyllis, and see what --

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1 MS. HAASE: You're acceptable  
2 with that?

3 MR. HOLAHAN: I would like to  
4 move forward on it, but I would like you to pursue  
5 that.

6 MS. PICKARD: We might be able  
7 to get a name from the other folks. I know they  
8 weren't doing the next step, but they may have  
9 somebody.

10 MS. HAASE: All right. I will  
11 do that.

12 The other item I'd like to  
13 present to the board, discussed with the planning

14 commission on Thursday, is this is going to be a  
15 process for us to get through. One thing we'd like  
16 or I would like the board to consider is perhaps  
17 that our gateways to the township having signage  
18 welcoming to Tobyhanna Township. If that's  
19 acceptable to the board, I can look into possibly  
20 some areas that we could place the signage and some  
21 costs and present that back to you.

22 MS. LAMBERTON: Agreed.

23 MR. KERRICK: We still have some  
24 signs out there that should come down that are  
25 pretty faded where we are entering the township.

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1 MS. HAASE: I think we can  
2 spruce it up a little bit.

3 MR. KERRICK: They've been there  
4 for a few years.

5 MS. PICKARD: I have a question  
6 for Pat. But if we do an overlay district can that  
7 affect the zoning of that district if it's an  
8 overlay.

9 MR. ARMSTRONG: Yeah. It'll  
10 clearly affect the existing zoning district. If  
11 you adopt a village commercial overlay and  
12 designate that in areas throughout the township,  
13 one or two areas, that'll clearly impact the  
14 underlying zoning district.

15 MS. PICKARD: So if we had that  
16 over the CI it could change CI to more of a village  
17 commercial?

18 MR. ARMSTRONG: That would be

19 the intent.

20 MR. KERRICK: Okay.

21 Any other questions for

22 visioning?

23 Anything else to discuss?

24 MR. HOLAHAN: Yes. When does or

25 bidding process for road work and equipment and

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1 those things, when does that begin?

2 MR. KERRICK: Oil and chip and

3 line painting? We have it prepared now.

4 MR. HOLAHAN: How about for --

5 when do we begin the process for next year?

6 MR. KERRICK: In the fall.

7 MR. HOLAHAN: Okay. I'd like us

8 to be able to -- Dave's sitting here, Dave Moyer

9 from Papillon and Moyer is sitting here. I'd like

10 to see if -- I think there has been some confusion

11 on what it takes to work for the township to get a

12 contract from the township, the bid process, what

13 all's involved in that. I would like to get that

14 out as soon as we can so that we can invite other

15 people that are interested in doing work,

16 contracting with the township, so that they

17 understand that. So I'd like to see if we can --

18 to put --

19 MR. KERRICK: We can put it on

20 our website.

21 MR. HOLAHAN: At least an

22 initial process, because some of these bids can

23 take a little bit to put together. So if we can --

24 MR. KERRICK: Basically we  
25 follow the PennDOT bid, but we can put it on our

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1 website, or we can put it out, whatever you want to  
2 do.

3 MR. HOLAHAN: If we can do  
4 something like that.

5 MR. ARMSTRONG: All your bids  
6 comply with the bidding requirements.

7 MR. HOLAHAN: Well, of course.

8 MR. ARMSTRONG: But you're  
9 saying more of a --

10 MR. HOLAHAN: Informational. I  
11 mean, our worker's comp is pretty clear and it's  
12 not. So I want to make sure that the things that  
13 we assume are easy for people to understand, maybe  
14 to us, but not to the residence and the people that  
15 want to bid on the work, so. And, frankly, the  
16 best way that we can get the most value for our  
17 residence and for their tax money is having a  
18 competitive bid process. We just need other people  
19 to bid. And if it's too confusing, maybe we can  
20 help them out a little bit. That's it.

21 MR. KERRICK: Anything else?  
22 Anyone else?

23 MS. PICKARD: I have a couple  
24 things. I just wanted to mention Anne had sent us  
25 an email about PPL's plan to go a different

1 route than Mt. Pocono.

2 MS. LAMBERTON: Did you guys see  
3 that?

4 MR. HOLAHAN: That was nice.

5 MS. PICKARD: And PPL did stop  
6 in this afternoon. They said they had contacted  
7 the homeowners and I see that none of them are here  
8 this evening, so they must be aware.

9 MS. LAMBERTON: They're happy.

10 MR. KERRICK: I spoke with Ms.  
11 Bush today.

12 MS. PICKARD: So that I guess  
13 that was good news. They did mention that  
14 easements that they had --

15 MR. KERRICK: I think you have  
16 to review the easement by Long Pond Road.

17 MR. MCHALE: My understanding is  
18 that they're only looking for to clear --

19 MS. PICKARD: Tree clearing.

20 MR. MCHALE: -- trees along Long  
21 Pond Road, but it goes beyond the right of way by  
22 several feet and we just need to talk to them and  
23 find out what's a maximum distance, maybe 25 feet  
24 off the edge of the right of way, get that figured  
25 up. They submitted a blanket easement to us and we

1 don't normally sign blanket easements.

2 MR. ARMSTRONG: Do I have it?

3 MS. PICKARD: They said it

4 wasn't a blanket easement.

5 MR. KERRICK: It's kind of a  
6 blanket easement.

7 MR. ARMSTRONG: Is this the  
8 Blue --

9 MR. McHALE: This is PPL.

10 MS. PICKARD: They contacted  
11 everybody who is a property owner along Long Pond  
12 and we were one of those because the end of the WB  
13 and E was there.

14 And that was the other thing I  
15 just wanted to mention, that Wednesday, some of the  
16 folks from open space and Christine Dettore and I  
17 took a walk from Pocono Crest Road on the WB and E  
18 all the way to the high school. The trail is there  
19 and it's pretty much existing. And, you know, they  
20 recommended that we utilize that portion of it. I  
21 know the school driveway cuts in across that, so I  
22 don't know whether we granted them an easement for  
23 that or where that -- where our property goes  
24 through the driveway there, but it does end on Long  
25 Pond Road.

54

1 MR. KERRICK: Right before us.

2 MS. PICKARD: Yes, it does end  
3 on Long Pond Road. And I did want to make one  
4 issue that we do have that lease with Panther  
5 Waste, which --

6 MR. KERRICK: Which expires this  
7 year.

8 MS. PICKARD: It expires this

9 year, but we did lease them that tax map number and  
10 that includes the full rail line. So I don't know  
11 if that's an issue. And walking back there, you  
12 come to where all the millings are and it seemed  
13 like maybe that back gate is open. So, I mean that  
14 was an issue as far as security or anything that I  
15 wanted to raise with the township that at some  
16 point in time that might need to be defined a  
17 little bit. I don't think they need a lot of room  
18 to walk across. But there was some discussion  
19 about a line of trees or something there that could  
20 just define that a little bit more, a fence or --

21 MR. KERRICK: So Christine is  
22 going to send us money to --

23 MS. PICKARD: Well, there is all  
24 sorts of money available. There is also FAP money  
25 and I forgot to mention that for the visioning

55

1 process, that we can check with the county. We do  
2 have to close the other FAP1 that we still have  
3 open.

4 MR. HOLAHAN: Is that our trail?

5 MS. PICKARD: Yep. It's owned  
6 by the township. The parcel for the transfer  
7 station just bows out into this long tentacles that  
8 goes from Pocono Crest all the way to Long Pond  
9 Road.

10 MR. MOYER: When you said  
11 existing, did that mean like no ducking under  
12 bushes and just walk straight through?



13 MS. PICKARD: No, it's really an  
14 easy walk all the way through. I did get a tick  
15 from the second half. You get a little lost when  
16 you get to the transfer station.

17 MR. KERRICK: It's part of the  
18 experience.

19 MR. HOLAHAN: Do we have to  
20 start concerning ourselves with maintenance of that  
21 and perhaps signage?

22 MS. PICKARD: That's just  
23 something I want to bring up and that's something  
24 we should probably think about or talk about or  
25 work with open space. It's a beautiful walk.

56

1 Christine clocked it and she was going to bring it  
2 down to George Basilla (phonetic), GIS Data, but I  
3 think from the one end to the other it was 1.83  
4 miles. So we walked out there and back and there  
5 are little trails that go up to Hungry Hill from  
6 there as well, which would probably be the church  
7 property.

8 MR. HOLAHAN: Are these trails  
9 named?

10 MS. PICKARD: No.

11 MR. HOLAHAN: Do we need to have  
12 special meetings and name trails?

13 MR. KERRICK: I think we need to  
14 research that a little further before --

15 MS. PICKARD: The county's been  
16 talking about doing a feasibility study on the rail  
17 to trail, but this really wouldn't -- it would be

18 something that is there and existing and could  
19 probably be virtually utilized.

20 MR. KERRICK: Anything else from  
21 the board?

22 MR. HOLAHAN: No, sir.

23 MR. KERRICK: Bob?

24 MR. McHALE: No, sir.

25 MR. KERRICK: Pat?

57

1 MR. ARMSTRONG: I do have one  
2 thing I neglected to bring up when we were talking  
3 about the Kalahari project, probably because it's  
4 Kalahari Boulevard maintenance and responsibilities  
5 under my agenda item. But one thing that has been  
6 brought to my attention, was brought to my  
7 attention last Thursday when I met with the  
8 attorneys representing Kalahari and Pocono Manor,  
9 they want to start -- well, they want at least the  
10 board to start considering what improvements of the  
11 land development plan the board is going to require  
12 financial securities for. You don't have to make a  
13 decision tonight, but they did start that  
14 conversation. Typically, you know, the engineer  
15 for the applicant will submit a cost estimate.  
16 There's some interesting issues in this one, given  
17 the fact that there are TIF funds being used to  
18 construct the sewer, water, gas and some other  
19 public improvements, but some of the land  
20 development improvements for purposes of the land  
21 development plan would include stormwater, which is

22 not going to be financed through TIF funds. And  
23 clearly that's something that the township would  
24 want them to provide financial security for.

25 One item that they did bring up

58

1 and they want the board to start discussing and  
2 considering it is parking, their parking lot, if  
3 the board is going to require financial securities  
4 for their parking lot. I indicated that pursuant  
5 to the MPC and the township ordinances that  
6 typically you do require those financial securities  
7 but they could request the board waive at least  
8 that -- those improvements or those securities for  
9 those improvements. I don't have a complete list  
10 of the improvements that they want the board to  
11 consider weighing in on yet. I don't know if Bob  
12 does. I don't think he does, but just wanted to  
13 bring that to your attention. At some point in  
14 time you probably need, probably through Bob, after  
15 looking at their cost estimate, and decide which of  
16 the improvements you want additional financial  
17 securities for in relation to the land development  
18 project. You don't have to do it tonight, but just  
19 be aware that that will be one of the discussions  
20 with the applicant at some point in time before the  
21 development agreement is finalized and we move  
22 forward with recording the plan.

23 MR. HOLAHAN: So what do we  
24 have -- real quickly, what do we have left to  
25 finish up on the Kalahari?

1 MR. KERRICK: I think Pat's  
2 going to -- you're going to put a list together for  
3 us?

4 MR. ARMSTRONG: Yeah, I can put  
5 a list of -- you have a list on the TIF and NID  
6 aspect of it. Now that we are at the point where  
7 it's more land development at this point in time, I  
8 can put a list together of the outstanding  
9 agreements that are necessary documents  
10 agreeable -- that are necessary in order for  
11 finalizing their approval. Unfortunately some of  
12 those agreements are going to be dependent upon how  
13 the board falls on certain maintenance requirements  
14 of Kalahari Boulevard and some other items that --  
15 we'll have to have that discussion at some point in  
16 time.

17 But, yeah, I can put a list  
18 together of the outstanding agreements from my end  
19 that need to be -- I mean, the big ones are the  
20 sewer between us, BCRA and Pocono, between us,  
21 Kalahari and Pocono Manor. There is going to be a  
22 sewer district ordinance that you've already  
23 authorized us to move forward with it. It's been  
24 held up due to the fact that these agreements have  
25 been held up. There is going to be a typical

1 financial securities and land development  
2 agreements with the applicant. There's going to be

3 a sewer development agreement, separate and  
4 distinct from the land development agreement,  
5 because they're constructing a sewer line that will  
6 be dedicated to Tobyhanna Township. So there will  
7 be a development agreement with respect to the  
8 sewer line.

9 MR. HOLAHAN: That's enough for  
10 now.

11 MR. ARMSTRONG: There's a  
12 laundry list.

13 MR. KERRICK: Phyllis, do you  
14 have anything?

15 MS. HAASE: No, sir.

16 MR. KERRICK: Anything from the  
17 public? Mr. Tutrone.

18 MR. Ed TUTRONE: Just one quick  
19 thing. I know you guys are going to research the  
20 thing about the insurance. I can only speak for  
21 the Tobyhanna Township Fire Company, I haven't  
22 spoke to Pocono Summit, but we did explain that at  
23 our last meeting that we understand in a fire  
24 company, anything you guys approve on that list,  
25 that does not ultimately mean it will be covered by

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1 the insurance carrier. The insurance carrier has  
2 the final say. And if there's anything we can help  
3 you with while you're doing research for the month,  
4 we will come in and meet with you, whatever you  
5 need to do to get this resolved.

6 MR. KERRICK: Thank you.

7 Anyone else?

8 A VOICE: As a representative of  
9 Pocono Summit, we agree.

10 MR. KERRICK: Thank you. We  
11 appreciate that. Hopefully we get it resolved next  
12 month.

13 MR. ARMSTRONG: And I do have  
14 one brief legal matter in executive session I have  
15 to discuss with the board immediately following the  
16 meeting. That's all.

17 MR. KERRICK: Anyone else from  
18 the public?

19 Thank you for attending. We are  
20 adjourned.

21 (Meeting adjourned at 8 p.m.)

22 ---

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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 JOSEPHINE HOLLMAN, C.R.

17

18

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24

25

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Elementary Center  
398 Old Route 940  
Pocono Pines, Pennsylvania 18350  
Monday, May 13, 2013 beginning at 9:27 a.m.

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

---



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

2

1 MR. KERRICK: Start our regular  
2 business meeting with the pledge of allegiance.

3 (Pledge of Allegiance was  
4 recited.)

5 MR. KERRICK: This is our  
6 regular business meeting. We have two meetings a  
7 month. We had one last week, which is our work  
8 session, which we discuss most of the items that  
9 are on the agenda.

10 First item on our agenda this  
11 morning would be announcements.

12 Heidi?

13 MS. PICKARD: Hi. I just  
14 wanted to announce that the Memorial Day Parade  
15 will be starting here at TEC, Monday, May 27. I

16 believe it starts at 10 a.m. The Pocono Summit  
17 Volunteer Fire Company is having their festival and  
18 parade June 28 and 29.

19 The Tobyhanna Township Volunteer  
20 Fire Company is having their carnival in Blakeslee  
21 July 3 through the 6th and Township Community Day  
22 will be Saturday, July 13. The township is also  
23 having a town hall meeting on May 30, at 6 p.m. to  
24 discuss safety month and disaster, safety and other  
25 items, which I'm sure Phyllis can enlighten us with

3

1 later. That would be all.

2 MR. KERRICK: Thank you, Heidi.

3 Next item on our agenda,  
4 consider the minutes of March 28, 2013 joint  
5 special meeting, Tobyhanna/Pocono Township and  
6 Brodhead Creek Regional Authority.

7 What's the board's pleasure?

8 MS. PICKARD: I had a couple  
9 corrections I just wanted to mention, there were a  
10 couple name errors in the minutes. And that would

11 be for Brunamatti, B-R-U-N-A-M-A-T-T-I, was --  
12 should be B-R-U-N-A-M-O-N-T-I, and that was on Page  
13 27. And throughout the document Jonathan Rice,  
14 R-I-C-E should be Jonathan R-E-I-S-S, and that's  
15 all I had on that.

16 With that, I'll make a motion  
17 that we approve the March 28, 2013 joint special  
18 meeting minutes.

19 MR. MOYER: I'll second.

20 MR. KERRICK: Motion and  
21 second.

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

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

4

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: Motion carried.

11 Next item on our agenda,

12 consider the treasurer's report dated March 13,

13 2013. Total amount for board approval is

14 \$427,562.63.

15 MR. HOLAHAN: I'll make a

16 motion that we approve the treasurer's report in

17 the amount of \$427,562.63.

18 MR. MOYER: Second.

19 MR. KERRICK: Motion and

20 second.

21 Questions or comments?

22 Questions or comments from the

23 public?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I'll abstain.

3 MR. KERRICK: Donald?

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

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll abstain.

8 MS. PICKARD: The bills are in

9 the box here.

10 MR. KERRICK: Next item,

11 solicitor's report.

12 MR. ARMSTRONG: Thank you, Mr.

13 Chairman. The first -- nothing under the agenda

14 under my report, but I do have some updates or

15 status reports for you. The first one, the NID

16 hearing, as you're all aware, is scheduled for this

17 Wednesday night, at seven o'clock.

18 I did want to see if the board

19 members are available for a brief -- for a brief

20 executive session beforehand to discuss some legal

21 privilege matters. If there is -- if you're not

22 available, perhaps we could do it immediately

23 after, it's up to the board.

24 MS. LAMBERTON: I'm good.

25 MS. PICKARD: When was that?

6

1 MR. ARMSTRONG: Six or six --  
2 sometime before the NID hearing on Wednesday night.  
3 So either 6 or 6:30 depending upon when the board  
4 is available.

5 MR. HOLAHAN: I'm good either  
6 time.

7 MS. PICKARD: I'm good either  
8 time.

9 MS. LAMBERTON: Yep, yep.

10 MR. KERRICK: I'm free.

11 MR. ARMSTRONG: Should we do  
12 6:15?

13 MR. HOLAHAN: Yes.

14 MS. LAMBERTON: 6:15.

15 MS. PICKARD: Sounds good.

16 MR. ARMSTRONG: Thank you.

17 MR. KERRICK: Do you have  
18 anything else, Pat?

19 MR. ARMSTRONG: Yes. As you're  
20 all aware, the Water District Ordinance was  
21 circulated probably late last week -- well,  
22 actually beginning of last week. We've scheduled  
23 the public hearing for this coming Friday at eight  
24 o'clock in the morning. As you're all aware,  
25 that's to establish and adopt the water district

7

1 within Tobyhanna Township, wherein the BCRA will be  
2 servicing the customers in that area.

3 That being said, the water --  
4 the public water service for the Kalahari project  
5 is set to be resolved on Friday at your meeting.  
6 The outstanding sewer is yet to be resolved. I'm  
7 still in the process of going through the  
8 agreements that were forwarded to me last week from  
9 the BCRA and Pocono Township, as well as the  
10 applicant.

11 And just as an FYI, we will be  
12 scheduling public hearings for the Sewer District  
13 Ordinance. There just is not a time pressing time

14 frame that I'm aware of, as there was for the  
15 water. The BCRA needed that water ordinance in  
16 agreement to be authorized for execution and  
17 execution prior to the end of the month, which is  
18 why there was a rush to get that scheduled before  
19 the end of May.

20 The Dollar General plan, as  
21 you're all aware, the applicant received  
22 conditional final approval for the Dollar General  
23 plan. There is one item I just needed to make sure  
24 that the board is agreeable to. As we were putting  
25 together all the agreements and the easements for

8

1 the applicant, there is that emergency access for  
2 the Dollar General.

3 Are you all familiar with the  
4 plan? There was an emergency access that they  
5 needed to provide. They provided it, it actually  
6 -- it's an accessway that takes them to their  
7 neighboring property, I believe, it's the church  
8 next by -- next door. Normally what we require is



9 an easement agreement between the church and Dollar  
10 General for purposes of that emergency access.

11                               Apparently there was some --  
12 they weren't able to get an easement. What they  
13 have is a license agreement. It's an agreement  
14 with the church granting Dollar General a license  
15 to utilize their property. It's not the same as an  
16 easement, you know, there's a termination provision  
17 in that license agreement. Does it satisfy the  
18 requirements of the township? You know, they're  
19 going to have an accessway with a gate.

20                               Down the road, if there is an  
21 issue between the property owners, I mean,  
22 arguably, the church could terminate that license  
23 agreement; but will it in effect prevent an  
24 emergency responder from accessing the property if  
25 need be? Probably not.

9

1                               That being said, are -- I just  
2 want to make sure that the board's okay allowing  
3 the plan to proceed to final signatures with the

4 license agreement as opposed to the easement.

5 MR. MOYER: I'm okay.

6 MR. HOLAHAN: I'm all right  
7 with the license agreement. My concern is, an  
8 easement would have been on a deed and then  
9 followed the deed, correct?

10 MR. ARMSTRONG: Right, which is  
11 why I bring it up. Apparently, I mean, I could  
12 follow back up with Dollar General, but I think --  
13 I don't know if anyone's familiar with the  
14 personalities involved, but they had some problems  
15 going back and forth with the neighboring property  
16 owner.

17 MS. PICKARD: Is there any  
18 notification we would get if that is terminated?

19 MR. ARMSTRONG: There is  
20 probably, there is a notification provision within  
21 the license agreement, but we don't have -- the  
22 township would not have -- we're not a third-party  
23 beneficiary to that agreement, so we wouldn't have  
24 any ability to enforce it or, you know, require it  
25 to be maintained.

1 MR. HOLAHAN: Dollar General  
2 okay with it?

3 MR. ARMSTRONG: Oh, they're --  
4 that's -- yeah, they're -- I mean, obviously they  
5 --

6 MR. KERRICK: They want it.

7 MR. ARMSTRONG: -- would prefer  
8 the easement, but this is all -- according to the  
9 individual from the Zaremba Group, who was the  
10 applicant, that's all they could get from their  
11 neighboring property.

12 MR. HOLAHAN: Strictly  
13 emergency --

14 MR. ARMSTRONG: Yeah. It's  
15 only the emergency -- it's the emergency access.  
16 So I guess the issue is in the event of a fire, the  
17 access -- the access road will be there.

18 MR. HOLAHAN: There'll be a  
19 gate there as well.

20 MR. ARMSTRONG: Right.

21 MR. HOLAHAN: Understood. I'm

22 all right with that.

23 MR. ARMSTRONG: The last item  
24 that I wanted to report on is, the Kalahari  
25 conditional final approval letter went out. There

11

1 was a question for Mr. Kerrick as to the reference  
2 to the bike and pedestrian path. If the board's  
3 pleasure is to allow the applicant to, you know,  
4 solidify and finalize the location of that bike  
5 path/pedestrian path, that's fine.

6 When I put the draft together, I  
7 believe I inquired with Bob, because I don't -- I  
8 didn't recall seeing it on the plan either. I do  
9 remember it being discussed on both the planning  
10 commission and the board level, but if the board's  
11 okay with -- if the board's okay with letting the  
12 applicant, you know, decide where that bike and  
13 pedestrian path goes, it's fine.

14 MR. MOYER: Yeah.

15 MR. KERRICK: To the best of my  
16 knowledge, it's not on the plan presently. And

17 didn't we have a conversation with the developer --

18 MR. MOYER: I thought we all  
19 said leave it up to them.

20 MR. KERRICK: -- that he was --  
21 leave it up to them?

22 MS. LAMBERTON: Absolutely,  
23 yes.

24 MR. MOYER: Yeah. I thought  
25 that's what we talked about.

12

1 MS. PICKARD: Yes.

2 MR. ARMSTRONG: Well, I guess  
3 the question is, do you want them to put it on the  
4 plan where they're going to -- or do you want to  
5 leave it off the plan?

6 MS. LAMBERTON: I'm not  
7 concerned with it.

8 MR. KERRICK: I'm not concerned  
9 with it.

10 MR. ARMSTRONG: With that,  
11 that's all I have.

12 Is there anything else from the  
13 board?

14 MR. KERRICK: No. We're good  
15 there.

16 MR. ARMSTRONG: Thank you, Mr.  
17 Chairman.

18 MR. KERRICK: You're welcome.

19 Next item on our agenda, new  
20 business. Consider Resolution 2013 dash 016  
21 approving Tobyhanna Township Volunteer Fire Company  
22 activities for workmen's comp.

23 MR. HOLAHAN: I'll make a  
24 motion that we adopt Resolution 2013 dash 016  
25 approving the Tobyhanna Township Volunteer Fire

13

1 Company activities workers' compensation.

2 MS. LAMBERTON: This is just  
3 for the parade?

4 MR. KERRICK: There's a motion.

5 MS. PICKARD: I'll second the  
6 motion.

7 MR. KERRICK: Motion and  
8 second.

9 Questions or comments?

10 MR. HOLAHAN: Yeah. This is  
11 strictly for the parade, correct?

12 MS. PICKARD: This is just  
13 through May.

14 MR. KERRICK: This is --

15 MS. PICKARD: The activities  
16 through May.

17 MR. KERRICK: I mean, are we --  
18 what are we going to consider fire company  
19 activities and not activities?

20 MS. LAMBERTON: I think we have  
21 to decide that, right? We are just --

22 MR. KERRICK: Well, for  
23 instance, they have Tobyhanna Township town hall  
24 meeting. Is that a fire company function?

25 MS. LAMBERTON: True statement.

1 MR. KERRICK: They're attending

2 a meeting -- or they're going to be there for the  
3 meeting. I mean, I'm a fireman, don't get me  
4 wrong, I'm not trying to give them a hard time; but  
5 I think we need to decide that for our insurance  
6 carrier.

7 MS. PICKARD: Well, we invited  
8 them to the meeting. Assuming something would  
9 happen, they would not be covered unless we have it  
10 in the minutes.

11 MR. KERRICK: We attend a lot  
12 of meetings that we're not covered. I'm just  
13 trying to say where do we draw the line? And then  
14 our insurance company, even though we recognize  
15 this, are they going to cover it?

16 MS. PICKARD: They will cover  
17 anything that we put in.

18 MR. KERRICK: And anything we  
19 don't put in, they don't cover?

20 MS. PICKARD: That's my  
21 understanding, that's the way the law reads.

22 MR. MOYER: This is for May  
23 only, though, right?

24 MR. KERRICK: I understand.



25 I'm just asking the question.

15

1 MS. PICKARD: I'm still waiting  
2 to hear back from the workers' comp, we were  
3 playing tag last week. But anything right now that  
4 is not one of the six fire fighting activities has  
5 to be in the minutes or they are not covered. I  
6 mean --

7 MR. KERRICK: Obviously, we  
8 want to make sure they're covered.

9 MS. PICKARD: -- I think it's  
10 highly unlikely something would happen, but we need  
11 to make that determination whether --

12 MR. KERRICK: Is there other  
13 options out there? We should investigate.  
14 Liability policy --

15 MS. PICKARD: We have liability  
16 and the fire --

17 MR. KERRICK: They have  
18 liability.

19 MS. PICKARD: -- company has

20 liability.

21 MR. KERRICK: Just checking.

22 MR. ARMSTRONG: My

23 understanding --

24 MR. KERRICK: I mean, Pat was,

25 at our work session, was very clear that it had to

16

1 be very specific as to what we did. So I'm just

2 raising the question.

3 MS. LAMBERTON: I understand

4 your concern about the township town hall meeting.

5 I do understand that they're handling traffic in a

6 parade or a mock crash or the 5K run for that club

7 ride, I understand those four. I don't see the

8 need for a meeting.

9 MS. PICKARD: Yeah, I didn't --

10 MR. KERRICK: Well, I have no

11 problem with it --

12 MS. PICKARD: -- put that on

13 there, so I don't really know.

14 MR. KERRICK: -- for this month

15     until we decide what we're going to do.

16                     MS. LAMBERTON:   We need to  
17     discuss it.

18                     MS. PICKARD:    Yeah.

19                     MR. MOYER:     Yeah.

20                     MR. KERRICK:    I think we need

21     --

22                     MR. MOYER:    That's my point, we  
23     need to define what we're going to cover --

24                     MR. KERRICK:    Can we get a  
25     representative from our insurance company?

17

1     Obviously, it's the state, so probably not.

2                     MS. PICKARD:    It is the state,  
3     but they don't have anything in writing so I was  
4     playing tag with her to have a conversation.  But  
5     there was nothing in writing except the law and the  
6     law says they're not entitled to workers' comp for  
7     nonfirefighting activity unless it's read in the  
8     minutes.

9                     MR. KERRICK:    We want them

10 covered, I understand that.

11 MS. PICKARD: There was an  
12 issue with one of the other fire companies.  
13 Somebody broke their ankle leaving the meeting at  
14 the fire company and was not covered, so, you  
15 know -- we are asking them to attend the meeting,  
16 so I don't --

17 MR. KERRICK: I have no problem  
18 with that, I'm just asking the question. That  
19 brings another question up, but we'll take the vote  
20 on this as far as the parades go, but we'll call it  
21 --

22 Any questions from the public on  
23 the motion?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

18

1 MR. KERRICK: Anne?

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

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

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

10 Before we go on, as long as  
11 we're on parades, now we recognized that they're  
12 going to attend the parade, what are we going to do  
13 as far as closing the road? That's another issue  
14 in itself.

15 MS. PICKARD: I think we need a  
16 procedure in place for the future.

17 MR. KERRICK: We need some help  
18 from our --

19 MR. ARMSTRONG: Yeah, there's a  
20 --

21 MS. PICKARD: We don't always  
22 get notified from some of these groups that they're  
23 having a run or a parade directly to the township.

24 MR. KERRICK: Well, again, by  
25 doing this are we opening any --

1 MS. LAMBERTON: Heidi, she  
2 can't hear you, you need to talk into the  
3 microphone.

4 MS. PICKARD: I'm sorry.  
5 I was saying we don't always get  
6 notified when a group is doing a run or some other  
7 activity.

8 MR. ARMSTRONG: When is the --  
9 when is the parade?

10 MS. PICKARD: Parade's Memorial  
11 Day.

12 MR. KERRICK: Memorial Day, I  
13 don't know if there's anything --

14 MR. ARMSTRONG: Saturday,  
15 Sunday or is it on Monday?

16 MS. LAMBERTON: The Monday  
17 morning.

18 MR. KERRICK: Monday morning.

19 MS. PICKARD: Monday morning.

20 MR. KERRICK: And I'm not sure  
21 -- they have Panther Pounce down there, I don't  
22 know when that would be, if there's a date.

23 MS. PICKARD: I believe Phyllis  
24 has the date on that.

25 MS. HAASE: I believe that's

20

1 the first weekend in June.

2 MR. ARMSTRONG: I mean, there  
3 is -- there's a second -- there's a procedure in  
4 the Second Class Township Code as to closing roads.  
5 I believe the intention behind that procedure is  
6 when you're actually closing a road for  
7 construction or -- but, you know, we could use the  
8 procedure for purposes of the parade as well.

9 With respect to closing the  
10 roads and potentially an indemnification agreement,  
11 you could have the fire company or whoever's  
12 putting on the Memorial Day Parade to, you know,  
13 execute a very brief indemnification agreement,  
14 that's like a paragraph.

15 MS. PICKARD: Would be the  
16 American Legion.

17 MR. ARMSTRONG: The Legion? I

18 mean, you may already have one. This is -- but I  
19 can send you one.

20 MS. PICKARD: The same with the  
21 Panther Pounce, I'm not sure who the group would  
22 be.

23 MR. KERRICK: Well, we can deal  
24 with that and keep it brief obviously, but we don't  
25 want to follow -- I don't want to say that.

21

1 MS. PICKARD: Was there a  
2 issue, Pat, when we're --

3 MS. HAASE: Heidi?

4 MS. PICKARD: -- talking about  
5 closing the road --

6 MS. HAASE: Excuse me. Could  
7 you bring the microphone closer to you?

8 MS. PICKARD: Is there an  
9 issue, you said, when you're closing the road for a  
10 long period of time, when we're closing it for 20  
11 minutes or half an hour, an hour or two, is that --

12 MR. ARMSTRONG: Yeah. I mean,



13 I'll look -- I'll look at the Second Class Township  
14 Code. I know those provisions specifically are  
15 intended to address --

16 MR. KERRICK: Long term.

17 MR. ARMSTRONG: -- long term.

18 MR. KERRICK: Because you have  
19 to post the detour, et cetera, et cetera.

20 MR. ARMSTRONG: Right, exactly.

21 It's pen -- it's pretty much PennDOT's --

22 MR. KERRICK: Pretty much  
23 PennDOT, I did look it up.

24 MS. PICKARD: And PennDOT did,  
25 I gave you that paperwork that talked about 20

22

1 minutes or something, like that wasn't really  
2 necessary.

3 MR. KERRICK: Okay. So we're  
4 just going to ask them to fill out an  
5 indemnification agreement quick?

6 MR. ARMSTRONG: Yeah. What  
7 I'll do is I'll forward -- who do you want me to

8 forward that to?

9 MS. PICKARD: I'll get some  
10 information. I had an email address for the  
11 Legion. I'm not sure -- I don't have any contact  
12 information on the Panther Pounce, I don't know --  
13 Phyllis, do you have any contact  
14 information?

15 MS. HAASE: I do not.

16 MR. KERRICK: We'll find out,  
17 we'll make it happen.

18 Next item on our agenda,  
19 consider Resolution 2013 dash 017 approving Pocono  
20 Summit Volunteer Fire Company activities for  
21 workmen's comp.

22 MS. PICKARD: I'll make a  
23 motion that we approve Resolution 2013 dash 017.

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

23

1 MR. MOYER: I'll second.

2 MR. KERRICK: Second by Donny.

3 Questions or comments from the  
4 board?

5 Questions or comments from the  
6 public?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in  
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

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

18 Next item on our agenda,  
19 consider Resolution 2013 dash 018 adopting the  
20 safety manual for Tobyhanna Township.

21 What's the board's pleasure?

22 MR. HOLAHAN: I'll make a  
23 motion that we adopt Resolution 2013 dash 018  
24 adopting the safety manual for the township.

25 MS. LAMBERTON: I'll second.

1 MR. KERRICK: Motion and  
2 second.

3 Questions or comments from the  
4 board? Anyone?

5 Questions or comments from the  
6 public?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in  
11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

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

18 Wow, we really went through this  
19 quick.

20 MS. PICKARD: Did you -- we had

21     this letter in here, I don't know what we're doing  
22     with this.

23                     MR. KERRICK:    Well, that was --  
24     in your packet you'll see, second page in, there  
25     was an example. I think that was for a parade in

25

1     Pocono Summit. I think Bob threw that in there  
2     just to show you what we did in the past.

3                     Did you take a look at that,  
4     Pat?

5                     MR. ARMSTRONG:   I don't know if  
6     I got that.

7                     MS. PICKARD:    That was your  
8     letter, Pat.

9                     MR. ARMSTRONG:   Oh, that was my  
10    letter?

11                    MR. MOYER:    Yeah.

12                    MR. KERRICK:    Is that all  
13    right? Can we utilize that or no?

14                    MR. ARMSTRONG:   Yeah, yep.

15                    MS. PICKARD:    That was for the

16 Pocono Summit parade as well and we did have a  
17 request from Pocono Summit.

18 MR. ARMSTRONG: I mean, you  
19 probably already have a hold harmless  
20 indemnification agreement from me somewhere in the  
21 system because this letter actually references it.  
22 I'll send another one.

23 MR. KERRICK: Anyone from the  
24 board have anything they wish to address?

25 I have one issue with respect to

26

1 the sewer line for Kalahari. We've done some work  
2 in the past with a gentleman by the name of Rich  
3 Stryker, who is an engineer, but he does represent  
4 a pumping -- a pump company in New Jersey. And we  
5 had asked him if he would look over our plans for  
6 the pumping station for Kalahari and he has not  
7 given us an answer back.

8 He said he would do it for  
9 gratus, but he kind of wanted to reference the  
10 pumps and I don't think that's a clean deal. If he

11 wants to work for us, to review it himself, that's  
12 fine. I just wanted to keep you in the loop or any  
13 thoughts from -- we reached --

14 We're going to reach out to  
15 Brodhead to see what they have, if they have --  
16 maybe they require certain pumps, but we don't want  
17 to end up what we had with -- what we have in  
18 Blakeslee, we don't want to end up with that.

19 MS. LAMBERTON: I agree.

20 MR. KERRICK: So --

21 MR. MOYER: We're going to try  
22 him back?

23 MR. KERRICK: I'll just keep  
24 you in the loop as far as this --

25 MR. MOYER: He hasn't got back

27

1 to you yet?

2 MR. KERRICK: Well, he got back  
3 that he -- you know, that he would do it, but then  
4 it kind of ties us into that pump and I don't think  
5 that's -- if he can work for us independent -- he

6 is an independent. If he can work for us  
7 independently fine; if not, we need to find  
8 somebody else. That's my thoughts.

9 Everybody okay with that?

10 MR. HOLAHAN: Yes.

11 MS. PICKARD: Did you have  
12 anybody else in mind?

13 MR. KERRICK: No, I don't.

14 Does anybody have any  
15 engineering? Well, let's cross that bridge when it  
16 gets --

17 MS. PICKARD: What about Walter  
18 Wachter, can he recommend somebody?

19 MR. KERRICK: We could ask  
20 Walter Wachter, who is a forensic engineer, when we  
21 did -- when we had the lawsuit in Blakeslee sewer  
22 system, which was very good. We could ask him. I  
23 could reach out to him and see what we could find  
24 out.

25 MR. MOYER: Okay.



1 MR. KERRICK: Okay?

2 MR. MOYER: Yep.

3 MR. KERRICK: Thank you.

4 Anybody else have anything?

5 Anyone from the public?

6 I guess it's question and answer

7 time now.

8 (Meeting concluded at 9:54 a.m.)

9 ---

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I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, April 8, 2013 beginning at 7:00 p.m.

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer  
ROBERT J. McHALE, Township Engineer

---

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

2

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

3 (Pledge of allegiance was  
4 recited.)

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

7 MS. PICKARD: I had a couple  
8 announcements. One I just wanted to remind  
9 everybody that spring cleanup is scheduled for  
10 Saturday, April 20 through the 27th, at our  
11 transfer station on Sullivan Trail Road; Monday  
12 through Friday 8 to 4 and Saturday 8 to 3. And the  
13 fees and all the other information's out in the  
14 lobby or you can check online at Tobyhanna Township  
15 dot org.

16                               And I wanted to let everybody  
17    know they're having an Earth Day cleanup at the  
18    Blakeslee Natural Area. Anybody who wants to  
19    participate, it'll be from 9 to 11 a.m. and they  
20    are meeting in the lower parking lot by the  
21    pavilion. And it does suggest to bring tools if  
22    possible, gloves, rakes and shovels.

23                               MR. KERRICK: Anything else?

24                               MS. PICKARD: That's it.

25                               MR. KERRICK: Next item on our

3

1    agenda, consider the minutes of March 11, 2013,  
2    regular business meeting, and April 1, 2013 work  
3    session.

4                               What's the board's pleasure?

5                               MS. PICKARD: I had a minor  
6    correction on the March 11, 2013 regular business  
7    meeting minutes on Page 18, Line 12, that should be  
8    Long Pond Road.

9                               With that, I'll make a motion  
10   that we approve the March 11, 2013 and the April 1,

11 2013 work session minutes.

12 MR. MOYER: Second.

13 MR. KERRICK: Motion and

14 second.

15 Questions or comments?

16 Questions or comments from the

17 public?

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I vote in

22 favor.

23 MR. KERRICK: Donny?

24 MR. MOYER: I vote in favor.

25 MR. KERRICK: Heidi?

4

1 MS. PICKARD: I vote in favor.

2 MR. KERRICK: Motion carried.

3 Next item on our agenda,

4 consider treasurer's report. Total amount for

5 board approval \$284,604.07.

6 MR. HOLAHAN: I'll make a  
7 motion that we approve the treasurer's report for  
8 \$284,604.07.

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

11 MS. LAMBERTON: I'll second.

12 MR. KERRICK: Questions or  
13 comments?

14 Questions or comments from the  
15 public?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in  
20 favor.

21 MR. KERRICK: Donny?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: Motion carried.



1                               Next item, solicitor's report.

2                               MR. ARMSTRONG:    Thank you, Mr.  
3   Chairman.  There's nothing listed on my report.  I  
4   do have at least just a status.  As you're aware,  
5   at your last meeting you authorized the draft flood  
6   plain management ordinance to be forwarded on to  
7   DCED, as well as the Monroe County Conversation  
8   District.  We forwarded that on, we did get some  
9   comments back from the conservation district.

10                            This morning Phyllis, Bob and  
11   myself, we had a conversation and we made certain  
12   revisions pursuant to those suggested changes and  
13   I have sent that draft ordinance back to the Monroe  
14   County Conservation District for review and any  
15   further comments.

16                            That being said, as you're  
17   aware, we do have a May 2 time frame.  Apparently  
18   your May 6 meeting won't make that.  I was hoping  
19   that there was some flexibility with respect to the  
20   adoption of that ordinance, there is not.  So I'm  
21   not sure if the board is in a position to consider  
22   maybe scheduling a special meeting some time before  
23   the end of the month, so you can make that May 2

24 deadline for purposes of the flood plain management  
25 ordinance.

6

1 We only need to advertise it  
2 pursuant to the MPC, which would be 14 days and 7  
3 days in advance. So we still have time to  
4 advertise if we wanted to consider a meeting date  
5 to make that May 2 time frame.

6 MS. PICKARD: We have a April  
7 25 TIF meeting scheduled at 7.

8 MR. ARMSTRONG: Yeah, we've  
9 talked about that this morning. I don't know if  
10 the newspaper that you use for the advertising will  
11 accept an ad tomorrow for -- Thursday? We would  
12 need it for Thursday.

13 MS. HAASE: We could reach out  
14 to them if that's the board's pleasure, but we'd  
15 have to speak to them directly.

16 MS. LAMBERTON: Well, I saw a  
17 date of Monday, April 29.

18 MS. PICKARD: April 29.

19 MR. MOYER: 9th.  
20 MS. LAMBERTON: I was fine with  
21 that.  
22 MS. PICKARD: We could do it at  
23 that work session.  
24 MS. LAMBERTON: That works.  
25 Does that give you enough time?

7

1 MS. ARMSTRONG: It's up to the  
2 board.  
3 MR. MOYER: Yeah, I emailed  
4 back, Bob, it was late though. I was good with  
5 that.  
6 MR. HOLAHAN: Bring it up at  
7 the work session, it's the 29th, certainly.  
8 MS. PICKARD: And we have a  
9 3:30 work session.  
10 MR. ARMSTRONG: On --  
11 MR. HOLAHAN: Does that give --  
12 MR. KERRICK: 29 of April.  
13 MR. HOLAHAN: -- us -- the

14 paper enough time?

15 MR. MOYER: 29th of April.

16 MR. ARMSTRONG: So schedule the  
17 public hearing for your flood plain management  
18 ordinance for April 29 at --

19 MR. MOYER: 3:30.

20 MR. KERRICK: 3:30.

21 MR. ARMSTRONG: -- 3:30?

22 MS. LAMBERTON: I think so,  
23 right?

24 MR. MOYER: Yeah, we might as  
25 well.

8

1 MS. PICKARD: -- the COG is at  
2 7, so --

3 MS. LAMBERTON: Yep, I can make  
4 it.

5 MR. KERRICK: Anything else,  
6 Pat?

7 MR. ARMSTRONG: There is --  
8 there was the -- your proposed -- well, not your

9 proposed, but remember a while back Phyllis, Bob  
10 and I and Bill Burton from the Bureau Veritas  
11 Inspection Company, we were coming up with a  
12 revision to your Code of Ordinances with respect to  
13 the building code, the universal -- or the  
14 Uniformed Construction Code amending Chapter 60 and  
15 64 to make sure that it's consistent with the UCC?

16 I believe we have a draft that's  
17 ready probably for your consideration and a public  
18 hearing, but that -- I mean, if you're okay with us  
19 proceeding with advertising that ordinance, we can  
20 do that for one of your May meetings, if the  
21 board's okay with that.

22 MR. MOYER: Yeah, I'm fine with  
23 it.

24 MR. ARMSTRONG: Okay?

25 MR. KERRICK: Yep.

9

1 MR. HOLAHAN: Yes.

2 MR. ARMSTRONG: With that, I  
3 see there's a number of things that I'll be

4     probably involved in reporting on, but it looks  
5     like it's going to be covered under new business  
6     with Kalahari/Pocono Manor. And I think that's it.  
7     Yep.

8                             Thank you.

9                             MR. KERRICK: Do you want to  
10    stay right there, we switch to new business,  
11    Kalahari Resort/Pocono Manor commercial project?

12                            MR. McHALE: There's a sewage  
13    facility's planning module in front of the board  
14    with regard to the Kalahari Resort and the Pocono  
15    Manor Investors commercial property. Joe Mullen is  
16    here with Pennoni Associates. He could probably  
17    just give a very short brief overview of where  
18    we've been just in the last couple of weeks. Some  
19    very minor modifications have been made, mostly  
20    language.

21                            There's some items here related  
22    to the planning module, but at this point it's in  
23    pretty good shape. There's a memorandum of  
24    understanding that's been executed by the  
25    municipalities and the BCRA, the Brodhead Creek

1 Regional Authority.

2 So, Joe, I don't know if you  
3 want to just give a little synopsis of where we're  
4 at right now.

5 MR. JOE MULLEN: Sure. Just in  
6 general -- first of all, my name is Joe Mullen,  
7 Pennoni Associates. Just in general the planning  
8 module's been in some sort of a stable form, at  
9 least for the intent of the technical part of the  
10 planning module, in the sense that it's creating a  
11 sewage area totally in Tobyhanna Township. That  
12 sewage area will be connected to Pocono Township by  
13 a transmission line.

14 Pocono Township will pass the  
15 sewage out to Brodhead Creek for treatment and the  
16 domestic water for this service area will also be  
17 received from Brodhead Creek. So it is both sewer  
18 and water from Brodhead Creek, creation of a  
19 separate sewage area in Tobyhanna Township  
20 transmitting the line through Pocono Township to  
21 Brodhead Creek. That's pretty much what's been

22 stable.

23 What has kind of matured and  
24 changed in the last few weeks is the arrangement  
25 between the municipalities, Brodhead Creek and in

11

1 that -- formulated in the memorandum of  
2 understanding as to who's doing what, who's  
3 permissing (phonetic) certain things to transpire.  
4 That's been kind of a fluctuating thing for us the  
5 last two weeks, but it's come to fruition.

6 There's been some signatures put  
7 on the paper and that is now bound with the  
8 planning module as the understanding between the  
9 municipalities and Brodhead Creek Regional  
10 Authority as to how this whole situation with the  
11 planning module is being handled. That's sort of  
12 the status of where we are today at seven o'clock.

13 MS. LAMBERTON: It could  
14 change. It could change in five minutes.

15 MR. JOE MULLEN: Any questions?

16 MR. McHALE: So the planning



17 module's ready to be acted upon by the board -- so  
18 chooses. There's also a resolution for a plan  
19 revision for new land development that's associated  
20 with the planning module, and that was going to be  
21 considered under Resolution 2013 dash 014, which  
22 can be done later.

23 MS. PICKARD: The resolution  
24 numbers are wrong.

25 MR. ARMSTRONG: What do you

12

1 mean?

2 MR. KERRICK: We don't act on  
3 this before we do the resolution?

4 MR. ARMSTRONG: Just for the  
5 board's clarification, Pocono Township has a  
6 similar planning module before them, correct?

7 MR. JOE MULLEN: Absolutely.  
8 They are the same -- aside from the title on them,  
9 Tobyhanna/Pocono Township, they're exactly the  
10 same. The front end documents, which are the  
11 standard PA DEP documents for this process, are

12 exactly the same. And the second module, which is  
13 the heavy technical section is exactly the same.  
14 So they are the same planning module.

15 MR. ARMSTRONG: And the reason  
16 for that, again, is the sewage from the proposed  
17 plan would be conveyed through lines owned by  
18 Tobyhanna Township to the collection system of  
19 Pocono Township, down through Pocono Township's  
20 system.

21 MR. KERRICK: What's the  
22 board's pleasure? Do you want to act upon the  
23 sewage facilities planning module?

24 MR. HOLAHAN: And are we  
25 looking at that as the Resolution 2013 dash 014?

13

1 MS. PICKARD: They'll be out of  
2 sequence.

3 MR. MOYER: Yeah, they're  
4 different on the agenda, but --

5 MR. ARMSTRONG: Yeah. What Bob  
6 had just indicated to me is why don't you go ahead

7 and if you want to consider for approval of the  
8 actual planning module. And then if you want to  
9 wait to actually adopt the actual resolution until  
10 it's listed on your agenda, you can do that.

11 MR. HOLAHAN: Well, I'll make a  
12 motion that we move forward with the planning  
13 module then.

14 MS. PICKARD: This is an  
15 amendment to our Act 537 Plan.

16 MR. ARMSTRONG: Yes. Just so  
17 the record's clear, there was a 30 day time frame  
18 to receive comment from the public and I don't  
19 believe -- correct me if I'm a wrong -- has the  
20 township received any comment on this proposed  
21 planning module?

22 MS. HAASE: No.

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

25 MS. LAMBERTON: I'll second it.

2 second.

3 Questions or comments?

4 Questions or comments from the  
5 public?

6 Yes?

7 MS. TRUDY QUINN DENLINGER: On  
8 your memorandum of assignment should --

9 THE REPORTER: May I have your  
10 name, please?

11 MR. KERRICK: State your name.

12 MS. TRUDY QUINN DENLINGER: Oh,  
13 I'm terribly sorry. Let me stand too. My name is  
14 Trudy Quinn Denlinger. Question about the  
15 memorandum of assignment. What is -- happens with  
16 Pocono Township should they default and what backup  
17 does Tobyhanna Township have to follow through,  
18 since it's our lines and their plant?

19 MR. ARMSTRONG: When you say  
20 memorandum of assignment, do you mean memorandum --

21 MS. TRUDY QUINN DENLINGER:  
22 Memorandum agreement.

23 MR. ARMSTRONG: Understanding.

24 MS. TRUDY QUINN DENLINGER:

25 Understanding, right.

15

1 MR. ARMSTRONG: In that  
2 memorandum of understanding, there are a list of  
3 documents and agreements that need to be finalized  
4 yet in order for this project to receive sewer  
5 service and those are not finalized yet; but sewer  
6 service to that property is conditional upon all of  
7 the parties, Pocono Township, Tobyhanna Township,  
8 the Bucks -- Brodhead Creek Regional Authority and  
9 Kalahari and Pocono Manor, all agreeing to a number  
10 of items and provisions that have not been  
11 finalized yet.

12 MS. TRUDY QUINN DENLINGER:  
13 What is the time frame for finalization?

14 MR. ARMSTRONG: That depends on  
15 how quickly all the parties can come to terms with  
16 the provisions. I mean, the applicant's sitting  
17 here. I'm not sure what they consider an  
18 appropriate time frame, but that's going to depend  
19 upon all the parties coming to terms with all the

20 provisions that are needed for this agreement.

21 MS. TRUDY QUINN DENLINGER: So  
22 there is no time frame on this at this point in  
23 time?

24 MR. RALPH MATERGIA: Well, I  
25 could speak to that.

16

1 MS. TRUDY QUINN DENLINGER:

2 Definitive time --

3 MR. RALPH MATERGIA: Hi, Trudy.

4 MS. TRUDY QUINN DENLINGER: Hi,  
5 Ralph.

6 MR. RALPH MATERGIA: Ralph  
7 Matergia for Pocono Manor. We're hopeful that we  
8 can reach final agreement on the documents that  
9 need to be finalized within about a month. I think  
10 that would be -- you know, a month or so, give or  
11 take. There's a number of parties to these  
12 agreements so that presumes that, you know, there's  
13 reviews that have to take place among at least four  
14 solicitors. So that being said, we're hopeful in

15 about a month.

16 MS. TRUDY QUINN DENLINGER:

17 Discharge into the Brodhead, is this is a tertiary  
18 discharge or how is that monitored that Tobyhanna's  
19 linked into that discharge going into the Brodhead?

20 MR. RALPH MATERGIA: Well, the  
21 engineers can speak to where the sampling is, but  
22 essentially the way it works is the sewage from the  
23 project has to meet characteristics that are  
24 established already in existence with BCRA. They  
25 have treatment requirements that they have to meet.

17

1 Pocono Township upstream from the treatment plant  
2 has certain characteristics that they have to  
3 deliver to the treatment plant by the contract.  
4 Tobyhanna will essentially have to meet the same  
5 characteristics and requirements that come out of  
6 the Kalahari/Pocono Manor projects.

7 So all the sewage has to meet  
8 these requirements. There's various places where  
9 the sewage is going to be sampled and tested. As

10 it leaves Tobyhanna Township, it will be sampled  
11 and tested.

12 MS. TRUDY QUINN DENLINGER: How  
13 often are those test results sent down? Is that  
14 like a yearly thing, how is this monitored? Is  
15 that yearly or semiannually?

16 MR. RALPH MATERGIA: I don't  
17 want to get into the specifics of that, that's  
18 beyond my discipline, but it's regular and it's  
19 routine, it's going on. I mean, it will go on  
20 right now with Pocono Township and BCRA.

21 MS. TRUDY QUINN DENLINGER:  
22 It's nice when there's partnerships and everything  
23 works out fine. My question is, what if something  
24 doesn't happen to work out fine especially since  
25 the lines are running from Toby down? Is there

18

1 bonding on this type of project? What is the good  
2 faith that's put forth?

3 MR. RALPH MATERGIA: First of  
4 all there's bonding on the construction. There



5 will be bonding on maintenance in the agreement.

6 There's contractual provisions for compliance,

7 there's penalties for noncompliance.

8 MR. ARMSTRONG: All those will  
9 be covered in the agreements.

10 MS. TRUDY QUINN DENLINGER:

11 Thanks, Ralph.

12 MR. RALPH MATERGIA: You're  
13 welcome.

14 MR. KERRICK: Thank you.

15 Any other questions?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I vote in  
20 favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. KERRICK: Motion carried.

1                               Next item, Pocono Manor

2   Investors minor subdivision.

3                               MR. McHALE:   We have a minor  
4   subdivision of Pocono Manor Investors before us as  
5   well.  A review letter was formed on March 11 with  
6   some minor modifications, notes, revisions, that  
7   type of thing, being added to the plan.  The  
8   applicant has made those changes.  There's a couple  
9   of items that our township solicitor had looked at.  
10  Again, very minor notes to be modified on the plan.

11                           Pat also has a -- kind of a list  
12  of conditions that we'll kind of step through for  
13  the board's information.  It was also forwarded to  
14  you earlier today so that we could just kind of  
15  scan through that to make sure that -- you'll see  
16  that all the items on this typical subdivision are  
17  going to be covered in this approval, if you so  
18  deem tonight.  Jim Cahill is here with Pocono Manor  
19  Investors.

20                           Jim, do you have anything that  
21  you want to bring forth or mention to the board?  
22  It's basically to carve out the parcels for the

23      Kalahari project.

24                              MR. JIM CAHILL:    Right, and  
25      provide the access road that comes in.

20

1                              Jim Cahill, Pocono Manor

2      Investors.

3                              The only thing that I would add  
4      is if the board acts favorably tonight, that we  
5      will set the outbound property corners on Kalahari  
6      and add them to the map, let Bob check it before  
7      it's filed in the (inaudible) and everything. And  
8      then if Pat has anything else that has to be added.

9                              MR. ARMSTRONG:    Yeah. It's a  
10     subdivision plan for one, two, three, four parcels,  
11     right? Jim?

12                             MR. JIM CAHILL:    Yes, four.

13                             MR. ARMSTRONG:    The one thing  
14     we did talk about is that Lot 3B doesn't move, but  
15     the access road does not reach that proposed lot.  
16     I'm assuming that's not being planned as a building  
17     lot down the road.

18 MR. JIM CAHILL: We have access  
19 via Summit Road through our property. There's  
20 already a road through that parcel.  
21 MR. ARMSTRONG: And that was  
22 Summer Road?  
23 MR. JIM CAHILL: Summit.  
24 MR. ARMSTRONG: Summit.  
25 MR. JIM CAHILL: That already

21

1 extends out through that. It's a dirt road that'll  
2 provide us with access to our remaining lands, but  
3 --  
4 MR. ARMSTRONG: Then all of the  
5 conditions and requirements in the March 11, 2013  
6 review letter from the township engineer, they're  
7 all will-comply? The applicant will comply with  
8 all of those conditions?  
9 MR. JIM CAHILL: Yes.  
10 MR. ARMSTRONG: One other item.  
11 It's my understanding, does the applicant wish to  
12 record this prior to the construction of the

13      Kalahari Boulevard shown on that plan?

14                              MR. JIM CAHILL:    Yes.

15                              MR. ARMSTRONG:    Record the  
16      plan?    With that being said, the board, if you  
17      were agreeable to that, one of the conditions of an  
18      approval, if the board were to consider that this  
19      evening, would be having it clear in a declaration  
20      of covenants, restrictions, and easements that no  
21      land development or construction on any of these  
22      lots being created, will go forward until that  
23      Kalahari Boulevard is completed.

24                              Is that -- do you understand?

25      Ralph?    Jim?

22

1                              MR. JIM CAHILL:    Yes.

2                              MR. RALPH MATERGIA:    Yes.

3                              MR. ARMSTRONG:    And similarly  
4      with the sewer -- the public sewer and public water  
5      that would be required for any development on these  
6      parcels being created, a similar declaration of  
7      covenants, restrictions and easements would be

8 required.

9 Just to notify on the record  
10 that no land development will take place on these  
11 lots being created by this subdivision until those  
12 sewer permits, approvals, water, public water,  
13 everything's in place.

14 Is that agreeable to the  
15 applicant as well?

16 MR. RALPH MATERGIA: Yes.

17 MR. JIM CAHILL: Yes.

18 MR. ARMSTRONG: Does the Summit  
19 Road -- is that owned by Pocono Manor?

20 MR. JIM CAHILL: Yes.

21 MR. ARMSTRONG: We're going to  
22 need to tie that into one of those declarations as  
23 well, just clarifying that that access needs to  
24 remain for that -- that lot towards the back of  
25 them in Swiftwater Creek.

23

1 Okay?

2 MR. JIM CAHILL: I just -- yes.

3 I wanted to clarify something on the sewer and  
4 water, that no construction can begin until the  
5 sewer and water is -- lines are constructed?

6 MR. ARMSTRONG: No, no, no.

7 MR. JIM CAHILL: Or permit?

8 MR. ARMSTRONG: Until the  
9 permits -- permits are in place. You need that  
10 before you proceed with land development on any of  
11 the lots being created by this subdivision.

12 Normally in a subdivision approval, you know, that  
13 will be a condition of approval, that you have  
14 adequate sewage for those lots, but we understand  
15 the situation with this project.

16 And I mean, clearly it's going  
17 to be up to board, but if they would be agreeable  
18 to this type of an arrangement, it would be subject  
19 to the declaration clearly stating that land  
20 development on those lots would not move forward  
21 until you get the requisite approvals for those  
22 services.

23 Is that agreeable?

24 MR. JIM CAHILL: Yeah.

25 MR. ARMSTRONG: Those

1     declarations would be noted on -- there'll be an  
2     additional note on the plan just referencing those  
3     declarations.

4                             MR. RALPH MATERGIA:   Now, will  
5     you prepare the declaration, Pat?

6                             MR. ARMSTRONG:    Yeah, I can  
7     prepare the declaration.

8                             Anything else from the board?  
9     If the board --

10                            Anything else from the applicant  
11    at this point in time?

12                            MR. RALPH MATERGIA:   Nothing.

13                            MR. ARMSTRONG:    If the board  
14    would, I'm not sure if you are, but if you would  
15    entertain a motion issuing conditional approval for  
16    the applicant, the conditions that I would foresee  
17    you considering would be:

18                            One, that the applicant comply  
19    with all the comments and requirements set forth in  
20    the township engineer's March 11, 2013 review



21 letter. That the applicant, as indicated earlier,  
22 would agree to and execute an acceptable  
23 declaration of covenants, restrictions and  
24 conditions and adding an appropriate note on the  
25 plan indicating that no land development will take

25

1 place on any of the created lots until, one, the  
2 access road is properly approved by PennDOT or the  
3 accesses, you know, as best served by PennDOT; and  
4 the construction of that road would tie into any  
5 future land development together with securing the  
6 appropriate approvals for public sewer and public  
7 water for those proposed lots.

8 That the applicant will agree to  
9 and execute the appropriate development agreement  
10 pursuant to the Township Code of Ordinances. That  
11 the township -- or that the applicant shall also  
12 satisfy and pay all outstanding township  
13 professional consultant fees related to the review  
14 and consideration of this plan. And also that the  
15 applicant would agree to and execute the required

16 shared driveways for purposes of that Kalahari  
17 Boulevard.

18                               There were, I believe, some  
19 requested temporary waivers of the subdivision land  
20 development ordinance, correct? The requested  
21 waiver, temporary waivers of land development, if  
22 the board --

23                               MR. McHALE: No, I was just  
24 going to say, it's the last note on the first cover  
25 sheet of the plans that are before you, on the

26

1 left-hand side, lower left corner.

2                               MR. MOYER: Yeah, the tiny  
3 ones.

4                               MR. ARMSTRONG: The reason for  
5 the waivers being requested, being of a temporary  
6 nature, is due to the fact that they will be  
7 required to comply with those at the time of land  
8 development on these proposed subdivided lots. And  
9 those sections of the township ordinance that would  
10 be temporarily waived would be Sections 135-20,

11 135-21, 135-22 and Section 124, Part I of the  
12 Township's Code of Ordinances.

13 And, again, any approval of  
14 those requested waivers together with the land  
15 development application will be conditional upon  
16 the applicant complying with those provisions at  
17 the time of land development in the future.

18 MS. LAMBERTON: That's one  
19 whole motion.

20 MR. KERRICK: Anybody want to  
21 try that motion?

22 MS. LAMBERTON: Uh --

23 MR. HOLAHAN: You want to try  
24 it?

25 MS. LAMBERTON: No, go ahead.

27

1 MR. HOLAHAN: I was going to  
2 make it easy. I was going to -- I make a motion  
3 that we grant conditional approval on the minor  
4 subdivision based on the items that Mr. Armstrong  
5 has just outlined.

6 MR. KERRICK: Motion on the  
7 floor. Do we have a second?

8 MS. PICKARD: I'll second the  
9 motion.

10 MR. KERRICK: Questions or  
11 comments from the board?

12 Questions or comments from the  
13 public?

14 MS. TRUDY QUINN DENLINGER:  
15 Trudy Denlinger. On a conditional approval, what's  
16 the time frame of having completion of that plan  
17 brought forth?

18 MR. ARMSTRONG: I'm sorry?

19 MS. TRUDY QUINN DENLINGER: On  
20 a conditional approval listing ad infinitum any  
21 additions to the original plan, what is the time  
22 frame Kalahari has to bring that plan to provision  
23 and present it back to the board?

24 MR. ARMSTRONG: That's as long  
25 as it would take the applicant to comply with those

1 conditions. It could be --

2 MS. TRUDY QUINN DENLINGER: So  
3 there's nothing like 30 days in your ordinance or  
4 anything on a conditional approval?

5 MR. ARMSTRONG: Umm-umm, no,  
6 no.

7 MR. KERRICK: Any other  
8 questions?

9 MR. ARMSTRONG: It's a  
10 condition and they will not -- just let me clarify.  
11 These plans will not be recorded until they comply  
12 with these conditions. If the applicant doesn't  
13 move forward with the conditions of this approval  
14 and it sits, the plan will not be recorded.

15 And there is some -- there's a  
16 provision in the Pennsylvania Municipalities'  
17 Planning Code that if it sits for a period of five  
18 years, you know, this plan is no longer protected  
19 for purposes of under the township's current  
20 ordinances. If they wanted to come back five years  
21 from now and they didn't do anything with this  
22 conditional approval, they'd have to reapply again,  
23 because they would have to comply with the

24 ordinances on the books at that point in time.

25 MS. TRUDY QUINN DENLINGER: Can

29

1 you exercise the conditional approval time frame on  
2 that? Can you implement it instead of saying it's  
3 five years and you may come back five years from  
4 now or you don't feel that's necessary?

5 MR. ARMSTRONG: I'm not sure if  
6 I follow your question.

7 MS. TRUDY QUINN DENLINGER:  
8 Well, on a conditional approval that has many  
9 things to address, that you've obviously previously  
10 stated, I was just curious, now they have what they  
11 need to do to put forth on the plan to bring it  
12 back for the board's final approval.

13 My question then was, does the  
14 board then say you've got 30 days or 60 days or is  
15 it the position of the board that 5 years, as you  
16 said under the code, can go by before they bring it  
17 back? Obviously they wouldn't bring this forth  
18 immediately. I was just wondering when you would

19 want to see it back, if that was the case.

20 MR. ARMSTRONG: That's a  
21 decision for the board of supervisors, but to be  
22 quite honest, there's no provision in the  
23 ordinance. So if they would say that they have to  
24 comply with these conditions within 30 days, I  
25 don't know the enforceability of that condition of

30

1 the approval. It would fall under the MPC.

2 MR. TRUDY QUINN DENLINGER:

3 Okay. I understand that.

4 MR. RALPH MATERGIA: Yes. As a  
5 practical matter, this subdivision is creating the  
6 lots upon (inaudible) in the future will be  
7 developed. There's a land development application  
8 pending before the township. We don't really  
9 intend to record this subdivision too far along  
10 till we get further along with the land development  
11 application.

12 Now, there may be some aspects  
13 with the TIF that'll cause us to record it earlier

14     than we initially thought, but I'm thinking, and  
15     we've advised the board, that we would not record  
16     the plan until we knew there was a development  
17     going forward.

18                     MR. KERRICK:   Any other  
19     questions?

20                     Call the vote.   John?

21                     MR. HOLAHAN:   I vote in favor.

22                     MR. KERRICK:   Anne?

23                     MS. LAMBERTON:   I vote in  
24     favor.

25                     MR. KERRICK:   Donny?

31

1                     MR. MOYER:   I vote in favor.

2                     MR. KERRICK:   Heidi?

3                     MS. PICKARD:   I vote in favor.

4                     MR. KERRICK:   Motion carried.

5                     Next item, Neighborhood

6     Improvement District for Kalahari Resort.

7                     MR. McHALE:   Miss Lindsay

8     Banner is here.



9 MR. KERRICK: Hi.

10 MS. LINDSAY BANNER: Hi. Good  
11 evening. Lindsay Banner, MuniCap. I'm here this  
12 evening to discuss the preliminary Neighborhood  
13 Improvement District plan that was distributed to  
14 the group on Friday, also known as the preliminary  
15 NID plan. And within that document it discusses  
16 the creation of the Neighborhood Improvement  
17 District, as well as the imposition of special  
18 assessments.

19 The purpose of creating this  
20 district is in conjunction with the Tax Increment  
21 Financing District that is being created to finance  
22 certain public improvements necessary for the  
23 vertical construction of the Kalahari project.  
24 It's proposed the special obligation bonds will be  
25 issued and secured by the tax increment revenues

32

1 generated through the TIF District, as well as the  
2 special assessments that are imposed based the  
3 approval of the NID District.

4                               Specifically the purpose of the  
5   special assessments are to establish a minimum tax  
6   agreement. So in the event that the tax increment  
7   revenues that are generated are not enough to  
8   provide for the coverage of the debt service that's  
9   been issued of the bonds, the special assessments  
10   will be set equal to that debt service. So it acts  
11   as a guarantee of the repayment on the debt.

12                           In addition, special assessments  
13   act as a credit enhancement to potential bond  
14   buyers when we go to market the bonds to bond  
15   holders. As stated within the preliminary NID  
16   plan, the boundaries of the NID District are based  
17   on the Phase 1 Land Development of the Kalahari  
18   District, as well as the land on which the public  
19   improvements will be improved and constructed. A  
20   couple of the public improvements are located  
21   outside of the project area. And as a result, any  
22   sewer or water line that connects to where those  
23   offsite improvements will be constructed will also  
24   be part of the Neighborhood Improvement District.

25                           The Neighborhood Improvement

1 District plan that you guys have discusses levying  
2 and collecting special assessments. It is proposed  
3 that we will have authority -- an authority created  
4 through the Municipal Authorities Act of the State  
5 of Pennsylvania to create an act as the NIDMA, or  
6 the Neighborhood Improvement District Management  
7 Association.

8                   The creation of this authority  
9 and their purpose is pretty much administerial,  
10 reviewing documents that come through annually and  
11 approving them; such as the special assessment roll  
12 and the special assessment report that's prepared  
13 annually on the amount that will be collected. The  
14 township will be responsible for actually levying  
15 and collecting the special assessments in  
16 conjunction with their tax collector.

17                   Special assessments, as I  
18 indicated, will be levied in an amount equal to the  
19 debt service on the bonds, so the principal and the  
20 interest, as well as any administrative expenses  
21 necessary to cover the cost of the NIDMA, the

22 township for collection purposes and any other  
23 third-party assistance.

24 In the event and only in the  
25 event that the tax increment revenue is

34

1 insufficient to pay the debt service, will special  
2 assessments be collected. And then finally, if  
3 they are collected, they will be transferred --  
4 they'll be collected by the township and  
5 transferred to the trustee for payment on the debt  
6 service.

7 The information in the  
8 preliminary Neighborhood Improvement District plan  
9 that you guys have is based on the statutory  
10 requirements. So it's -- tonight we're proposing  
11 that you guys approve that the preliminary NID plan  
12 can be distributed to the property owner for their  
13 review. And within the NID plan it discusses the  
14 district, the purpose of the special assessments,  
15 the method for levying and collecting and  
16 allocating the special assessments and any

17 administrative efforts with the NID.

18 As I indicated, it's proposed  
19 that an authority will be created to serve as the  
20 NIDMA. And the NIDMA is the administrative body  
21 over the NID District. They'll meet a few times a  
22 year and as I indicated, they'll be solely for the  
23 purpose of reviewing the special assessment report  
24 and approving the special assessment role that goes  
25 out to collect in the event that the special

35

1 assessments are necessary to provide for coverage  
2 on the debt service.

3 Finally the NID District will be  
4 terminated once the bonds have matured. Under  
5 Pennsylvania Statute, the TIF bonds can only be 20  
6 years. And as such, the special assessments that  
7 are securing the debt will also be 20 years. So in  
8 the event that the bonds are called early, it would  
9 terminate or at 20 year maturity, then the district  
10 would terminate.

11 As I indicated, tonight we're

12 here to ask for approval for distribution of the  
13 preliminary NID plan to the property owner creating  
14 the district. We will be returning, based on the  
15 NID process as required by statute, for the first  
16 public hearing on May 13 for the initial  
17 preliminary Neighborhood Improvement District plan,  
18 kind of going over the same things as this evening.  
19 And then a second public hearing on June 10 will  
20 also occur, which is mandated by the statute. At  
21 that time we're also proposing that adoption is  
22 that night as well, to expedite the process.

23 There's another process that  
24 which -- that needs to occur for the creation of  
25 the authority that will serve as the NIDMA. And

36

1 the authority public hearing will be at the May 13  
2 meeting as what's being proposed and at that time  
3 the authority could be created pursuant to the  
4 statute.

5 So if you guys have any other  
6 further questions?

7 MR. ARMSTRONG: Just for the  
8 board, they're not asking you to approve the plan,  
9 they're not asking you to approve an ordinance  
10 tonight. They're just asking for you to approve  
11 forwarding this preliminary NID plan on to the  
12 property owners, which is Pocono Manor Investors  
13 and Kalahari.

14 Other than that, they're not  
15 requesting anything of you at this time. It is a  
16 preliminary plan.

17 MS. LINDSAY BANNER: Correct.

18 MR. ARMSTRONG: There's a lot  
19 of things that need to be supplemented, added to  
20 it.

21 MS. LINDSAY BANNER:  
22 Absolutely.

23 MR. ARMSTRONG: Including the  
24 NID agreement, which the township would need to  
25 take a pretty close look at. Another thing that

1 she indicated was the authority, for purposes of

2 administering the NID and the special assessment,  
3 is going to be an authority --

4 If I understood you correctly  
5 tonight, it would be an authority created by  
6 Tobyhanna Township.

7 MR. HOLAHAN: By ordinance.

8 MR. ARMSTRONG: By ordinance.

9 MS. LINDSAY BANNER: Correct.

10 MR. ARMSTRONG: There is a 30  
11 day time period at least for purposes of the  
12 authority. And I believe you said May 13 is what  
13 you're looking for, for the authority?

14 MS. LINDSAY BANNER: For at  
15 least the public hearing. And I defer to -- I  
16 mean, I don't know, Pete Carlucci would be the  
17 individual to speak towards -- to that.

18 MR. MOYER: How many members  
19 does that need?

20 MR. ARMSTRONG: It'll be at  
21 least a five member authority. One of the members  
22 needs to be, as pursuant to the NID, will have to  
23 be the -- one of the property owners. The others  
24 can be appointed by the board in -- pursuant to the



25 Municipalities' Authorities Act which, you know,

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1     taxpaying citizens of Tobyhanna Township.

2                     MS. LINDSAY BANNER:   Typically  
3     we see a member of each of the taxing bodies act,  
4     some third parties as you've indicated and as he  
5     also stated, the property owner.

6                     MR. ARMSTRONG:   And the May 13  
7     and June 10 dates for the public hearings, does  
8     that work? I'm not sure if that even works.

9                     Does that work for us?

10                    MR. MOYER:   May 10?

11                    MR. HOLAHAN:   May 13.

12                    MR. ARMSTRONG:   Did you get  
13     that from --

14                    MR. HOLAHAN:   What's May 13?

15                    MS. PICKARD:   May 13 is our  
16     meeting at TEC, at nine o'clock in the morning.

17                    MR. ARMSTRONG:   Okay. May 13  
18     is your elementary school meeting in the morning.

19                    MS. PICKARD:   We have to have a

20 list of anybody attending the meeting to forward to  
21 the school prior to that date.

22 MS. LINDSAY BANNER: Okay.

23 Thank you.

24 MR. HOLAHAN: John, I'm okay

25 with moving forward on distributing this. I'll

39

1 make that in a form of a motion and --

2 What else, Patrick?

3 MR. ARMSTRONG: I did want to

4 -- did you see the emails?

5 MS. LINDSAY BANNER: Yes.

6 MR. ARMSTRONG: I believe there

7 is one item that might not be resolved yet and

8 that's the --

9 MR. MOYER: Bonding?

10 MR. ARMSTRONG: -- who's going

11 to issue the bond.

12 MR. LINDSAY BANNER: Correct.

13 MR. ARMSTRONG: It was my

14 understanding it was going to be the authority, not

15 the township authority, but the county.

16 MR. LINDSAY BANNER: But the  
17 Monroe County Industrial Development Authority.

18 MR. ARMSTRONG: Right. I guess  
19 there was some confusion this afternoon. I wanted  
20 to make sure that that's --

21 MS. LINDSAY BANNER: I can't  
22 speak to that --

23 MR. ARMSTRONG: I understand.

24 MS. LINDSAY BANNER: -- but I  
25 believe it will be -- still be the MCIDA that is

40

1 the issuer not the township, but, again, I would  
2 defer to underwriter's counsel in the discussion  
3 that will follow.

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

6 MS. LAMBERTON: I'll second.

7 MR. KERRICK: Motion and  
8 second.

9 Questions or comments?

10 Questions or comments from the  
11 public?

12 State your name for the record,  
13 please.

14 MR. DAVE PIERCE: Sorry. Dave  
15 Pierce, Pocono record. The NID assessment would  
16 happen annually and it would only occur if there  
17 isn't enough money from the deferral of the tax  
18 revenue to cover the debt for that year, is that  
19 how that works?

20 MS. LINDSAY BANNER: Correct.  
21 It's levied up front in the amount of the -- the  
22 principal and interest on the bonds that will be  
23 issued. And then from that point, it's collected  
24 annually only in an event that there is a shortfall  
25 and they need to.

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1 MR. DAVE PIERCE: And also the  
2 TIF plan, there are estimates of what the bond and  
3 the interest and so forth would be, if it's at 6.2  
4 percent, how much would it be over 20 years and I

5 think it's something like 48 million. If -- I  
6 lost my train of thought.

7 MS. LINDSAY BANNER: Well, the  
8 special assessment payment plan is essentially the  
9 same as the bond payment plan, so it'll -- and  
10 they're collected and pledged to the bonds in the  
11 same time frame as a real property tax. So when  
12 other property taxes are collected for the  
13 township, that's when the special assessments will  
14 be collected and pledged.

15 MR. DAVE PIERCE: Now, that  
16 projection with the deferral, are -- is that money  
17 based on what the 2012 tax rates are for each of  
18 the three taxing bodies, like the school district  
19 and the township or -- there's nothing built into  
20 it for future tax increases over the 20 years.  
21 It's just based on whatever 2012 is, that's how you  
22 figured that out?

23 MS. LINDSAY BANNER: I would  
24 need to defer to Joe Hogan on the TIF plan, on the  
25 structure of --

1                               Is it assumed to increase over  
2   time?

3                               MR. JOE HOGAN:   Basically you  
4   find an underwriter, get an approval ascending the  
5   value for (inaudible) --

6                               MS. LINDSAY BANNER:   For  
7   appreciation on --

8                               MR. DAVE PIERCE:   But you're  
9   not sure what sure that is?

10                              MR. JOE HOGAN:   No. It's a  
11   modest increase every year.

12                              MS. LINDSAY BANNER:   Typically  
13   it's, as Joe indicated, modest, between two to  
14   three percent increase over -- annually over the 20  
15   year period.

16                              MR. DAVE PIERCE:   Thank you.

17                              MS. LINDSAY BANNER:   You're  
18   welcome.

19                              MR. KERRICK:   Yes, Trudy?

20                              MS. TRUDY QUINN DENLINGER:   The  
21   township has responsibility to collect the fees  
22   under the taxing authority, is that correct?

23 MS. LINDSAY BANNER: Correct.

24 MS. TRUDY QUINN DENLINGER:

25 What is the cost to Tobyhanna Township to collect

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1 these fees? Is there any projection as to what it

2 will cost us to do that?

3 MS. LINDSAY BANNER: We have

4 not negotiated that, but the special assessment, as

5 I indicated, is levied in an amount to equal the

6 principal and the interest on the bonds, as well as

7 to cover the cost to administer the special

8 assessment district, the Neighbor Improvement

9 District. So it will cover the cost of the

10 township, the NIDMA, any third-party assistance, as

11 well as the MCIDA and their oversight of the NIDMA.

12 MS. TRUDY QUINN DENLINGER:

13 Now, you're asking for consent to provide paperwork

14 to everyone regarding this organization or trust or

15 whatever you call it, association, I guess it would

16 be?

17 MS. LINDSAY BANNER: Correct.

18 MS. TRUDY QUINN DENLINGER:  
19 Meeting scheduled for May 13, will you have all the  
20 numbers crunched so everyone knows what we're  
21 looking at, as far as a tax increase authority?

22 MS. LINDSAY BANNER: It's  
23 already included within the preliminary NID plan  
24 that has been distributed and will be distributed  
25 to the property owner within the --

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1 MS. TRUDY QUINN DENLINGER: You  
2 don't have those numbers available now, but those  
3 numbers have already been taken care of, is that  
4 correct?

5 MS. LINDSAY BANNER: We have  
6 initials bond runs and we prepared the numbers in  
7 conjunction with the initial bond runs so there is  
8 an assessment roll prepared; but it's not final, it  
9 could change at this point as we go through the  
10 process, in the May 13 to the June 10 proposed  
11 meetings.

12 MS. TRUDY QUINN DENLINGER:



13     However, the documents haven't been filed yet,  
14     there's all kinds of contingencies on the plan, yet  
15     you're asking for this to be set up ahead of time.  
16     Is this not premature in handling it to property  
17     owners prior to the fruition of the plans in place?

18                     MS. LINDSAY BANNER:   Typically  
19     we establish the special assessment in a maximum  
20     amount, a not to exceed amount.  We never expect --  
21     as I indicated, the tax increment revenues that are  
22     collected on this property, will act as a credit  
23     towards the special assessment.

24                     So, for instance, if the  
25     property tax obligation is a \$100,000 and the

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1     building is vertical in Phase 1 and it's generating  
2     \$120,000 in property taxes, there's no special  
3     assessment needed.  And the only amount that can be  
4     collected on the special assessment is the amount  
5     that's outstanding and due for that year.  So you  
6     can never collect more than is necessary by  
7     statute.

8 MS. TRUDY QUINN DENLINGER:

9 However, you must have a projection of income and a  
10 feasibility study. What is your projection of  
11 income on that feasibility study?

12 MS. LINDSAY BANNER: I don't  
13 know.

14 MS. TRUDY QUINN DENLINGER:

15 Thank you.

16 MR. KERRICK: Any other  
17 questions?

18 MS. PICKARD: I had a question.  
19 Just when -- you were talking fast in the  
20 beginning.

21 MS. LINDSAY BANNER: Sorry.

22 MS. PICKARD: You said because  
23 some of the improvements are out of the area where  
24 the TIF is.

25 MS. LINDSAY BANNER: Umm-hmm.

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1 MS. PICKARD: So this is going  
2 to encompass the whole tract. So then the Pocono

3 Manor Property in Phase 2 and Phase 3 would have an  
4 assessment to that or --

5 MS. LINDSAY BANNER: No. The  
6 district for the NID is only to be the property on  
7 which Phase 1 will be developed.

8 MS. PICKARD: Okay.

9 MS. LINDSAY BANNER: And then  
10 any roadbed sewer line, water line that runs to  
11 connect where those off-site improvements are. So  
12 it's not going to encompass the entire parcel,  
13 it'll --

14 MR. MOYER: Just align.

15 MS. LINDSAY BANNER: -- be the  
16 right of way or the easement on which the public --

17 MS. PICKARD: Just the tract  
18 that's there plus the whole line?

19 MS. LINDSAY BANNER: Exactly.

20 MS. PICKARD: Okay.

21 MS. LINDSAY BANNER: Not Phase  
22 2 and Phase 3 --

23 MS. PICKARD: All right.

24 MS. LINDSAY BANNER: --  
25 properties, only --

1 MS. PICKARD: Okay. That's  
2 what I --

3 MS. LINDSAY BANNER: -- Phase  
4 1, no.

5 MS. PICKARD: I didn't  
6 understand when you were saying that. Okay. Good.

7 MR. KERRICK: Any other  
8 questions?

9 MR. ARMSTRONG: I believe  
10 that's one of the -- the actual NID District. We  
11 have a general idea, but the actual plan, is it in  
12 here?

13 MS. LINDSAY BANNER: It has not  
14 yet been drawn. We're working with the engineers  
15 to have the maps drawn and included. We realize  
16 that's -- should've been prepared and done.

17 MR. ARMSTRONG: Do you know  
18 what the time frame of that and like the NID  
19 agreement and all the other --

20 MS. LINDSAY BANNER: I think by

21 the -- obvious -- I think by the time this gets  
22 distributed for the May 13 meeting, we should have  
23 the necessary maps.

24 MR. ARMSTRONG: The first  
25 public hearing?

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1 MS. LINDSAY BANNER: Yeah, the  
2 first public hearing, correct.

3 MS. PICKARD: The other  
4 question I had just, is the authority now for the  
5 NIDMA is going to be driven by the township and not  
6 the IDA?

7 MS. LINDSAY BANNER: Correct.  
8 It'll be created through the township, but then  
9 it'll be its own working and functioning body.

10 MS. PICKARD: So they talked  
11 about the bylaws and --

12 MS. LINDSAY BANNER: Correct.

13 MS. PICKARD: -- debts being --

14 MS. LINDSAY BANNER: In the  
15 final NID plan, you'll have the bylaws, the

16 articles of incorporation, the NID agreement, and  
17 they'll all be part of the plan.

18 MS. PICKARD: Okay. When would  
19 we have that? Before the 13th?

20 MS. LINDSAY BANNER: I believe  
21 so. I know they're working on drafting that right  
22 now.

23 MR. ARMSTRONG: Along those  
24 same lines, when this board does -- if you do  
25 decide to allow the distribution of the NID plan,

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1 the preliminary NID plan to the property owners,  
2 which with the understanding that you're okay with,  
3 forming the authority for purposes of the NIDMA,  
4 the administering authority for purposes of  
5 collecting the assessment.

6 MR. HOLAHAN: It was pretty  
7 well spelled out in the initial paperwork that we  
8 received.

9 MR. KERRICK: Any other  
10 questions?

11 Call the vote. John?  
12 MR. HOLAHAN: I vote in favor.  
13 MR. KERRICK: Anne?  
14 MS. LAMBERTON: I vote in  
15 favor.  
16 MR. KERRICK: Donny?  
17 MR. MOYER: I vote in favor.  
18 MR. KERRICK: Heidi?  
19 MS. PICKARD: I vote in favor.  
20 MR. KERRICK: Motion carried.  
21 Thank you.  
22 MS. LINDSAY BANNER: Thank you.  
23 MR. KERRICK: Next item on our  
24 agenda, hazard mitigation plan.  
25 MS. HAASE: Mr. Chairman, that

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1 was distributed. I distributed that to the board  
2 actually on two occasions, reached out to Mary  
3 Ellen Keegan as I referenced in my latest email to  
4 you folks. It appears that this plan is just  
5 simply to make things a little easier for townships

6 to -- it's a cost saving venture as well and it's  
7 also going to help the municipalities.

8 Unfortunately, for whatever reason, they're not  
9 updating the mitigation plan every five years.

10 By not having an updated plan,  
11 you are not eligible for liquid fuels funding or  
12 any public assistance through FEMA. So this is  
13 just simply to put everything together as a region,  
14 as a regional group. The only thing is the county  
15 is asking that we commit that somebody is part of  
16 the planning process, which we would do that.

17 It's a very simple form, just  
18 basically acknowledging -- the chairperson signs  
19 that statement that they agree to participate and  
20 have somebody present for the municipal planning  
21 stages.

22 MR. HOLAHAN: Do we need to  
23 establish that by any kind of ordinance or is this  
24 just administrative?

25 MS. HAASE: I believe it's just



1 administrative, by a motion would be acceptable.

2 MR. ARMSTRONG: To move forward  
3 with the application?

4 MS. HAASE: Yes, sir.

5 MS. PICKARD: So this is a  
6 county application, we're all just joining in, is  
7 that basically what we're --

8 MS. HAASE: That is correct.

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

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

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

15 MS. LAMBERTON: I'll second.

16 MR. ARMSTRONG: Do you have --  
17 is this the full application?

18 MS. HAASE: Yes.

19 MR. ARMSTRONG: There's no --  
20 usually with applications for a certain grant,  
21 there's more than just a form. There's usually  
22 like a whole terms and conditions; and usually when  
23 you apply for grants, the municipality's agreeing

24 to certain things ahead of time. That's just  
25 something to keep in mind.

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1 If this is it, then that's fine.

2 MS. HAASE: That is what was  
3 distributed through the county.

4 MR. ARMSTRONG: It would  
5 atypical, but, okay.

6 MR. KERRICK: Any other  
7 questions or comments?

8 Questions or comments from the  
9 public?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. KERRICK: Motion carried.

20 Next item on our agenda,  
21 strategic planning.

22 MR. HOLAHAN: I had asked to  
23 put that on there with the advent of everything  
24 that's coming down the road with Kalahari and a  
25 number of other projects. I was thinking that we

53

1 need to get together and really lay out our path of  
2 how we're not just going to get through this  
3 summer, this year, but what we're going to be doing  
4 in the next two years, five-year plan, ten-year  
5 plan.

6 But I'm concerned about -- more  
7 about the immediate, within the next five years. I  
8 want to have a discussion, but, of course, it's  
9 typical to -- I can't talk to these folks unless  
10 you all are present because of the Sunshine Law.  
11 So I wanted to be able to see if we couldn't move  
12 forward, even if we could get involvement of some  
13 of the residents, somewhat like we did with respect

14 to the Blakeslee Visioning. I don't know if we  
15 need to get that involved in it yet, but not just  
16 what we envision for the township, but what do the  
17 residents of the township envision for this  
18 community.

19 I'd like to see how we could  
20 move forward on putting stuff together. So that  
21 was my whole reasoning for adding strategic  
22 planning.

23 MS. LAMBERTON: Town hall  
24 meeting.

25 MR. HOLAHAN: Well, we were

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1 talking about town hall meetings before, Phyllis  
2 and I, when we were going to reach out with the  
3 emergency planning and things like that and safety.  
4 So perhaps that's something that we could -- that  
5 we could add in there as well.

6 MS. HAASE: It would be a topic  
7 of discussion.

8 MR. HOLAHAN: Certainly.



4 that resolution to everyone at the work session  
5 last week and this is just clearing up a lot of  
6 dead and old accounts going back to Centex in 2003.  
7 And we have new people on most of these accounts  
8 and some of them were transferred to other  
9 accounts.

10 So with that, I'd like to make a  
11 motion that we approve Resolution 2013 dash 013,  
12 reducing, exempting and/or writing off certain  
13 sewer fee charges on inactive accounts?

14 MR. MOYER: Second.

15 MR. KERRICK: Donny, you  
16 second?

17 MR. MOYER: Yes.

18 MR. KERRICK: Questions or  
19 comments from the board?

20 MR. HOLAHAN: Yes. Just got a  
21 new PSATS magazine and there was quite an extensive  
22 on collection of those things. And I know you've  
23 been working hard at that as well. There's people  
24 on the list now -- this is just uncollectible?

25 MS. PICKARD: Most of it didn't

1 even belong there, they weren't closed on time,  
2 they were transferred to other people and that move  
3 has been made. Some of them were written off from  
4 judicial sales where the liens were wiped off for  
5 assessments.

6 MR. HOLAHAN: Okay.

7 MR. MOYER: Yeah, I read that  
8 too. I think they're probably doing everything  
9 that was in there.

10 MR. HOLAHAN: Okay.

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

13 Call the vote. John?

14 MR. HOLAHAN: I vote in favor.

15 MR. KERRICK: Anne?

16 MS. LAMBERTON: I'll vote in  
17 favor.

18 MR. KERRICK: Donny?

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

20 MR. KERRICK: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. KERRICK: I vote in favor.

23 Motion carried.

24 Next item on our agenda,

25 consider Resolution 2013 dash 014, resolution for

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1 plan revision for new land development Kalahari  
2 Resorts and Pocono Manor Investors, LP, sewage  
3 facilities plan.

4 Do we have a motion?

5 MR. HOLAHAN: I'll make a  
6 motion that we approve Resolution 2013 dash 014.  
7 The resolution for the plan revision for new land  
8 development for Kalahari and Pocono Manor  
9 Investors.

10 MS. PICKARD: I'll second the  
11 motion.

12 MR. KERRICK: Motion and  
13 second.

14 Questions or comments?

15 Questions or comments from the  
16 public?



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

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1 MR. KERRICK: Motion carried.  
2 Anyone else have anything from  
3 the board to discuss?  
4 MR. MOYER: Oh, I asked Pat to  
5 come, we spoke -- Pat Simonik -- about the  
6 community garden. He was here a while back.  
7 MR. KERRICK: A year ago.  
8 MR. MOYER: Yeah. Well,  
9 there's been some requests maybe for that. So I  
10 know Pat has information on it.  
11 Pat, can you speak about that at

12 all?

13 THE REPORTER: May I have your  
14 name, please?

15 MR. PAT SIMONIK: Yes. My  
16 name's Pat Simonik from Blakeslee. We had  
17 discussed at a work session possibly trying to get  
18 community gardens at the Blakeslee Nature Area, but  
19 you had called today and said there was other  
20 interests. Nothing's really happened with that.

21 MR. MOYER: But you have the  
22 information?

23 MR. PAT SIMONIK: I have helped  
24 Lake Naomi get their community gardens up and  
25 running; and much to the surprise, I think, of the

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1 community, for the three years they've been up and  
2 running, they've just about doubled in size every  
3 year. So it is something, if we make it available,  
4 people will come. I don't know if I was trying to  
5 get ahead of myself, not knowing, to try to get an  
6 agreement from the nature area there or try to find

7 people that were interested. Now that Donny  
8 contacted me and they are people interested, I  
9 think we can try to get together.

10 In Lehigh Valley there's an  
11 organization called SUNLV, which is Sustainable  
12 Urban Neighborhoods of Lehigh Valley. I've  
13 attended meetings there. They had meetings with  
14 the American Community Garden Association there. I  
15 have a lot information, a lot of paperwork that I  
16 would be willing to get together with someone and  
17 share and try to get something going.

18 And I even mentioned to Donny, I  
19 don't know if there's property here at Blanche  
20 Price, but to put together an organization like  
21 SUNLV, most of these are started with a nonprofit  
22 that then secures some property and goes from  
23 there. So it's just something that -- with the  
24 strategic planning just mentioned, I would think  
25 that would be something that the board needs to

1 look at to try to encourage -- I don't know what

2 the zoning laws are for something like this.

3 This may be something new, but  
4 as these things are becoming more popular, I think  
5 it's a avenue we need to address and carry on.

6 MR. MOYER: Thank you.

7 MR. PAT SIMONIK: Make  
8 available to the community.

9 MS. PICKARD: I think when you  
10 came last time you were going to maybe talk to the  
11 folks on the open space, did you ever --

12 MR. PAT SIMONIK: Yeah, we sort  
13 of talked a little and then nothing really came of  
14 it and, you know --

15 MS. PICKARD: Who did you talk  
16 to, do you remember?

17 MR. PAT SIMONIK: -- I got busy  
18 and I didn't pursue it.

19 MS. PICKARD: Who'd you talk  
20 to?

21 MR. PAT SIMONIK: I had sent an  
22 email to Sincavage and Anne?

23 MS. PICKARD: Yeah.

24 MR. PAT SIMONIK: I talked to

25 Greg Hamill a little bit about it. Actually I

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1 talked to Greg today and he mentioned the same  
2 thing and I laughed because Donny called me earlier  
3 today and mentioned it and then here at coffee  
4 break today he said, has anything ever happened  
5 with community gardens? So it seems to be --

6 MS. PICKARD: Maybe its time  
7 has come.

8 MR. PAT SIMONIK: It is.

9 MS. PICKARD: So maybe if you  
10 grab your shovel and rake and your gloves and meet  
11 us down in the park.

12 MR. PAT SIMONIK: Tell me when  
13 they have work sessions over there, I'm working  
14 over here, but --

15 MS. PICKARD: Okay.

16 MR. PAT SIMONIK: I'd to help  
17 get something going with that.

18 MR. MOYER: Thanks.

19 MR. KERRICK: Thank you.

20 Anything else from you?  
21 Anyone from the public?  
22 We're adjourned. Thank you for  
23 attending.  
24 (Meeting concluded at 7:55 p.m.)  
25 ---

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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

TARA WILSON, C.R.

17

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

THE POCONO TOWNSHIP BOARD OF SUPERVISORS

and

THE BRODHEAD CREEK REGIONAL AUTHORITY

---

In Re: Joint special meeting to review and discuss  
the sewer and water issues surrounding the  
Kalahari Resorts proposed land development  
plan and any other general issues relevant  
to the same brought before the boards.

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Pocono Township Building  
112 Township Drive  
Tannersville, Pennsylvania 18372  
Thursday, March 28, 2013 beginning at 6:00 p.m.

---

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

JONATHAN REISS, ESQUIRE, Solicitor

PRESENT: FRANK HESS, Chairperson  
(POCONO) HENRY BENGEL, Vice-Chairperson  
HAROLD WERKHEISER, Board Member

TIMOTHY McMANUS, ESQUIRE, Solicitor



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

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PRESENT: JOSEPH T. SHAY, Chairperson  
(BCRA) JOHN PARKER, Vice-Chairperson  
CHARLES VOGT, Board Member  
W. TAYLOR WENCK, Secretary  
CHARLES GARRIS, Treasurer

JOHN C. PREVOZNIK, ESQUIRE,  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Tobyhanna Township  
Zoning Officer  
ROBERT J. McHALE, Tobyhanna Township  
Engineer

FRANK FORIO, Pocono Township  
Administrator

KENNETH R. BROWN, BCRA Manager  
CHRIS BORGER, BCRA Engineer  
MAX STONER, Engineer from  
Glace Associates

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1

MR. HESS: Call the meeting to

2 order with the pledge of allegiance.

3 (Pledge of allegiance was  
4 recited.)

5 MR. HESS: If everyone could do  
6 me a favor in this meeting, when you stand up to  
7 say whatever you have to say, say your name and  
8 spell it for Tara, the stenographer, please. And  
9 try to talk one person at a time and not over each  
10 over so she could take the right notes. I'd  
11 appreciate that.

12 And thank you.

13 MR. BROWN: Do you want to call  
14 your board together for a quorum just for the  
15 minutes, Frank?

16 MR. McMANUS: Yeah, you can  
17 just call the meeting to order and just --

18 MR. HESS: Call the meeting to  
19 order.

20 MR. McMANUS: Do a roll call.

21 MR. HESS: Roll call.

22 Henry Bengel?

23 MR. BENGEL: Here.

24 MR. HESS: Harold Werkheiser?

25

MR. WERKHEISER: Yes.

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1

MR. HESS: Frank Hess? Yes.

2

Thank you.

3

MR. KERRICK: Want to do our

4

portion now?

5

Call the Tobyhanna portion to

6

order with a roll call.

7

John Holahan?

8

MR. HOLAHAN: Here.

9

MR. KERRICK: Heidi Pickard?

10

MS. PICKARD: Here.

11

MR. KERRICK: Don Moyer?

12

MR. MOYER: Here.

13

MR. KERRICK: Anne Lamberton?

14

MS. LAMBERTON: Here.

15

MR. KERRICK: And John Kerrick

16

is here.

17

MR. SHAY: Call the Brodhead

18

Creek Regional Authority meeting to order. Roll

19

call.

20 Is Mr. Vogt here?  
21 MR. VOGT: Yes, here.  
22 MR. SHAY: All right. Charlie,  
23 I didn't see you.  
24 MR. SHAY: Mr. Wenck?  
25 MR. WENCK: Here.

5

1 MR. SHAY: Mr. Parker?  
2 MR. PARKER: Here.  
3 MR. SHAY: Mr. Shay is here.  
4 And Mr. Garris?  
5 MR. GARRIS: Yes.  
6 MR. SHAY: Our manager, Mr.  
7 Brown is here.  
8 Is Mr. Borger here?  
9 MR. BROWN: He'll be coming  
10 shortly.  
11 MR. SHAY: How about Max?  
12 MR. BROWN: Max Stoner's --  
13 MR. SHAY: And our solicitor.  
14 All present.

15 MR. SHAY: Turn the meeting  
16 over to Mr. Brown.

17 MR. BROWN: Just so that  
18 everyone here understands, the purpose of tonight's  
19 meeting is to address regional infrastructure needs  
20 in order to serve the proposed Pocono  
21 Manor/Kalahari project with public water and sewer  
22 service.

23 The project has been generally  
24 well received, if you're following in the paper, by  
25 both the county and the municipalities and has

6

1 recently acquired TIF financing for the project.  
2 The BCRA has, at the request of Pocono Township,  
3 submitted a DRBC docket amendment for the regional  
4 wastewater treatment plant, which is pending review  
5 on May 8.

6 The intent of this is to accept  
7 the sewer planning module for this project along  
8 with other issues. It was submitted in January,  
9 but since that time, several modifications have

10 occurred and this aspect of the project needs to be  
11 revisited. Because of the time constraints set by  
12 the developer to begin construction, this public  
13 work session really was asked for by the Brodhead  
14 Creek Regional Authority.

15                               At the end of the meeting we'll  
16 have -- we'll open it up to public comments from  
17 the general public, but the real intent is to try  
18 to discuss, because of the time schedule, these  
19 issues among the three main parties, the two  
20 townships and the authority.

21                               Initially this project was  
22 proposed to utilize its own water resources for the  
23 project. However, because of concerns from  
24 Brodhead Watershed Association and other planning  
25 agencies, the developer has decided to ask the

1 Brodhead Creek Regional Authority to supply it with  
2 water. On March 6, 2013, the authority did issue  
3 the project a letter of intent to serve water. And  
4 in order to accomplish this, there are several

5 steps involved, which were reviewed with the  
6 developer at our last board meeting on March 20.  
7 And I've given a handout to all of the municipal  
8 people relative to the steps that need to be taken  
9 to allow the authority to serve water in Tobyhanna  
10 Township, how to get there and serve water.

11 While this may appear to be very  
12 entailed and complex, it's really not and the  
13 authority has done this many times. And we feel  
14 that these issues could all be resolved in order to  
15 submit permit applications for the authority to  
16 DRBC and DEP by the end of May, so that we would be  
17 on a docket in July for the water portion of the  
18 approval process.

19 Now, at this point in time, if  
20 you're looking at that handout, there's a lot of  
21 obligations for Tobyhanna Township and well, one  
22 smaller one, I guess, for Pocono Township. And,  
23 you know, my question -- you know, are there any  
24 questions from Tobyhanna Township or Pocono  
25 Township as far as the steps that are needed? We

1 did get a letter from Tobyhanna saying that they  
2 would like us to serve water to this portion of  
3 their township.

4 So we're at that point where,  
5 you know, I'd be glad to -- I think for Pocono it's  
6 pretty straightforward. We already have a  
7 relationship and --

8 Do we have a map, Max, that we  
9 could -- on the proposed service areas for water?

10 MR. STONER: They're up front  
11 in front of Frank.

12 MR. BROWN: Maybe we can -- you  
13 and I will hold them up, maybe that would be the  
14 best. If you don't mind --

15 MR. HESS: Actually, where is  
16 the easel?

17 MR. BROWN: We'll turn our --

18 MR. PREVOZNIK: There's one in  
19 the corner.

20 MR. BROWN: Yeah, maybe you can  
21 pull them out if you want to look at them up front.

22 But basically -- yeah, get both



23 of them. Basically this -- okay. Well, I'm not  
24 sure how well that's going to work. Right there  
25 should be good, that's the best they're going to

9

1 be.

2 (Inaudible discussion.)

3 MR. BROWN: Basically what the  
4 authority's going to need for the water service  
5 area is simply for Pocono Township, since they're  
6 already one of our owner municipalities and we have  
7 service areas in place, is -- uhm, our last  
8 project, when we ran water to Sanofi all the way at  
9 the end in Pocono Township in 2004, basically put a  
10 12-inch connection up 314 with a valve and a cap on  
11 the end of it for future projects. At that time  
12 there was talk of a casino on the property. So we  
13 did that as part of, you know, potentially serving  
14 the casino at that time. That didn't happen, so  
15 that connection's still there.

16 But from that connection on 314  
17 below the Amber Inn, we would need a very narrow

18 strip of service area in Pocono Township in order  
19 for the water line to be run into Pocono Township  
20 and then eventually into Tobyhanna Township.  
21 Likewise the service area map we would need -- this  
22 is preliminary, Tobyhanna actually has to tell us  
23 what they want, but this is the project area. So  
24 Tobyhanna would then ask us and provide us with a  
25 map that would reflect everything inside of

10

1 Tobyhanna Township.

2 Correct, John?

3 MR. PREVOZNIK: Yes.

4 MR. BROWN: So that's what  
5 would happen and then basically, you know, there  
6 are several agreements. There's a mandatory  
7 connection ordinance, an intermunicipal agreement,  
8 the delineation of the service area and then like  
9 they would have to amend their Act 537 Plan,  
10 Tobyhanna, to show that we're serving water in that  
11 area. You have an Act 167 Storm Water Plan that's  
12 approved. DRBC has made us send them a copy of

13 that for any place that we serve. We had to do  
14 that for the five municipalities when we went  
15 regional and did the sewer projects.

16 So, otherwise, we would go  
17 through and provide all the other things that are  
18 listed under the BCRA and that, and then the  
19 developer would enter into a developer's -- a  
20 standard developer's agreement with the authority,  
21 which we've done hundreds of times, and we would  
22 run water. Basically the cost of the improvements  
23 would be upon the developer and they would turn  
24 those improvements over to the authority at the end  
25 of the project.

11

1 So those -- that's basically the  
2 outline there and for Pocono it's really pretty  
3 simple too. I mean, it's an extension of an  
4 existing area. This is beyond our current approved  
5 service area in Pocono Township.

6 MR. PREVOZNIK: Is it -- it is  
7 in the future service area though?

8 MR. BROWN: It was in the  
9 future service area in the permits that we  
10 currently have for DEP and DRBC.

11 So I don't know if there's any  
12 questions from Tobyhanna?

13 MS. LAMBERTON: I actually have  
14 -- Anne Lamberton, Tobyhanna Township. Are we  
15 going to being required to own the water line in  
16 Toby or just sewer?

17 MR. BROWN: No. The authority  
18 would own and operate the water line once it was  
19 built and turned over, dedicated from the developer  
20 to us. Just like we've done for --

21 MS. LAMBERTON: I just know  
22 that was a question --

23 MR. BROWN: -- many, many  
24 projections.

25 MS. LAMBERTON: Okay. I just

12

1 wasn't sure.

2 MR. SHAY: You didn't address

3 the sewer line.

4 MR. BROWN: Well, I think  
5 that's next on the agenda, so I'm just sticking  
6 with the water for now. Probably the more complex  
7 one's coming up, okay, but --

8 And, Ralph, anything from the  
9 developer as far as the outline or the questions?

10 MR. RALPH MATERGIA: No. Just  
11 a few comments. Ralph Matergia for Pocono Manor.  
12 I guess I'm also speaking with, mutuality,  
13 Kalahari, Bruce Harms, Kalahari's counsel is with  
14 me.

15 MALE VOICE: Mike, and I'll  
16 step in.

17 MR. RALPH MATERGIA: Tug at my  
18 coat.

19 On the developer side, we will  
20 have to -- we, meaning Pocono Manor, will have to  
21 amend our DRBC water docket because it presently  
22 encompasses area that will be served by the amended  
23 BCRA docket. So that's something that we have to  
24 do. And the only other thing is, I don't know if  
25 tonight is the night to do this, I think we have

1 all the municipal solicitors and developers,  
2 attorneys here, we could get maybe some consensus  
3 or understanding of who's going to take the lead in  
4 drafting the various agreements that are mentioned  
5 in the outline.

6 MR. PREVOZNIK: We can do the  
7 water stuff and tax --

8 MR. BROWN: Yeah, I think as  
9 far as the water stuff, we can take the lead in  
10 that area.

11 MR. RALPH MATERGIA: John will  
12 take the lead on that and circulate those? Is Mr.  
13 Rice here this evening?

14 MR. REISS: Yes, I'm right here.

15 MR. RALPH MATERGIA: How are  
16 you? Ralph Matergia.

17 MR. REISS: Nice to meet you.

18 MR. RALPH MATERGIA: Nice to  
19 meet you. So we'll coordinate that when John has a  
20 draft circulating and we can review that then.

21 That's really it on the water side.

22 MR. BROWN: Is -- you know, is  
23 there any questions from Tobyhanna? I mean,  
24 basically we would take the lead and we would get  
25 you the -- the, you know, the sample documents that

14

1 we have that we've signed with other municipalities  
2 over the years and we would get that to your  
3 attorney, Mr. Armstrong or Mr. Reiss.

4 MR. REISS: I don't have any  
5 questions.

6 MR. BROWN: But that one's  
7 pretty straightforward, so not hearing any issues  
8 related to that, you know, that's the way we plan  
9 on proceeding at this point for the water.

10 Now, on the sewer, the BCRA's  
11 current DRBC docket application, which goes for  
12 review May 8, contains an outdated planning module  
13 as it was submitted in January of this year. The  
14 new planning module that's being considered at the  
15 Pocono level, now talks about a project that's

16 entirely within Tobyhanna Township with nothing in  
17 Pocono, correct?

18 MR. McMANUS: Correct.

19 MR. BROWN: And the original  
20 docket that we submitted or that had the planning  
21 module in it, talked about water service from the  
22 Pocono Manor Water Company, whatever that looks  
23 like and now we're projecting to put the water  
24 there for the project. So those two things have  
25 changed in the docket that's pending now and would

15

1 require the authority to amend its planning mo --  
2 or amend its docket in front of the DRBC for May 8.

3 Now, in order to expedite the  
4 sewer issue, the BCRA believes that the most direct  
5 path would be for some type of intermunicipal  
6 agreement between us, Tobyhanna and Pocono  
7 Townships relative to the sewer. And then there  
8 would probably be Pocono and Toby separate of the  
9 intermunicipal agreement with us and that it would  
10 follow a similar tract as shown on the backside of



11 that handout for sewer, but I didn't put the  
12 legal -- I didn't ask John for the legal  
13 implications because I wasn't exactly sure how this  
14 was going to pan out here at the meeting. And  
15 that's one of the problems.

16 The BCRA's not clear at this  
17 time, you know, if the path that we would  
18 recommend, that tract very similar to water stuff  
19 where Tobyhanna would -- or Tobyhanna Authority or  
20 some authority would own the system, they would  
21 designate a service area for sewer. They would  
22 have the developer build the lines, turn stuff  
23 over, you know, the same way we do through  
24 developer's agreements. We're not sure whether  
25 that's what Tobyhanna wants to do.

16

1 So that's one of the things we  
2 needed to understand, what's the plan, because in  
3 the five months we've been working with it, the  
4 plan has been modified a lot. So we're trying to  
5 find out what the plan is and get a clear path for

6 that so we have a clear understanding on it.

7                               And then we also need to resolve  
8 and address some of the protections that the  
9 authority's regional wastewater treatment plant  
10 project has to have. In other words, you know, we  
11 can't just change anything for Pocono and Tobyhanna  
12 if it somehow has a detrimental affect on Stroud  
13 Township and the Borough of Stroudsburg, who are  
14 our other partners, and Hamilton Township, in the  
15 wastewater treatment plant project.

16                              And so, you know, the other part  
17 of it is, whatever planning module finally gets  
18 approved, we need to sign off on that as the  
19 treatment system operator. So, you know, you'll  
20 have somebody like -- Tobyhanna might sign off on  
21 the service area and the collection system and  
22 Pocono may be a conveyor of that through the  
23 township and we may be the treatment option, but  
24 all of the -- for us to be comfortable to sign off  
25 on that, there are some outstanding issues.

1                               One, how's it all gonna be put  
2   together? And as I mentioned, the authority's  
3   pretty comfortable with intermunicipal government  
4   arrangements, we've worked that way a lot. And  
5   then, you know, there's some issues relative to --  
6   there was some wastewater strength issues and  
7   things like that, that needed to be addressed.

8                               I know there's been discussions  
9   back and forth with the various solicitors. And at  
10  this point, I wanted to ask, Tim, if you can give  
11  us any update on kind of what the discussions are  
12  between Pocono, Tobyhanna and the developer.

13                           MR. McMANUS: A lot has  
14  actually gone on in the last planning module that  
15  was submitted to Pocono Township. There's two  
16  separate planning modules, one's pending in  
17  Tobyhanna and one pending in Pocono Township. The  
18  planning module currently in Pocono Township is  
19  basically just providing for direct sewer service  
20  really by Pocono Township to Kalahari and Pocono  
21  Manor commercial development.

22                           That proposes that a portion of  
23  the line would be owned by a -- I'll call it for

24 purposes of discussion a joint venture of Pocono  
25 Manor/Kalahari with the remaining section owned by

18

1 Pocono Township. There were a number of issues  
2 raised, I won't bore you with the details on that;  
3 but as a result of that, we looked at a redesign of  
4 this. And the reason we looked at that is at one  
5 time a portion of this project was proposed also in  
6 Pocono Township. As Ken alluded to earlier, that  
7 is no longer the case now, the project parameters  
8 are all within Tobyhanna Township.

9                               So the thought was floated to  
10 address the various issues that are out there, was  
11 to have Tobyhanna Township actually become the  
12 owner of the various sewer lines all the way from  
13 the project area. They would actually connect into  
14 the Pocono Township system. Tobyhanna Township  
15 would be a bulk sewer service customer of Pocono  
16 Township and Pocono Manor/Kalahari would be  
17 customers of Tobyhanna Township. So we're  
18 basically putting everything where the project is.

19                               The Tobyhanna Township Board of  
20 Supervisors, unfortunately this only came up last  
21 week, they had not had an opportunity to meet to  
22 discuss this and discussions have progressed pretty  
23 far along assuming that that will work. I've had  
24 discussions today with DEP. I know Ralph  
25 Matergia's talked to DEP. And I guess one of the

19

1 first things we've got to try to get a handle on is  
2 whether that is something that Tobyhanna Township  
3 would be comfortable doing, because that's really  
4 our starting point. And I don't mean to put the  
5 Tobyhanna Township Supervisors on the point, so --  
6 rather on the spot here, I'll just keep going for  
7 the moment.

8                               Assuming that would work, that  
9 Tobyhanna Township would be agreeable to that, we  
10 were trying to find a way to stay within the very  
11 strict time constraints that this project has.  
12 From Pocono Township's viewpoint, there is a big  
13 concern about just approving a module that says

14 that Pocono Township will commit 500,000 gallons  
15 worth of sewage to this project without any  
16 conditions on it.

17                               It's my opinion that to approve  
18 that module just the way it is without conditions,  
19 we commit to Pocono Township to doing that and we  
20 -- that's really not the understanding that we have  
21 with the developer. The understanding is that  
22 500,000 gallons will be made available for the  
23 project, but they only need, I'm going to say, I  
24 think it's 140,000 gallons for the first phase, my  
25 number may be wrong. And as the developer goes

20

1 along, it will decide if it's going to do a second  
2 phase and a third phase. And if they do complete  
3 those second and third phases, eventually they'll  
4 get up to, close to 500,000 gallons in conjunction  
5 with a commercial project that's proposed by Pocono  
6 Manor.

7                               So what we were working on is we  
8 had to get something -- we have to get something in

9 place to protect Pocono Township in case those  
10 other phases never occur, that all of this sewage  
11 is not kind of sitting up there under a dead  
12 commitment that Pocono could never use again.

13 So I had floated last Friday a  
14 suggestion to some of the solicitors and then some  
15 of the township members in BCRA saying that maybe  
16 the way around this would be that rather than  
17 having two planning modules, one in Pocono and one  
18 in Toby, that we just allow a module to proceed in  
19 Tobyhanna Township; that Pocono Township would  
20 merely sign off on that module as the owner of the  
21 collection system saying that it was signing off  
22 subject to the conditions that any necessary  
23 intermunicipal agreements be entered into; and that  
24 any Act 537 sewage planning approval be obtained.  
25 And that the BCRA will also sign off on that module

21

1 subject to condition the intermunicipal agreements  
2 being entered into and any Act 537 or DRBC  
3 approvals that they need.





1 concern and what they are looking at is the --  
2 whether there's some legal mechanism that DEP could  
3 somehow enforce what they call the disbursement  
4 schedule or an implementation schedule that would  
5 be attached to Pocono Township's approval of its  
6 module. And basically that implementation schedule  
7 is really a set of conditions and that Pocono  
8 Township would say it's approving the planning  
9 module subject to all of the agreements being  
10 entered into and whatever else has to be done.

11 DEP said they have had in the  
12 past a project like that, but they, as far as that  
13 project, did not put a mechanism in force for DEP  
14 to enforce that schedule, they kind of just  
15 recognized that it was in the file and that was  
16 pretty much the end of it. They said they  
17 certainly recognized Pocono's concern that Pocono  
18 does want to have some mechanism there that all  
19 final permits would not be issued by DEP for all  
20 construction to commence and this sewer project to  
21 take on a life of its own, unless all these

22 agreements were addressed.

23                               So they said they'd only been  
24 look at this since last night. They're doing some  
25 further investigation through their legal counsel

23

1 on that to see if they can come up with a mechanism  
2 to do that. I just told Mike Bedrin I'd kind of  
3 report that tonight. There is going to be another  
4 meeting at DEP on Monday, at 10 a.m. I expect  
5 they'll be able to give us some further information  
6 on that and try to flesh that out a little more.

7                               There is still a lingering  
8 question, I actually didn't get a chance to get  
9 into with DEP today, whether we do need Hamilton's  
10 Township involvement in this project. And it's  
11 only because our central sewer project was a joint  
12 planning activity with Hamilton Township. The  
13 module is currently only pending in Pocono  
14 Township, so we're going to try and get some input  
15 from DEP on that so we can get Hamilton involved if  
16 they need to be here.

17                               So I guess the first question on  
18   the whole thing is, do we have a structure down  
19   where Tobyhanna Township would be willing to own  
20   the lines and to have Kalahari and Pocono Manor as  
21   its customer and where Toby would be our customer?  
22   And I don't know if Toby wants to speak to that or  
23   somebody from Toby or --

24                               MR. REISS:    I'm filling in --  
25   I'm Jonathan Reiss, I'm filling in for Pat Armstrong

24

1   tonight.  I don't think that that's a problem.  
2   Unfortunately I haven't been able to speak to the  
3   supervisors about it, but I don't see that as a  
4   problem.  And they would probably want to set up a  
5   separate billing sewer district for this, since you  
6   have this sewer on the other side of the township,  
7   because your billing rates may be different; but  
8   that would be the only thing that I would think you  
9   would need to do for the township's purposes.

10                              MR. McMANUS:   And that, you  
11   know -- knowing that, I think what the next step

12 would be is, obviously the developer would -- it  
13 would have to change the body of the -- of the  
14 module itself, I guess, both modules just to  
15 reflect what the current plan would be. And I  
16 think Toby, Pocono and, I guess, BCRA would have to  
17 be involved in that too, along with the developers,  
18 we'd have to kind of come up with a list of what  
19 those -- you know, what those conditions are, that  
20 implementation schedule, so that we could do that.  
21 I don't know if the -- I haven't  
22 discussed this with the Pocono Township Board of  
23 Supervisors. It would pretty much be a conditional  
24 approval saying you're giving Act 537 Plan approval  
25 to this project as long as items, you know, one

25

1 through whatever are met before any final Part 2  
2 permits are issued by DEP or something like that.  
3 I don't expect that Pocono Township Supervisors  
4 probably have a major issue with that. I don't  
5 mean to speak for them, but -- but that would be  
6 the next step in that process. And then when we

7 have the list, then we would know exactly what  
8 agreements and what things we need to -- we need to  
9 prepare and get those doled out.

10                               Unfortunately we're still  
11 probably under a tight -- fairly tight time frame  
12 to get those in place because DEP told me they are  
13 kind of working backwards from when they have to  
14 issue their permits. And I didn't get an exact  
15 date what they're looking at, but they need -- they  
16 need planning module -- they certainly need  
17 planning module approval or approval by the  
18 townships for them to go forward with certain of  
19 their permit processing. That's why we were trying  
20 to find, if we could get that in there on a  
21 conditional basis to keep this going.

22                               MR. HESS: How long would it  
23 take to draw up those papers?

24                               MR. McMANUS: I don't know to  
25 do -- redo the planning module, I don't mean to

1 speak to that, but the list of conditions I

2 wouldn't think would be real long. We just have to  
3 brainstorm that.

4 MR. RALPH MATERGIA: Ralph  
5 Matergia. We can commit to the revisions in the  
6 planning module to be done early next week, Monday,  
7 I'm told by the engineers.

8 MR. McMANUS: Can't get any  
9 earlier than that.

10 MR. MATERGIA: As far as the  
11 implementation schedule, I think we -- the concept  
12 of what we want to put in there --

13 MR. McMANUS: We have a pretty  
14 good idea already, the solicitors do anyway.

15 MR. RALPH MATERGIA: It's been  
16 crafted in a series of emails. I took up a  
17 discussion yesterday with Mike Bedrin, Mike Brunamonti  
18 --

19 MR. McMANUS: Brunamonti  
20 (phonetic).

21 MR. RALPH MATERGIA:  
22 Brunamonti, excuse me. I should be able to say  
23 that name.

24 MR. McMANUS: Just say Mike B.

25 for the record, so we don't have to try spell it.

27

1 MR. RALPH MATERGIA: And Darryl  
2 Fritz and their counsel again today. So I think  
3 they're on board for what they expect to see in the  
4 implementation schedule. There is a draft sewage  
5 treatment agreement that I prepared, it has been  
6 circulated. I believe the solicitors all have a  
7 copy of that draft. That has to be revised,  
8 obviously, because that agreement was drafted on  
9 the original concept of joint ownership of the  
10 sewer lines by Kalahari and Pocono Manor and that  
11 will be recrafted to provide for Tobyhanna.

12 My suggestion is, is that, that  
13 be the approach on the sewage treatment side, then  
14 whatever other intermunicipal agreements have to  
15 follow or separate agreements as between the  
16 customers and Tobyhanna could be in a second  
17 document.

18 But I think that the sewage  
19 treatment agreement, which I know, Tim, you're very

20 familiar with.

21 And, John, I know you're  
22 familiar with it because we've used the same format  
23 agreement that we did in the sewage treatment  
24 agreements among the wastewater municipalities that  
25 are partied with BCRA in the treatment plan;

28

1 Pocono, Stroudsburg, who I happen to represent,  
2 John, of course, BCRA. So the provisions about  
3 what you can do, when you should do them, what  
4 happens if you don't do them right, are all a  
5 takeoff of those agreements. And I would think  
6 that the same would hold with respect to this  
7 extension of service to Tobyhanna coming into  
8 Pocono lines and so forth.

9 So that would be my  
10 recommendation that we would take it in that  
11 approach. If somebody wants to suggest something  
12 different, by all means --

13 MR. PREVOZNIK: Yeah, Ralph,  
14 what I'm envisioning first, because of the tight



15 time frame, is something on how like you started  
16 the sewer project. Maybe an MOU between the  
17 municipalities and the developer quickly outlining  
18 what it is that we're discussing, what steps need  
19 to be taken, so that we're all on the same page.  
20 That we have an understanding from Tobyhanna that  
21 they want this organization or this organization or  
22 this organization to hold it and this is what we  
23 need to get done -- okay? -- while working at the  
24 same time on the documents that you have.

25 But a memorandum of

29

1 understanding where we're all kind of sitting down  
2 and saying, yeah, this is what we agreed to and if  
3 Pocono is comfortable with this, then we're  
4 comfortable with that and you're committed to doing  
5 this in this time frame, it's really just -- you  
6 had the idea when you brought the BCRA in for sewer  
7 and I think that's the quickest way of doing  
8 something and getting an agreement between the  
9 parties that everybody can kind of sit down and

10 grab a hold of it and rely.

11 MR. RALPH MATERGIA: Well, what  
12 are you doing tomorrow?

13 MR. PREVOZNIK: Huh? Church is  
14 between 12 and 3, you want to come?

15 MR. McMANUS: Let me throw out  
16 the one immediate issue, though, and DEP is aware  
17 of this and this will actually be --

18 MR. HESS: Excuse me a second.

19 Bob, can you hear back there?

20 MR. BOB DEMAREST: I'm reading  
21 lips.

22 MR. McMANUS: I'll try to speak  
23 up a little bit. This really is going to become a  
24 question for the BCRA board, I guess, is that  
25 there's been an issue going around about the sewer

30

1 strengths that the project would be putting into  
2 the system. And obviously this is much more of an  
3 engineering question than it is for lawyers to  
4 resolve. But part of what the Brodhead Creek

5 Regional Authority has to sign off on, on the  
6 planning module, there's a section that says  
7 basically, as the wastewater treatment plant  
8 operator, it has the ability to -- it not only has  
9 the capacity to receive the sewage, but also the  
10 ability to treat it in compliance with technical  
11 requirements.

12 BCRA has expressed a concern to  
13 Pocono Township and said, look, you know, for us to  
14 sign that off -- sign off on that, we can only do  
15 that if we basically know that what is going into  
16 the sewer line and will eventually end up in our  
17 plant is in full compliance with the sewer  
18 treatment agreement that they have with Pocono  
19 Township. There are certain sewer parameters in  
20 there that can't be exceeded.

21 So they have said to Pocono  
22 Township, you know, will your engineer provide a  
23 letter saying that he's confident or can basically  
24 assure that the waste strengths will meet all of  
25 the parameters. Our engineers at this point, on

1 the information he has, said that he's not able to  
2 do that at this point.

3 So the question will become,  
4 even if we come up with the implementation  
5 schedule, is how do we get BCRA to sign off on the  
6 module, because we can't approve the module without  
7 their signature and do -- does the BCRA maybe have  
8 a separate implementation schedule, or John, Ralph,  
9 whichever? I'm just bringing up the issue.

10 MR. RALPH MATERGIA: You know,  
11 we've been struggling with this really for about a  
12 week and a half now in an exchange -- me watching  
13 and viewing an exchange of emails between the  
14 engineers. And Joe Mullen is here this evening and  
15 Jerry Loftus or -- is with Penonni working on this  
16 with Sam.

17 MR. McMANUS: Do you want to  
18 get Sam on for this part? I mean, he's there, if  
19 he wants to listen, because it wouldn't hurt to  
20 have him up-to-date.

21 MR. FORIO: Just dial in?

22 MR. McMANUS: Yeah, just put

23 him on speakerphone, so we don't have to explain  
24 all this to him.

25 MR. HESS: You have his number?

32

1 MR. BROWN: No, no, we don't.

2 MR. HESS: Just put it on  
3 speakerphone.

4 MR. RALPH MATERGIA: It's not  
5 my purpose to have the engineers --

6 MR. McMANUS: No, no. I just  
7 want him to hear it. I'm not going to bring him  
8 in --

9 MR. RALPH MATERGIA: Well, I'm  
10 just saying, it's not my purpose to have the  
11 engineers defend their reason.

12 MR. McMANUS: And I don't want  
13 to do that either. I just don't want to have to  
14 explain it to him again.

15 MS. LAMBERTON: He can read the  
16 minutes.

17 MR. FORIO: You have to dial

18     nine, John.

19                     MR. PREVOZNIK:     Okay.

20                     MR. McMANUS:     And I'll say that  
21     when he gets on the phone.

22                     MR. HESS:     Sam D'Alessandro,  
23     RKR Hess.   Just push the up button so it's loud.

24                     MR. PREVOZNIK:     Okay.

25                     THE REPORTER:     Should I just go

33

1     off while you're getting him on the phone?

2                     MR. HESS:     Yeah, just wait.

3                     (Brief recess was taken.)

4                     MR. PREVOZNIK:     We're at the  
5     meeting and I'm going to turn you over to Tim.

6                     MR. McMANUS:     Sam, we dialed  
7     you in.   We've had the meeting going for a little  
8     while.   We dialed you in at this point -- you can  
9     hear me, can't you?   Sam?

10                    MR. SAM D'ALESSANDRO:     Yep, I'm  
11     hearing you.

12                    MR. McMANUS:     We actually are

13 bringing you in at this point. We're just starting  
14 to talk a little bit about the waste strengths and  
15 the intention of the discussion is not to get a  
16 back and forth between the engineers, but Ralph was  
17 just getting started talking about the waste  
18 strength. We're just trying to figure out how to  
19 address BCRA's concern about signing off on the  
20 wastewater treatment portion of the planning module  
21 until the waste strengths are addressed. And I  
22 just said, let's call in to have you so that you  
23 can at least hear what we're talking about so I  
24 don't have to explain it to you again.

25 So with that, I'll let Ralph go

34

1 ahead and pick up where he was.

2 MR. RALPH MATERGIA: The point  
3 is, is that in the planning module we are committed  
4 to -- we, meaning the developers are committed to  
5 meet the waste strength requirements that are in --  
6 that are in the agreement presently that's between  
7 Pocono Township and BCRA.

8                               If you will look, when you get a  
9     moment, at the sewage treatment agreement that I  
10    drafted, you will see the exhibits that are  
11    referenced in that draft agreement. And they are  
12    exactly the same exhibits that deal with strength  
13    issue and constituent issues, that are in the  
14    BCRA/Pocono Township agreement and the BCRA  
15    agreement with Stroudsburg and so forth, they're  
16    one in the same.

17                            To the extent that the project  
18    would have to pretreat to reach those, we're  
19    committed to do that. That's a statement that  
20    we're prepared to make in all the agreements, in  
21    the modules, in the forthcoming sewage treatment  
22    agreements. The question is, I think, more or so  
23    of timing issue, you know.

24                            At this stage of the planning --  
25    at this stage of the planning, we're not there yet.

35

1     Some of the questions that are going back and forth  
2     are kind of like on a level of -- and I won't speak



3 for Sam -- show me. Show me that what you say the  
4 flows are, what you say the makeups are and so  
5 forth, is something that I can look at and feel  
6 comfortable with from an engineer's analysis. And  
7 that's what's going on back and forth between the  
8 engineers.

9 My view of it is, is that it's  
10 not only a worthy exercise, it's a welcomed  
11 exercise, but it's one that gets accomplished  
12 really at the Part 2 permitting stage. At this  
13 stage, we would hope that Pocono Township is  
14 comfortable knowing that we're committed to meet  
15 those requirements and committed to pretreat, if we  
16 have to, and we will contractually obligate  
17 ourselves to do that. We would hope the BCRA  
18 accepts that, you know, that contractual  
19 obligation as being enough to get through the  
20 initial stage of the planning process and then deal  
21 with the details at a later date.

22 Now, I know from talking with  
23 Tim and talking with John, that this is a little  
24 different beast than you might see in a normal  
25 planning process for a smaller user. I mean,

1 obviously this is a -- this is a lot of sewage so  
2 you have heightened concerns about not only  
3 capacity issues but waste strengths and that's  
4 appropriate, we understand that.

5 I also know that you dealt with  
6 this issue on the front end with the agreements  
7 that were entered into with Sanofi. But I think,  
8 you know, to me the distinction is, is Sanofi was  
9 truly a pretreatment customer from the beginning,  
10 from the get-go. And the kind of waste that a  
11 resort and/or shopping center is going to put into  
12 the system, not a whole lot different than domestic  
13 waste, although a little different -- you know,  
14 maybe in different amounts, concentrations at  
15 different times, if I'm saying that --

16 MALE VOICE: It's correct.

17 MR. RALPH MATERGIA: --  
18 correctly. So, I will -- you know, we're all  
19 wrestling with the need to get through agreements  
20 and timeliness. And that's the approach that I

21 would like to see accepted while these engineers  
22 are working out where they need to go to really  
23 detail and prove that they can do what they say  
24 they can do and how they can do what they say they  
25 can do once they have all the detail in front of

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1 them.

2 MR. PREVOZNIK: I'll tell you  
3 where the --

4 MR. RALPH MATERGIA: I might  
5 also comment, just so I don't forget to say this.  
6 This issue came up yesterday in the meeting that I  
7 had up at DEP with Mike Bedrin and his staff. And  
8 because, you know, it was in -- it was in Tim's  
9 proposal with one of the conditions appropriately  
10 stated. I think I could say that the view of DEP  
11 was that they understand, but it's a later issue  
12 for them. It's something that -- it's something  
13 that shouldn't necessarily be dealt with now. It  
14 shouldn't hold us up on the planning modules and  
15 the processing and approval of the planning

16 modules, that was their view.

17 MR. PREVOZNIK: And just so you  
18 know and everybody understands the BCRA's position,  
19 this is a different project in the sense that the  
20 BCRA owns the treatment plant, but it has no  
21 capacity in the treatment plant. It's all been  
22 assigned to Pocono, Hamilton -- or Pocono,  
23 Hamilton, Stroud -- Stroud Authority and Stroudsburg  
24 Borough. So to come and ask the BCRA, do you have  
25 capacity, the answer's no, we don't. Somebody's

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1 got to assign it to the project. So that's the  
2 first question we said to Pocono.

3 The second is there are  
4 limitations imposed on all the municipalities and  
5 that's across the board. We don't -- and if they  
6 don't meet -- the way it's contemplated in the ICA,  
7 there are three customers to the BCRA, and that is  
8 Pocono, Stroud Authority and Stroudsburg Borough.  
9 And if they don't meet that at the point of  
10 connection, there's a whole bunch of mechanisms

11 that come into play including surcharges. And the  
12 other municipalities have the ability to jump in  
13 and enforce that. All right?

14 All the agreements are signed  
15 with the intent that the other wastewater  
16 municipalities are third-party beneficiaries to  
17 each other's sewer treatment agreements and have  
18 the same rights as the BCRA. All right?

19 So what has been requested and  
20 what is -- I mean, it sounds like a very simple  
21 request from Pocono -- is, Pocono, before we can  
22 say we have capacity and that the plant can treat  
23 this, can you tell us that you're assigning  
24 capacity and that you can meet your obligation at  
25 the end of the line? What happens up the line

39

1 isn't the BCRA's concern. All right?

2 How they work it out and how  
3 they deal with it, we're looking at Pocono and is  
4 the strength, are you happy with it? And that's  
5 where the issue, I see, has been the general

6     unwillingness just to send a letter saying, yes, at  
7     the end of the day, we can meet that requirement at  
8     the end of the line. Okay?

9                     Because there's an obligation on  
10    behalf of the BCRA to say we can treat that. Well,  
11    we have obligations to all the other municipalities  
12    to accept only what everybody else has agreed to  
13    accept. And so poor Pocono has been put in the  
14    position of having to look to -- us to look to them  
15    and say, are you satisfied?

16                    And that's where I understand  
17    your position, Ralph. If Pocono is satisfied and  
18    can give us that letter just saying they're going  
19    to have agreements and they can come and do that,  
20    then I would look to my board and say, are you  
21    satisfied with that?

22                    MR. RALPH MATERGIA: Well,  
23    clearly in the meetings yesterday that I had at the  
24    department, the department made a statement very  
25    clearly that those strengths would have to be met

1 or they would hold up the permit. So meaning, we  
2 know -- we know we got to do that. We put it in  
3 the planning module that we have to meet the  
4 strength characteristics, they'll enforce that.

5 MR. McMANUS: They were not DEP  
6 imposed strengths?

7 MR. RALPH MATERGIA: No. I'm  
8 just saying, if you make it part of your --

9 MR. McMANUS: Oh, I'm saying  
10 from our end, I think that could be done to say --  
11 because we would say it's conditioned on the  
12 agreements, part of the agreements would be, you  
13 have to meet. What I was saying I didn't know if a  
14 letter going from Pocono to BCRA just saying we are  
15 -- intend to make sure that that happens via the  
16 agreements that will happen after the planning  
17 module, if that was enough get them to be able to  
18 sign off on the planning module. That's --

19 MR. PREVOZNIK: Having to look  
20 at your letter, if your commitment is that your  
21 waste strengths are your waste strengths under the  
22 sewage treatment agreement at the end of the line,  
23 that's what we need to know.

24 MR. RALPH MATERGIA: Clearly  
25 they cannot say that it will be anything different

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1 than that.

2 MR. McMANUS: That's where I'm

3 --

4 MR. PREVOZNIK: I -- I --

5 MR. RALPH MATERGIA: -- in the

6 first place.

7 MR. PREVOZNIK: I would agree

8 with you, Mr. Matergia, but we still need the

9 letter.

10 MR. RALPH MATERGIA: And that's

11 what I'm saying because they're obligated to do

12 that and we're going to say we're obligated.

13 MR. PREVOZNIK: If they have a

14 comfort level with what they've got, then I think

15 they can write us that letter.

16 MR. McMANUS: Would it probably

17 work, John, if our letter were to say that we are

18 going to give some assurance to you that we are



19 going to require, as part of all of our agreements,  
20 that any sewage that we receive from Tobyhanna  
21 Township is in compliance with the STA. I guess we  
22 can't say we don't know for sure, we can't  
23 guarantee what Pocono Manor/Kalahari is going to  
24 put in, but we can say our agreements are all going  
25 to require Tobyhanna not to exceed that.

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1 MR. PREVOZNIK: Well, you see  
2 -- I mean, I -- and, again --

3 MR. McMANUS: And that's an  
4 interim step for you --

5 MR. PREVOZNIK: I -- no, I  
6 understand what you're saying, but I think it's  
7 actually a simpler step and all you have to say is,  
8 right here we meet our STA requirements and the  
9 devil's in the detail between you and the developer  
10 and --

11 MR. BROWN: Them and Tobyhanna.

12 MR. PREVOZNIK: -- and  
13 Tobyhanna. I mean, that's -- regardless of what's

14     there --

15                     MR. McMANUS:   Well, to make  
16     that statement, I'm saying that I do.

17                     Sam, are you able to write that  
18     kind of a letter?

19                     MR. SAM D'ALESSANDRO:   Yeah,  
20     based on what I heard Ralph describe, if there's  
21     going to be an agreement that says they will have  
22     pretreatment and meet the criteria, prior  
23     connection, I don't have a problem sending that  
24     letter saying that, you know, we will -- anything  
25     we deliver to BCRA will meet the requirements of

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1     the STA.

2                     MR. McMANUS:   Just so you know,  
3     Sam, that agreement will not be in place prior to  
4     sending that letter, just so you're aware of that.

5                     MR. PREVOZNIK:   Excuse me, and  
6     my question, Tim, is that would be one of the  
7     things you could put in an MOU if we can do it  
8     quickly and pass it around, that it's contemplated

9 in the agreement.

10 MR. McMANUS: That's a good  
11 thought, that's a good thought.

12 If that was even in the MOU  
13 then, Sam, you'd feel comfortable enough as the  
14 engineer to be able to let Pocono know that?

15 MR. SAM D'ALESSANDRO: Yeah.  
16 As long as -- yes, I mean, 'cause I would just say  
17 in the letter that, you know, you're going to do  
18 the pretreatment. And it would be my position if  
19 there's no pretreatment, you don't get a connection  
20 ordinance -- you don't get a connection --

21 MR. KERRICK: That's not what  
22 he said.

23 MR. SAM D'ALESSANDRO: --  
24 permit.

25 MR. KERRICK: If needed.

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1 MR. SAM D'ALESSANDRO: Then  
2 they send you a connection permit.

3 MR. KERRICK: That's not what

4     they said. They said, if needed. They didn't say  
5     if they didn't pretreat it, they said if needed.

6                     MR. McMANUS:   That's pretty  
7     much --

8                     MR. PREVOZNIK:   Well, no,  
9     that's what my understanding is, we're not going to  
10    require somebody -- we're not going to require Toby  
11    to pretreat if it's not required and that's --

12                    MR. HESS:    So we got to move  
13    forward.

14                    MR. KERRICK:   Who's going to  
15    lead the MOU, let's get that on the table? Who's  
16    taking the lead?

17                    MR. RALPH MATERGIA:   Well, let  
18    me just say, let's use the term loosely MOU. The  
19    last go around with the MOU was six and a half  
20    months. So we don't have the time to do that, but  
21    we surely have the time to create an outline of an  
22    outstanding, okay?

23                    MR. HOLAHAN:   Want to borrow  
24    my pen?

25                    MR. BROWN:    Is it full of ink?

1                           MR. RALPH MATERGIA:   No, I need  
2   a -- to be serious about it. I think we all  
3   recognize as lawyers, when you sit down and draft  
4   an agreement, you need an outline of where you're  
5   going. I don't think there's any disagreement  
6   about that. How formal we get to that outline, you  
7   know, I think we can -- we can do that rather  
8   informally and then draft and deal with the issues  
9   in the actual drafts. That would be my  
10  recommendation.

11                          MR. HESS:    So what are you  
12  saying? Tuesday?

13                          MR. PREVOZNIK:   No, I'm not  
14  saying --

15                          THE REPORTER:   One at a time,  
16  please.

17                          MR. BROWN:    The young lady  
18  needs help.

19                          MR. PREVOZNIK:   Let me just  
20  add, from my standpoint, I would look at you guys  
21  to start the lead as to what it is you need from --

22 what we need from you is pretty simple. All right?

23 What we need from Tobyhanna

24 pretty much mirrors, for the service area, the

25 ordinance and the things like this. So if you were

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1 to start it and work with Ralph maybe we can get

2 this --

3 MR. McMANUS: Well, the other

4 thing I'm thinking, Ralph, what we're doing is, is

5 quite honestly, if we put that on as a requirement

6 on our implementation schedule, that our approval

7 of the module is subject to the waste strengths

8 being verified and any necessary pretreatment being

9 implemented by the developer, we then --

10 Sam, we may be able to provide

11 that letter on that basis because then that's the

12 condition going through the DEP.

13 MR. D'ALESSANDRO: Yeah, I just

14 -- I think I just heard a flip. I thought Ralph

15 said you were pretreating and now I hear, if

16 needed. How will we know if it's needed and when?

17 MR. BROWN: That'll be part --

18 MR. PREVOZNIK: That's part of  
19 the agreement.

20 MR. RALPH MATERGIA: Well, it  
21 would be part of the Part 2 permit, I would see it,  
22 Sam.

23 MR. D'ALESSANDRO: Well, the  
24 Part 2 is gonna happen according to the schedule  
25 and the 537 Plan in a couple months. So as long as

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1 you understand that that pretreatment requirement  
2 will have to be addressed within the next couple  
3 months --

4 MR. RALPH MATERGIA: Right.

5 MR. D'ALESSANDRO: -- not after  
6 you connect.

7 MR. McMANUS: Right.

8 MR. RALPH MATERGIA: My  
9 engineers are saying they're going to do it in  
10 weeks.

11 MR. SAM D'ALESSANDRO: Okay.

12 MR. HESS: All right. So we  
13 can go back to which way the process is going to  
14 start at this point so we all know exactly which  
15 way we're going.

16 MR. PREVOZNIK: I think what we  
17 need first and foremost is, is Tobyhanna in with  
18 this and how they want it because that will then  
19 structure how the MOU will be put out together and  
20 what steps are required and what kind of amendment.

21 So I don't mean to push you  
22 hard, but whether Tobyhanna is going to own the  
23 lines, whether an authority is going to own the  
24 lines or are we back to where we are currently  
25 needs to be addressed sooner than later so that

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1 everybody has some kind of model in which to move  
2 forward.

3 MS. LAMBERTON: Can we address  
4 that right now?

5 MR. REISS: Sure.

6 MR. KERRICK: I think we said



7       that Tobyhanna would own the line.

8                               MS. LAMBERTON:    Can I make a  
9       motion?

10                           MR. REISS:    I would recommend  
11       that since you already have township owned sewer,  
12       you just -- the township would own this sewer and  
13       just set up a separate sewer -- set up a separate  
14       sewer district itself.

15                           MS. LAMBERTON:    I'll make that  
16       motion.

17                           MR. HESS:    So, John, you're  
18       going to start that process?

19                           MR. McMANUS:    What was that,  
20       she made a motion?

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

23                           MR. HOLAHAN:    I'll second.

24                           MR. KERRICK:    We have a motion  
25       and second.

2 the public?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: Donny?

11 MR. MOYER: I vote in favor.

12 MR. KERRICK: I'll vote in

13 favor. Motion carried from Tobyhanna.

14 MR. McMANUS: I'm sorry, that

15 was that the township was going to own the line?

16 MR. KERRICK: Correct.

17 MR. HESS: What's next in the

18 process, Ralph?

19 MR. RALPH MATERGIA: Well, I

20 think from Pocono's standpoint your public meeting

21 is the 8th, I believe. Is that correct, of April?

22 MR. HESS: I believe so, yes.

23 MR. RALPH MATERGIA: So the

24 goal would be to get the planning module in front

25 of you in a manner that you can approve it based

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1 upon the advice of your engineer and solicitor.

2 So the next step I think is for  
3 Tim and I to work on an outline.

4 MR. McMANUS: And we need --  
5 yes. The other big step in the room is making sure  
6 a lot of this is all contingent upon DEP being able  
7 to put it in an enforcement mechanism for this,  
8 because if they can't --

9 MR. RALPH MATERGIA: We're  
10 going to be meeting on Monday.

11 MR. McMANUS: -- that'll be an  
12 issue, right. We're going to talk to you more on  
13 Monday.

14 MR. RALPH MATERGIA: We're  
15 going to be in a meeting on Monday. I know Tim has  
16 indicated an interest in being there. I would ask  
17 that the township authorize him to be there.

18 MR. McMANUS: Well, Frank and  
19 Harold mentioned that, they could certainly

20 formally do it and I think Harold's going to go up  
21 with me if the board wants to authorize me  
22 attending that, that will be great. Just a motion  
23 to that effect.

24 MR. RALPH MATERGIA: The  
25 meetings are -- I can tell you the meetings are

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1 worth the time that it takes to go there. You get  
2 a lot of information and an exchange among a lot of  
3 people on technical issues that are done at one  
4 time that you would otherwise wait endlessly in  
5 sequence.

6 MR. HESS: So I'll ask for a  
7 motion for Harold and Tim to go the meeting Monday.

8 MR. BENDEL: I'll make the  
9 motion.

10 MR. WERKHEISER: Second.

11 MR. HESS: Roll call. Henry  
12 Bengel?

13 MR. BENDEL: Yes.

14 MR. HESS: Harold Werkheiser?

15 MR. WERKHEISER: Yes.  
16 MR. HESS: Frank Hess, yes.  
17 Yes, Bob?  
18 MR. BOB DEMAREST: Question  
19 here. I think I just --  
20 THE REPORTER: May I just have  
21 your name, sir, please?  
22 MR. BOB DEMAREST: I'm sorry,  
23 Bob Demarest. You need anything else? Age or  
24 anything?  
25 I believe the 8th of April is

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1 the planning commission meeting. The normal date  
2 for our planning commission meeting is April 8.  
3 MR. BENGEL: Second Monday.  
4 MR. HESS: Second Monday, you're  
5 right. All right.  
6 MR. BENGEL: We're probably  
7 following the -- we're probably --  
8 MR. BOB DEMAREST: I just heard  
9 the 8th mentioned in the meeting.

10 MR. HESS: We're Wednesday that  
11 week. No, we're Wednesday next week.

12 MR. McMANUS: You're Wednesday  
13 next week and then your regu -- you're still on the  
14 first and third Monday. So your meeting would  
15 really be the following week, whatever that is.

16 MR. HESS: The 15th.

17 MR. BOB DEMAREST: The 15th of  
18 April?

19 MR. HESS: Yes.

20 MR. BOB DEMAREST: For anybody  
21 who wrote down the 8th, you might want to change  
22 that to 15th because there's a slight difference.

23 MR. RALPH MATERGIA: Our  
24 comment period expires on the 8th. The planning  
25 module is --

53

1 MR. BENGEL: Sewer meeting on  
2 the 10th?

3 MR. McMANUS: No. We have a  
4 sewer meeting on this coming Wednesday.

5 MR. BENGEL: Right.

6 MR. McMANUS: Then you'll have  
7 a regular supervisors meeting the following week  
8 and then we have a sewer meeting a week after that.

9 MR. BENGEL: We have a  
10 supervisors meeting the 1st, this coming Monday is  
11 our regular meeting.

12 MR. HESS: The sewer meeting is  
13 the 3rd and the 8th -- 18th.

14 MR. RALPH MATERGIA: You cannot  
15 take -- Pocono Township cannot take action on the  
16 planning module sooner than the 8th. Tobyhanna  
17 Township, I believe, is taking action on the 8th of  
18 April. From the developer's standpoint we would  
19 like to see you take action on the 8th or as soon  
20 after the 8th as possible, keeping in mind that  
21 BCRA is waiting to receive an approved planning  
22 module so that they have the comfort to know how to  
23 proceed in front of the DRBC on May the 8th.  
24 That's a good number by the way, the 8th.

25 So that being said, the sooner

1     you can act on the planning module --

2                     MR. SHAY:    Our second meeting  
3     in April is going to be the 17th.

4                     MR. BROWN:   We have one on the  
5     3rd.

6                     MR. SHAY:    We have one on the  
7     3rd and one on the 17th.

8                     MR. PREVOZNIK:   One of my  
9     questions is --

10                    MR. RALPH MATERGIA:   But it's  
11     not your meeting so much as it is getting the  
12     planning module approved at the township level so  
13     the DEP can take action on the planning module.  
14     They are -- DEP has simultaneously reviewed the  
15     planning module, they're not sitting waiting for  
16     it. They are reviewing it presently, but they  
17     can't take any action until it gets to them  
18     officially and that means that bodies have to move  
19     it --

20                    MR. HESS:    We could schedule  
21     another meeting?

22                    MR. FORIO:    Schedule it for the



23 8th, make it at 6?

24 MR. HESS: Yeah, let's do that.

25 MR. McMANUS: Why don't you

55

1 just get -- we'll only need 24 hours notice, so why  
2 don't you wait till you get the planning module in  
3 so you can then pick a date that works around that  
4 in case they get delayed for any reason.

5 MR. FORIO: I can put that on  
6 the agenda for Monday's meeting, Frank.

7 MR. McMANUS: If everything's  
8 in order, you can authorize the following Monday.

9 MR. HESS: Would you be all  
10 right if we put it on?

11 MR. McMANUS: Yeah.

12 MR. HESS: Sam, are you going  
13 to be back by the 8th?

14 MR. SAM D'ALESSANDRO: Yeah.

15 MR. BROWN: Can I make a  
16 suggestion?

17 MR. McMANUS: One thing that

18 would be nice is to get people's signature on some  
19 type of MOU, outline of understanding on these  
20 conditions. If we could have that by the 3rd, then  
21 -- which is next Wednesday, we both have  
22 meetings -- okay? -- our board could consider it.  
23 And then if something gets approved the 8th, 9th or  
24 10th, we could notify DRBC of any of the change --  
25 you know, the amendments, Ralph, that they're

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1 looking for and we can go forward with that.

2 MR. McMANUS: I'm not sure if  
3 we could get this MOU signed by the 3rd, it's going  
4 to require board action.

5 MR. PREVOZNIK: Well, what I  
6 would think you would do is we would agree to a  
7 form of what it is, put the conditions in --

8 MR. BROWN: And just sign it  
9 off.

10 MR. PREVOZNIK: -- and the  
11 developer would submit it signed, we would pass it  
12 and then pass it on to everybody else.

13 MR. BROWN: Yeah, I'm just  
14 seeing it being very quick.

15 MR. PREVOZNIK: They boom and  
16 basically saying look, this is what we're going to  
17 do, we understand this is the conditions and these  
18 are the things that need to be done to get there.  
19 Okay?

20 MR. BROWN: Yeah, MOU outline,  
21 whatever you want to call it.

22 MR. RALPH MATERGIA:  
23 Suggestion, why don't you just let the lawyers deal  
24 with this?

25 MR. McMANUS: Won't happened

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1 Monday, John, we're going to be at DEP.

2 MR. PREVOZNIK: I understand.

3 MR. McMANUS: To get that done  
4 by Wednesday, I'm just saying is --

5 MR. PREVOZNIK: I understand  
6 that, but there is at some point a level of  
7 commitment from everybody here that should

8 committed to writing before you pull the -- and  
9 then -- I mean, maybe, Ralph, you want to make an  
10 outline and say these are the things that you're  
11 committed to do and bring it to the DRB -- bring it  
12 to the --

13 MR. BROWN: BCRA.

14 MR. PREVOZNIK: -- BCRA?

15 MR. RALPH MATERGIA: My  
16 suggestion -- that is a good suggestion. I'll  
17 accept that as a task and I think the lawyers can  
18 author it for their clients. In other words, I can  
19 represent to you that the client will commit to  
20 this, Tim can represent what Pocono needs in his  
21 view, John or Pat from their standpoint.

22 MR. McMANUS: Now we're dealing  
23 with public bodies here, Ralph, that's getting --  
24 that's saying the solicitor's going to commit -- I  
25 don't mean to give you a hard time, but saying a

1 solicitor's going to commit for public bodies,  
2 without the public bodies even know what's going

3 on, is really not the way.

4 MR. PREVOZNIK: I mean, I guess  
5 what we're looking at Ralph is at the end of the  
6 day when we stand up and say we're going to commit  
7 our resources, we need to know that you're going to  
8 commit your resources and in writing tell us, we're  
9 going to do this, this, this, this and this in  
10 order for you to do that. And that may be the  
11 thing that moves to the BCRA that then gets  
12 forwarded to the other municipalities, but up to  
13 this point, other than conversations, that's what's  
14 been kind of lacking in this process.

15 What is it that you're committed  
16 to do so that we can rely on you as the developer  
17 for our actions on this? So if you want to put a  
18 commitment sort of, if needed, we're going to  
19 pretreat; if we need this, we need that, and maybe  
20 you can ask Tim what he has a level of comfort  
21 with.

22 MR. RALPH MATERGIA: What is  
23 generally in Tim's email of last Friday, I guess it  
24 was, those conditions, is generally accepted.

25 MR. PREVOZNIK: Then put it in

1 writing from your client and bring it --

2 MR. RALPH MATERGIA: That was  
3 the commitment to meet the sewage strengths.

4 MR. McMANUS: Did it say  
5 sewage -- i know I talk about the agreements  
6 generally, we --

7 MR. RALPH MATERGIA: No, no.  
8 You specified three conditions; meet the sewage  
9 strengths --

10 MR. McMANUS: Yep.

11 MR. RALPH MATERGIA: -- reach  
12 agreements --

13 MR. McMANUS: Yep.

14 MR. RALPH MATERGIA: -- and I  
15 think by that you meant both intermunicipal  
16 agreements and treatment agreements.

17 MR. McMANUS: That's correct.

18 MR. RALPH MATERGIA: And the --

19 MR. McMANUS: We also had in  
20 there that there will be a -- I guess an issue for

21 -- that maybe has to be fleshed out some more,  
22 about whether the Regional Act 537 is --  
23 MR. PREVOZNIK: One of the  
24 things that we had talked about was that the  
25 intergovernmental agreement requires it. We have

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1 gotten the answer back from the DRBC that the  
2 DRBC will require it for even the May 8th  
3 amendment.

4 MR. RALPH MATERGIA: Right.  
5 Well, the Regional 537 is certainly something that  
6 can be just addressed in terms of we'll agree to do  
7 it in the process if it's necessary under any of  
8 these agreements. The planning module now was --  
9 assigned by Pocono Manor -- or excuse me, by Pocono  
10 Township constitutes an amendment of your 537 Plan.

11 MR. McMANUS: For Pocono's  
12 purposes, sure.

13 MR. RALPH MATERGIA: So when  
14 Tim authored that it was as an alternative to the  
15 adoption of a planning module. Now that you're

16 going to have a planning module, it will end up  
17 being be a supplement to the planning module,  
18 Regional 537.

19 MR. McMANUS: Yeah, and it's  
20 for the ICA part -- the BCRA's part.

21 MR. RALPH MATERGIA: Right.

22 MR. McMANUS: We'll have to  
23 probably do the regional.

24 MR. RALPH MATERGIA: Right.

25 MR. McMANUS: Unless there's

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1 something --

2 MR. PREVOZNIK: There's two  
3 parts, one for the ICA and one for the DRBC. The  
4 DRBC will require that.

5 MR. McMANUS: Now, let me --  
6 can we, on the DRBC -- I mean, a lot of the  
7 problems we're running into is getting on the DRBC.  
8 Can we amend that if -- if we went through the  
9 process, if Pocono Manor/Kalahari amended their  
10 requests to Toby with the new map, Toby sent it



11 down to Pocono, Pocono over to the BCRA, can we get  
12 that through, because DRBC has to advertise that,  
13 without having everything in place here on this MOU  
14 and everything else we're talking about?

15 Could that move forward on that  
16 request? Because I know you got a deadline to get  
17 into DRBC with any submitted change.

18 MR. PREVOZNIK: I guess the  
19 question to that is, are you comfortable, Pocono,  
20 writing that letter and asking us to make that  
21 amendment?

22 MR. McMANUS: Yeah.

23 MR. PREVOZNIK: That would be  
24 -- can it be done in that time frame, Max?

25 MR. STONER: It's got to done

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1 very quickly.

2 MR. McMANUS: It would pretty  
3 much be what I'm calling naked -- it would be a  
4 naked request because the first one you put in, as  
5 you know, had all the conditions we're talking

6 about. This would pretty much say, please revise  
7 our prior letter to now just include the area shown  
8 on the attached map that I guess Joe or somebody  
9 else can supply to expand your service area and  
10 also keep in the remain of our letter which  
11 requested the removal of the 800 gallons and that  
12 kind of thing. It would just be a -- really a  
13 strip down request, if that would work to get it in  
14 so you can get it advertised.

15 MR. RALPH MATERGIA: When can  
16 you author that letter?

17 MR. McMANUS: Pardon me?

18 MR. RALPH MATERGIA: When can  
19 Pocono Township author the letter to BCRA?

20 MR. McMANUS: If you just want  
21 to get something down to us -- I mean, I started  
22 working on a draft one for Pocono. If you could  
23 get something, just so we have it through the  
24 chain, because I attached -- I attached your  
25 request and say, per the request of the developer

1 and Tobyhanna Township, we're passing this request  
2 through, would you kindly do this.

3                               So if you make it a request just  
4 to amend it to revise the service area, to take --  
5 let's do this, Ralph, to take out the reference to  
6 Pocono Manor Inn and the houses and to reduce the  
7 service area, just as shown on that new map, let's  
8 just pass that through. I think that should be  
9 enough to do it.

10                           MR. BROWN: And the water.

11                           MR. PREVOZNIK: Yes.

12                           MR. BROWN: And the water  
13 supply is ours, but that's already in there.

14                           MR. PREVOZNIK: Yeah, my  
15 understanding is, do we have the new Exhibit F?

16                           MR. McMANUS: No. That's  
17 something I think Pennoni was going to work on.

18                           MR. BROWN: The new Exhibit  
19 F -- Ralph, isn't that in the planning module?

20                           MR. RALPH MATERGIA: Exhibit F  
21 is the service area.

22                           MR. BROWN: It's in the plan.

23                           MR. McMANUS: Yeah, but that

24 one --

25 Sam, that one in the planning

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1 module wouldn't work as is, right?

2 MR. SAM D'ALESSANDRO: No. I

3 think there was a different map that went -- that

4 went to DRBC. I'm not sure if Pennoni did it or we

5 did it for Ken.

6 MR. BROWN: That was the first

7 planning module but -- the one that's sitting there

8 now, that was submitted in January, but the new

9 planning module that you're -- we currently

10 reviewed and I believe has the corrected service

11 area.

12 MR. SAM D'ALESSANDRO: Yeah,

13 but I think DRBC wanted to see the entire service

14 area present and expansion on one map. So I think

15 what I remember happened was, Pennoni prepared the

16 map for what was the expansion and we incorporated

17 that on another map for you, Ken, to submit. I may

18 be wrong, but I thought DRBC wanted to see all of

19 it on one map.

20 MR. McMANUS: Joe, do you  
21 happen to remember on that, how we did that the  
22 first time?

23 MR. BROWN: We can ask them on  
24 Monday.

25 MR. PREVOZNIK: You can ask

65

1 them Monday.

2 MR. McMANUS: On that Exhibit F  
3 to the request --

4 MR. BROWN: We'll ask them  
5 Monday.

6 MR. PREVOZNIK: We'll ask them  
7 Monday.

8 MR. BROWN: We'll ask them  
9 Monday.

10 MR. McMANUS: Wasn't that  
11 carried by you?

12 MR. JOSEPH MULLEN: No, we had  
13 -- we generated a similar map --

14 MR. BROWN: We'll ask them

15 Monday.

16 MR. JOE MULLEN: -- that Ralph  
17 has right now -- Joe Mullen. We generated a map  
18 similar to the one that Ralph has right now, which  
19 is the latest and greatest version of the planning  
20 module. It had other things on it, we took them  
21 all off. So we regenerated this when it was  
22 exclusively Tobyhanna.

23 MR. McMANUS: And that -- okay.

24 And so, Sam, the map that  
25 they're holding up is just showing the service area

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1 in Tobyhanna Township for Pocono -- for the Pocono  
2 Manor property, it's not for the entire BCRA  
3 service area.

4 MR. JOE MULLEN: Which is --  
5 was in sync with what you wanted.

6 MR. McMANUS: Do you think DRBC  
7 needs -- is there any way we could --

8 Max, is there any way we could

9 get that clarified?

10 MR. BROWN: Tim, Tim?

11 MR. STONER: DRBC does want the  
12 updated entire service area.

13 MR. McMANUS: The entire serv  
14 -- so a map has to be generated for that?

15 MR. BROWN: Right.

16 MR. STONER: And it's mostly  
17 done by RKR Hess, but they just have to make some  
18 adjustments for the changes that Ralph's holding up  
19 right now.

20 MR. JOE MULLEN: We did a  
21 similar thing with RKR Hess on the water. We have  
22 our maps that look like this, gave them to RKR  
23 Hess, they turned around and made their mosaic --

24 MR. BROWN: You're looking at  
25 them in front -- they're right in front of you.

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1 MR. JOE MULLEN: They took the  
2 map.

3 MR. McMANUS: So, Sam, I know

4     you're out of town, is there anybody at your office  
5     that can coordinate with that Pennoni to get any  
6     data files changed and do that?

7                     MR. BROWN:    No, no.  We'll take  
8     care of that.

9                     MR. SAM D'ALESSANDRO:  Yeah,  
10    we'll --

11                    MR. McMANUS:   Oh, wait a  
12    minute.

13                    MR. HESS:    Ken's saying the  
14    update's here.

15                    MR. BROWN:    It's done.  I mean,  
16    it needs to be cleaned up a little bit, but  
17    basically we're talking about this map we have in  
18    draft, which is this.  That shows all our service  
19    areas, future and existing for water and then it  
20    shows in blue the new Pocono and Tobyhanna.

21                    So that's pretty much done,  
22    other than it's being listed as a draft, but I  
23    believe that's the docket they're looking for.  
24    Unless you're talking about the 537 --

25                    MR. McMANUS:   So who can run



1     that off of the exhibit?

2                             MR. BROWN:   Or are they talking  
3     about the 537?

4                             MR. STONER:   537 Plan, sewer.

5                             MR. BROWN:   That's the water  
6     one.  If we need the one for -- the 537 for sewer?

7                             MR. STONER:   Yes, it's updated  
8     with the --

9                             MR. BROWN:   That's going to be  
10    a mess.

11                            MR. STONER:   -- recent changes.

12                            MR. BROWN:   Riley did that.

13     Riley Associates did the 537 Plan.

14                            MR. McMANUS:   No, but I think  
15     -- I think what we're talking about, Ken, Sam last  
16     time, when we made the request, I think the plan  
17     that was attached to our last request to you for  
18     DRBC and RKR Hess --

19                            MR. BROWN:   The January one?

20                            MR. McMANUS:   Yes, RKR Hess.

21                            MR. BROWN:   You know what

22 they're talking about?

23 MR. STONER: Yes, I do know  
24 what they're talking about.

25 MR. BROWN: We'll get it done.

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1 You're going to give it to Max,  
2 we'll get it done.

3 MR. STONER: RKR Hess updated  
4 the plans too from the 537 Plan that was at DRBC  
5 prior to this recent docket amendment of this year.

6 MR. McMANUS: So RKR Hess would  
7 have to update this new map?

8 MR. STONER: Yes, because it'd  
9 be easiest for them to do it.

10 MR. McMANUS: You're not going  
11 to do it, RKR would do it?

12 MR. STONER: RKR Hess is going  
13 to do it.

14 MR. McMANUS: That's why, back  
15 to my question.

16 Sam, do you --

17 MR. BROWN: Mike -- Michael  
18 Chang. I'll contact Michael Chang.  
19 MR. SAM D'ALESSANDRO: It'll be  
20 done tomorrow, Tim.  
21 MS. LAMBERTON: Now, we're  
22 getting somewhere.  
23 MR. HESS: So be it done,  
24 right?  
25 MR. McMANUS: So if you -- I

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1 guess, Ralph, if your letter kind of just comes  
2 down and says amend the service area to the  
3 attached map and we'll just stick it on at the end.  
4 MR. RALPH MATERGIA: All right.  
5 Fine. We'll issue a letter tomorrow to that  
6 effect.  
7 MR. McMANUS: And if you  
8 would -- what I was going to suggest to the Pocono  
9 Township Supervisors, since that request would be  
10 going in, if you want to authorize -- preauthorize  
11 Frank Hess to sign that letter and deliver it to

12 BCRA when it's prepared, then I will prepare a  
13 letter for the Township and Frank Hess will be  
14 authorized to sign and deliver it to the BCRA, to  
15 pass that request on to amend the DRBC docket.

16 MR. HESS: Do you want a motion  
17 for the that now?

18 MR. McMANUS: Can I have a  
19 motion for that?

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

22 MR. WERKHEISER: Second.

23 MR. HESS: Roll call.

24 Henry Bengel?

25 MR. BENGEL: Yes.

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1 MR. HESS: Harold Werkheiser?

2 MR. WERKHEISER: Yes.

3 MR. HESS: Frank Hess, yes.

4 Just so you know the bible only  
5 took seven hours on TV. I'll keep praying.

6 MR. BROWN: Ralph, just on a

7 follow-up, we do have this on our agenda for the  
8 third -- meeting on the 3rd, so anything you want  
9 to bring us, as you and John discussed, we had  
10 invited Jim to come to that meeting to give us an  
11 update so you're on the agenda for the BCRA meeting  
12 on the 3rd. So anything you can get in writing to  
13 reassure us we'll be glad to talk about that and  
14 get it ahead of time. I'll get it distributed to  
15 the board.

16 MR. KERRICK: Tobyhanna, what  
17 do we need to do anything? Ralph? Tim?

18 MS. LAMBERTON: What do we  
19 need?

20 MR. KERRICK: We need to do  
21 anything in Tobyhanna?

22 MR. BROWN: Did we figure out  
23 who's actually gonna do this MOU thing?

24 MR. McMANUS: Well, aside from  
25 the -- part of the MOU stuff --

1 MR. KERRICK: I asked that

2 question twice and didn't get an answer.

3 MR. McMANUS: I guess we'll  
4 talk to Jonathan about that. It's more -- that's  
5 probably more of the brainstorming for lawyers,  
6 quite honestly, that I would think that --

7 MR. KERRICK: I meant the  
8 attorney -- solicitors.

9 MR. PREVOZNIK: I think the  
10 next step for Tobyhanna would be to authorize your  
11 solicitor to not only work on the MOU, but the  
12 intergovernmental agreement, which will authorize  
13 all of putting this together, okay?

14 MR. BROWN: And authorize the  
15 service area maps.

16 MR. PREVOZNIK: The service  
17 area maps and -- because at the end of the day,  
18 you're going to need to pass ordinances, which will  
19 establish the service area for both the water and  
20 sewer. And we have models that we can get and move  
21 forward, but if you authorize your solicitor to  
22 start working with us on that, it will probably  
23 move the situation a lot quicker.

24 MS. PICKARD: So moved.

25

MR. KERRICK: Entertain a

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1 motion?

2

MS. LAMBERTON: Yes.

3

MS. PICKARD: So moved.

4

MR. LAMBERTON: Second.

5

MR. KERRICK: First, second.

6

Questions or comments on the

7 motion?

8

Call the vote. John?

9

MR. HOLAHAN: I vote in favor.

10

MR. KERRICK: Anne?

11

MS. LAMBERTON: I vote in

12 favor.

13

MR. KERRICK: Heidi?

14

MS. PICKARD: I vote in favor.

15

MR. KERRICK: Donny?

16

MR. MOYER: I vote in favor.

17

MR. KERRICK: I'll vote in

18 favor. Motion carried.

19

MR. PREVOZNIK: And so I mean

20 --

21 MR. KERRICK: -- that's seven  
22 hours.

23 MR. PREVOZNIK: From our  
24 standpoint, we know where we're going with the  
25 water. We'll work on -- and, Ralph, we'll be in

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1 contact to get something together for our third  
2 meeting to pass around. In the meantime, we'll  
3 call and get a conference just to discuss the --  
4 and I mean, I don't even how much involved in the  
5 intergovernmental agreement you need to be other  
6 than you'd want to look at it and see the  
7 commitments being made that you can --

8 MR. RALPH MATERGIA: That's  
9 correct.

10 MR. PREVOZNIK: Okay? But this  
11 is not that difficult.

12 MR. McMANUS: One thing Toby --  
13 and they don't have to resolve tonight, but Toby  
14 and Pocono are going to have to resolve and in turn



15 Toby and Pocono Manor/Kalahari will be structuring  
16 the reservation of capacity and how that's going to  
17 be looked at and (inaudible) going to have to be  
18 paid. That's something that the board --

19 MR. HESS: We'll work that out.

20 MR. McMANUS: -- work that out  
21 because that will be part of one of the agreements.

22 MR. PREVOZNIK: Ralph, the only  
23 -- the only issues that I see that are out there on  
24 -- regarding the ICA is, have we created a  
25 wastewater municipality or a CSO by this? I think

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1 they can sign an amended -- if we all agree to  
2 that -- they can assign a second amendment to the  
3 ICA in the same capacity that Stroud -- Stroud  
4 Authority did, not as an owner, but as -- to this  
5 paragraph, this paragraph and this paragraph and  
6 your intended third-party beneficiary and everybody  
7 can do it. Okay?

8 That can be on the list of  
9 things --

10 MR. BROWN: Down the road.  
11 MR. PREVOZNIK: -- that we need  
12 to do.  
13 MR. RALPH MATERGIA: Well,  
14 John, I just happened to bring it with me this  
15 evening.  
16 MR. PREVOZNIK: I have it with  
17 me too.  
18 MR. McMANUS: Would you mind  
19 reading us tonight, Ralph, we'll start on Page 1?  
20 MR. RALPH MATERGIA: I would  
21 very much --  
22 MR. HESS: 911 --  
23 MR. BROWN: 911?  
24 MR. HESS: There's a sewer leak  
25 down in Stroudsburg, a sewer leak. They called in

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1 an emergency.  
2 (Phone Interruption.)  
3 (Discussion off the record.)  
4 MR. BROWN: I do want to -- our

5 board is here and although we've taken a lot of  
6 action and submitted stuff. I mean, actually the  
7 authority's probably, actually, submitted more  
8 stuff than anybody else here, but --

9 MR. PREVOZNIK: Any questions,  
10 guys?

11 MR. BROWN: -- I didn't know if  
12 they had any question. If our board had questions  
13 for the group.

14 MR. VOGT: I don't think so. I  
15 mean, I think this follows through what we've been  
16 looking for all the way along, is some direction  
17 from the townships and the developer.

18 MR. PARKER: If we can get the  
19 letter that Pocono's proposing, then I'm very  
20 comfortable on Wednesday, looking forward.

21 MR. HESS: We'll, move forward.

22 MR. RALPH MATERGIA: Well,  
23 we're all here so there's no misunderstanding,  
24 we're committed to April the 8th now for action on  
25 the planning module assuming --

1                           MR. McMANUS:    Maybe not --  
2    well, Pocono maybe, I mean, we get in a date --  
3    because they have a conflicting meeting with the  
4    planning commission that night, that's not their  
5    regular meeting. They'll be setting up -- once  
6    they get the planning module in they would then set  
7    up a special meeting for it. It may not be right  
8    on the 8th is what I'm telling you. Sometime  
9    during that week probably.

10                       MR. RALPH MATERGIA:   Okay. I'm  
11   being reminded, appropriately, that April 8 is the  
12   end of comments and we're working on the assumption  
13   we're not going to have any comments to respond to.  
14   We may, so that may require, you know, a few days.  
15   One day to address comments, so maybe it's the 9th.

16                       When we conclude here, John and  
17   Tim and John, we should maybe match up schedules  
18   and get a little idea between us when we're  
19   available to work over the next several days.

20                       MR. SHAY:    Okay. I'm going to  
21   call for comments from the public and questions.

22                       Steve?

23 MR. STEVE PINE: (Inaudible),  
24 'cause I heard it talked about a little while ago  
25 referring to Tim. I just wanted to encourage

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1 everybody, this meeting that's happening at DEP on  
2 Monday at ten o'clock is very, very important. And  
3 we're getting a lot of things accomplished here  
4 tonight because we have board members and  
5 solicitors here. So whoever can make that meeting  
6 at DEP on Monday, it is invaluable.

7 So if you have to approve for  
8 your solicitors to attend that meeting, this would  
9 be the appropriate time to do it. I really  
10 encourage that many of you to be there as possible.  
11 And I appreciate everything that everybody's doing  
12 for the Kalahari and -- but I do think that those  
13 meetings are so helpful that it would be important  
14 to have the solicitors there as well.

15 I just wanted to say that and I  
16 appreciate it. Thanks.

17 MR. SHAY: Any questions or

18 comments from the public? If you do, please, raise  
19 your hand. When you stand, announce your name,  
20 please.

21 Yes, ma'am.

22 MS. MARIE GUIDRY: Marie  
23 Guidry. I have some questions and this is really  
24 preliminary. I'd like to know about the cash flow  
25 for Pocono Township, is it tapping fees or the

79

1 hookup fees, who's doing the billing, that type of  
2 thing. We have some questions and we'd just like  
3 to have that clarified. Do you know that?

4 MR. HESS: We've collected the  
5 tapping fees from Sanofi and the user fees so far.  
6 We hopefully are going to have our billing done by  
7 the authority, but that all has to be put into an  
8 agreement of how we're going to do that and we  
9 haven't got there yet, but --

10 MR. BROWN: We've talked about  
11 it.

12 MR. HESS: We've talked about

13 it, but it's not official yet, that's --

14 MS. MARIE: So it's not in  
15 place yet?

16 MR. HESS: No.

17 MR. MARIE: You can't tell us  
18 about Kalahari.

19 MR. HESS: Not yet, no.

20 MS. MARIE GUIDRY: So do I  
21 understand that the portion that's in Tobyhanna  
22 Township, that will go under their sewer authority?

23 MR. McMANUS: It's actually  
24 going to be handled by the township themselves.  
25 And, yes, they would actually be billing --

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1 Tobyhanna Township would bill Kalahari and Pocono  
2 Manor directly for the sewer they're providing. We  
3 in turn would bill Tobyhanna Township directly for  
4 that sewage and then BCRA bills us.

5 MS. MARIE: Thank you. Thank  
6 you for that clarification.

7 MR. SHAY: Anyone else?

8 MR. HESS: I have announced it  
9 at other meetings, Sanofi has paid their tapping  
10 fee in full and they have already started paying  
11 user fee even though they're not using the line  
12 because they was an agreement in place for that.

13 MR. SHAY: No other questions?  
14 Comments? Observations?

15 MR. McMANUS: Now we'll move on  
16 to the discussion about the Right to Marriage Act.

17 MR. HOLAHAN: I make a motion  
18 to adjourn Tobyhanna Township meeting.

19 MR. KERRICK: Is there a  
20 second?

21 MS. LAMBERTON: Second.

22 MR. KERRICK: Tobyhanna's  
23 adjourned.

24 MR. HESS: Ask for a motion to  
25 adjourn.

81

1 MR. WERKHEISER: I'll make a  
2 motion.



3 MR. BENGEL: I'll second.

4 MR. HESS: Roll call.

5 Henry Bengel?

6 MR. BENGEL: Yes.

7 MR. HESS: Harold Werkheiser?

8 MR. WERKHEISER: Yes.

9 MR. HESS: We're adjourned

10 MR. BROWN: We're adjourned.

11 Thank you, very much.

12 (Meeting concluded at 7:30 p.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

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TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP PLANNING COMMISSION

---

In Re: Regular Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Wednesday, March 27, 2013 beginning at 5:30 p.m.

---

PRESENT: MARK SINCAVAGE, Chairperson  
JOSEPH MILLER, Vice-Chairperson  
ROBERT BAXTER, Board Member  
ANNE LAMBERTON, Board Member

KELLY EBERLE, ESQUIRE,  
Alternate Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer  
ROBERT J. McHALE, Township Engineer

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

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1 MR. SINCAVAGE: I'll call the  
2 regularly scheduled meeting of Tobyhanna Township  
3 Planning Commission to order for March 27, 2013.  
4 Any public comment in general?  
5 Move on to -- I'd like to  
6 suggest that we table the minutes because we just  
7 received them today electronically and I only got  
8 about halfway through them.  
9 I'll entertain a motion to table  
10 the March 7, 2013 meeting minutes.  
11 MR. MILLER: So moved.

12 MR. BAXTER: Second.  
13 MR. SINCAVAGE: I have a motion  
14 and second.  
15 All those in favor, please say  
16 aye?  
17 BOARD MEMBERS: Aye.  
18 MR. SINCAVAGE: Under old  
19 business, anything under Wee Wons? Is there  
20 anything new?  
21 I'll entertain a motion to table  
22 Wee Wons land development plan.  
23 MR. MILLER: So moved.  
24 MR. BAXTER: Second.  
25 MR. SINCAVAGE: Motion and

3

1 seconded.  
2 All those in favor, please say  
3 aye?  
4 BOARD MEMBERS: Aye.  
5 MR. SINCAVAGE: Anything new on  
6 Locust Ridge?  
7 MR. McHALE: No, sir.  
8 MR. SINCAVAGE: I'll entertain  
9 a motion we table the Locust Ridge land development  
10 plan.  
11 MR. MILLER: So moved.  
12 MR. BAXTER: Second.  
13 MR. SINCAVAGE: Motion and  
14 seconded.  
15 All those in favor, please say  
16 aye?  
17 BOARD MEMBERS: Aye.  
18 MR. SINCAVAGE: Kalahari land  
19 development.  
20 Would you like to talk about  
21 anything?  
22 MR. RALPH MATERGIA: I think  
23 we're here on the planning module.  
24 MR. McHALE: Yes, but he was  
25 just asking, do you have anything you want to add

1 or just present to them as far as an update on the  
2 land development portion of it? And then we'll get  
3 to the planning module here in a second.

4 MR. JOSEPH MULLEN: Well, I  
5 just --

6 THE REPORTER: Would you just  
7 state your name, please?

8 MR. JOSEPH MULLEN: Joseph  
9 Mullen, M-U-L-L-E-N.

10 THE REPORTER: Thank you.

11 MR. JOSEPH MULLEN: Where we  
12 stand is we have received the latest and greatest  
13 letter from Bob on the storm water -- storm water  
14 management comments. We will be making any  
15 miscellaneous revisions that we need to make and  
16 then resubmitting the documents for your review.  
17 Okay?

18 Uhm, just in general we're -- we  
19 are in the process with Monroe County Conservation  
20 District. We have a meeting tomorrow afternoon to  
21 discuss the first review letter. We think we're  
22 making great progress with that process, it's been  
23 very quick. We are currently -- we have a planning  
24 module in front of you this evening and we can also  
25 -- we have moved down to Brodhead Creek water.

1 We're going to be getting our water from Brodhead  
2 Creek. So that changes some of the dynamics here  
3 that we had prior.

4 We have received a highway  
5 occupancy approval for our highway occupancy study.  
6 In the process of preparing the drawings for  
7 District 5 for the interim entrance or the entrance  
8 for the first phase of the Kalahari project. The  
9 complete full build study is underway; it should be  
10 finished shortly. So we can also present that to  
11 you for review along with District 5.

12 And at that point, I think we're

13 -- we're set. We have a meeting next week to talk  
14 about the site and fire flow and distribution for  
15 fire fighting on the site itself. I know the  
16 conversations that had been had with the internal  
17 for the building sprinklers and such with the  
18 architect. Next week, next Wednesday we have a  
19 meeting at 9:30 here at the township for that  
20 purpose.

21 MR. SINCAVAGE: Just a  
22 question, I see there's a letter here from the  
23 Pennsylvania Department of Environmental Protection  
24 for the NPDES permit.

25 Is the NPDES permit being

6

1 reviewed by --

2 MR. JOSEPH MULLEN: Yes. Well

3 --

4 MR. SINCAVAGE: By NERO?

5 MR. JOSEPH MULLEN: No. It's

6 being reviewed by Monroe County. There has been a  
7 change in the policy at DEP, that DEP will now  
8 review and issue all of the NPDES review letters.  
9 So although Monroe County Conservation District  
10 will do the review, they do the technical review,  
11 they submit that technical review to DEP. DEP will  
12 then review that and issue it from the DEP.

13 That was in an attempt, as I  
14 understand it, what I was told, it was an attempt  
15 to make sure there's uniformity on the reviews and  
16 the comments on NPDES permits.

17 MR. SINCAVAGE: Okay.

18 Any questions from the board?

19 Any questions or comment from  
20 the public?

21 Thank you.

22 Next item on our agenda is the  
23 planning module for Kalahari.

24 MR. JOSEPH MULLEN: I'll stand  
25 up. As you -- as you all know, we've been working

1 on this planning module since November. We've had  
2 multiple, multiple revisions. Most of those  
3 revisions have come through the Pocono Township's  
4 comment side, they being the conveyors of the  
5 sewage. And those questions are a broad spectrum,  
6 a lot to do with ownership and whatnot.

7                   What we have here is the  
8 planning module, now, before you is, first of all,  
9 a sewage area that is solely in Tobyhanna Township.  
10 Previous versions had pieces in Pocono Township.  
11 Attorneys met, attorneys decided that it should be  
12 just in Tobyhanna Township. So it covers the  
13 Kalahari project and it covers the proposed Pocono  
14 Manor portion piece, no more, no less, in Tobyhanna  
15 Township.

16                   What we have -- in order to  
17 sewerage that area, we will be picking up the sewer  
18 at a common point on the access road into the  
19 Kalahari Pocono Manor facility. We'll be taking it  
20 cross country in a gravity line through Pocono  
21 Manor property along the Swift -- along down by  
22 the -- what they call Cliff Road down through here.  
23 It'll come over through the Pocono Manor property  
24 down to a point on State Route 314 where it'll  
25 cross State Route 314 in Pocono Manor property.

1                   And there'll be a sewage pumping  
2 station at that point, which will pump the sewage  
3 down to State Route 340. Will be in State Route  
4 314 at that point, down State Route 314 through an  
5 existing easement that Pocono Township has to their  
6 Pump Station No. 1, which is in the vicinity of  
7 Sanofi.

8                   At the intersection where Pocono  
9 Mountain School District is, there's a pump station  
10 right down there. So we will be picking a new line  
11 laid that's dry. Just for future purposes, we'll  
12 be picking up a new eight inch line at that point,  
13 which then will be pumped up to the -- to a gravity



14 system a little bit further down in Pocono Township  
15 system. So that's the intent today.

16                   A couple items in the latest and  
17 greatest version of the planning module. You folks  
18 are most likely going to be the owners of the line,  
19 of the force main and the gravity line up from  
20 Pocono Town -- Pocono Manor. On a similar note,  
21 not only that we're getting water from Brodhead  
22 Creek -- so sewer and water both Brodhead Creek --  
23 we're picking up the water line right behind the  
24 Amber Steakhouse.

25                   There's an existing gravity

9

1 line -- there's a water tank that's built on this  
2 side of 611 over here somewhere -- that will be in  
3 a trench on State Route 314 -- not necessarily next  
4 to this sewer line, but there's a separation  
5 distance, et cetera -- coming up to about the same  
6 point -- oh, excuse me, let me back up a little  
7 bit. Coming up to a piece of property that Pocono  
8 Manor owns right here.

9                   A booster station is necessary  
10 because the elevation change between 611 and the  
11 project site, booster station back in 314. Once we  
12 get across the new bridge, if you will, the  
13 reconstructed bridge, we'll go onto Pocono Manor  
14 property following the line of the old Pocono Manor  
15 Road. It used to be there years and years ago.  
16 We'll follow that alignment until it crosses 314.

17                   It'll go up 314 a little  
18 further, 314, before it gets to the carriage house  
19 it will jump back to Pocono Manor side of the  
20 property, go up to the Pocono -- the Pocono  
21 Township/Tobyhanna Township line and make its way  
22 to the water tank and then back down on a  
23 transmission line that will facilitate the project.  
24 So we have both sewer and water can happen at the  
25 same time.

1 Both projects are TIF -- in the  
2 TIF funding. Because they will be publically  
3 owned, those are not taxable TIF funds. So that is  
4 the intent.

5 With that, the planning module  
6 is -- now it is -- DEP has seen our draft copy of  
7 it so they could get their hands on it. And I know  
8 that today I have received a letter from Bob on  
9 some comments on the planning module. That's where  
10 we stand.

11 MR. SINCAVAGE: Bob, any  
12 questions?

13 MR. McHALE: Just on the  
14 ownership or dedication of the line, again, is that  
15 gravity and what? Just in Tobyhanna Township or  
16 the entire --

17 MR. JOSEPH MULLEN: The entire  
18 line.

19 MR. McHALE: -- gravity and  
20 force main?

21 MR. JOSEPH MULLEN: Yes.

22 MR. McHALE: So the revised  
23 planning module would be adjusted to clarify?

24 MR. JOSEPH MULLEN: The revised  
25 planning module will be adjusted to that. It'll be

11

1 adjusted so that the comments that we've received  
2 just early this week from Pocono Township --  
3 they're similar comments.

4 There's comments about a sewage  
5 drain. There's comments about financial analysis.  
6 There's comments about some -- several minor things  
7 and they will be picked up and that will become  
8 part of your planning module. It'll be the same  
9 planning module that will go to DEP eventually,  
10 hopefully.

11 MR. SINCAVAGE: Has this been  
12 reviewed in terms of the planning commission's  
13 responsibility for approval?

14 MS. HAASE: Component 4A?

15 MR. McHALE: Yes. That's in  
16 good order as well.  
17 MR. SINCAVAGE: That's in --  
18 MR. McHALE: Yes.  
19 MR. SINCAVAGE: So the staff  
20 recommendation is that the planning module is in  
21 order for the planning commission to make the  
22 recommendation to assign the 4E, is it?  
23 MS. HAASE: 4A.  
24 MR. McHALE: Yes.  
25 MR. SINCAVAGE: Any questions

12

1 from the commission?  
2 Any questions from the public?  
3 MS. THERESA MERLI: Just a  
4 comment.  
5 MR. SINCAVAGE: Yes.  
6 THE REPORTER: May I just have  
7 your name, please?  
8 MS. THERESA MERLI: I'm sorry,  
9 Theresa Merli, Brodhead Watershed Association. I  
10 just wanted to express how grateful we are that  
11 folks were willing to listen to our concerns and we  
12 feel that this is a much better solution. And we  
13 add our hopes to yours that this is the last  
14 version and that it moves forward for you.  
15 MR. JOSEPH MULLEN: Thank you.  
16 MS. THERESA MERLI: Thank you  
17 for your civility.  
18 MR. SINCAVAGE: Okay. So I  
19 will entertain a motion to approve the planning  
20 module as submitted authorizing the secretary to  
21 sign Component 4A.  
22 MR. MILLER: So moved.  
23 MR. SINCAVAGE: I have a  
24 motion. Do I have a second to the motion?  
25 MR. BAXTER: Second.

13

1 MR. SINCAVAGE: Motion and

2 seconded.

3 All those this favor, please say

4 aye?

5 BOARD MEMBERS: Aye.

6 MR. SINCAVAGE: Visioning

7 process.

8 Did the supervisors give us a

9 couple million?

10 MS. HAASE: Well, I haven't had

11 the opportunity to meet with the supervisors as of

12 yet. We meet next -- or this coming Monday. The

13 one thing that I was thinking over and wanted to

14 run past you folks before we presented this to the

15 board of supervisors; for the Blakeslee Visioning

16 we formatted a steering committee. And we had

17 multiple meetings here with the public. We kind of

18 have a feel now of what the township is looking

19 for.

20 Would it be beneficial for us to

21 go through that same process or should we just jump

22 into trying to get an overlay in place for that

23 area?

24 MS. LAMBERTON: My opinion is

25 an overlay.

14

1 MR. SINCAVAGE: I agree.

2 MS. HAASE: And not go through

3 that whole first step again?

4 MS. LAMBERTON: I think we need

5 to move on this.

6 MR. SINCAVAGE: I think we've

7 given the public an opportunity to provide for

8 their input.

9 MS. HAASE: I agree.

10 MR. SINCAVAGE: They are aware

11 of it, people have talked about it. They were

12 excited about it two years ago or whenever it was.

13 MS. LAMBERTON: I think they're

14 waiting for us to make a move to be honest with

15 you.

16 MS. HAASE: So it's acceptable  
17 to the planning commission that I present to the  
18 board that we just would like to move forward with  
19 an overlay of that area?

20 MR. SINCAVAGE: Yes. And then  
21 once we have something in place or some direction,  
22 you know, from the attorney and from -- I assume  
23 we're going to have to have a planner come in on  
24 this?

25 MS. HAASE: We may. Now, one

15

1 other question, are we looking for an overlay for  
2 the visioning and then separate components for the  
3 eastern, western and central areas? Or are we  
4 looking at for one, for each specific area? You  
5 understand what I'm saying?

6 MS. LAMBERTON: I think we  
7 should look at a general one to get all three areas  
8 started.

9 MR. SINCAVAGE: I'd like that  
10 consistency.

11 MS. LAMBERTON: Yeah, I would  
12 like that as well.

13 MS. HAASE: Okay. I'll present  
14 that on Monday to the board of supervisors.

15 MR. SINCAVAGE: Okay.

16 MS. HAASE: Thank you.

17 MR. LAMBERTON: Thank you.

18 MR. SINCAVAGE: Any questions  
19 or further comment from the commission?

20 Anything from the public?

21 All right. Thank you, Phyllis,  
22 keep moving on that.

23 Next item on our agenda under  
24 new business is -- well, Schaab?

25 MS. HAASE: I believe so.

16

1 THE REPORTER: May I just have  
2 your name?

3 MR. JERRY HANNA: Jerry Hanna,  
4 I'm here with my client Brendon Carroll, Pinecrest  
5 Development Corp, who is also an applicant on that  
6 matter. Now, the application is for a variance  
7 before the zoning hearing board.

8 I didn't -- Phyllis had called  
9 me last week and offered the opportunity to come  
10 here tonight due only, I'll say, to the fact that  
11 there's some issue as to the ordinance. The  
12 township ordinance is really both 77 and the flood  
13 plain ordinance, as well as the zoning between  
14 special exception provisions and variance  
15 provisions.

16 Now, we've decided, we applied  
17 for a variance only, which goes before the zoning  
18 hearing board, and that's been scheduled. And I'd  
19 indicated to Phyllis, I guess yesterday, that we  
20 did not intend to be here for a special exception  
21 consideration, which would be required by you, not  
22 for the variance, but we thought we should be --

23 And I indicated to her that we  
24 wouldn't be here, therefore, but in order not to  
25 have you react negatively to our not being here,

17

1 since we understood it was on your agenda, we're  
2 here and we can answer any questions. Maybe  
3 Phyllis can fill you in -- she has us here.

4 MR. SINCAVAGE: We've had you  
5 off and on the agenda all afternoon.

6 MS. HAASE: All day. I  
7 actually spoke with Attorney Hanna this morning.  
8 It was off of some discussion that the solicitor  
9 for the zoning hearing board had recommended that  
10 we reach out to the applicant with trying to  
11 alleviate any possibility for anyone possibly  
12 appealing the decision from the zoning hearing  
13 board.

14 There are definitely, for lack  
15 of a better term, some sloppy draftmanship between  
16 77 and Chapter 155. We felt, in fairness to the

17 applicant, that they needed to be aware of the  
18 language it spoke to, a special exception and to a  
19 variance. Attorney McDonald had thought that it  
20 would be best for the applicant and Attorney Hanna  
21 to make the decision on whether they wanted to move  
22 forward with the special exception or variance.  
23 And that is why they were placed on your agenda for  
24 today.  
25 Since then Attorney Hanna, as I

18

1 said we spoke this morning, and as he also stated  
2 their intent is to move forward with the variance.  
3 So in essence there'll be no action needed from the  
4 planning commission.  
5 MS. LAMBERTON: That was easy.  
6 MS. HAASE: Did I say that  
7 properly? Do you have anything else to add?  
8 MR. JERRY HANNA: No.  
9 MS. LAMBERTON: What's the  
10 object of -- I mean, what do you guys need? What's  
11 the outcome? I mean, we'll help you, what do you  
12 need done? No, I'm serious. I mean --  
13 MR. JERRY HANNA: Do you want  
14 to jump on that?  
15 MS. LAMBERTON: I'm willing to  
16 listen.  
17 MR. JERRY HANNA: I mean, what  
18 this involves is a variance being sought for  
19 construction of a home on an approved lot in  
20 Pinecrest in -- that is allegedly in the flood  
21 plain.  
22 MS. LAMBERTON: With our new  
23 ordinance that we're looking at or our current?  
24 MR. JERRY HANNA: I know Mr.  
25 McHale could probably answer that better than --

19

1 MS. HAASE: I believe it is --  
2 MR. BRENDON CARROLL: I believe  
3 it's on a revised map.

4 MR. McHALE: I haven't looked  
5 at the application.

6 MS. LAMBERTON: Because I  
7 (inaudible) in the benefit of the property owners  
8 as well, that's what I'm asking.

9 MS. HAASE: It is on the  
10 current as Zone A, where I believe that's -- it has  
11 been delineated and on the proposed it is in a  
12 flood plain. There was no maps presented with the  
13 application to the zoning hearing board so I was  
14 only able to do an aerial shot. There's water  
15 around three sides of the parcel.

16 With it being in zoning and if  
17 it's the intent of the applicant to move forward as  
18 a variance, it would -- the proper board would be  
19 in front of the zoning hearing board to make that  
20 decision.

21 MR. LAMBERTON: But you got it  
22 handled, Phyllis, or --

23 MS. HAASE: I wouldn't say I  
24 have it handled, but I think I have the ordinance  
25 straightened out and we certainly will correct the

20

1 areas that lead to some confusion.

2 MS. LAMBERTON: I was just  
3 curious. Thank you.

4 MR. SINCAVAGE: Any further  
5 questions on that item?

6 Bob, we had (inaudible) here in  
7 the pile? I'm not sure if that was for me or it  
8 just happened to show up in the pile.

9 MR. McHALE: I believe it's  
10 just for your information.

11 MS. HAASE: I believe Maureen  
12 was just distributing the information. That was a  
13 question that we had. For those that aren't aware,  
14 Maureen Minnick is back with Tobyhanna Township.  
15 She's our land use and engineering assistant. So  
16 she's helping Bob and myself and she's been a huge  
17 asset in the last two weeks.



18 I do have three projects that  
19 are pending right now that should be before you  
20 folks in the next few months. I'm pretty excited  
21 about that. So we will now start to have a lot of  
22 correspondence going back and forth. We'd like to  
23 start using the jump drives again to distribute the  
24 information.  
25 I believe, Joe, you'd like hard

21

1 copies, correct? You prefer a hard copy?  
2 MS. LAMBERTON: He's a printer.  
3 MS. HAASE: That's a hard copy.  
4 Is that acceptable for everyone, if we just -- we  
5 don't give you hard copies and we'll just have  
6 something for Joe?  
7 MR. SINCAVAGE: I'm fine with  
8 it just be being emailed and we can upload it.  
9 MS. HAASE: Okay.  
10 MS. LAMBERTON: Yeah, I'm fine  
11 with that as well. I was just -- once you say the  
12 jump drive, what do you mean?  
13 MS. HAASE: Just email them?  
14 MS. LAMBERTON: Yeah, I'm fine  
15 with being emailed.  
16 MR. BAXTER: Easier.  
17 MS. HAASE: Good enough.  
18 MS. LAMBERTON: Are you good  
19 with that? Just take care of Joe.  
20 MS. HAASE: Okay. We'll take  
21 of Joe.  
22 MS. LAMBERTON: Just take of  
23 care Joe in order to keep us happy.  
24 MR. SINCAVAGE: You just upload  
25 it to the Cloud and then you can do it out of

22

1 whatever device you want.  
2 MS. LAMBERTON: Absolutely.  
3 MR. SINCAVAGE: That's the  
4 easiest way to do it.

5 MS. HAASE: Thank you.  
6 MS. LAMBERTON: And make your  
7 life easier too, Phyllis.  
8 MR. SINCAVAGE: Yep. I'll just  
9 announce it, it's just been sitting on the table.  
10 Arcadia Properties did start building the road  
11 across the wetlands, with all the proper permits,  
12 in New Ventures Commercial Park to start the access  
13 to lot 110.  
14 MS. LAMBERTON: Good luck.  
15 MR. SINCAVAGE: The project is  
16 underway.  
17 MS. LAMBERTON: Good to hear.  
18 MS. HAASE: Good.  
19 MR. SINCAVAGE: Anything else  
20 to come before the board?  
21 We stand adjourned. Thank you.  
22 (Meeting concluded at 5:53 p.m.)  
23 ---  
24  
25

23

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 TARA WILSON, C.R.  
17  
18

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24

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Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
---

In Re: Regular Business Meeting  
  
---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, March 11, 2013 beginning at 7:00 p.m.  
  
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PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
ANNE LAMBERTON, Board Member  
DONALD MOYER, Board Member  
JOHN J. HOLAHAN, III, Board Member  
  
PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor  
  
ALSO PRESENT: PHYLLIS HAASE, Zoning Officer  
ROBERT J. McHALE, Township Engineer  
  
---

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

2

1 MR. KERRICK: Call the meeting  
2 to order with the pledge of allegiance, please.  
3 (Pledge of allegiance was  
4 recited.)  
5 MR. KERRICK: First item on our  
6 agenda, announcements.  
7 MS. PICKARD: I had a couple  
8 announcements.  
9 I did want to make mention -- we  
10 may have some people here -- if you did not get  
11 your county and township tax bill, you need to make  
12 sure that your new address is changed at the  
13 county; otherwise it's going to your old address  
14 and they're not forwarding them anymore. So I know  
15 Linda Woehrle got back like almost 400 bills.  
16 So you are responsible and if  
17 you didn't get your bill or you know somebody, they  
18 need to go see Linda and get their address changed.  
19 So we do have a notice on our website, we have  
20 forms here and on the website to send down to the  
21 county.  
22 I just want to mention, we did  
23 get our notification for our liquid fuels payment,  
24 it'll be two hundred and fifteen seventy-two  
25 sixty-two. That includes the 10 percent for the

1 Act 44.  
 2 That's all I have.  
 3 MR. KERRICK: Thank you. Any  
 4 other announcements?  
 5 Next item, consider the minutes  
 6 of February 4, 2012 (sic) work session, February  
 7 11, 2012 (sic), regular business.  
 8 What's the board's pleasure?  
 9 MR. HOLAHAN: I'll make a  
 10 motion that we approve the minutes of the February  
 11 4 work session.  
 12 MR. KERRICK: Do we have a  
 13 second?  
 14 MR. MOYER: I'll second.  
 15 MR. KERRICK: Questions or  
 16 comments from the board on the motion?  
 17 Questions or comments from the  
 18 public on the motion?  
 19 Call the vote. John?  
 20 MR. HOLAHAN: I vote in favor.  
 21 MR. KERRICK: Anne?  
 22 MS. LAMBERTON: I vote in  
 23 favor.  
 24 MR. KERRICK: Donny?  
 25 MR. MOYER: I'll vote in favor.

1 MR. KERRICK: Heidi?  
 2 MS. PICKARD: I vote in favor.  
 3 MR. KERRICK: Motion carried.  
 4 Next item on our agenda,  
 5 consider treasurer's report. Total amount for  
 6 board approval \$289,847.79.  
 7 MS. PICKARD: We just did the  
 8 February 4 minutes.  
 9 MS. LAMBERTON: Yeah.  
 10 MS. PICKARD: He just approved  
 11 the work session.  
 12 MR. KERRICK: I thought he did  
 13 both, I apologize. I'll go back, we got the bill  
 14 pack now.  
 15 MS. PICKARD: All right. Okay.  
 16 MR. HOLAHAN: So are we still  
 17 on treasurer's report, John?  
 18 MR. KERRICK: Yes.  
 19 MR. HOLAHAN: I'll make a  
 20 motion that we approve the treasurer's report for  
 21 \$289,847.79.  
 22 MR. KERRICK: Do we have a  
 23 second?  
 24 MR. MOYER: I'll second.  
 25 MR. KERRICK: Motion and

1 second.  
 2 Questions or comments from the

3 board?

4 Questions or comment from the

5 public on the motion?

6 Yes, sir?

7 MR. TROY COUNTERMAN: I'm Troy

8 Counterman. Just wondering why there was no bill

9 pack on the door for us to look at, what you guys

10 were approving up there.

11 MR. KERRICK: Packet in the box

12 right there you can go through.

13 MS. PICKARD: The bill pack's

14 in the box.

15 MR. TROY COUNTERMAN: When do

16 we do that before, during, after?

17 MR. KERRICK: You can come in

18 before the meeting and go through it if you want.

19 MR. TROY COUNTERMAN: Thank

20 you.

21 MR. KERRICK: Any other

22 questions from the public?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

6

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donny?

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

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: Motion carried.

8 Next item, solicitor's report.

9 MS. PICKARD: You're not going

10 to go back to the minutes?

11 MR. KERRICK: We'll go back to

12 the minutes, I apologize.

13 MS. PICKARD: I'm sorry. I had

14 a couple corrections on the February 11 regular

15 business meeting. On Page 12, it should be safety

16 committee and on Page 15, Line 5, it should be

17 integrated.

18 With that, I'll make a motion to

19 approve the February 11 regular business meeting

20 minutes.

21 MR. KERRICK: We have a motion,

22 do we have a second?

23 MR. HOLAHAN: I'll second.

24 MR. KERRICK: Motion and

25 second.

7

1 Questions or comments?

2 Questions or comments from the

3 public?

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.  
6 MR. KERRICK: Anne?  
7 MS. LAMBERTON: I'll vote in  
8 favor.  
9 MR. KERRICK: Donny?  
10 MR. MOYER: I vote in favor.  
11 MR. KERRICK: Heidi?  
12 MS. PICKARD: I vote in favor.  
13 MR. KERRICK: Motion carried.  
14 Pat, solicitor's report.  
15 MR. ARMSTRONG: Thank you, Mr.  
16 Chairman. There's nothing listed in my report. I  
17 do have just a status. The Clymer Library, after  
18 meeting last week I did reach out to their counsel,  
19 I have not heard back from her yet. What I was  
20 planning on doing is just making those two minor  
21 changes with respect to punitive damages, as well  
22 as definition of library, but I have not heard back  
23 from her. So I'll wait to send her a revised  
24 version until I actually speak with her.  
25 The planning -- the planning

8

1 commission did discuss and make a recommendation to  
2 move the flood plain ordinance forward earlier this  
3 evening. It was conditional upon -- they're going  
4 to look at it a little bit more. If they have any  
5 additional comments, they'll email them before the  
6 end of March, I believe; but given the time frame  
7 -- I was talking with Bob a little bit after the  
8 planning commission meeting and, as you're all  
9 aware, we do have a time frame to move this flood  
10 plain management ordinance forward in the beginning  
11 of May.  
12 And given the advertising  
13 requirements, have you all -- I don't know where  
14 you are in reviewing it, if you have yet or not.  
15 If not, what I would suggest is, I'll forward it  
16 out again and I guess just be prepared to move it  
17 forward at your April --  
18 MR. KERRICK: Will it have to  
19 be advertised?  
20 MR. ARMSTRONG: Yeah, it'll  
21 have to advertised. It is not a zoning ordinance,  
22 but it will need to be advertised appropriately.  
23 And your --  
24 MS. HAASE: First Monday.  
25 MR. ARMSTRONG: April 1, is it?

9

1 MR. HAASE: 1st is the work  
2 session, 8th is the regular meeting.  
3 MS. PICKARD: Work session --  
4 the 8th.  
5 MR. ARMSTRONG: So given the  
6 time constraints, I would request that the board be  
7 ready to discuss and at least authorize it for

8 advertising at that point in time.  
9 MR. KERRICK: At the April 1  
10 meeting?  
11 MR. ARMSTRONG: Yeah. I'll  
12 look at the -- I believe it's May 2 is when it  
13 needs to be -- I'm not sure if it needs to be  
14 adopted or at least needs to be in the process of  
15 being adopted at that point in time. I'll look at  
16 that and I'll look at the time period. And if  
17 there's a need to at least get it advertised before  
18 your April 1 meeting, I will send an email to  
19 everyone on the board.  
20 MS. PICKARD: You said their  
21 conditions would be in by the end of March from the  
22 PC?  
23 MR. ARMSTRONG: Planning  
24 commission? Yes.  
25 MS. LAMBERTON: Comments, for

10

1 comments.  
2 MR. ARMSTRONG: 27th, March 27.  
3 MS. PICKARD: You don't expect  
4 that anything's really going to materialistically  
5 change?  
6 MS. LAMBERTON: No, I don't  
7 think so.  
8 MR. ARMSTRONG: I didn't hear  
9 any significant questions or comments from the  
10 planning commission.  
11 MS. LAMBERTON: Just wanted an  
12 additional chance to finish the review.  
13 MR. ARMSTRONG: Right. And the  
14 one other item, and I believe you may have all been  
15 copied on an email, the Kalahari Resort. One of  
16 their proposed issues is water servicing. I  
17 believe there has been a change initially --  
18 Kalahari, the land development application, before  
19 Tobyhanna Township.  
20 They were initially going to use  
21 on-lot wells for water service, but now they're --  
22 it's my understanding that they're changing that  
23 and now they're going to be requesting the Brodhead  
24 Creek Regional Authority to provide the water  
25 service to the property. And given the fact that

11

1 the BCRA is not within Tobyhanna Township, the  
2 township is going to have to submit at least a  
3 written request to BCRA to service customers within  
4 Tobyhanna Township.  
5 So this evening if the board is  
6 ready and willing to entertain a motion to  
7 authorize at least that written request to go out  
8 to get the ball rolling with that process.  
9 Obviously there will need to be an



10 intergovernmental agreement between, you know,  
11 Tobyhanna Township, BCRA and possibly Pocono  
12 Township; but at this point in time it would -- the  
13 next time would be to send a written request to  
14 BCRA to allow -- to request service within  
15 Tobyhanna Township.  
16 MS. LAMBERTON: Would you like  
17 us to make a motion at this time?  
18 MS. PICKARD: Yeah.  
19 MR. ARMSTRONG: Just  
20 authorizing that request --  
21 MS. LAMBERTON: I'll make a  
22 motion.  
23 MR. ARMSTRONG: -- if that's  
24 the position of the board.  
25 MS. PICKARD: I'll second the

12

1 motion.  
2 MR. KERRICK: Motion and second  
3 to send a letter.  
4 Would that be you who'd author  
5 that letter?  
6 MR. ARMSTRONG: That could be  
7 Bob, it could be me. I don't think it -- it's up  
8 to the board. I guess you could make that part of  
9 the motion, who you want to author the letter.  
10 MR. HOLAHAN: Should have Bob do  
11 it.  
12 MR. MOYER: Are you going to  
13 amend your motion?  
14 MS. LAMBERTON: I'll amend my  
15 motion to request Bob McHale, our township  
16 engineer, to author a letter to request service to  
17 the Brodhead Regional.  
18 MS. PICKARD: I'll amend my  
19 second.  
20 MR. KERRICK: You amend your  
21 second? Okay.  
22 Questions or comments from the  
23 board?  
24 Questions or comments from the  
25 public?

13

1 Call the vote. John?  
2 MR. HOLAHAN: I vote in favor.  
3 MR. KERRICK: Anne?  
4 MS. LAMBERTON: I vote in  
5 favor.  
6 MR. KERRICK: Donny?  
7 MR. MOYER: I'll vote in favor.  
8 MR. KERRICK: Heidi?  
9 MS. PICKARD: I vote in favor.  
10 MR. KERRICK: Motion carried.  
11 Anything else, Pat?  
12 MR. ARMSTRONG: That's all I

13 have for my report. Thank you, Mr. Chairman.  
14 MR. KERRICK: Next item on our  
15 agenda, new business, Lands of Pocono Manor  
16 Investors, LP.  
17 Bob, do you want to take that  
18 one?  
19 MR. McHALE: Is there no one  
20 here representing Ireland?  
21 MR. ROCCO CARACCILO: Good  
22 evening. Rocco Carcciolo, engineer from Pennoni  
23 Associates, and Don Schneider representing Ireland  
24 Liquidation Trust.  
25 THE REPORTER: Could you just

14

1 spell your name for me, please?  
2 MR. ROCCO CARACCILO: Rocco,  
3 R-O-C-C-O, last name Caracciolo,  
4 C-A-R-A-C-C-I-O-L-O.  
5 THE REPORTER: Thank you.  
6 MR. ROCCO CARACCILO: We are  
7 here for a subdivision. It's the tract that's on  
8 the west side of 380. As part of the original land  
9 transfer, this certain tract of land would be  
10 subdivided, ran it back to Jim Ireland. It's been  
11 a long process and finally have things in order.  
12 We have suitable perk for each lot. There was no  
13 land developmental at all, we have all the notes in  
14 the plan that when this does come in for land  
15 development, we will have to meet with PennDOT and  
16 meet all the requirements of the SALDO.  
17 There were just two waivers  
18 which deal with the -- showing the existing  
19 features within 500 feet of the site. For this  
20 subdivision plan we're requesting a waiver of such  
21 and then when it does come in for land development,  
22 you know, that will be provided per the -- per  
23 condition of the township engineer and the  
24 township.  
25 MR. ARMSTRONG: You're talking

15

1 about waivers from the SALDO Section 135-17.L and  
2 M.  
3 MR. ROCCO CARACCILO: Yes.  
4 MR. ARMSTRONG: No other  
5 waivers are being requested by the applicant?  
6 MR. ROCCO CARACCILO: No.  
7 MR. KERRICK: Any questions  
8 from the board for the applicant?  
9 MR. ARMSTRONG: You're aware  
10 that the planning module for the subdivision plan  
11 was before the planning commission this evening?  
12 MR. ROCCO CARACCILO: Yes.  
13 MR. ARMSTRONG: And the  
14 planning commission, I believe, did make a

15 conditional recommendation for approval?  
16 MR. ROCCO CARACCILO: Yes.  
17 MS. LAMBERTON: Yes.  
18 MR. ARMSTRONG: So that will be  
19 before this board as well. Bob was just reminding  
20 me that it would probably be more appropriate for  
21 the planning module to be approved by the board  
22 prior to the actual subdivision plan.  
23 MR. ROCCO CARACCILO: Right.  
24 For the planning module we just -- we needed to  
25 prove that there was suitability on the remaining

16

1 lands. We met with Pocono Manor, they have their  
2 own plan, but on this side we did actually go to a  
3 place, have the location, which we had a perks and  
4 probes done and everything was submitted to the  
5 engineer.  
6 MR. McHALE: The township  
7 sewage enforcement officer, John Brogan, reviewed  
8 it and signed off on it. And as Pat indicated, it  
9 went to the planning commission tonight and they  
10 made recommendation for approval also.  
11 MR. ROCCO CARACCILO: Thank  
12 you.  
13 MR. HOLAHAN: Do we need to  
14 take these separately?  
15 MR. McHALE: Yes.  
16 MR. HOLAHAN: The --  
17 MR. McHALE: Planning module.  
18 MR. HOLAHAN: Sewage module  
19 first?  
20 MS. LAMBERTON: Yes.  
21 MR. HOLAHAN: I'll make a  
22 motion that we approve the sewage facilities  
23 planning module.  
24 MS. LAMBERTON: I will second.  
25 MR. KERRICK: Motion and

17

1 second.  
2 MS. PICKARD: That's Resolution  
3 2013 dash 0127  
4 MR. McHALE: Yes.  
5 MR. KERRICK: Questions or  
6 comments from the board?  
7 Questions or comments from the  
8 public on the motion?  
9 Call the vote. John?  
10 MR. HOLAHAN: I vote in favor.  
11 MR. KERRICK: Anne?  
12 MS. LAMBERTON: I vote in  
13 favor.  
14 MR. KERRICK: Donny?  
15 MR. MOYER: I'll vote in favor.  
16 MR. KERRICK: Heidi?  
17 MS. PICKARD: I'll vote in

18 favor.  
19 MR. KERRICK: Motion carried.  
20 Next item.  
21 MR. ARMSTRONG: Now, the  
22 applicant is also before you for their minor  
23 subdivision plan. I believe the applicant began  
24 discussing the plan with the board before the  
25 planning module. There is a review letter from the

18

1 township engineer dated March 9, 2013.  
2 Is the applicant in agreement  
3 and will comply with all the comments and  
4 requirements set forth in that March 9, 2013 review  
5 letter?  
6 MR. ROCCO CARACCILO: Yes.  
7 MR. ARMSTRONG: Can you just  
8 for the purposes of the board and just my  
9 understanding, the access road, can you describe  
10 what the status of that is?  
11 MR. ROCCO CARACCILO: The  
12 access road off of Long Pond Road, this is where there's  
13 an existing driveway at this time. We show an  
14 access easement because this -- the remaining lands  
15 are landlocked because of a railroad right of way.  
16 So any development of this parcel, when it comes  
17 with land development, we need a finalized access  
18 agreement to be signed and considered by both  
19 parties.  
20 And since this, we do not have a  
21 land development plan at this time, there's no --  
22 we have a note on the plan that since it is  
23 PennDOT, we would have to go to PennDOT for the  
24 access. That would all be addressed at the land  
25 development phase.

19

1 MR. KERRICK: Any other  
2 questions?  
3 MR. ARMSTRONG: Now, that  
4 access drive, that's not going to move, that's  
5 staying where it's --  
6 MR. McHALE: Well, depending on  
7 PennDOT's review it could move.  
8 MR. ROCCO CARACCILO: Because  
9 we don't have a land development, we don't know  
10 what the trips would be. That'll be the next step  
11 as they move forward. When that happens, an ITE  
12 evaluation will have to be done and we'll have to  
13 submit to both the township and to PennDOT. This  
14 is the most suitable place for it, but it may  
15 slide. I would say it may slide further way from  
16 the intersection of 940.  
17 This at this time is just to  
18 show graphically the display that we can provide  
19 the access to the remaining lands. Depending on

20 the development plan there may be, you know, a  
21 different way to get down to that point.  
22 MS. PICKARD: How far is that  
23 from 940?  
24 MR. ROCCO CARACCILO: Right  
25 now it is a little bit over 400 feet from 940.

20

1 MR. ARMSTRONG: So any action  
2 by the board tonight would be not only conditional  
3 upon the March 9, 2013 review letter of the  
4 township engineer, but also conditional upon when  
5 and if that access road is to be revised pursuant  
6 to PennDOT, that the revision be also reviewed and  
7 acceptable to the township.  
8 MR. ROCCO CARACCILO: Yes,  
9 definitely.  
10 MR. ARMSTRONG: That clearly  
11 will probably become a recordable document to, you  
12 know, properly represent that.  
13 MR. ROCCO CARACCILO: Yes.  
14 MR. ARMSTRONG: Declaration of  
15 covenants, restrictions and conditions.  
16 MR. ROCCO CARACCILO: Right.  
17 We agree to that.  
18 MR. ARMSTRONG: Just looking  
19 for a motion?  
20 MR. KERRICK: Yes.  
21 MR. HOLAHAN: So, um --  
22 MR. ARMSTRONG: Would you --  
23 MS. LAMBERTON: Yeah, why don't  
24 you make the motion.  
25 MR. MOYER: Is this just for

21

1 the waiver?  
2 MR. ARMSTRONG: If the board of  
3 supervisors were in a position to entertain a  
4 motion this evening to approve the subdivision plan  
5 of the Lands of Pocono Manor Investors, LP,  
6 proposed minor subdivision, lands formerly of  
7 Ireland subdivision, Project No. 2011 dash 003, the  
8 motion to approve the plan -- would be:  
9 Conditional upon the applicant's  
10 compliance with all the requirements and conditions  
11 set forth in the March 9, 2013 review letter of the  
12 township engineer combined with the applicant  
13 agreeing to and executing any and all agreements  
14 necessary, including a unilateral declaration of  
15 covenants, conditions and restrictions to properly  
16 address and secure the access either as shown on  
17 the plan and/or as revised pursuant to PennDOT  
18 reviews and approvals, only to be subsequently  
19 reviewed and approved by the township.  
20 MR. ROCCO CARACCILO: That was  
21 the two waivers?  
22 MR. MOYER: So moved.

23 MS. LAMBERTON: So moved, he's  
24 not done.  
25 MR. ARMSTRONG: I did neglect

22

1 to include the two waivers, the waivers being from  
2 Sections of the SALDO 135-17.L and M.  
3 MR. KERRICK: Do we have a  
4 motion?  
5 MR. MOYER: So moved.  
6 MR. KERRICK: Donny?  
7 Do we have a second?  
8 MS. LAMBERTON: I'll second.  
9 MR. KERRICK: Questions or  
10 comments from the board?  
11 Questions or comments from the  
12 public on the motion?  
13 Call the vote. John?  
14 MR. HOLAHAN: I vote in favor.  
15 MR. KERRICK: Anne?  
16 MS. LAMBERTON: I vote in  
17 favor.  
18 MR. KERRICK: Donny?  
19 MR. MOYER: I vote in favor.  
20 MR. KERRICK: Heidi?  
21 MS. PICKARD: I vote in favor.  
22 MR. KERRICK: Motion carried.  
23 MR. ROCCO CARACCILO: Thank  
24 you for your time.  
25 MS. LAMBERTON: Thank you.

23

1 MR. KERRICK: Next item, Dollar  
2 General. Anyone here represent Dollar General?  
3 MR. SEAN McDERMOTT: Good  
4 evening. Sean McDermott with Zaremba. We are  
5 developer for Dollar General. We were last in  
6 front of you on November 12 for approval of a lot  
7 line -- I'm sorry, a zoning line adjustment. So we  
8 want to provide a quick refresh here. Got a color  
9 site plan.  
10 So we have been working with the  
11 planning commission since making some minor  
12 modifications, adding some more landscaping,  
13 working on signage, et cetera. We're here before  
14 you tonight asking for conditional final approval.  
15 We did receive the comment letter from Engineer  
16 McHale and we are in agreement with all the  
17 conditions that he is suggesting.  
18 We're here asking for  
19 conditional approval because we need to move the  
20 project forward. We have some outstanding outside  
21 agency permits that we're getting close to  
22 securing. We want to be able to secure our final  
23 land development so that we can then move towards  
24 closing on the property and also securing our

25 PennDOT permit and our NPDES permit.

24

1                   You've been copied on some  
2 recent correspondence between the conservation  
3 district, yourselves and Engineer McHale. And we  
4 feel that we're at a point now, as of Friday, that  
5 we've got our issues resolved with the conservation  
6 district, let's hope that's the case. So we're  
7 hoping that within several weeks we have our NPDES  
8 permit.

9                   We're also hoping that tonight  
10 you can pass a resolution regarding the retimings  
11 of the signal at 940 -- that's Route 940 and 115,  
12 and also discuss our proposed fair share  
13 contribution for the intersection improvements. So  
14 those are four items, if you will. I can walk you  
15 through the site plan if you want, if anybody wants  
16 a quick refresher.

17                   You've got a four-acre parcel,  
18 we're developing the front half, the part that sits  
19 primarily in a commercially zoned portion of the  
20 parcel. The commercial line was moved back to  
21 align with the neighboring church to the east.  
22 That was done in November. We're leaving the rear  
23 portion of the site wooded with the exception of a  
24 swale that we will be cutting through for our  
25 drainage. Now, we will be reducing the outflow to

25

1 go from existing conditions to proposed conditions.  
2 So although we still have to cut in a swale per the  
3 request of the conservation district, downstream  
4 drainage is not impacted by our developer.

5                   We will be sharing an access to  
6 940 with the bank that was originally platted in  
7 that location. We've been working with the bank.  
8 We will also be purchasing a small portion of land  
9 from them and giving them back an easement. We're  
10 also working with the church next door. We will be  
11 securing our emergency access through their  
12 driveway.

13                   That's the big picture. I can  
14 go into as much detail as you care to know. I will  
15 be happy to answer any questions you have.

16                   MS. LAMBERTON: Bob, anything  
17 specific on your comment letter?

18                   MR. McHALE: The only thing I  
19 wanted to highlight was that they originally had  
20 submitted storm water calculations and they had  
21 made revisions to those calculations and  
22 resubmitted them. I believe they've addressed  
23 probably the majority of those comments, if not  
24 all. However, I have not had time to go back in  
25 detail and look through those final calcs.

1                   So subject to a condition upon a  
2 final review of the storm water, the board can move  
3 that along with that as a condition and that's  
4 spelled out in the review letter as well.

5                   MR. SEAN McDERMOTT: Do we need  
6 to discuss the waivers at all, since they're on  
7 here or are they part of the record?

8                   MR. ARMSTRONG: Yes, you will  
9 need to discuss the waivers.

10                  MR. SEAN McDERMOTT: So we  
11 requested several waivers, most of which had to do  
12 with the land development ordinance requiring  
13 utilities, buildings, et cetera, shown within 500  
14 feet. For a small commercial development of this  
15 nature, we didn't feel that it was truly necessary  
16 so we've asked for that waiver -- those waivers  
17 associated with that requirement.

18                  The other waiver was requested  
19 to not show profiles, if you will, of our on-site  
20 storm sewer. We don't have a lot of storm sewer,  
21 it is a private development. So we typically don't  
22 show profiles, so we ask for a waiver from that.

23                  MR. ARMSTRONG: The actual  
24 sections for the waivers at least --

25                  MR. MOYER: 135 dash 17.

1                   MR. ARMSTRONG: According to my  
2 notes is 135-15.A.15, 135 dash 12.D.2 and 135-17.L  
3 and M, as well as Section 124 dash 86.B.17.H of the  
4 Township Code of Ordinances.

5                   MR. McHALE: Now, the waivers  
6 are indicated on the drawing.

7                   MR. ARMSTRONG: The applicant  
8 did bring up the issue of the fair share  
9 contribution in lieu of trafficking permits at 115  
10 and 940. I believe the board has the  
11 correspondence from October 12, 2012 from L&V  
12 Engineering. There is an amount discussed in that  
13 letter of \$7,818. It's my understanding that the  
14 township engineer is going to be reviewing that to  
15 see if he agrees with that amount.

16                  L&V Engineering is the  
17 consultant representing the applicant in this plan.

18                  MR. KERRICK: That dollar  
19 amount is for the improvement, the future  
20 improvement?

21                  MR. ARMSTRONG: Fair share  
22 contribution in lieu thereof.

23                  MR. KERRICK: But it's not --  
24 that doesn't include the retiming?

25                  MR. McHALE: Correct.

1                   MR. SEAN McDERMOTT: Retiming



2 is separate.

3 MR. KERRICK: Retiming is paid

4 for separately.

5 MS. PICKARD: I just have a

6 question, Bob, on the lighting, there was initially

7 a concern on the -- county planning commission was

8 resolved, but the planning commission, I didn't see

9 anything on that, with the spillover.

10 MR. McHALE: There is no issue

11 at this point. They've modified the lighting.

12 MS. PICKARD: Just then the

13 sewage, is that just one EDU on this?

14 MR. McHALE: Yes.

15 MR. ARMSTRONG: So I'm not sure

16 if Bob's in a position to agree with the \$7,818

17 amount tonight, but if after reviewing the planning

18 and discussing it further this evening, the board

19 could always condition their approval on having

20 that amount to be reviewed and agreed to by the

21 township engineer subsequent to this evening.

22 MS. LAMBERTON: Is that your

23 motion?

24 MR. ARMSTRONG: No, not yet.

25 MS. LAMBERTON: That sounds

29

1 fair.

2 MR. ARMSTRONG: Since the

3 applicant also brought it up, there will be a need

4 to apply for and move forward with retiming at the

5 traffic light.

6 The applicant is agreeable to

7 entering into any agreement that would be required

8 for purposes of funding and reviewing that

9 application and the work associated therewith?

10 MR. SEAN McDERMOTT: Yes. The

11 application is actually -- the retiming is already

12 approved by PennDOT, but if there's any additional

13 review by the township, we'll cooperate.

14 MR. ARMSTRONG: Now, there is a

15 review letter from the township engineer dated

16 March 9, 2013, the applicant has reviewed that?

17 MR. SEAN McDERMOTT: We have

18 and we are accepting of all conditions and

19 comments.

20 MR. ARMSTRONG: You understand

21 that the township engineer has not fully reviewed

22 the storm water maintenance plan completely thus

23 far? It's my understanding that there's still

24 potential revisions to the storm water?

25 MR. SEAN McDERMOTT: Depending

30

1 upon the review of the conservation district, yes.

2 MR. ARMSTRONG: So any action

3 by the board tonight would need to be conditional

4 upon the township engineer reviewing and finding

5 the storm water management aspect of the plan  
6 acceptable pursuant to the township ordinances as  
7 well.  
8 And the applicant's agreeable to  
9 that?  
10 MR. SEAN McDERMOTT: Yes.  
11 MR. KERRICK: What's the  
12 board's pleasure?  
13 MS. LAMBERTON: I'd like to  
14 make a motion, but Patrick's going to have to do  
15 it, just so we cover all of the issues.  
16 MR. HOLAHAN: Are we going to  
17 take this all at once? Are you going do --  
18 MR. ARMSTRONG: There is going  
19 to be -- the township will need to submit the  
20 application for the retiming of the traffic signal.  
21 That can be a separate -- can and should be a  
22 separate motion.  
23 MS. LAMBERTON: Okay.  
24 MR. ARMSTRONG: So what we can  
25 do is, so long as the applicant's agreeable to

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1 entering into any necessary agreements in order to,  
2 you know, ensure that the township's not going to  
3 be footing the bill for the application of the work  
4 associated therewith, we can move forward with the  
5 -- if the board deems appropriate, move forward  
6 with the motion related to the actual land  
7 development plan before.  
8 MR. SEAN McDERMOTT: We are in  
9 agreement.  
10 MR. ARMSTRONG: With that being  
11 said, if the board were to entertain a motion this  
12 evening to approve the Dollar General Zaremba Group  
13 land development plan and lot line adjustment plan,  
14 Project 2012 dash 005, it would be conditional  
15 upon:  
16 The applicant complying with the  
17 requirements and conditions set forth in the March  
18 9, 2013 township engineer review letter; as well as  
19 agreeing to a fair share contribution in lieu of  
20 the traffic improvements needed at the intersection  
21 of 115 and 940 in an amount acceptable to the  
22 township engineer; as well as conditional upon the  
23 applicant submitting revised and final subdivision  
24 or storm water --  
25 MR. SEAN McDERMOTT: Storm

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1 water.  
2 MR. ARMSTRONG: -- management  
3 plans for the township engineer's review and  
4 approval subsequent to this evening; as well as the  
5 applicant agreeing to enter into any and all  
6 agreements necessary to ensure the applicant will

7 fund the application for the traffic signal of  
8 retiming at 115 and 940; as well as the work  
9 associated therewith; and comply with any and all  
10 additional requirements of the Township of  
11 Tobyhanna Code of Ordinances, Monroe County and the  
12 State of Pennsylvania requirements.

13 MR. KERRICK: Can you do the  
14 waivers?

15 MR. ARMSTRONG: It'll also be  
16 conditional upon the applicant agreeing to  
17 executing and recording the appropriate development  
18 agreement and financial securities as with any  
19 other plan before this board. And --

20 MR. HOLAHAN: Granting the  
21 waivers.

22 MR. ARMSTRONG: -- the waivers  
23 as earlier discussed are Sections 135-15.A.15,  
24 135-12.D.2, 135-017.L and M and Section 124 dash  
25 86.B.17.H of the Township of Tobyhanna Code of

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1 Ordinances.

2 Before, if that motion is to be  
3 made by the board of supervisors, the applicant did  
4 hand some plans up this evening.

5 Is there a latest revised date  
6 for the plan?

7 MR. SEAN McDERMOTT: No. Those  
8 are basically dictorial. There is a date on the  
9 bottom of the color --

10 MS. LAMBERTON: 10/26.

11 MR. SEAN McDERMOTT: October  
12 26.

13 MR. ARMSTRONG: I think there  
14 have been revisions since that date.

15 MR. SEAN McDERMOTT: There  
16 have.

17 MR. ARMSTRONG: These are  
18 conceptuls, I think.

19 MR. McDERMOTT: It's an aide.

20 MR. KERRICK: Make that a  
21 motion?

22 MS. LAMBERTON: So moved.

23 MR. KERRICK: You good? You  
24 finished?

25 MR. ARMSTRONG: I do have -- we

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1 didn't talk about it, there is a low level -- a low  
2 lying monumental type sign plan that was previously  
3 submitted dated 6/19/09, is that still the monument  
4 type sign proposed by the applicant?

5 MR. SEAN McDERMOTT: It is.

6 MR. KERRICK: Anything else?

7 MR. ARMSTRONG: That's all I  
8 have.

9 MR. KERRICK: Thanks.

10                   We have a motion, do we have a  
11 second?  
12                   MR. HOLAHAN: Second.  
13                   MR. KERRICK: Questions or  
14 comments from the board on the motion?  
15                   Questions or comments from the  
16 public on the motion?  
17                   Troy?  
18                   MR. TROY COUNTERMAN: When  
19 they're coming out of the bank parking lot, I'm  
20 assuming, Bob, they're still sharing the bank  
21 entrance coming out?  
22                   MR. McHALE: Yes.  
23                   MR. TROY COUNTERMAN: Are those  
24 trees to the east, are they going to be trimmed  
25 back so you can see?

35

1                   MR. McHALE: Yes.  
2                   MR. TROY COUNTERMAN: There's  
3 trees that stick out there now that are kind of  
4 hard to look around.  
5                   MR. McHALE: They'll be removed  
6 and there's also going to be right turn decel lane  
7 that PennDOT has required as part of the HOP that  
8 will be going in.  
9                   MR. KERRICK: Any other  
10 questions or comments?  
11                   Call the vote. John?  
12                   MR. HOLAHAN: I vote in favor.  
13                   MR. KERRICK: Anne?  
14                   MS. LAMBERTON: I vote in  
15 favor.  
16                   MR. KERRICK: Donny?  
17                   MR. MOYER: I'll vote in favor.  
18                   MR. KERRICK: Heidi?  
19                   MS. PICKARD: Vote in favor.  
20                   MR. KERRICK: Motion carried.  
21                   MR. SEAN McDERMOTT: Thank you.  
22                   MR. KERRICK: Thank you.  
23                   Next item on our agenda, Thomas  
24 Darling Preserve signage. Anyone here from Thomas  
25 Darling?

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1                   Mr. Cook?  
2                   MR. BUDD COOK: Budd Cook,  
3 Pocono Lake for Blakeslee. I'm with the  
4 conservancy. I'm with the Nature Conservancy and  
5 I'm here for two reasons. One is to talk to you  
6 about our -- well, talking about the Thomas Darling  
7 Preserve which is one of the most significant  
8 wetlands systems in Pennsylvania. It's located  
9 west of Locust Ridge Road, north of 940, south of  
10 the Lehigh River and east of Route 115.  
11                   The preserve is about 2,500

12 acres. Acquisition by the conservancy started  
13 there in 1991 and has proceeded over the past 20  
14 years or so in cooperation with the township and  
15 Wildlands Conservancy, a regional land trust based  
16 in the Lehigh Valley. The township owns 134 acres  
17 and has a management agreement with the Nature  
18 Conservancy, which was signed probably about 15  
19 years ago.  
20 Wildlands Conservancy also has a  
21 management agreement with the Nature Conservancy.  
22 So the Nature Conservancy manages the preserve even  
23 though there are various ownerships. We have  
24 aspired for a number of years to improve access to  
25 the preserve. The preserve has been open to the

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1 public for many years, but access has been  
2 problematic.  
3 We applied several years ago to  
4 DCNR for a grant to create a trail head and a  
5 nature trail off of the end of Burger Road where we  
6 had acquired some property. The township  
7 graciously agreed to endorse that grant  
8 application, which I think we submitted four years  
9 ago. We were turned down by DCNR so we have been  
10 beating the bushes for private funding ever since.  
11 We now have the funding, we have all the permits  
12 for that trail, which is a little over -- it's a  
13 circular -- what do you call it?  
14 MR. McHALE: Loop.  
15 MR. BUDD COOK: -- it's a loop,  
16 a loop. We have the funding, we have all the  
17 permits. Part of the trail is a plank trail and  
18 part of it is a boardwalk and then part of it is  
19 gravel and part of it is on terra firma, just a  
20 dirt -- an existing dirt trail. Most of the trail  
21 is on Nature Conservancy owned property. Some of  
22 it is on neighboring property and we've already  
23 signed a nominal lease agreement with that  
24 landowner.  
25 We expect to finish the work

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1 within the next couple of months and have a  
2 dedication sometime midsummer to which you all  
3 would be invited. Any questions about the trail?  
4 It's off the end kind of -- kind of right where the  
5 pavement on Burger Road ends.  
6 Any questions about that before  
7 I go to No. 27  
8 MS. PICKARD: Where does the  
9 loop go? Can you -- is it a couple miles or two  
10 mile run?  
11 MR. BUDD COOK: It's a little  
12 over, it's about 5400 feet. And it starts -- the  
13 yellow line is Nature Conservancy property so the  
14 trail starts here on Burger Road, and what's red

15 stand for? It's hard to read.  
16 MS. PICKARD: Adjacent property  
17 boundary, um, proposed trail is the dots.  
18 MR. BUDD COOK: Okay. So  
19 that's the proposed trail. And then the blue is  
20 boardwalk?  
21 MS. PICKARD: Proposed  
22 boardwalk.  
23 MR. BUDD COOK: And then this  
24 is more trail and then it loops around.  
25 MR. MOYER: What's yellow, the

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1 plank?  
2 MR. BUDD COOK: And this is the  
3 plank.  
4 MR. PICKARD: The plank, orange  
5 is plank.  
6 MR. BUDD COOK: Then we follow  
7 our property line here and then loop around here on  
8 the Kiss Corporation property.  
9 MR. MOYER: Is there any  
10 existing trail there now?  
11 MR. BUDD COOK: Yeah. A good  
12 bit of the upland -- the upland segments of the  
13 trail are existing. The wetland are not and we're  
14 building boardwalk and plank.  
15 The trail will be marked with  
16 interpretative signage. There will be a kiosk at  
17 the trail head with interpretive material and there  
18 will be parking for eight to ten cars. There  
19 actually, I think, already is. There's a school  
20 bus turnaround on that trail head property, which  
21 is rough stone. We'll be putting finer gravel on  
22 top of that.  
23 MS. LAMBERTON: How can we help  
24 you?  
25 MR. HOLAHAN: Well, that's just

40

1 the one thing. Now you're --  
2 MR. MOYER: He's not done.  
3 MR. BUDD COOK: Yeah, I'm just  
4 letting you know.  
5 MS. LAMBERTON: Oh, okay. Just  
6 wondering where it was going.  
7 MR. HOLAHAN: We're waiting for  
8 him to ask for money.  
9 MR. MOYER: That's Project 1.  
10 MS. LAMBERTON: Just thought  
11 I'd ask.  
12 MR. BUDD COOK: I'm not going  
13 to ask you for money.  
14 MS. LAMBERTON: Really?  
15 MR. BUDD COOK: The second item  
16 is that -- this also has to do with improving

17 public access to the property -- is that there --  
18 you can see from that colored parcel, the ownership  
19 map, that there is some frontage on the Caughbaugh  
20 Road and the purple parcel is owned by the  
21 township.  
22                   The Caughbaugh Road frontage had  
23 been marked with like boundary marker signs maybe  
24 this big. Many of this was in the '90s, many of  
25 them have disappeared over the years. We would

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1 like to put a bigger sign, say, three by four feet  
2 at a point on the township road frontage that says  
3 the township owns the property, it's open to the  
4 public, for further information, and then put the  
5 Nature Conservancy's website there.  
6                   It's open to public hunting, but  
7 people often contact us for details about hunting  
8 access and this would be a way to provide it. The  
9 location we're suggesting is pretty much right  
10 across the Caughbaugh Road from the one in-holding  
11 in the property which is owned by Jim Millington  
12 (phonetic) and Dean Ruppel (phonetic), they have a  
13 house there, a funky three-story house.  
14                   I think it burned down maybe ten  
15 years ago and they rebuilt it. I think they're now  
16 on the grid, last I heard. There is a rough trail  
17 across the road from their house, so seems to me  
18 that would be a good place to put the sign.  
19 There'd be an opportunity to improve that trail  
20 over time, but in the meantime, for rough hiking  
21 and hunting access, that would serve the purpose.  
22                   Also anything we do there, the  
23 fact that it's across the road from a house means  
24 that there's more security for signage and trail  
25 maintenance. If we end up being able to park a

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1 couple of cars there in the future, there's just  
2 more security if there are eyes across the road  
3 looking at the site. Now, that's not the only  
4 place that the sign could be put, but that's one  
5 that I think would be the best.  
6                   MS. PICKARD: You said there  
7 were some pull-off spots there or --  
8                   MR. BUDD COOK: There are.  
9 Now, I haven't been on the road for a while and I  
10 know there's more truck traffic on the road. We  
11 had cleared that spot a number of years ago just as  
12 a -- you know, it's a grassy spot. We just cleared  
13 it so people could pull over, but I don't know what  
14 the condition of it is right now. We can certainly  
15 do that again.  
16                   MR. KERRICK: Are you looking  
17 for us for permission for the signage?  
18                   MR. BUDD COOK: We would like  
19 to reach a consensus with the township that that is

20 the best place for a sign, it would be about three  
21 feet by four feet. And, you know, if you, John, or  
22 Bob, think that hey, that's -- there's a problem  
23 there and it should go somewhere else, then, you  
24 know, we're open to that too. We'd rather not do  
25 it without an on-site consultation with the

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1 township.  
2 MR. KERRICK: What's the  
3 board's pleasure?  
4 MS. LAMBERTON: Do you know if  
5 we have any ordinance or anything, a sign ordinance  
6 that --  
7 MS. HAASE: Yeah. Mr. Cook  
8 would have to submit to my office, also the  
9 building code official, the kiosk, the proposed  
10 signage to make certain he's compliant with the  
11 ordinance and certainly the erection of a sign has  
12 to meet the State Code.  
13 MS. PICKARD: But you have to  
14 find a location first before?  
15 MR. KERRICK: We can do that.  
16 MS. LAMBERTON: Why not you and  
17 Bob go and view the property and find the best  
18 location that would work with what your needs are?  
19 MR. KERRICK: Okay.  
20 MS. LAMBERTON: I'm fine -- I'm  
21 fine with that.  
22 MR. KERRICK: We'll take a look  
23 and be in contact with you.  
24 MR. BUDD COOK: Thank you very  
25 much.

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1 MR. KERRICK: Thank you.  
2 MS. PICKARD: Thank you for the  
3 update.  
4 MR. KERRICK: Next item on our  
5 agenda is Wilkes-Barre Eastern Trail Greenway  
6 feasibility study.  
7 MS. LAMBERTON: She was unable  
8 to attend this evening, she asked to be rescheduled  
9 for our work session.  
10 MR. KERRICK: Reschedule for  
11 the work session?  
12 MS. LAMBERTON: Yes, please.  
13 MR. KERRICK: Next item on our  
14 agenda, consider Resolution 2013 dash 012, tobacco  
15 free policy.  
16 What's the board's pleasure?  
17 MR. HOLAHAN: John, what's the  
18 resolution number again, John?  
19 MR. KERRICK: 2013 dash 010.  
20 MR. HOLAHAN: I make a motion  
21 that we approve Resolution 2013 dash 010 on the



22 tobacco free policy.  
23 MS. LAMBERTON: I will second.  
24 MR. KERRICK: Do we want to  
25 identify the areas at the emergency services

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1 building in your motion that we did at the work  
2 session?  
3 MS. PICKARD: No. 4 on the  
4 motion says the only exception to this tobacco free  
5 policy shall be in certain areas that are  
6 specifically designated, identified and authorized  
7 by the township in writing. So that would be my  
8 question also. I don't know if Eddie's here, I  
9 thought he was going to --  
10 MR. KERRICK: Well, we looked  
11 at that at the work session and --  
12 MS. PICKARD: Yeah, Eddie's back  
13 there.  
14 MR. KERRICK: I don't see him.  
15 MS. PICKARD: Well, he's short.  
16 MR. KERRICK: There he is.  
17 MS. PICKARD: So is everybody  
18 in consensus with the location that he said at the  
19 end of the building by the berm?  
20 MR. KERRICK: Absolutely.  
21 MR. MOYER: Where do they keep  
22 the gas cans?  
23 MR. ED TUTRONE: I was supposed  
24 to get together with Bob and go over the area and  
25 what we're gonna put there, but I didn't get a

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1 chance to do that yet.  
2 MR. HOLAHAN: Pretty sure those  
3 guys could work that out.  
4 MR. KERRICK: Absolutely.  
5 MR. HOLAHAN: I think the  
6 resolution, the way we've got it stated here, is  
7 sufficient.  
8 MR. KERRICK: Any other  
9 questions from the board?  
10 Questions from the public?  
11 Call the vote. John?  
12 MR. HOLAHAN: I vote in favor.  
13 MR. KERRICK: Anne?  
14 MS. LAMBERTON: I vote in  
15 favor.  
16 MR. KERRICK: Donny?  
17 MR. MOYER: I vote in favor.  
18 MR. KERRICK: Heidi?  
19 MS. PICKARD: I'll vote in  
20 favor.  
21 MR. KERRICK: Motion carried.  
22 Next item, consider Resolution  
23 2013 dash 011, it'd be the authorization to submit  
24 PennDOT application for traffic signal approval

25 Route 940 and 115 in conjunction with Dollar

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1 General.  
2 MR. HOLAHAN: So that was not  
3 part of our Dollar General --  
4 MS. LAMBERTON: Didn't we  
5 already do that?  
6 MR. ARMSTRONG: It was not,  
7 this is separate.  
8 MR. KERRICK: No, it was not.  
9 MR. MOYER: This is different.  
10 MS. LAMBERTON: A separate  
11 resolution.  
12 MR. ARMSTRONG: This is  
13 authorizing the township to proceed with submitting  
14 that application to PennDOT for the retiming.  
15 MR. McHALE: The applicant  
16 agreed to do the retiming at their cost. This is  
17 just to authorize the signature of the application  
18 to go into PennDOT.  
19 MS. PICKARD: I'll make a  
20 motion we approve Resolution 2013 dash 011.  
21 MS. LAMBERTON: I'll second.  
22 MR. KERRICK: Motion and  
23 second.  
24 Questions or comments from the  
25 board?

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1 Questions or comments from the  
2 public?  
3 Call the vote. John?  
4 MR. HOLAHAN: I vote in favor.  
5 MR. KERRICK: Anne?  
6 MS. LAMBERTON: I vote in favor.  
7 MR. KERRICK: Donny?  
8 MR. MOYER: I vote in favor.  
9 MR. KERRICK: Heidi?  
10 MS. PICKARD: I vote in favor.  
11 MR. KERRICK: Motion carried.  
12 We already did 2012.  
13 Do we have anything else from  
14 the board?  
15 MS. PICKARD: I did have one  
16 thing I wanted to bring up and we can discuss it  
17 further at our work session, but I had a meeting  
18 with our healthcare management and it looks like  
19 we're going to more than likely get some money  
20 back. So this is just a preliminary number that  
21 hasn't been worked out, but it should pretty much  
22 hold. I did give Bob a copy of that.  
23 So if we could think about this  
24 I'd like to suggest -- I know some of the other  
25 municipalities put this in a fund to offset the

1 increases that we have down the road and also  
 2 propose like maybe putting 10 percent back into a  
 3 wellness plan or wellness benefits for the  
 4 employees to encourage them to be healthy.  
 5 MR. HOLAHAN: I think it's a  
 6 good idea.  
 7 MS. PICKARD: Keep our costs  
 8 down.  
 9 MR. HOLAHAN: I'd like to  
 10 pursue that.  
 11 MS. LAMBERTON: I'm fine with  
 12 that as well, I think that's a good idea, save the  
 13 money for next year.  
 14 MR. MOYER: It was a good  
 15 chunk.  
 16 MS. PICKARD: That was really  
 17 nice. I was kind of convoluted in this with our  
 18 cross share, we're in the small group, but -- you  
 19 know, because we had the cross share twice.  
 20 MR. MOYER: It was a good  
 21 chunk.  
 22 MS. PICKARD: What's that?  
 23 MR. MOYER: I said, it's a good  
 24 chunk.  
 25 MS. PICKARD: Yeah, yeah.

1 Really good chunk, so that was nice.  
 2 That's all.  
 3 MR. KERRICK: We have a little  
 4 something for Bob McHale. There's a plaque I'd  
 5 like to read: National Engineer's Week February  
 6 2013, presented to Robert McHale in recognition of  
 7 his outstanding service and dedication to Tobyhanna  
 8 Township by the Tobyhanna Township Supervisors.  
 9 (Audience applauds.)  
 10 MR. KERRICK: Anyone from the  
 11 board have anything else?  
 12 MS. LAMBERTON: Does Bob have a  
 13 few words?  
 14 MR. KERRICK: Anyone from the  
 15 public?  
 16 Yes, sir?  
 17 MR. TROY COUNTERMAN: I have  
 18 two questions real quick. Do you guys as members  
 19 of the board have a policy or resolution in place  
 20 allowing you guys to commission work, to have it  
 21 done, without bringing it to the board for  
 22 discussion or vote?  
 23 MR. ARMSTRONG: Just identify  
 24 yourself for the purposes of the record.  
 25 MR. TROY COUNTERMAN: Troy

1 Counterman.

2 MR. ARMSTRONG: I know you,  
3 but --  
4 MR. TROY COUNTERMAN: Not a  
5 problem.  
6 MR. KERRICK: What was your  
7 question?  
8 MR. TROY COUNTERMAN: Do you  
9 have a policy or resolution in place that allows  
10 any one of you commission members to commission  
11 work to be done without bringing it here for  
12 approval or vote?  
13 MR. KERRICK: I don't think we  
14 have a resolution or a policy.  
15 MR. TROY COUNTERMAN: Okay.  
16 Thanks.  
17 And then my second question is,  
18 in the awarded machine and labor rental bid, I  
19 noticed through the prevailing wage and  
20 nonprevailing wage, the rates are exactly the same,  
21 is there a reason for that.  
22 MR. KERRICK: I'd have to ask  
23 the contractor that.  
24 MR. McHALE: That's how the bid  
25 was received.

52

1 MR. KERRICK: Any other  
2 questions from the public?  
3 We're adjourned. Thank you for  
4 attending.  
5 (Meeting concluded at 7:55 p.m.)  
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I hereby certify that the  
proceedings and evidence are contained fully and  
accurately, to the best of my ability, in the notes  
taken by me at the meeting in the above matter; and  
that the foregoing is a true and correct transcript  
of the same.

TARA WILSON, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

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In Re: Regular Business Meeting

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

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

---

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

2

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

3 (Pledge of allegiance was  
4 recited.)

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

7 Do you have any, Heidi?

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

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

14 What's the board's pleasure?

15 MS. PICKARD: I had a couple

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

18 MR. KERRICK: Line 21?

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

25 With that, I'll make a motion

3

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

4 MR. KERRICK: With corrections?

5 MS. PICKARD: With the  
6 corrections.

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

9 MS. LAMBERTON: Second.

10 MR. KERRICK: Questions or



11 comments from the board?

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

14 MS. LAMBERTON: Oh, the  
15 minutes.

16 MR. KERRICK: The minutes.

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

19 MR. KERRICK: Just a couple  
20 corrections.

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

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

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

4

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I'll vote in

10 favor.

11 MR. KERRICK: I'll vote in

12 favor. Motion carried.

13 Next item on our agenda,

14 consider the bill pack dated February 11, 2013,

15 total amount for board approval \$492,243.81.

16 What's the board's pleasure?

17 MR. HOLAHAN: I'll make a

18 motion that we approve the bill pack for

19 \$492,243.81.

20 MR. KERRICK: Do we have a

21 second?

22 MR. MOYER: I'll second.

23 MR. KERRICK: Questions or

24 comments from the board on the motion?

25 Questions from the public?

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

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll abstain.

7 MR. KERRICK: Donny?

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

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

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

13 Next item, solicitor's report.

14 MR. ARMSTRONG: Thank you, Mr.

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

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

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

18 before the meeting this evening with respect to the

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

20 potential revisions needed for those sections.

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

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

6

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

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

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

10                    MS. LAMBERTON:    Okay.

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

13                    MS. LAMBERTON:    Okay.

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

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

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

7

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

4 MR. KERRICK: That would be  
5 Phyllis?

6 MR. ARMSTRONG: Yes.

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

9 MR. ARMSTRONG: Perfect.

10 That's all I have. Thank you.

11 MR. KERRICK: Thank you.

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

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

16 What's the board's pleasure?

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

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

21 MR. MOYER: Second.

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

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

8

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I vote in  
5 favor.

6 MR. KERRICK: Donald?

7 MR. MOYER: I vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

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

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

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

17 MS. LAMBERTON: I will second.

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

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

22 MR. KERRICK: Motion and  
23 second.

24 Any questions or comments from  
25 the board?

9

1 Questions from the public?

2 Call the vote. John?

3 MR. HOLAHAN: I vote in favor.

4 MR. KERRICK: Anne?

5 MS. LAMBERTON: I vote in  
6 favor.

7 MR. KERRICK: Donald?

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

9 MR. KERRICK: Heidi?

10 MS. PICKARD: I vote in favor.

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

13 Kalahari we can table?

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

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

23 MR. KERRICK: Entertain a  
24 motion?

25 MS. PICKARD: So moved.



1 MR. MOYER: Second.

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

4 MR. MOYER: Yes.

5 MR. KERRICK: Motion and  
6 second.

7 Questions or comments from the  
8 board?

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

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

16 MR. HOLAHAN: Okay.

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

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

21 MR. ARMSTRONG: From the date

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

11

1 public notice will be provided.

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

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

8 MS. PICKARD: Yeah.

9 MS. PICKARD: Donald, your  
10 second?

11 MR. MOYER: I amend my second.

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

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.  
19 MR. KERRICK: Donald?  
20 MR. MOYER: I vote in favor.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.  
25 Next item on our agenda,

12

1 consider tobacco free premise policy.  
2 MR. HOLAHAN: I'll make a  
3 motion that we adopt the tobacco free premise  
4 policy.  
5 MS. LAMBERTON: I will second  
6 it.  
7 MR. KERRICK: Motion and  
8 second.  
9 Questions from the board?  
10 MR. HOLAHAN: Yes. We have --  
11 it was no smoking of tobacco products. I believe

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

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

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

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

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

13

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

3 MR. HOLAHAN: Okay.

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

7 MR. HOLAHAN: Okay.

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

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

14 MS. HAASE: That is correct.

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

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

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

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

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

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

17                    MR. HOLAHAN: I believe --

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

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

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

15

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

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

16 MR. KERRICK: Thank you.

17 Any other questions?

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

20 parks, but I don't support it for the EMS building.  
21 And we do have, you know, 60 employees nearly at  
22 the ambulance and many of them do smoke and are  
23 there 24/7. They're not employees of the township,  
24 they're not exactly visitors and I don't want to  
25 put those people in a position where it becomes a

16

1 problem, but they are living there and working  
2 24/7. And they do do a stressful job for very  
3 little money.

4 And then we have our volunteers  
5 at the fire company also that are, you know, taking  
6 their time away from their family. And I think it  
7 would be appropriate, especially at the emergency  
8 services building, to have a designated area.

9 MR. HOLAHAN: Then that brings  
10 the question of, if we're talking, we have a --  
11 this would pertain to employees because of an  
12 employee manual, but volunteers would not be  
13 covered by this?

14 MS. HAASE: Pat probably could



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

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

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

24 MR. ARMSTRONG: Right.

25 MS. PICKARD: But we don't have

17

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

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

10 MS. PICKARD: I'm just saying  
11 because if they're there 24/7 and some of them live  
12 and sleep there, it's just a little bit more  
13 difficult. They can't leave their ambulance and  
14 take a ride down the street. They have to be with  
15 their vehicle. It's just a little bit more --  
16 MS. LAMBERTON: I respect that.  
17 We're making it healthier for them.  
18 MS. PICKARD: Well --  
19 MS. LAMBERTON: Right?  
20 MS. PICKARD: Well, I don't  
21 know that that's necessarily our role.  
22 MR. HOLAHAN: Well, I think I'm  
23 still in favor of it. I think it's a start, I  
24 think it's a start.  
25 MS. LAMBERTON: The police

18

1 department, John, correct me if I'm wrong, didn't  
2 they enforce it?  
3 MR. KERRICK: Yes. At the  
4 station.

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

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

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

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

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

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

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

20 MR. KERRICK: Anyone from the  
21 public?

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

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

1 MS. DENISE DOREMUS: Oh, sorry.

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

4 MS. LAMBERTON: She doesn't.

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

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

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

20

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

9 Thanks.

10 MR. KERRICK: Thank you.

11 Ed?

12 MR. ED TUTRONE: Ed Tutrone.

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

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

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

21

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

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

10 MR. KERRICK: Thank you.

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

13 MS. PICKARD: You got another  
14 one.

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

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

22

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

7 If Jimmy or John or Betty wants

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

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

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

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

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

23

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



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

5 MS. LAMBERTON: I second.

6 MR. KERRICK: Motion and  
7 second?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in  
12 favor.

13 MR. KERRICK: Donald?

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

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

19 MR. MOYER: Right. Okay.

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

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

25 What's the board's pleasure on a

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

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

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

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

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

12 MR. KERRICK: Okay.

13 Yes, sir?

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

21 granted that.

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

25

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

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

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

16 MR. HOLAHAN: Next to the  
17 dumpster, that sounds good.  
18 MS. LAMBERTON: Bring something  
19 to us, that way you have an option.  
20 MR. HOLAHAN: But for now we  
21 have a policy.  
22 MS. LAMBERTON: Yes.  
23 MR. KERRICK: Anything else  
24 from the board?  
25 Anything else from the public on

26

1 the mo -- or for public comment? Pardon me.  
2 MR. BRAD GRAHAM: We're done  
3 with that, we're on public comment now?  
4 MR. KERRICK: Yes, sir.  
5 MR. BRAD GRAHAM: Just one  
6 thing. Brad Graham, G-R-A-H-A-M, again. Probably  
7 put this towards Phyllis.  
8 We have a wonderful tag on the  
9 website that takes us to Blakeslee, Blakeslee  
10 Village in the corner. I think we need to get

11 something started immediately for Kalahari and  
12 Pocono Manor because this is the biggest thing  
13 that's happened in Tobyhanna Township since it's  
14 been here.

And there's a lot of money and  
there needs to be a lot of input. And it's going  
to be great to be able to keep everybody up-to-date  
on what's going on because you're going to need  
people on your side. I'm sure Kalahari wants  
people on their side and so does Pocono Manor. And  
the more information that they have, the better  
it's going to be.

23                                So I'm just suggesting if they  
24       could put a tab or something to a website and keep  
25       everybody up-to-date. Even like the earlier

27

1 meeting today of what happened before this meeting,  
2 all that information. That's all I have to say.

3 Thanks.

4 MS. PICKARD: Thank you.

5 MR. KERRICK: I'm sorry, did

6     you have something to say?

7                             Anyone else from the public?

8                             We'll stand adjourned. Thank

9     you for attending.

10                            (Meeting concluded at 7:24 p.m.)

11                            ---

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I hereby certify that the

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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

TARA FIGUCCIO, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting/Work Session

---

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

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ROBERT J. McHALE, Township Engineer

---

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

2

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

5 MR. MOYER: Yeah.

6 MR. HOLAHAN: Yeah.

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

11 What's the board's pleasure?

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

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

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

3

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

11 favor. Motion carried.

12 Next item on our agenda,

13 consider the treasurer report bill pack dated --

14 MS. PICKARD: Today, January 7.

15 MR. KERRICK: -- January 7,

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

17 Bills are up front in the boxes

18 if anybody cares to take a look.

19 MS. PICKARD: I'll make that

20 motion.

21 MR. HOLAHAN: I'll second.

22 MR. KERRICK: Motion and second

23 on the floor.

24 Any questions or comments from

25 the board?

4

1 Questions or comments from the

2 public on the motion?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in  
7 favor.

8 MR. KERRICK: Donny?

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

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

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

14 Solicitor's report.

15 MR. ARMSTRONG: Thank you, Mr.  
16 Chairman. Two items under my report. One is, as  
17 you're aware, Arcadia and New Ventures Park, Lots  
18 100 and 110, they have a pending preliminary  
19 approval before this board. They are in the  
20 process of attempting to proceed with their PennDOT  
21 HOP application.

22 And in doing so, you're aware  
23 their engineer is going to be submitting the  
24 submission to PennDOT on behalf of the township  
25 because the township is the permittee and what we

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

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

12 MR. McHALE: Yes.

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

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

20 MR. ARMSTRONG: Yes.

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

24 MR. ARMSTRONG: Yep.

25 MR. HOLAHAN: Yes.

6

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

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

9 MS. PICKARD: I'll second it.

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

17 MR. McHALE: They basically --

18 MR. KERRICK: I just want to

19 understand.

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

7

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

3 MR. ARMSTRONG: This is just --

4 MR. KERRICK: This is just a --

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

7 MR. McHALE: In electronic  
8 form.

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



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

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

20 MR. McHALE: Yes.

21 MR KERRICK: -- with land  
22 development.

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

25 MR. McHALE: For the traffic

8

1 signals.

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

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

7 MR. KERRICK: Any other  
8 questions?

9 Questions from the public on the  
10 motion?  
11 Call the vote. John?  
12 MR. HOLAHAN: I vote in favor.  
13 MR. KERRICK: Anne?  
14 MR. LAMBERTON: I vote in  
15 favor.  
16 MR. KERRICK: Donny?  
17 MR. MOYER: I vote in favor.  
18 MR. KERRICK: Heidi?  
19 MS. PICKARD: I vote in favor.  
20 MR. KERRICK: I'll vote in  
21 favor. Motion carried.  
22 Next item.  
23 MR. ARMSTRONG: The other item,  
24 I don't know how much you want to discuss it, but  
25 the Venezia land development, I don't know if you

9

1 all recall it, it's been a -- it's been a number of  
2 years. It's -- their proposal was to construct a  
3 parking lot storage facility. And as of last

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

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

17 MR. McHALE: Actually --

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

20 MR. McHALE: From Phyllis?

21 MR. ARMSTRONG: Yes.

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

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

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

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

14 MR. McHALE: Pardon?

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

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

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

22 is just --

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

25 MS. LAMBERTON: I thought it

11

1 was for future pave, I'm sorry.

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

4 MS. LAMBERTON: Okay.

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

8 MR. ARMSTRONG: Okay. So --

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

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

15 MR. McHALE: Yes.

16 MR. ARMSTRONG: For the

17 improvements on the property, right?

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

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

12

1 MR. McHALE: Correct.

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

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

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

11 MR. McHALE: Well, the number

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

13 MR. HOLAHAN: Right.

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

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

25 MR. ARMSTRONG: That would be

13

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

3 MR. McHALE: Correct.

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

6 MR. HOLAHAN: For a permit,

7 185.

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

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

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

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



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

4 MR. McHALE: Okay.

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

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

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

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

17 MS. HAASE: Change of use.

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

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

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

24 MR. KERRICK: As long as they

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

15

1 MR. McHALE: Correct.

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

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

6 MR. HOLAHAN: I like it.

7 MS. LAMBERTON: I like it too.

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

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

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

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

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

19 MR. MOYER: Yeah, it's gonna

20      come quick.

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

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

25                           MS. LAMBERTON:   The 314 mark.

16

1      I mean, that's way out there.

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

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

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

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

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

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

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

19 So do you need a motion?

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

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

17

1 MS. LAMBERTON: Or change of  
2 use.

3 MR. ARMSTRONG: Or change of  
4 use?

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

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

10 this cost estimate minus --

11 MS. PICKARD: The stone.

12 MR. MOYER: The stone.

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

15 MR. HOLAHAN: Right.

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

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

20 MR. MOYER: Yeah.

21 MS. PICKARD: Yeah.

22 MR. MOYER: That sounds fair.

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

25 MR. McHALE: Yes. Because

18

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

2 MS. LAMBERTON: Which we want  
3 done.

4 MR. ARMSTRONG: And Bob's

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

6 MS. LAMBERTON: Okay.

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

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

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

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

17 MR. HOLAHAN: Right.

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

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

23 MR. HOLAHAN: Yes.

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

1 MR. HOLAHAN: So moved.

2 MS. LAMBERTON: Second.

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

5 MS. LAMBERTON: That was very  
6 wordy.

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

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

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

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

16 MR. KERRICK: Donny?

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

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I'm in favor.

20 MR. KERRICK: Pardon?

21 MS. PICKARD: I'm in favor.

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

23 vote in favor. Motion carried.

24 Anything else, Pat?

25 MR. ARMSTRONG: Just a brief

20

1 executive session regarding personnel, that's it.

2 MR. KERRICK: Should we jump

3 back over?

4 MR. MOYER: To where?

5 MR. KERRICK: To the work

6 session.

7 MR. MOYER: Yeah, why not.

8 MR. KERRICK: We're almost

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

10 New business. We have today

11 with us our chief from Pocono Mountain Regional

12 Police.

13 It's good to see you. Do you

14 wish to address the board, any questions or

15 comments for us, while you're here?

16 CHIEF HARRY LEWIS: No. Just

17 again, looking forward to working with all of you



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

20 MR. MOYER: Thank you.

21 MR. KERRICK: Thank you.

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

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

21

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

3 CHIEF HARRY LEWIS: It'll  
4 happen.

5 MR. KERRICK: Definitely will.

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

9 MR. MOYER: I didn't.

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

13 MR. MOYER: Yeah.

14 MR. HOLAHAN: Yeah, I didn't

15 get to read them yet.

16 MR. MOYER: I didn't get a

17 chance to really check them, but --

18 MR. KERRICK: How about the

19 American Red Cross, Run for the Red Marathon,

20 Sunday, May 19, 2013, 8 a.m., Pocono Mountain West

21 High School?

22 Do you have anything to add on

23 that, Harry, or have they been in contact with you?

24 CHIEF HARRY LEWIS: They

25 already had the planning meetings already.

22

1 MS. PICKARD: We just need to

2 authorize a letter to be sent that it's okay for

3 them to run through the township. We do have their

4 insurance. I've let Phyllis know. Phyllis has got

5 information. I didn't know if she had any comments

6 on it.

7 MR. KERRICK: I was going to

8 her next.

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

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

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

15 MR. KERRICK: Where?

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

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

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

25 MS. PICKARD: Yeah.

23

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

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

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

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

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

13 MR. MOYER: I'll second it.

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

16 Questions or comment from the  
17 board?

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

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in  
24 favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: I'll vote in

5 favor.

6 Now we're going to jump over to

7 our --

8 MS. LAMBERTON: John, can I

9 discuss some new business?

10 MR. KERRICK: Sure.

11 MS. LAMBERTON: With

12 everybody's awareness of Kalahari coming on board,

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

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

15 would like to make a motion to appoint an interim

16 manager until we have the opportunity to do a

17 hiring process. And I would like to appoint Bob

18 McHale, if he would except.

19 MR. HOLAHAN: Well, I'll second

20 that.

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

25

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

3 Is this proper procedure,  
4 Patrick?

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

8 MR. HOLAHAN: So appointment as  
9 well.

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

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

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

26

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

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

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

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

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

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

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

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

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

27

1 MR. HOLAHAN: -- coming on Bob.

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

4 MR. HOLAHAN: Right.

5 MR. KERRICK: If we want to get



6 into discussion later, no problem.

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

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

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

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

1 needed to say that, John.

2 MR. KERRICK: That's okay.

3 Any other discussion?

4 Any questions or comments?

5 Questions or comments from the

6 public on the motion?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in

11 favor.

12 MR. KERRICK: Donny?

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

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in

17 favor. Motion carried.

18 Do you want to jump over to work

19 session or do you want to discuss that further as

20 far as resources for that particular project?

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

22 MR. MOYER: Are you okay with

23 it, Bob?

24 MR. McHALE: Yes, sir.

25 MS. LAMBERTON: Yeah, by the

29

1 way.

2 MR. KERRICK: Well, this is

3 done.

4 MS. LAMBERTON: Sorry about

5 throwing you under the bus.

6 MR. KERRICK: With the

7 exception to this they said to wait. You have

8 something else on this, that's fine.

9 MS. PICKARD: Well, I can do it

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

11 to vote on something.

12 MS. LAMBERTON: Oh, actually

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

14 number of outsourced firms that we could utilize

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

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

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

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

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

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

30

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

3 MS. LAMBERTON: Okay.

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

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

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

14 MS. LAMBERTON: Yeah.

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

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

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

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

31

1 self-explanatory.

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

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

9 MR. ARMSTRONG: You're right.

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

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

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

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

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

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

24 MS. PICKARD: Yeah.

25 MR. KERRICK: But we still have

32

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

3 MS. LAMBERTON: I didn't see

4       them, I'm sorry.

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

8                               Go ahead, Heidi.

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

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

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

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

3 MS. PICKARD: Yeah.

4 MR. HOLAHAN: So moved.

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

7 MR. MOYER: I'll second it.

8 MS. PICKARD: Donny second.

9 MR. KERRICK: Donny second.

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

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

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.

19 MR. KERRICK: Donald?

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

21 MR. KERRICK: Heidi?



22 MS. PICKARD: I vote in favor.

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

25 Anything under secretary's

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1 report?

2 MS. PICKARD: No, that was it.

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

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

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

17 forward with that presentation over the planning  
18 commission.

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

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

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

35

1 MR. KERRICK: Yes.

2 MS. PICKARD: Yeah.

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

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

12 now or --

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

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

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

23 MR. McHALE: Yes, but the --

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

36

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

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

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

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

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

19 MR. MOYER: I'll second.

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

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

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

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I'll abstain.

5 MR. KERRICK: Donny?

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

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Next item we have is the

12 material bids.

13 Do you have that with you, Bob,

14 as well?

15 MR. McHALE: I've got a summary

16 of the material bids and I also have the actual

17 numbers being printed up right now.

18 Now, just looking at these

19 numbers as they are, we have Locust Ridge Quarry

20 and ER Linde Construction. This is the actual

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

22 part of their bid package.

23 What we've done, because we've

24 had four municipalities join -- or three others

25 join with us, Coolbaugh Township, Borough of Mount

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

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

20                               Linde did not submit a proposal  
21   at all for any of the paving. So from the  
22   township's standpoint and, you know, in the past  
23   sometimes you all had moved forward with doing  
24   stone separate from paving. You may want to just  
25   do them all under one contract and award it to

39

1   Locust Ridge Quarry.

2                               In addition, Linde's location is  
3   in Cresco and since most of the materials will be  
4   used by our township, we'd been driving through the  
5   five points to get to Cresco and those type of  
6   things. So it's up to you all how you want to  
7   approach that. You could, like I said, either  
8   assign road construction materials based upon the  
9   stone only to one quarry or you could do the whole  
10   package as one bid. It's kind of left open.

11                           MR. KERRICK: I thought -- I  
12   thought that the stone from Linde was from  
13   Honesdale? I thought the quarry in Cresco was  
14   Leeward, was not a Linde Quarry?

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

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

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

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

40

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

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

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



10 for materials for the whole contract.

11 MS. LAMBERTON: I'll second it.

12 MR. KERRICK: Motion and --

13 Anne, you second?

14 MS. LAMBERTON: Yes, I did.

15 MR. KERRICK: Motion and second

16 for Locust Ridge Quarry for materials for 2013

17 which is stone and asphalt?

18 MR. HOLAHAN: Yes.

19 MR. KERRICK: Questions or

20 comments from the board on the motion?

21 Questions or comments from the

22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

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1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donald?

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

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

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

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

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

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

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

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

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

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

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

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

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

25 MR. KERRICK: I need a

43

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

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

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

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

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

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

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

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

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

18 MR. HOLAHAN: Looks like  
19 exciting reading.

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

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

24 MS. LAMBERTON: She has more.

25 MR. McHALE: On the township

45

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

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

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

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

22 MS. HAASE: That is correct.

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

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

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

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

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

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



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

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

9 MS. LAMBERTON: Thank you.

10 MR. McHALE: You're welcome.

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

14 MS. LAMBERTON: Yeah, the  
15 better.

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

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

21 this point except for pumps and building, correct?

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

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

3 MR. HOLAHAN: Right.

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

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

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

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

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

25 MR. KERRICK: Thank you, Bob.

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

3 MS. LAMBERTON: Slash slash  
4 slash.

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

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

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

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

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1 MR. MOYER: Which one is that?

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

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

6 MS. PICKARD: Yeah.

7 MR. KERRICK: Yes, Donny.

8 MR. HAASE: Yes.

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

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

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

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

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

1 zoning application?

2 MS. HAASE: Correct.

3 MR. KERRICK: Nice.

4 MS. HAASE: So once I receive

5 something from her, I will send something out from

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

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

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

9 MS. LAMBERTON: Is Arrowhead

10 concerned about that at all?

11 MS. HAASE: I have not -- the

12 complaints are coming from the residents. The

13 prior enforcement officer did have complaints. I

14 have not spoken to the enforcement officer that's

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

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

17 going to be running some replacement improvement

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

19 believe you folks were --

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

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

22 am planning to attend the presentation, which I can

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

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

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

4 That's for you.

5 MS. LAMBERTON: Thank you.

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

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

10 (Inaudible discussion among the  
11 board members.)

12 MR. McHALE: Phyllis?

13 MS. HAASE: Yeah.

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

16 MS. HAASE: January 17.

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

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

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



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

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

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: Behind Lake  
21 Naomi?

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

25 MS. HAASE: They're two

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1 separate.

2 MS. PICKARD: Yeah.

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

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

8 MS. HAASE: Yeah, they're two

9       --

10                   MS. PICKARD:    -- project.

11                   MS. HAASE:    Two separate.

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

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

22                   MS. HAASE:    Absolutely.

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

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1                   MS. LAMBERTON:   Yeah, totally.

2                   MS. HAASE:    That was my --

3                   MR. KERRICK:    -- so we know

4       where they are and they know where we are?

5                               MS. HAASE:    Yes.

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

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

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

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

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

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

3                   MS. HAASE:    Right.

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

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

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

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

12                  MS. LAMBERTON:   Oh, okay.

13                  MS. PICKARD:   A bird?

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

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

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

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

25 MS. HAASE: Continuing on

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

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

10 Mine's highlighted, I cheat.

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

16 This would pertain to anyone

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

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

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

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

25                               It could be used for in case of

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

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

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

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

1 follow the same regulations.



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

12                           MS. LAMBERTON:    Wow.

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

16                           MS. LAMBERTON:    I think so.

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

20                           MR. ARMSTRONG:    Yep.

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

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

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

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

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

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

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

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

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

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

7 We had a risk --

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

10 MS. LAMBERTON: He evacuated.

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

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

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

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

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

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

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

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

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

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

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

4 MR. HOLAHAN: That's something

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

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

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

11 MS. PICKARD: No.

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

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

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

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

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

1 insurance.

2 MR. HOLAHAN: Be a certificate  
3 holder?

4 MS. HAASE: That is correct.

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

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

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

23 can proceed with that to the board.

24 That's it for today.

25 MR. KERRICK: Could we look

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1 into paperless?

2 MS. LAMBERTON: I just said,

3 you don't work for the conservation district.

4 MS. HAASE: Not so much.

5 MR. HOLAHAN: Do we -- Heidi,

6 do you know, did we fund the emergency management

7 system here?

8 MS. PICKARD: Yeah, but I don't

9 know the numbers off my head.

10 MR. HOLAHAN: I'm trying to

11 look it up here to see.

12 MS. HAASE: I believe there's

13 \$1,000 in there. A lot of that we're going to need

14 --

15 MS. PICKARD: I think we had

16 more than that.

17 MS. HAASE: -- computers.



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

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

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

3 MS. PICKARD: It has to, okay.

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

12 MS. PICKARD: We had some more

13 money in for training and for operational expense.

14 I don't know, we had like 4 or \$5,000 total for

15 that.

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

18 MS. HAASE: No, sir.

19 MR. KERRICK: Thank you very  
20 much.

21 Next item, committee reports.

22 Pocono Mountain Regional EMS.

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

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

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1 MR. KERRICK: Heidi?

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

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

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

10 Do you have anything, Anne?

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

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

15 MR. MOYER: Right.

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

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

20 MR. KERRICK: Regional Comp?

21 MR. HOLAHAN: Nothing.

22 MR. KERRICK: TIF?

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

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

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

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

7 MS. LAMBERTON: Very  
8 impressive.

9 MR. MOYER: Looked nice.

10 MS. LAMBERTON: What they --

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

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

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

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

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

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

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

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

21 MR. MOYER: When is that?  
22 MS. LAMBERTON: It is Tuesday,  
23 the 15th, at 3.  
24 MR. KERRICK: Better check on  
25 the location. Last time --

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1 MS. PICKARD: Is this another  
2 one like they had before?  
3 MS. LAMBERTON: No. This is  
4 Michelle, Joe Hogan, the guy who is writing the TIF  
5 and pretty much putting the package together.  
6 MS. PICKARD: Are they going to  
7 -- is somebody going to advertise it, though, this  
8 time?  
9 MS. LAMBERTON: The school  
10 district, they're hosting it. It should be out for  
11 advertisement.  
12 MS. PICKARD: Well, the last  
13 one they had they just put it on the website,  
14 nobody --  
15 MS. LAMBERTON: I believe the

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

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

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

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

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

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

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

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

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

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

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

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

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

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



6 about coming up from this side, Bob?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 MS. LAMBERTON: I'd love to

19 second it.

20 MR. MOYER: Go ahead.

21 MS. LAMBERTON: I'll second it.

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

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

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

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

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

9 MS. PICKARD: Yeah.

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

12 MS. LAMBERTON: Support a  
13 hundred percent.

14 MR. HOLAHAN: At this point it

15 --

16 MS. PICKARD: What we'll need

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

18 be advertised in --

19 MS. LAMBERTON: Oh, absolutely,

20 yes.

21 MS. PICKARD: I don't know if

22 it's an ordinance or --

23 MR. ARMSTRONG: You can't do

24 anything definitively tonight. You're --

25 MR. KERRICK: No, we're just

77

1 writing a letter of support.

2 MR. ARMSTRONG: -- it sounds

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

4 this point in time --

5 MS. LAMBERTON: He needs to

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

7 present a TIF.

8 MR. KERRICK: I think a letter

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

11                               MS. LAMBERTON:     Correct.

12       That's all --

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

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

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

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

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

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

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

4 question --

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

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

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

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

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

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

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

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

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

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

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

5 MR. KERRICK: You withdraw your  
6 motion?

7 MR. HOLAHAN: I do.

8 MR. KERRICK: Done.

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

11 MR. MOYER: Draft the letter.

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

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

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

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

21 MS. PICKARD: So we don't need



22 a letter?

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

25 MR MOYER: Okay. You're just

80

1 going to tell them.

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

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

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

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

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

12 have other things to do.

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

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

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

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

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

7 hookups, sump pumps --

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

12 MR. ARMSTRONG: Perfect.

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

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

16 ---

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I hereby certify that the

11

proceedings and evidence are contained fully and

12

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

13

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

14

that the foregoing is a true and correct transcript

15

of the same.

16

17

18

19

TARA FIGUCCIO, C.R.

20

21

22

23

24



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

2

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

5                               (Pledge of allegiance was  
6   recited.)

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

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

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

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

3

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



12 difficult.

13 MR. MOYER: I'll nominate Heidi

14 Pickard.

15 MR. HOLAHAN: I'll second.

16 MR. KERRICK: Motion and

17 second.

18 Call the vote. John?

19 MR. HOLAHAN: I vote in favor.

20 MR. KERRICK: Anne?

21 MS. LAMBERTON: I'll vote in

22 favor.

23 MR. KERRICK: Donny?

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

25 MR. KERRICK: Heidi.

4

1 MS. PICKARD: I'll abstain.

2 MR. KERRICK: I'll vote in

3 favor.

4 Next item on our agenda,

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

6 MR. HOLAHAN: I make a motion

7     that we appoint Heidi Pickard as township  
8     secretary.

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

11                            MS. LAMBERTON:   I'll second.

12                            MR. KERRICK:    Questions or  
13    comments?

14                            Call the vote.   John?

15                            MR. HOLAHAN:    I vote in favor.

16                            MR. KERRICK:    Anne?

17                            MS. LAMBERTON:   I vote in  
18    favor.

19                            MR. KERRICK:    Donny?

20                            MR. MOYER:    I vote in favor.

21                            MR. KERRICK:    Heidi?

22                            MS. PICKARD:    I'll abstain.

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

25                            Next item on our agenda,

1     assistant township secretary:  to assist and

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

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

7 MS. LAMBERTON: I second.

8 MR. KERRICK: Questions or  
9 comments?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

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

21 Nominee to serve as township  
22 treasurer.

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

25 treasurer.

6

1 MS. LAMBERTON: I'll second.

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

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in  
8 favor.

9 MR. KERRICK: Donald?

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

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

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

15 Nominee to serve as assistant  
16 township treasurer.

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

19 MR. HOLAHAN: And I'll second.

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

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I'll vote in

7

1 favor.

2 MR. KERRICK: Donny?

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

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I'll abstain.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Next item, a nominee to serve as

9 chief administrator to the Township Nonuniformed

10 Pension Plan.

11 MR. MOYER: I nominate John

12 Kerrick.

13 MS. LAMBERTON: I'll second.

14 MR. KERRICK: Questions or



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

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

5 favor.

6 MR. KERRICK: Donny?

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

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

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

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

17 MR. HOLAHAN: I'll second.

18 MR. KERRICK: Questions or  
19 comments?

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in  
24 favor.

25 MR. KERRICK: Donny?



1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: Vote in favor.

4 MR. KERRICK: I'll abstain.

5 We need another nominee,

6 township supervisor, to serve the second

7 representative to the Pocono Mountain Regional

8 Police Commission.

9 MS. LAMBERTON: I'll nominate

10 Donald Moyer.

11 MR. HOLAHAN: I'll second that.

12 MR. KERRICK: Questions or

13 comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in

18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I'll abstain.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in  
24 favor.  
25 A nominee, a township

11

1 resident/taxpayer, to serve as township  
2 representative to the Pocono Mountain Regional  
3 Police Commission.

4 MR. HOLAHAN: I'll make a  
5 motion that we nominate David Moyer.

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

8 MS. PICKARD: I'll second it.

9 MR. KERRICK: Questions or  
10 comments?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in  
15 favor.

16 MR. KERRICK: Donny?

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

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

12

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

13 MR. KERRICK: Questions or  
14 comments?  
15 Call the vote. John?  
16 MR. HOLAHAN: I vote in favor.  
17 MR. KERRICK: Anne?  
18 MS. LAMBERTON: I'll abstain.  
19 MR. KERRICK: Donald?  
20 MR. MOYER: I'll abstain.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: Vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor.  
25 MR. MOYER: I vote in favor,

13

1 I'm sorry.  
2 MR. KERRICK: Nominee, township  
3 supervisor to serve as a representative to the  
4 Pocono Mountain Regional Emergency Services  
5 Commission.  
6 MS. LAMBERTON: I think we need  
7 a second on COG.

8 MR. KERRICK: We need two  
9 people on COG?  
10 MS. PICKARD: We both -- with  
11 second and alternate.  
12 MR. MOYER: Yeah. I'll alter --  
13 well --  
14 MS. PICKARD: I'll make a  
15 motion that we appoint Donald Moyer as alternate.  
16 MS. LAMBERTON: I'll second.  
17 MR. KERRICK: How come it's not  
18 on my sheet?  
19 MS. PICKARD: I don't know.  
20 MS. LAMBERTON: It's on mine.  
21 MR. MOYER: Yeah, we had that  
22 last year.  
23 MR. KERRICK: Donald Moyer it  
24 is. It's not on my sheet.  
25 MS. LAMBERTON: Oh, sorry.

14

1 MR. KERRICK: No problem.  
2 Any questions or comments?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I abstain.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in

13 favor. Motion carried.

14 Now we're back to the township

15 supervisor to serve as a representative to the

16 Pocono Mountain Regional Emergency Services

17 Commission.

18 MR. MOYER: Okay. Now we're

19 back.

20 MR. KERRICK: Do we have one?

21 If not, we'll come back to that.

22 MS. LAMBERTON: I'll nominate

23 John Holahan.

24 MR. KERRICK: We have a motion.

25 Do we have a second?

1 MR. MOYER: I'll second.

2 MR. KERRICK: You second it,

3 Donny?

4 MR. MOYER: Sure.

5 MR. KERRICK: Motion and

6 second.

7 Questions or comments?

8 Call the vote. John?

9 MR. HOLAHAN: I'll abstain.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in

12 favor.

13 MR. KERRICK: Donny?

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

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in

18 favor. Motion carried.

19 Nominate -- or nominee, a

20 township supervisor to serve as a representative to

21 the Top of the Mountain Open Space Advisory

22 Committee.

23 MS. LAMBERTON: I'll nominate

24 Heidi Pickard.

25 MR. HOLAHAN: I'll second.

16

1 MR. KERRICK: Questions or

2 comments?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll vote in

7 favor.

8 MR. KERRICK: Donny?

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

10 MR. KERRICK: Heidi?

11 MS. PICKARD: Vote in favor --

12 I'll abstain.

13 MR. KERRICK: You abstain?

14 MS. PICKARD: Umm-hmm.

15 MR. KERRICK: I'll vote in



16 favor. Motion carried.

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

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

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

24 MR. MOYER: I'll second that.

25 MR. KERRICK: Motion and

17

1 second.

2 Questions or comments?

3 Call the vote. John?

4 MR. HOLAHAN: I'll abstain.

5 MR. KERRICK: Anne?

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

8 MR. KERRICK: Donny?

9 MR. MOYER: I vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

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

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

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

20 MR. HOLAHAN: I'll second.

21 MR. KERRICK: Motion and  
22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

18

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in  
3 favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: Vote in favor.

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

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

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

15 MS. LAMBERTON: I'll second.

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

18 Questions or comments?

19 Call the vote. John?

20 MR. HOLAHAN: I vote in favor.

21 MR. KERRICK: Anne?

22 MS. LAMBERTON: I vote in  
23 favor.

24 MR. KERRICK: Donny?

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

1 MR. KERRICK: Heidi?

2 MS. PICKARD: I'll abstain.

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

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

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

10 MR. HOLAHAN: I'll second.

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

13 Questions or comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.

19 MR. KERRICK: Donny?

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

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor.

25 Appoint a nominee to -- as

20

1 recording secretary to the board of supervisors.

2 MS. PICKARD: I make a motion

3 we appoint Panko Reporting.

4 MR. HOLAHAN: I'll second.

5 MR. KERRICK: Motion and

6 second.

7 Questions or comments?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in

12 favor.

13 MR. KERRICK: Donald?

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

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in

18 favor. Motion carried.

19 We need to appoint a firm to act  
20 as township solicitor and set the rate and the  
21 meeting rate.

22 MS. PICKARD: Make a motion we  
23 appoint Grim, Biehn and Thatcher at a rate of \$150  
24 an hour.

25 MR. KERRICK: And then there's

21

1 no per meeting?

2 Do we have a second?

3 MR. HOLAHAN: I'll 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  
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 MR. ARMSTRONG: Thank you.  
19 MR. HOLAHAN: You're welcome.  
20 MR. KERRICK: We have to  
21 appoint a firm to act as township planning  
22 commission solicitor and set the rate and the per  
23 meeting rate.  
24 What's the board's pleasure? Do  
25 we have a motion?

22

1 MR. HOLAHAN: Yes. I'll make a  
2 motion that we appoint Grim, Brim (sic) and  
3 Thatcher.  
4 MS. LAMBERTON: I'll second.  
5 MR. KERRICK: Is that the same  
6 rate?  
7 MS. LAMBERTON: Yeah, it looks  
8 like it.

9 MS. PICKARD: It's Grim, Biehn  
10 and Thatcher.  
11 MR. KERRICK: Close enough.  
12 Any questions or comments?  
13 Call the vote. John?  
14 MR. HOLAHAN: I vote in favor.  
15 MR. KERRICK: Anne?  
16 MS. LAMBERTON: I vote in  
17 favor.  
18 MR. KERRICK: Donny?  
19 MR. MOYER: I'll vote in favor.  
20 MR. KERRICK: Heidi?  
21 MS. PICKARD: I vote in favor.  
22 MR. KERRICK: I'll vote in  
23 favor. Motion carried.  
24 Entertain a motion establishing  
25 the payment of employee salaries and wages on a

23

1 biweekly basis.

2 Do we have a motion?

3 MS. LAMBERTON: I'll make a



4 motion.

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

7 MR. MOYER: Second.

8 MR. KERRICK: Questions or  
9 comments?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: Vote in favor.

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

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

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

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

3 MR. KERRICK: Motion and  
4 second.

5 Questions or comments?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in  
10 favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

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

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

19 MR. MOYER: So moved.

20 MS. PICKARD: I'll second it.

21 MR. KERRICK: Motion and

22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

25

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in

3 favor.

4 MR. KERRICK: Donald?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I'll vote in

8 favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Entertain a motion establishing

12 the 2013 mileage rate. Which is?

13 MR. HOLAHAN: 56 and a half.

14 MR. KERRICK: 56 and a half?

15 MS. PICKARD: We usually take

16 whatever the IRS --

17 MR. KERRICK: Is that the --  
18 MR. HOLAHAN: I'm pretty sure  
19 that's there new big bump --  
20 MS. PICKARD: It is the new  
21 one.  
22 MR. HOLAHAN: That's their new  
23 one.  
24 MS. PICKARD: But if we make  
25 the motion so we take the IRS rate, if it changes

26

1 during the year, we wouldn't have to --  
2 MR. HOLAHAN: Yeah, that  
3 probably works better.  
4 MR. KERRICK: So that's your  
5 motion, Heidi?  
6 MS. PICKARD: Well, it was  
7 John's motion.  
8 MR. HOLAHAN: Yeah. So I'll  
9 make a motion that we establish the rate  
10 commensurate with the IRS rules.  
11 MS. PICKARD: I'll second that.

12 MR. KERRICK: Questions or  
13 comments?  
14 Call the vote. John?  
15 MR. HOLAHAN: I vote in favor.  
16 MR. KERRICK: Anne?  
17 MS. LAMBERTON: I vote in  
18 favor.  
19 MR. KERRICK: Donald?  
20 MR. MOYER: I'll vote in favor.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.  
25 Certify the five township board

27

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

4 MS. PICKARD: So moved.  
5 MR. HOLAHAN: Second.  
6 MR. KERRICK: Motion and

7 second.

8 Questions or comments?

9 Call the vote. John?

10 MR. HOLAHAN: I vote in favor.

11 MR. KERRICK: Anne?

12 MS. LAMBERTON: I vote in

13 favor.

14 MR. KERRICK: Donald?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. KERRICK: I'll vote in

19 favor.

20 Certify to serve as voting -- a

21 member to serve as voting delegate to the

22 Pennsylvania State Association Township Supervisors

23 2013 Annual Convention. Last year we had an

24 alternate as well.

25 MS. LAMBERTON: I'll nominate

2 MS. PICKARD: I'll second that.

3 MR. KERRICK: In your motion,

4 do you want to have an alternate?

5 MS. LAMBERTON: Heidi Pickard.

6 MR. KERRICK: Do we have a

7 second?

8 MR. MOYER: So it's John and

9 Heidi.

10 MR. KERRICK: You seconded it?

11 MS. PICKARD: Yeah.

12 MR. KERRICK: Any questions or

13 comments on the motion?

14 Call the vote. John?

15 MR. HOLAHAN: I'll vote in

16 favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I vote in

19 favor.

20 MR. KERRICK: Donald?

21 MR. MOYER: I vote in favor.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. KERRICK: I'll vote in

25 favor. Motion carried.

29

1 Approve agreement to retain

2 Brian Oram -- is that his name?

3 MR. MOYER: Yeah.

4 MS. PICKARD: Yeah.

5 MR. KERRICK: -- PG for the

6 year 2013 as the professional soil scientist for

7 the township as the rates set forth in this

8 agreement.

9 MR. MOYER: I'll make that

10 motion.

11 MS. PICKARD: I'll second the

12 motion.

13 MR. KERRICK: We have a motion

14 and second.

15 Any questions or comments?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I'll vote in



20 favor.

21 MR. KERRICK: Donny?

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

23 MR. KERRICK: Heidi?

24 MS. PICKARD: Vote in favor.

25 MR. KERRICK: I'll vote in

30

1 favor. Motion carried.

2 Next item, approve L&V

3 Engineering proposal for traffic engineering

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

5 Do we have a motion?

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

7 MR. HOLAHAN: And I'll second.

8 MR. KERRICK: Motion and

9 second.

10 Questions or comments?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. KERRICK: Donald?

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

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 Nominate an alternate sewage

23 officer for the year 2013.

24 MS. LAMBERTON: I'll nominate

25 Jeryl Rinehart.

31

1 MR. HOLAHAN: I'll second.

2 MR. KERRICK: I didn't hear

3 what you said, Anne.

4 MS. LAMBERTON: I'm sorry Jeryl

5 Rinehart.

6 MR. KERRICK: Jeryl Rinehart?

7 MS. LAMBERTON: Umm-hmm.

8 MR. HOLAHAN: And I'll second

9 that.

10 MR. KERRICK: And a second.  
11 MS. PICKARD: I just want to  
12 mention that we -- that rate is \$35 an hour plus  
13 expenses and mileage.  
14 MR. KERRICK: Plus expense and  
15 mileage.  
16 MR. HOLAHAN: Okay.  
17 MR. KERRICK: Motion and  
18 second.  
19 Still okay?  
20 MR. HOLAHAN: Yes.  
21 MS. LAMBERTON: Umm-hmm.  
22 MR. KERRICK: Any questions or  
23 comments?  
24 Call the vote. John?  
25 MR. HOLAHAN: I vote in favor.

32

1 MR. KERRICK: Anne?  
2 MS. LAMBERTON: I vote in  
3 favor.  
4 MR. KERRICK: Donny?

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

6 MR. KERRICK: Heidi?

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

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

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

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

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

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

22 MR. HOLAHAN: I'll second that.

23 MR. KERRICK: Motion and  
24 second.

25 Questions or comments?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I'll vote in

5 favor.

6 MR. KERRICK: Donald?

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

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

12 Consider the enactment of

13 Resolution No. 2013 dash 001, setting the dates and

14 times and place for the township public meetings to

15 be held.

16 MS. PICKARD: I make a motion we

17 approve Resolution 2013 dash 001.

18 MR. KERRICK: Do we have a

19 second?

20 MR. MOYER: I'll second.

21 MR. KERRICK: Questions or

22 comments?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

34

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donny?

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

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll vote in

8 favor. Motion carried.

9 Consider enactment of Resolution

10 No. 2013 dash 002, designating certain financial

11 institutions as depositories for township monies.

12 MS. PICKARD: I make a motion

13 we approve Resolution No. 2013 dash 002.

14 MS. LAMBERTON: I'll second.

15 MR. KERRICK: Motion and

16 second.

17 Questions or comments?

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

35

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

13 MR. HOLAHAN: I'll second.  
14 MR. KERRICK: Motion and  
15 second.  
16 Questions or comments?  
17 Call the vote. John?  
18 MR. HOLAHAN: I vote in favor.  
19 MR. KERRICK: Anne?  
20 MS. LAMBERTON: I vote in  
21 favor.  
22 MR. KERRICK: Donny?  
23 MR. MOYER: I'll vote in favor.  
24 MR. KERRICK: Heidi?  
25 MS. PICKARD: I vote in favor.

36

1 MR. KERRICK: I'll vote in  
2 favor. Motion carried.  
3 Consider the enactment of  
4 Resolution No. 2013 dash 004, establishing tax  
5 rates for the calendar year 2013.  
6 MS. PICKARD: Make a motion that  
7 we approve Resolution 2013 dash 004.



8 MR. KERRICK: Do we have a  
9 second?  
10 MS. LAMBERTON: I'll second.  
11 MR. KERRICK: Motion and  
12 second.  
13 Questions or comments?  
14 Call the vote. John?  
15 MR. HOLAHAN: I vote in favor.  
16 MR. KERRICK: Anne?  
17 MS. LAMBERTON: I vote in  
18 favor.  
19 MR. KERRICK: Donny?  
20 MR. MOYER: I'll vote in favor.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.  
25 Next, consider the enactment of

37

1 Resolution No. 2013 dash 005, appointing to serve  
2 as special counsel to the board on any legal matter

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

5                             What's the board's pleasure?

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

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

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

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

15                            MS. PICKARD:    Yeah.

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

18                            MR. MOYER:     I'll second.

19                            MR. KERRICK:    Motion and  
20    second.

21                            Questions or comments?

22                            Call the vote.  John?

23                            MR. HOLAHAN:    I vote in favor.

24                            MR. KERRICK:    Anne?

25                            MS. LAMBERTON:  I'll vote in

1 favor.

2 MR. KERRICK: Donald?

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

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Consider the enactment of

9 Resolution No. 2013 dash 006, setting a fee

10 schedule for subdivision and land development,

11 planned residential development, zoning hearing

12 board, board of supervisors and other miscellaneous

13 fees.

14 Do we have a motion?

15 MS. PICKARD: I make a motion

16 we approve Resolution 2013 dash 006.

17 MR. KERRICK: Do we have a

18 second?

19 MS. LAMBERTON: I'll second.

20 MR. KERRICK: Questions or

21        comments on the motion?

22                                MS. LAMBERTON:    Did we change

23        any of the fees?

24                                MR. KERRICK:    Did we change any

25        of the fees?

39

1                                MS. PICKARD:    No.

2                                MR. KERRICK:    Same as last

3        year.

4                                Any other questions?

5                                Call the vote.    John?

6                                MR. HOLAHAN:    I vote in favor.

7                                MR. KERRICK:    Anne?

8                                MS. LAMBERTON:    I vote in

9        favor.

10                                MR. KERRICK:    Donny?

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

12                                MR. KERRICK:    Heidi?

13                                MS. PICKARD:    I vote in favor.

14                                MR. KERRICK:    I'll vote in

15        favor.    Motion carried.

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

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

21                               MS. LAMBERTON: I'll second.

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

25                               MR. ARMSTRONG: It's -

40

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

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

4                               MS. PICKARD: It's municipal --

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

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

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

11 she'll keep office until the next --

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

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

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

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

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

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

25 Any other questions?

41

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

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

5 MS. LAMBERTON: And it's for 30

6       years.

7                               MR. HOLAHAN:    I vote in favor.

8                               MR. KERRICK:    30 years?

9                               Anne?

10                              MS. LAMBERTON:   I vote in

11       favor.

12                              MR. KERRICK:    Donny?

13                              MR. MOYER:     I vote in favor.

14                              MR. KERRICK:    Heidi?

15                              MS. PICKARD:    I vote in favor.

16                              MR. KERRICK:    I'll vote in

17       favor.   Motion carried.

18                              That concludes our

19       reorganization meeting for 2013.

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

21                              ---

22

23

24

25

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2

3

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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

TARA FIGUCCIO, C.R.

17

18

19

20

21

22

23



24

25

# WORK SESSION MINUTES 2013

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Regular Business Meeting/Work Session

---

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

---

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

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ROBERT J. McHALE, Township Engineer

---

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

2

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

5 MR. MOYER: Yeah.

6 MR. HOLAHAN: Yeah.

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

11 What's the board's pleasure?

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

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

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

3

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

11 favor. Motion carried.

12 Next item on our agenda,

13 consider the treasurer report bill pack dated --

14 MS. PICKARD: Today, January 7.

15 MR. KERRICK: -- January 7,

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

17 Bills are up front in the boxes

18 if anybody cares to take a look.

19 MS. PICKARD: I'll make that

20 motion.

21 MR. HOLAHAN: I'll second.

22 MR. KERRICK: Motion and second

23 on the floor.

24 Any questions or comments from

25 the board?

4

1 Questions or comments from the

2 public on the motion?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in  
7 favor.

8 MR. KERRICK: Donny?

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

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

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

14 Solicitor's report.

15 MR. ARMSTRONG: Thank you, Mr.  
16 Chairman. Two items under my report. One is, as  
17 you're aware, Arcadia and New Ventures Park, Lots  
18 100 and 110, they have a pending preliminary  
19 approval before this board. They are in the  
20 process of attempting to proceed with their PennDOT  
21 HOP application.

22 And in doing so, you're aware  
23 their engineer is going to be submitting the  
24 submission to PennDOT on behalf of the township  
25 because the township is the permittee and what we

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

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

12 MR. McHALE: Yes.

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

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

20 MR. ARMSTRONG: Yes.

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



24 MR. ARMSTRONG: Yep.

25 MR. HOLAHAN: Yes.

6

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

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

9 MS. PICKARD: I'll second it.

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

17 MR. McHALE: They basically --

18 MR. KERRICK: I just want to

19 understand.

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

7

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

3 MR. ARMSTRONG: This is just --

4 MR. KERRICK: This is just a --

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

7 MR. McHALE: In electronic  
8 form.

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

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

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

20 MR. McHALE: Yes.

21 MR KERRICK: -- with land  
22 development.

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

25 MR. McHALE: For the traffic

8

1 signals.

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

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

7 MR. KERRICK: Any other  
8 questions?

9 Questions from the public on the  
10 motion?  
11 Call the vote. John?  
12 MR. HOLAHAN: I vote in favor.  
13 MR. KERRICK: Anne?  
14 MR. LAMBERTON: I vote in  
15 favor.  
16 MR. KERRICK: Donny?  
17 MR. MOYER: I vote in favor.  
18 MR. KERRICK: Heidi?  
19 MS. PICKARD: I vote in favor.  
20 MR. KERRICK: I'll vote in  
21 favor. Motion carried.  
22 Next item.  
23 MR. ARMSTRONG: The other item,  
24 I don't know how much you want to discuss it, but  
25 the Venezia land development, I don't know if you

9

1 all recall it, it's been a -- it's been a number of  
2 years. It's -- their proposal was to construct a  
3 parking lot storage facility. And as of last

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

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

17 MR. McHALE: Actually --

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

20 MR. McHALE: From Phyllis?

21 MR. ARMSTRONG: Yes.

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

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

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

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

14 MR. McHALE: Pardon?

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

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

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

22 is just --

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

25 MS. LAMBERTON: I thought it

11

1 was for future pave, I'm sorry.

2 MR. McHALE: That would be  
3 another item --

4 MS. LAMBERTON: Okay.

5 MR. McHALE: -- if you all  
6 wanted to consider, was to have them put up a  
7 letter of credit for the paving.

8 MR. ARMSTRONG: Okay. So --

9 MR. McHALE: I don't remember  
10 how much or if that was discussed in the past,  
11 though, it's a good idea.

12 MR. ARMSTRONG: This is the  
13 review letter from Bob and it looks like attached  
14 to it is the cost estimate breakdown?

15 MR. McHALE: Yes.

16 MR. ARMSTRONG: For the

17 improvements on the property, right?

18 MR. McHALE: Correct. This  
19 would have been somewhat higher than, you know, the  
20 total estimate. However, they're using their own  
21 tanks for underground storage, stainless steel  
22 tankers, and so it reduced the cost of this  
23 somewhat. But it does not include paving asphalt.

24 MR. ARMSTRONG: And that's  
25 because they were granted that?

12

1 MR. McHALE: Correct.

2 MR. HOLAHAN: Are you  
3 requesting action from us, Patrick?

4 MR. ARMSTRONG: What I -- I  
5 have the development agreement pretty much ready to  
6 go, but I don't have a number in there for  
7 financial security.

8 MR. HOLAHAN: What's  
9 reasonable? Bob, is there something you calculated  
10 from your part?

11 MR. McHALE: Well, the number



12 they provided to us was that \$235,000.

13 MR. HOLAHAN: Right.

14 MR. McHALE: And of course  
15 that's without asphalt. So that's up to you all to  
16 -- I mean, the most important items that we would  
17 be concerned with is to make sure that they would  
18 construct their storm water management facilities,  
19 E&S controls and those type of items.

20 As far as the stone material  
21 itself, that's something they've got to put down,  
22 but it's not something that is of much concern to  
23 us. So that item could actually be deducted out of  
24 this estimate if you wanted to reduce the number.

25 MR. ARMSTRONG: That would be

13

1 -- I'm looking at the cost estimate, looks like No.  
2 5, the parking area?

3 MR. McHALE: Correct.

4 MR. ARMSTRONG: That's  
5 50,136.92.

6 MR. HOLAHAN: For a permit,

7 185.

8 MS. LAMBERTON: Give me  
9 something that's reasonable. What's reasonable?

10 MR. ARMSTRONG: The way you  
11 left the paving requirement is that they're not  
12 responsible to pave it right now because their  
13 traffic -- their anticipated traffic hit is below  
14 that threshold in your ordinance, but it does leave  
15 the door open in the event that the county road, if  
16 the township thinks they need to pave it, they can  
17 pave it. It's not only in that letter from Phyllis  
18 for the conditional approval, it's also in the  
19 development agreement that I've already drafted,  
20 just haven't sent out yet.

21 MR. KERRICK: Wouldn't that  
22 have to have some sort of numbers on it or -- so  
23 it's fair to the applicant, as well as us? I mean,  
24 it doesn't meet the threshold now. When are you  
25 going to revisit it? If the board changes it and

1 all of a sudden they say now pave it, if there's no

2 reason to, I mean, it's kind of -- it's an  
3 open-ended agreement that I don't care much for.

4 MR. McHALE: Okay.

5 MR. KERRICK: Is there any way  
6 we could tighten that up a little bit?

7 MS. LAMBERTON: There's  
8 obviously a traffic volume count that you're  
9 thinking of, right?

10 MR. KERRICK: So it's fair for  
11 the applicant. I understand now they're not able  
12 to hear it.

13 MR. McHALE: It's probably  
14 related more to, I think, if it's a nuisance, like  
15 if there's dust problems that they won't address or  
16 -- control. Other than that, it's --

17 MS. HAASE: Change of use.

18 MR. McHALE: Change of use,  
19 that's another possibility.

20 MR. KERRICK: Could we list  
21 those in the agreement so that it's clear?

22 MR. McHALE: That might be a  
23 good idea to clarify that, yeah. And that way --

24 MR. KERRICK: As long as they

25 don't create a nuisance, there is no problem.

15

1 MR. McHALE: Correct.

2 MR. KERRICK: So how does the  
3 board feel about that?

4 MR. MOYER: Do we want to take  
5 it?

6 MR. HOLAHAN: I like it.

7 MS. LAMBERTON: I like it too.

8 MR. MOYER: Do you want to put  
9 a time line on there to re -- reject it --

10 MS. LAMBERTON: There's nothing  
11 around that, is there, residentially?

12 MR. MOYER: -- or we just gonna  
13 wait and see if something comes up?

14 MR. KERRICK: Well, I would  
15 assume if you had complaints from neighbors of dust  
16 --

17 MS. LAMBERTON: Is there  
18 anything surrounding it that's residential?

19 MR. MOYER: Yeah, it's gonna

20      come quick.

21                           MR. KERRICK:    The future boards  
22      will be able to address it then.

23                           MR. McHALE:    It's in a  
24      commercial industrial zone also.

25                           MS. LAMBERTON:   The 314 mark.

16

1      I mean, that's way out there.

2                           MR. KERRICK:    Well, if I  
3      remember correctly, it was just for storage of  
4      trailers.

5                           MS. LAMBERTON:   Right.  No, I  
6      was just --

7                           MR. KERRICK:    It wasn't like  
8      they were going to move them every day.

9                           MS. LAMBERTON:   I was just  
10     asking if there's any surrounding residential.  I'm  
11     thinking Summit Pointe to the left, but nothing  
12     behind where they're going to put this, right?

13                           MR. KERRICK:    No.  It goes up  
14     against the Blue Ridge property and the Trevdan.

15 MR. MOYER: Yeah, they're  
16 probably safe.

17 MR. KERRICK: So it's all  
18 commercial industrial.

19 So do you need a motion?

20 MS. PICKARD: A motion with the  
21 conditions added?

22 MR. ARMSTRONG: I can add that  
23 with respect to adding the language with respect to  
24 nuisance in the future for pa -- for requirement of  
25 paving. I can add that and then --

17

1 MS. LAMBERTON: Or change of  
2 use.

3 MR. ARMSTRONG: Or change of  
4 use?

5 MR. HOLAHAN: But you still  
6 need a number?

7 MR. ARMSTRONG: I still need a  
8 number. And it sounds like -- I could be wrong,  
9 but it sounds like the board would be agreeable to

10 this cost estimate minus --

11 MS. PICKARD: The stone.

12 MR. MOYER: The stone.

13 MR. ARMSTRONG: That's the  
14 parking area number?

15 MR. HOLAHAN: Right.

16 MR. ARMSTRONG: Is that what I  
17 -- am I correct in --

18 MR. KERRICK: I'm all right  
19 with that.

20 MR. MOYER: Yeah.

21 MS. PICKARD: Yeah.

22 MR. MOYER: That sounds fair.

23 MR. ARMSTRONG: Bob, does that  
24 sound --

25 MR. McHALE: Yes. Because

18

1 everything else is pretty much E&S and storm water.

2 MS. LAMBERTON: Which we want  
3 done.

4 MR. ARMSTRONG: And Bob's

5 right, I mean, the E&S --

6 MS. LAMBERTON: Okay.

7 MR. ARMSTRONG: -- and the  
8 storm water is particularly what you guys --

9 MS. LAMBERTON: I see what  
10 you're saying.

11 MR. MOYER: That's the  
12 important stuff.

13 MR. McHALE: And if they ever  
14 defaulted and said, you know, they weren't going to  
15 continue with the project, he doesn't want them to  
16 stabilize the site --

17 MR. HOLAHAN: Right.

18 MR. MOYER: Doing what we got  
19 to do.

20 MR. ARMSTRONG: So it would be  
21 the two thirty-five six forty-seven fifty-eight  
22 minus the fifty-one thirty-six, correct?

23 MR. HOLAHAN: Yes.

24 MR. KERRICK: Do we have a  
25 motion?



1 MR. HOLAHAN: So moved.

2 MS. LAMBERTON: Second.

3 MR. KERRICK: That was the easy  
4 way out.

5 MS. LAMBERTON: That was very  
6 wordy.

7 MR. KERRICK: Questions or  
8 comments on the motion?

9 Questions or comments from the  
10 public on the motion?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I'll vote in  
15 favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I'm in favor.

20 MR. KERRICK: Pardon?

21 MS. PICKARD: I'm in favor.

22 MR. KERRICK: Oh, okay. I'll

23 vote in favor. Motion carried.

24 Anything else, Pat?

25 MR. ARMSTRONG: Just a brief

20

1 executive session regarding personnel, that's it.

2 MR. KERRICK: Should we jump

3 back over?

4 MR. MOYER: To where?

5 MR. KERRICK: To the work

6 session.

7 MR. MOYER: Yeah, why not.

8 MR. KERRICK: We're almost

9 finished. You know what, we'll continue.

10 New business. We have today

11 with us our chief from Pocono Mountain Regional

12 Police.

13 It's good to see you. Do you

14 wish to address the board, any questions or

15 comments for us, while you're here?

16 CHIEF HARRY LEWIS: No. Just

17 again, looking forward to working with all of you

18 for this coming year and I appreciate your  
19 continued support.

20 MR. MOYER: Thank you.

21 MR. KERRICK: Thank you.

22 MR. HOLAHAN: You have ours,  
23 Chief.

24 CHIEF HARRY LEWIS: Thank you.  
25 The officers appreciate that.

21

1 MR. KERRICK: I told you it was  
2 our mission to keep things together.

3 CHIEF HARRY LEWIS: It'll  
4 happen.

5 MR. KERRICK: Definitely will.

6 On new business, consider the  
7 equipment rental bids. Did everyone have time to  
8 go through those?

9 MR. MOYER: I didn't.

10 MR. KERRICK: That we got  
11 earlier today? Material bids, do you want to hold  
12 those for later or --

13 MR. MOYER: Yeah.

14 MR. HOLAHAN: Yeah, I didn't

15 get to read them yet.

16 MR. MOYER: I didn't get a

17 chance to really check them, but --

18 MR. KERRICK: How about the

19 American Red Cross, Run for the Red Marathon,

20 Sunday, May 19, 2013, 8 a.m., Pocono Mountain West

21 High School?

22 Do you have anything to add on

23 that, Harry, or have they been in contact with you?

24 CHIEF HARRY LEWIS: They

25 already had the planning meetings already.

22

1 MS. PICKARD: We just need to

2 authorize a letter to be sent that it's okay for

3 them to run through the township. We do have their

4 insurance. I've let Phyllis know. Phyllis has got

5 information. I didn't know if she had any comments

6 on it.

7 MR. KERRICK: I was going to

8 her next.

9 MR. PICKARD: It's not going on  
10 in any of --

11 MR. KERRICK: It's all state  
12 roads.

13 MS. PICKARD: I'm not sure  
14 about Keiplers Lane.

15 MR. KERRICK: Where?

16 MS. PICKARD: They only say they  
17 start Keiplers Lane and I don't even know where  
18 that is.

19 MS. HAASE: There is -- I'll  
20 reach out to American Red Cross just for them to  
21 correct that, there is no such road in Tobyhanna.

22 MR. KERRICK: Unless it was next  
23 to the entrance which is now Panther. The old  
24 entrance in, it was a dirt road years ago.

25 MS. PICKARD: Yeah.

23

1 MR. KERRICK: Do you have any  
2 emergency management coordinator to add to this?

3 MS. HAASE: No. I will just  
4 make certain that Chief Lewis has sufficient  
5 information that he's received and I will mark that  
6 on my calendar.

7 MS. PICKARD: Can we authorize  
8 a letter to be sent?

9 MR. KERRICK: I was going to  
10 ask for a motion for that.

11 MS. PICKARD: I'll make the  
12 motion.

13 MR. MOYER: I'll second it.

14 MR. KERRICK: Motion and second  
15 to send a letter to the American Red Cross.

16 Questions or comment from the  
17 board?

18 Questions or comments from the  
19 public on the motion?

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in  
24 favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. KERRICK: I'll vote in

5 favor.

6 Now we're going to jump over to

7 our --

8 MS. LAMBERTON: John, can I

9 discuss some new business?

10 MR. KERRICK: Sure.

11 MS. LAMBERTON: With

12 everybody's awareness of Kalahari coming on board,

13 hopefully, and we had looked at -- we actually did

14 put in our budget for a manager's position. I

15 would like to make a motion to appoint an interim

16 manager until we have the opportunity to do a

17 hiring process. And I would like to appoint Bob

18 McHale, if he would except.

19 MR. HOLAHAN: Well, I'll second

20 that.

21 MR. KERRICK: Motion and second  
22 on the floor to appoint Bob as an interim manager.  
23 Questions or comments from the  
24 board?  
25 MR. HOLAHAN: Now is that

25

1 something that -- I mean, this is board action, how  
2 we would take care of this now?

3 Is this proper procedure,  
4 Patrick?

5 MR. ARMSTRONG: I mean, it  
6 would have to come from the board. The board's,  
7 you know, tasked with hiring and firing.

8 MR. HOLAHAN: So appointment as  
9 well.

10 MR. ARMSTRONG: You do -- you  
11 do have -- you do have an ordinance on the books  
12 with respect to a township manager, so this is  
13 within your ability to do that. If that's the --  
14 you know, if that's the -- where the board wants to  
15 go, you have the ability to do it.



16 MS. PICKARD: I just had one  
17 question with this too, with Kalahari and Bob doing  
18 all the reviews that he's got done now, that he  
19 would have enough time to be doing that position.

20 MR. HOLAHAN: Well, certainly  
21 -- certainly that's a concern. And I'm also  
22 concerned with the zoning having enough resources  
23 as well. So on top of that, we're going to have to  
24 take a look at increasing our resources. We're  
25 going to have to hire somebody else. We're going

26

1 to have to hire somebody to help take care of the  
2 increased workload that is going to be as a result  
3 of Kalahari and other projects that are coming  
4 before the township.

5 When do we have -- when we have  
6 that discussion, Pat, that's just going to be --

7 MS. PICKARD: Are we looking at  
8 outsourcing some of that or --

9 MR. HOLAHAN: Excuse me a  
10 second. That's just going to be employment by -- a

11 manager could make that -- could hire somebody at  
12 that point, correct?

13 MR. KERRICK: If we choose to,  
14 the way it was set up before; but presently right  
15 now we have a motion on the floor to appoint an  
16 interim manager, that's what we should be  
17 discussing. We can go in to talk about the other  
18 --

19 MS. LAMBERTON: We're going to  
20 need multitudes of things answered, yeah.  
21 Absolutely.

22 MR. HOLAHAN: Yes, but my  
23 concern was the workload coming on --

24 MR. KERRICK: I can appreciate  
25 that --

27

1 MR. HOLAHAN: -- coming on Bob.

2 MR. KERRICK: -- but there's a  
3 motion on the floor and we have to follow that.

4 MR. HOLAHAN: Right.

5 MR. KERRICK: If we want to get

6 into discussion later, no problem.

7 MR. HOLAHAN: Well, I think  
8 that's part of the discussion, is Bob going to be  
9 to handle that.

10 MR. ARMSTRONG: That might be a  
11 question for Bob.

12 MS. LAMBERTON: Well, we can  
13 outsource other projects as they come in as well.  
14 And that would be, I mean, obviously something you  
15 would have to let us know at that point, as with  
16 the girls that are going to need help and we're  
17 going to --

18 MR. HOLAHAN: And I'd agree, I  
19 would think that it would be feedback coming back  
20 from the interim manager coming to us and saying we  
21 need resources, you know, this many hours,  
22 something along those lines. It's not something I  
23 necessarily want to micromanage. I want to be able  
24 to put somebody in there that's capable of taking  
25 care of that and then reporting back to us. I just

1 needed to say that, John.

2 MR. KERRICK: That's okay.

3 Any other discussion?

4 Any questions or comments?

5 Questions or comments from the

6 public on the motion?

7 Call the vote. John?

8 MR. HOLAHAN: I vote in favor.

9 MR. KERRICK: Anne?

10 MS. LAMBERTON: I vote in

11 favor.

12 MR. KERRICK: Donny?

13 MR. MOYER: I'll vote in favor.

14 MR. KERRICK: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. KERRICK: I'll vote in

17 favor. Motion carried.

18 Do you want to jump over to work

19 session or do you want to discuss that further as

20 far as resources for that particular project?

21 MR. HOLAHAN: No, I don't.

22 MR. MOYER: Are you okay with

23 it, Bob?

24 MR. McHALE: Yes, sir.

25 MS. LAMBERTON: Yeah, by the

29

1 way.

2 MR. KERRICK: Well, this is  
3 done.

4 MS. LAMBERTON: Sorry about  
5 throwing you under the bus.

6 MR. KERRICK: With the  
7 exception to this they said to wait. You have  
8 something else on this, that's fine.

9 MS. PICKARD: Well, I can do it  
10 here or there, it doesn't really matter. I needed  
11 to vote on something.

12 MS. LAMBERTON: Oh, actually  
13 yeah, John, I do have a question. I know there's a  
14 number of outsourced firms that we could utilize  
15 and I don't know if -- I'd like to mention of  
16 Keystone Consulting, they're out of the West End  
17 area, as maybe a backup to Bob. So let's say if  
18 Bob is focused on the larger project, I don't think

19 it's necessary or I don't think it's fair, that any  
20 other project that comes into the township should  
21 have to be put on hold or have to wait for anything  
22 on our end. So maybe we could outsource it to a  
23 different firm.

24 MS. PICKARD: I think we should  
25 get proposals.

30

1 MR. KERRICK: I'd like to get  
2 some proposals, but that's fine.

3 MS. LAMBERTON: Okay.

4 MR. KERRICK: We can reach out  
5 to them and others.

6 MS. LAMBERTON: Or whoever, but  
7 I'm just saying it would be in our best interest  
8 not to make sure anything else falls through the  
9 cracks.

10 MR. MOYER: And I think what we  
11 need to do is make that position, interim or not,  
12 clear of what the duties are and the  
13 responsibilities.

14 MS. LAMBERTON: Yeah.

15 MR. ARMSTRONG: I'll have a  
16 conversation probably with coun -- with the board  
17 and Bob just so we can make clear exactly, you know  
18 --

19 MR. MOYER: In writing so we  
20 have something.

21 MR. ARMSTRONG: Yeah, the scope  
22 of the interiming and what interim means. If it's  
23 --

24 MR. KERRICK: There's a  
25 manager's ordinance so it's pretty much

31

1 self-explanatory.

2 MR. ARMSTRONG: Well, the  
3 interim aspect of it is -- might be what we need to  
4 talk about.

5 MS. LAMBERTON: I was thinking  
6 basically on a time period that allows us to do a  
7 hiring process. What that term may be, like you  
8 said, I guess you need to put it out there.

9 MR. ARMSTRONG: You're right.

10 The ordinance, your Code of Ordinances has a whole  
11 section on a manager and in there, if you look,  
12 it's duties of manger is set right forth in the  
13 ordinance itself.

14 MR. MOYER: Okay. So that's  
15 what we'll go with.

16 MR. HOLAHAN: Are we -- work  
17 session now?

18 MR. KERRICK: Heidi has -- is  
19 that something for work session?

20 MS. PICKARD: Well, I wanted to  
21 maybe vote on --

22 MR. KERRICK: We can't adjourn  
23 the meeting because -- well, they're combined now.

24 MS. PICKARD: Yeah.

25 MR. KERRICK: But we still have

32

1 the equipment rental bids and material bids for  
2 2013.

3 MS. LAMBERTON: I didn't see



4       them, I'm sorry.

5                               MR. KERRICK:    There's only  
6       three.  So it's -- it could be self-explanatory  
7       when we get to it.

8                               Go ahead, Heidi.

9                               MS. PICKARD:    I just wanted to  
10      let everyone know that we received the engagement  
11      letter from Riley and Associate, Riley and Company.  
12      And I had Pat look at that, he had some comments.  
13      I don't know if we could approve executing that  
14      conditionally on getting some of those questions  
15      answered?

16                             MR. ARMSTRONG:    Yeah, you can  
17      do that.  We can just reach out to them.  They  
18      have -- like every other organization, they have  
19      their general terms and conditions.  There was one  
20      or two that jumped out at me as a red flag, but  
21      chances are they'd be willing to delete those if  
22      you ask.  Sometimes they're not, but you never know  
23      unless you ask.

24                             MS. PICKARD:    I was looking for  
25      a motion to execute that agreement with --

1 MR. KERRICK: With Pat's  
2 satisfaction?

3 MS. PICKARD: Yeah.

4 MR. HOLAHAN: So moved.

5 MR. KERRICK: Do we have a  
6 second?

7 MR. MOYER: I'll second it.

8 MS. PICKARD: Donny second.

9 MR. KERRICK: Donny second.

10 Questions or comments from the  
11 board on the motion?

12 Questions or comments from the  
13 public on the motion?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.

19 MR. KERRICK: Donald?

20 MR. MOYER: I'll vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.

25 Anything under secretary's

34

1 report?

2 MS. PICKARD: No, that was it.

3 MR. KERRICK: DPW and sewer  
4 report and engineering report.

5 MR. McHALE: I just wanted to  
6 add, in combination with the solicitor report also,  
7 Pat, Phyllis and I, based upon your instructions  
8 that were given recently, was to move forward with  
9 a draft, floodplain management ordinance. So we  
10 have a composite that was put together from all the  
11 different ordinances from zoning to our stand alone  
12 Chapter 77. We looked at that this afternoon.

13 Pat's going to put together a  
14 draft template for us to look at with John Brogan  
15 as well. He said that he could probably get that  
16 done in a week or so and then we'll begin to move

17 forward with that presentation over the planning  
18 commission.

19 MR. ARMSTRONG: That was me  
20 being very optimistic, but, yeah, I'll get a  
21 number.

22 MR. McHALE: Pat, do your best.  
23 That would be great.

24 Equipment bid, did you all want  
25 to talk about that now?

35

1 MR. KERRICK: Yes.

2 MS. PICKARD: Yeah.

3 MR. McHALE: The equipment bid,  
4 Heidi, John and I had -- were here to open those  
5 bids. There was only one equipment bid so that was  
6 Papillion and Moyer. They did submit for -- with a  
7 schedule for nonprevailing wage rates, as well as  
8 prevailing wage rates. I don't know if you all  
9 want to take action on that if you could.

10 MR. KERRICK: Do you want to  
11 review it? Do you want to talk about it with Bob

12 now or --

13 MR. HOLAHAN: Let's talk about  
14 it with Bob now. The rate over our previous  
15 agreements.

16 MR. McHALE: They're pretty  
17 well in line with the previous. This is the  
18 Papillion and Moyer equipment bid and it's pretty  
19 much in line.

20 MR. HOLAHAN: Pretty much the  
21 same thing. But one says nonprevailing, one says  
22 prevailing --

23 MR. McHALE: Yes, but the --

24 MR. HOLAHAN: But the numbers  
25 the sa -- remains the same.

36

1 MR. McHALE: That's up to him  
2 to do that.

3 MR. KERRICK: Whatever project  
4 it is, whether it's prevailing or nonprevailing,  
5 but he chooses to eat the additional for the  
6 prevailing and has in the past.

7 MR. McHALE: There was 1100  
8 difference in last year's between the two.

9 MR. KERRICK: If you recall  
10 what we have in the budget this year, mostly for  
11 continued oil and chip application. And I would  
12 say the equipment bid is more on the lines of  
13 emergency or some small projects unless we find  
14 some additional funding.

15 MR. HOLAHAN: Then once I can  
16 find my paperwork, but I'll make a motion that --  
17 I'd make a motion that we accept the bid from  
18 Papillion and Moyer on the equipment rental.

19 MR. MOYER: I'll second.

20 MR. KERRICK: Motion and second  
21 on the floor.

22 Questions or comments from the  
23 board on the motion?

24 Questions or comments from the  
25 public on the motion?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I'll abstain.

5 MR. KERRICK: Donny?

6 MR. MOYER: I'll vote in favor.

7 MR. KERRICK: Heidi?

8 MS. PICKARD: I vote in favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Next item we have is the

12 material bids.

13 Do you have that with you, Bob,

14 as well?

15 MR. McHALE: I've got a summary

16 of the material bids and I also have the actual

17 numbers being printed up right now.

18 Now, just looking at these

19 numbers as they are, we have Locust Ridge Quarry

20 and ER Linde Construction. This is the actual

21 numbers that came in, if I can just -- that were a

22 part of their bid package.

23 What we've done, because we've

24 had four municipalities join -- or three others

25 join with us, Coolbaugh Township, Borough of Mount

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1 Pocono and Tunkhannock Township, on the stone  
2 materials and paving, but the majority of the  
3 numbers are ours. What I do is, I just, by  
4 coordinates, took from their locations and got kind  
5 of a center of gravity, if you will, to a common  
6 point for the haul distance justification. And  
7 that location is just off of 940, kind of in the  
8 Pocono Summit area. And then from that point we do  
9 the haul justification to the different quarries  
10 based upon their bid.

11 To refine it a little bit, we  
12 could, just because the numbers are primarily out  
13 of our township, we could even weight those  
14 numbers. But to keep it as straightforward and  
15 simple as we could, if you look at the stone  
16 numbers, which are in the beige color, the stone  
17 numbers come up in comparison between the two  
18 companies within about 10,000 -- little less than  
19 \$10,000 of each other.



20                               Linde did not submit a proposal  
21   at all for any of the paving. So from the  
22   township's standpoint and, you know, in the past  
23   sometimes you all had moved forward with doing  
24   stone separate from paving. You may want to just  
25   do them all under one contract and award it to

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1   Locust Ridge Quarry.

2                               In addition, Linde's location is  
3   in Cresco and since most of the materials will be  
4   used by our township, we'd been driving through the  
5   five points to get to Cresco and those type of  
6   things. So it's up to you all how you want to  
7   approach that. You could, like I said, either  
8   assign road construction materials based upon the  
9   stone only to one quarry or you could do the whole  
10   package as one bid. It's kind of left open.

11                           MR. KERRICK: I thought -- I  
12   thought that the stone from Linde was from  
13   Honesdale? I thought the quarry in Cresco was  
14   Leeward, was not a Linde Quarry?

15 MR. McHALE: Well, that was the  
16 information we had received last year from them.  
17 We can go back and reverify that. If it is  
18 Honesdale, then it doesn't matter, it's so far away  
19 that the numbers --

20 MS. LAMBERTON: It's even  
21 worse.

22 MR. McHALE: -- it's even  
23 worse.

24 MS. PICKARD: And Mount Pocono  
25 and Tunk aren't on this and Coolbaugh as well?

40

1 MR. McHALE: Yes. They have  
2 some numbers that they included with this, but the  
3 majority of the numbers are ours.

4 MR. KERRICK: And we can go  
5 over those numbers with any one of the  
6 municipalities, this just was a number put in for a  
7 bid.

8 MR. HOLAHAN: I'll make a  
9 motion that we award the bid to Locust Ridge Quarry

10 for materials for the whole contract.

11 MS. LAMBERTON: I'll second it.

12 MR. KERRICK: Motion and --

13 Anne, you second?

14 MS. LAMBERTON: Yes, I did.

15 MR. KERRICK: Motion and second

16 for Locust Ridge Quarry for materials for 2013

17 which is stone and asphalt?

18 MR. HOLAHAN: Yes.

19 MR. KERRICK: Questions or

20 comments from the board on the motion?

21 Questions or comments from the

22 public on the motion?

23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

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1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donald?

4 MR. MOYER: I'll vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll vote in  
8 favor. Motion carried.

9 MR. McHALE: This is our DPW  
10 engineering projects status report. And we already  
11 covered the first item, which was the floodplain  
12 management ordinance.

13 Fuel inventory management. This  
14 is our December numbers backed up in front of the  
15 summary of fuels and they're all charted as well,  
16 as far as what we used this year for the 12-month  
17 period and you can see there's averages also  
18 bulleted at the bottom of the chart. So we have  
19 the totals and the averages of the consumption that  
20 was used.

21 Do you have any questions on the  
22 fuel inventory? We are going to rerun the test for  
23 the fuel oil. When we ran that test, John and I  
24 believed, because it didn't indicate a failure, but  
25 the -- the annual liqu -- the liquid status report

1     came up as normal, so there's no problems with  
2     leakage. It's just that when we shut down the  
3     pumps for the heating oil, there may have been --  
4     if there's any differential at all that comes into  
5     those tanks, it throws the test off, but we did get  
6     a pass on the gasoline.

7                     There was a low level test error  
8     for the diesel just because it doesn't have enough  
9     -- there's like a third of a tank, I think we have,  
10    so the test does not run for that.

11                    MR. KERRICK: We're going to  
12    come in the middle of the night and do the -- I  
13    think we didn't allow enough time at least these --  
14    Bob, these are getting really small unless I'm  
15    getting too old.

16                    MR. McHALE: Well, I tried to  
17    consolidate it.

18                    MS. LAMBERTON: You're killing  
19    me here.

20                    MR. KERRICK: I mean, this was  
21    bad enough, just this haul justification, I think  
22    --

23 MR. MOYER: Is there any way we  
24 can make them smaller?

25 MR. KERRICK: I need a

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1 magnifying glass. I think we didn't allow enough  
2 time between the shutoff of the oil burner before  
3 we ran the test. So we're going to try it -- the  
4 next time we'll do it at night, where we don't  
5 interrupt the flow of employees during the day.

6 MR. McHALE: Similar to like  
7 PennDOT's process and now DEP, everybody's going  
8 electronic. We do have the electronic reporting  
9 that we do to the DEP for our waste water treatment  
10 facility and that's what this is here each month.  
11 This notification was provided to John and myself.  
12 We downloaded the reports and all I wanted to do  
13 was just kind of over the -- if you just flip --

14 That first page is just  
15 primarily the receipt in the back acknowledging,  
16 you know, validation by Penn -- or DEP, but if you  
17 go to the second page, just to give you an idea,

18 each parameter that's listed in that first column,  
19 that is what is being tested and checked throughout  
20 the year. So if you look down there you have  
21 dissolved oxygen, the next one down is PH levels,  
22 total suspended solids, so on and so forth.

23 Then if you look to the second  
24 column, that has sample measurement and permit  
25 requirement. Well, let's skip over the quantity

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1 you're loading, because that's pretty much just a  
2 conversion to get it into the pounds per day, and  
3 go over to the quality or concentration and that's  
4 what's the permit requirement.

5 So if we look at dissolved  
6 oxygen in the first column, we have a permit  
7 requirement of 5-0 minimum and then you can see  
8 what the testing actually came out for that month  
9 was 7. And the same thing, if we go down to PH, we  
10 have to have a minimum of six, maximum of nine. We  
11 had 6.7 and 7.5. So you all can take time to look  
12 over those, but that's generally how that's done on

13 the back side, there's a couple more parameters.

14 And then the others are just  
15 supplementals, information that's provided with it,  
16 but this is the printout of what actually goes to  
17 the DEP every single month.

18 MR. HOLAHAN: Looks like  
19 exciting reading.

20 MS. LAMBERTON: I just can't  
21 wait to take it home.

22 MS. HAASE: Wait till I give  
23 you your homework.

24 MS. LAMBERTON: She has more.

25 MR. McHALE: On the township

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1 municipal water supply, we're required by the DEP  
2 to put in a shutoff valve and smooth bore sampling  
3 taps along with check valves. We already had a  
4 check valve here at the township building, so those  
5 were added for the building facilities, but we have  
6 to do the park facilities in the spring. And  
7 that's just something on the report, it's not gonna



8 have it till then. Then once we do those, we have  
9 to notify DEP that it's been completed; but we have  
10 to just before the start-up of the spring season.

11 As far as line painting, Stony  
12 Hollow Road received centerline painting, but we  
13 were unable to get the rest of the painting on the  
14 bituminous seal coated roads due to temperature and  
15 precipitation on the roads in November, December.  
16 So we'll do that in spring 2013.

17 Pat already discussed the  
18 memorandum of understanding for Arcadia. And we're  
19 on hold also because I think, Phyllis, you're  
20 waiting on some escrow money or something to be  
21 replenished.

22 MS. HAASE: That is correct.

23 MR. McHALE: The Kalahari  
24 project we teleconferenced. Phyllis can fill you  
25 in on that. We did do a land development review

1 minus traffic and storm water. The traffic was  
2 done by L&V Engineering. They did have comments

3     that they provided. Storm water we were planning  
4     to meet with Pennoni Associates. If we can do it  
5     this week before the planning commission meeting,  
6     we'll do it. And then we'll also draft a letter  
7     for all the remaining items that Phyllis and I and  
8     John had sat in for a portion of that land  
9     development review meeting.

10                     Proposed schedule below there  
11     shows -- well, today they had a meeting. Phyllis  
12     and Annie, I think, attended the conservation  
13     district, if they have any comments on that. And  
14     we have a planning commission meeting on Thursday.

15                     Venezia Trucking, I think we've  
16     spoken to those items. Dollar General, we did one  
17     land development review. Storm water management is  
18     under review and they've responded to that first  
19     set of land development comments. Hopefully we'll  
20     have that letter out before the planning commission  
21     meeting as well.

22                     This is the plant as far as  
23     monthly daily flows and what -- the spreadsheet  
24     behind is listed by month, January through  
25     December, and it gives each day of the month and

1 the flows of that particular day. And at the  
2 bottom of the page, it has the averages and it has  
3 the maximums for that particular flow.

4 This summary sheet that I put  
5 together in the front is just a comparison of  
6 previous years up to '06. So you can see the  
7 comparison of our flow rates and the average daily  
8 flow compared to years past.

9 MS. LAMBERTON: Thank you.

10 MR. McHALE: You're welcome.

11 This year was a good year for  
12 our flows. And the lower the flows stay and the  
13 less I&I we have --

14 MS. LAMBERTON: Yeah, the  
15 better.

16 MR. McHALE: The better it is  
17 when the time comes when we want to look to expand  
18 or if we have to add EDUs and such.

19 MR. HOLAHAN: So, Bob, overall  
20 we're doing pretty well with the sewer plant at

21 this point except for pumps and building, correct?

22 MR. McHALE: Yes. And -- as  
23 far as the flows are, but we need to get back --  
24 and we talked about for next year 2013, we'll be  
25 moving that into the I&I and researching that a

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1 little bit more. We still have the issue of, what  
2 we believe is sump pumps --

3 MR. HOLAHAN: Right.

4 MR. McHALE: -- that kick on.  
5 That issue has to be -- and that will help. So if  
6 we look at that and the spikes that you do get in  
7 the plant from time to time, it's even going to  
8 lower those numbers even all the more, which means  
9 that opens up capacity for other people if we can  
10 get those stabilized and the lower numbers.

11 I think that's it. You all have  
12 any questions? Riley did send in -- sorry, one  
13 last item, revised storm water management addendum  
14 report. Every five years on the NPDES when they go  
15 to renew, the conservation district via Penn -- or

16 DEP has the option of requiring them to bring it up  
17 to current standards, so they've had to do that.  
18 And that's what they submitted to us was that  
19 update. What I'll do is I'll summarize some of  
20 those items and send it you in an email.

21 MS. PICKARD: What was that  
22 for, Bob?

23 MR. McHALE: That was for  
24 Keswick Pointe.

25 MR. KERRICK: Thank you, Bob.

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1 Next item, zoning officer report  
2 slash emergency management coordinator report.

3 MS. LAMBERTON: Slash slash  
4 slash.

5 MS. HAASE: Slash, slash,  
6 slash. As far as zoning, we had a hearing and  
7 there was relief granted for a variance of a home  
8 in Arrowhead. This past -- we had four lot  
9 consolidations. The process is much easier for our  
10 residents now, just go directly to my office. So

11 that -- that was, I think, greatly appreciated by  
12 the residents.

13 With regard to the dangerous  
14 property that we had discussed a few times in  
15 Arrowhead, I was able to finally make contact with  
16 the owner. She said it was never her intent not to  
17 build. They still aren't through the appeal  
18 process. The problem is with the monies refunded,  
19 there is no more zoning application. She is going  
20 to send a letter to my office what her intent is  
21 for the property and then she will be notified at  
22 that point, they will have to resubmit. Right now  
23 there is no zoning application valid.

24 PP&L, they had the replacement  
25 --

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1 MR. MOYER: Which one is that?

2 MR. KERRICK: Which property --  
3 I'm sorry.

4 MR. MOYER: Is that the one  
5 with the foundation?

6 MS. PICKARD: Yeah.

7 MR. KERRICK: Yes, Donny.

8 MR. HAASE: Yes.

9 MR. KERRICK: Why would we  
10 refund it, if they still don't know what they're  
11 doing?

12 MR. HAASE: It's my  
13 understanding there was a call made to the township  
14 asking for the monies to be refunded.

15 MR. KERRICK: Did they know  
16 about that?

17 MR. HAASE: I can't answer  
18 that. I would have to say, yes, because she said  
19 to me the only reason why they were requesting  
20 monies was because they were short on funds; but  
21 they still are going through the review process  
22 with DEP. So it's their intent, if that is  
23 granted, to continue with construction.

24 MR. KERRICK: So now we're left  
25 with a lot that has a foundation on it and no

1 zoning application?

2 MS. HAASE: Correct.

3 MR. KERRICK: Nice.

4 MS. HAASE: So once I receive

5 something from her, I will send something out from

6 the township stating that she'll have to resubmit.

7 I don't know how that's going to affect their

8 appeal process, but that's really something that --

9 MS. LAMBERTON: Is Arrowhead

10 concerned about that at all?

11 MS. HAASE: I have not -- the

12 complaints are coming from the residents. The

13 prior enforcement officer did have complaints. I

14 have not spoken to the enforcement officer that's

15 there now. So I'll keep you updated on that.

16 PP&L, as you're aware, they're

17 going to be running some replacement improvement

18 lines. There is a meeting on March 17. I do

19 believe you folks were --

20 MR. HOLAHAN: St. Patty's Day?

21 MS. HAASE: St. Patty's Day. I

22 am planning to attend the presentation, which I can

23 bring back a report to the board. I have also been



24 in discussion with PP&L working with their right of  
25 way department meeting. They're going to be

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1 running some new lines that's not part of this  
2 project; the north end of 115, on four large  
3 parcels.

4 That's for you.

5 MS. LAMBERTON: Thank you.

6 MS. HAASE: Oh, you're more  
7 than welcome.

8 You can attend, too, if you'd  
9 want.

10 (Inaudible discussion among the  
11 board members.)

12 MR. McHALE: Phyllis?

13 MS. HAASE: Yeah.

14 MR. McHALE: The PP&L meeting  
15 is January?

16 MS. HAASE: January 17.

17 MR. McHALE: Because John  
18 thinks it's March 17.

19 MS. HAASE: January 17, yes.  
20 MS. LAMBERTON: What's January  
21 17?  
22 MR. McHALE: The PP&L thing.  
23 MS. LAMBERTON: Oh, the other  
24 line over there in Blakeslee, is that what you're  
25 talking about?

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1 MR. ARMSTRONG: Phyllis, there's  
2 nothing before the board today, this is just an FYI  
3 from PP&L?  
4 MS. HAASE: Yes. I believe  
5 that they sent in --  
6 MS. PICKARD: They sent in a  
7 big packet to let us know. That's about the --  
8 that's not -- that's a line crossing the Lehigh  
9 that's clipping the area.  
10 MS. HAASE: No. This seminar  
11 is for the improvement of electric services.  
12 MS. PICKARD: That's for the  
13 Wagner substation and down by Pocono Lake Preserve.

14 MS. HAASE: Yeah. This is  
15 running through multiple counties, is what this  
16 was.

17 MS. LAMBERTON: It'll go out by  
18 you?

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: Behind Lake  
21 Naomi?

22 MS. PICKARD: Yeah, but that's  
23 the one coming from in -- from Luzerne across the  
24 Lehigh.

25 MS. HAASE: They're two

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1 separate.

2 MS. PICKARD: Yeah.

3 MS. HAASE: I'm working on the  
4 one with the Luzerne. This here is regarding the  
5 Carbon --

6 MS. PICKARD: That's the big --  
7 the big binder, the northeast reliability --

8 MS. HAASE: Yeah, they're two

9       --

10                   MS. PICKARD:    -- project.

11                   MS. HAASE:    Two separate.

12       Emergency management, I had a briefing that I  
13       attended on December 5 at the control center  
14       regarding Hurricane Sandy. Bruce Henry and Guy  
15       Miller both said that they were totally overwhelmed  
16       with this storm. So there's some new -- more plans  
17       that they're going to be putting in place and  
18       they'll be working with emergency management  
19       coordinators as well.

20                   MR. KERRICK:   Can you take back  
21       a suggestion?

22                   MS. HAASE:    Absolutely.

23                   MR. KERRICK:   That the power  
24       company gets in touch with the road departments and  
25       the fire company --

55

1                   MS. LAMBERTON:   Yeah, totally.

2                   MS. HAASE:    That was my --

3                   MR. KERRICK:    -- so we know

4     where they are and they know where we are?

5                             MS. HAASE:    Yes.

6                             MR. KERRICK:   Because it  
7     doesn't work this way.

8                             MS. HAASE:    Yes.   That was  
9     brought up, because there's also concern with roads  
10    being closed, that they had a concern with the  
11    townships.   So we're trying to get some type of way  
12    that we can work together more.   It's -- it would  
13    be easier for the township, when we get phone calls  
14    from our residents, to know where they're located  
15    and where they're working.

16                            If you go on the PP&L site, of  
17    course they have bings, hits; but they're not as --  
18    site specific to the properties they're working on.  
19    So that is something --

20                            MR. KERRICK:   They need to put  
21    someone in at the emergency operation center that  
22    you could talk to.

23                            MS. HAASE:    They're working on  
24    a connection either with PP&L or whoever the  
25    carrier is for that area.

1                   MR. KERRICK:   Well, I -- yeah,  
2   I say PP&L because that's what we deal with.

3                   MS. HAASE:    Right.

4                   MR. KERRICK:   This is very --  
5   and it's been that way for years.

6                   MS. LAMBERTON:   Isn't it  
7   because all the subs are from out of town, though,  
8   and it's not really PP&L?

9                   MS. PICKARD:   Well, that's --

10                  MR. KERRICK:   No, no, because  
11   they send a bird with them from PP&L.

12                  MS. LAMBERTON:   Oh, okay.

13                  MS. PICKARD:   A bird?

14                  MR. KERRICK:   Well, whatever  
15   they call them, rover, ranger, bird.

16                  MS. PICKARD:   Well, I think  
17   some of this upgrade is to get those switches so  
18   they can fix things and reroute power right from  
19   the office and know where it is and then --

20                  MR. HAASE:    That's the  
21   improvement end of it.

22 MS. PICKARD: -- they have --  
23 they may have a better idea of where things are to  
24 begin with.

25 MS. HAASE: Continuing on

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1 emergency management, John Holahan and I had  
2 attended and participated in the disaster strikes  
3 webinar. I felt pretty good after the webinar  
4 because many things they brought up we've already  
5 implemented. There was one item that they  
6 discussed that I was not aware of. And John I had  
7 looked into that. One is a directive from 2008.

8 I'm sorry. Let's try this one  
9 more time, John, that's my copy. Thank you.

10 Mine's highlighted, I cheat.

11 This directive speaks to issuing  
12 authority to an individual that needs to be on our  
13 roads in case our roads are shut down. As long as  
14 they're passable, they would be allowed to be on  
15 the road.

16 This would pertain to anyone

17 with a nursing home, a doctor would be -- example  
18 would be, Bob, Bob plows for us. However, doesn't  
19 have identification as such. If he's stopped by  
20 the police or the State Police, this would give him  
21 the authority to be on the roads. There is a  
22 letter that is part of this FEMA directive, a  
23 modeled letter, in essence, for the municipalities  
24 to mirror off of, and which I've typed up on our  
25 letterhead as a draft.

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1 I'm comfortable with the wording  
2 that's in the letter. The only thing, as I was  
3 discussing with John Holahan, was that it would be  
4 appropriate that we have some type of an expiration  
5 date in the letter instead of it being open-ended.  
6 Now, if the individual that was assigned this  
7 letter, if they were stopped by the police or the  
8 State Police, they still have the authority to tell  
9 them, no, you have no get off the roads, but  
10 generally they will allow them to pass as long as  
11 the roads are passable.



12                               The other item that was  
13   discussed at the meeting, and you folks may have  
14   reviewed this, it's the emergency management  
15   handbook for elected officials. So that is for you  
16   to review. There's some reading material for you.

17                               Through the discussion it came  
18   up how we need to make certain that if we're  
19   operating the meeting room or conference room as a  
20   command center, that we have everything supplied  
21   properly. So we're going to have to put a computer  
22   back into the room again. The other item that we  
23   had discussed is a Polycom to set up the conference  
24   table. And that could be used for many facets.

25                               It could be used for in case of

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1   emergency. If all of the individuals are in the  
2   room, we're gonna be able to have a conference call  
3   and everyone can hear us appropriately. It could  
4   also be used throughout the year for our  
5   conferences or meetings that we have with any type  
6   of agencies. So I did print out some material, I

7 haven't gotten a quote back from the company; but  
8 once I do, I will pass that on to you folks.

9                               There was damage to the transfer  
10 station. I had spoken to Pat about this prior to  
11 the meeting. I don't know if -- I believe John and  
12 you looked at it -- I'm sorry, I only have one of  
13 the images, but it was the three-sided building  
14 that was torn off at the transfer station. The  
15 lease with Panther Waste did not call out the  
16 reimbursement of funds in haste of a disaster or  
17 insurance proceeds where it's delegated to.

18                               So I had spoken to the  
19 individual, he's assured me that the monies will be  
20 placed back into building. I instructed him that  
21 the township would have to review his plans of what  
22 he's proposing to put in place. We also will need  
23 to bring that in front of the board for your  
24 approval and request a waiver of land development.  
25 Even though it's our property, we still have to

1 follow the same regulations.

2                               The only thing is the agreement  
3     and the contract that was put together, Pat didn't  
4     put that lease together years ago, it was put  
5     together by a previous solicitor. I think it's  
6     appropriate that that is looked at so there is  
7     language placed in it moving forward that if  
8     there's any emergencies, disasters or insurance  
9     proceeds, that at least we are issued on the check.  
10    The check was solely distributed to him in their  
11    name.

12                           MS. LAMBERTON:    Wow.

13                           MS. HAASE:     So it would be  
14    appropriate that at least it would be both of our  
15    names.

16                           MS. LAMBERTON:    I think so.

17                           MS. HAASE:     So that's something  
18    that's acceptable to the board, that Pat should  
19    look at that moving forward.

20                           MR. ARMSTRONG:    Yep.

21                           MS. LAMBERTON:    I think so,  
22    yeah.

23                           MR. ARMSTRONG:    I might have a  
24    copy of it. I don't know if I -- I didn't prepare

25 it, but I might have a copy of it. So I'll look at

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1 it, it should be easy as just a --

2 MS. PICKARD: You could just  
3 start it and then there was that assignment that  
4 happened in the middle of working was started.

5 MR. ARMSTRONG: Yeah, I  
6 remember doing an assignment of the existing lease.  
7 So what I can do is -- it sounds like it would be  
8 an easy two-line fix just making clear that any  
9 insurance proceeds for damages to the property  
10 would be issued payable to not only the tenant but  
11 also the landlord, Tobyhanna Township.

12 MS. HAASE: I have a meeting  
13 set up for this coming week with the Lions Club.  
14 They certainly saw the need for their participation  
15 in emergencies off of what our last two storm  
16 events, Hurricane Sandy and also we had last year.  
17 So they would like to be active in the community  
18 assisting us in emergency management, whether it's  
19 transporting people, whether it's helping us

20 distribute supplies. So I will be meeting with  
21 them and bringing back a report at the end of the  
22 month -- or next month, I'm sorry.

23 The safety committee, there's a  
24 few things that we had to put together. And the  
25 safety committee had worked on an evacuation plan.

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1 This we will frame and it'll be at specific  
2 locations throughout the township building. We  
3 will also take it to the emergency service  
4 building, we will have to do something there as  
5 well. That will be, as I said, at specific  
6 locations throughout the township.

7 We had a risk --

8 MR. HOLAHAN: We think Jeff  
9 Evans just saw this and used it to plan his escape.

10 MS. LAMBERTON: He evacuated.

11 MR. MOYER: He went with that  
12 exit sign.

13 MS. LAMBERTON: I saw him. I'm  
14 just saying --

15 MS. HAASE: We had a risk  
16 management assessment done of the township, which  
17 actually we came through quite well. The company  
18 was very pleased with the safety committee. In  
19 fact out of 10 we scored a perfect 10. So that was  
20 a good --

21 MR. MOYER: That was with  
22 John (inaudible), whatever --

23 MS. HAASE: The only thing you  
24 will see in the back of it, that there was a lower  
25 score that was for the police department and fire

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1 department. We don't have control over that. They  
2 scored us a five and these are the minutes from our  
3 last meeting. They had given us a five. They did  
4 have a suggestion, which the safety committee  
5 discussed and thought it would be appropriate that  
6 we present it to the board.

7 On the assessment they are  
8 suggesting that our fire department, the volunteers  
9 go through physicals to start off with the newly

10 appointed volunteers. It's mandatory they have  
11 physicals and then for the existing they do it over  
12 a time period. They feel that that is a liability.

13 The other two items that they  
14 had commented about in the risk assessment was  
15 accountability for the supervisors and with that,  
16 they're talking about more the department heads to  
17 make certain that there's written safety programs  
18 and performance programs in place, which we are  
19 working on that.

20 And the third comment would be  
21 the use of personnel vehicles for township  
22 business. Right now Heidi and myself we are using  
23 our own vehicles because we are short a vehicle,  
24 which we keep track of the mileage and submit it to  
25 the township. What they are suggesting that if we

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1 do that, that we need have our insurance and  
2 declaration page on file. So that's something that  
3 we will need to address as well.

4 MR. HOLAHAN: That's something

5 the insurance company could certainly supply the  
6 language for you?

7 MS. HAASE: I'm sorry, John, as  
8 far as a policy?

9 MR. HOLAHAN: Are we -- well,  
10 our insurance should be covering you as well.

11 MS. PICKARD: No.

12 MR. HOLAHAN: Even in your  
13 personal --

14 MS. PICKARD: They just talked  
15 about it, I think.

16 MS. LAMBERTON: Oh, as an  
17 employee.

18 MR. HOLAHAN: It's probably  
19 something in writing.

20 MS. HAASE: I think one  
21 insurance would go after the other insurance  
22 company, I believe that that happens; but they feel  
23 that it would be appropriate that at least if there  
24 was a declaration on file with the township at  
25 least the supervisors are aware we do have



1 insurance.

2 MR. HOLAHAN: Be a certificate  
3 holder?

4 MS. HAASE: That is correct.

5 We do have a training scheduled  
6 for the 15th of January, at 10 o'clock with the DPW  
7 staff for blood born pathogens and lockout tag  
8 training. After that the company is going to go  
9 through our building again so we are going to make  
10 certain that we're all tuned up for next week,  
11 which we're in pretty good shape.

12 As far as US Census, that  
13 happens on this month. Working on the boundary and  
14 annexation surveys for our legal boundaries,  
15 there's nothing to be changed. So I will put that  
16 report together and submit that.

17 Land development, Kalahari  
18 Resort, as you're aware of, have submitted the  
19 plans to the township as Bob stated. We had begun  
20 the review process last week and they are on the  
21 planning commission schedule for Thursday. Dollar  
22 General has resubmitted as well and hopefully we

23 can proceed with that to the board.

24 That's it for today.

25 MR. KERRICK: Could we look

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1 into paperless?

2 MS. LAMBERTON: I just said,

3 you don't work for the conservation district.

4 MS. HAASE: Not so much.

5 MR. HOLAHAN: Do we -- Heidi,

6 do you know, did we fund the emergency management

7 system here?

8 MS. PICKARD: Yeah, but I don't

9 know the numbers off my head.

10 MR. HOLAHAN: I'm trying to

11 look it up here to see.

12 MS. HAASE: I believe there's

13 \$1,000 in there. A lot of that we're going to need

14 --

15 MS. PICKARD: I think we had

16 more than that.

17 MS. HAASE: -- computers.

18 We'll need a computer to place into the meeting  
19 room. My census computer, that we had to have a  
20 separate computer when I did the census, I no  
21 longer needed that until the next time that comes  
22 around. That could be cleaned up and used. That's  
23 a possibility.

24 MS. PICKARD: Could we use a  
25 laptop for now or it just has to stay in there?

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1 MS. HAASE: No, it has to be a  
2 hard wire, yeah.

3 MS. PICKARD: It has to, okay.

4 MS. HAASE: We will need to  
5 have computers. Everything with the county now,  
6 when we go down there, it's going to be computer  
7 oriented so we will be working on computers. The  
8 Polycom as well, that, I imagine, would come out of  
9 that, maybe you could split between two budgets,  
10 line items. I'm thinking that's probably around 3  
11 or 400. That's what I think.

12 MS. PICKARD: We had some more

13 money in for training and for operational expense.

14 I don't know, we had like 4 or \$5,000 total for

15 that.

16 MR. KERRICK: Anything else on  
17 emergency management or zoning?

18 MS. HAASE: No, sir.

19 MR. KERRICK: Thank you very  
20 much.

21 Next item, committee reports.

22 Pocono Mountain Regional EMS.

23 Do we have a report? You sent us stats, I believe.

24 MS. PICKARD: No. Yeah, that  
25 was for the full year.

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1 MR. KERRICK: Heidi?

2 MS. PICKARD: No, no. I'll  
3 talk with John after.

4 MR. KERRICK: Pocono Mountain  
5 Regional Police Commission. Obviously there's been  
6 some things in the newspaper. We're going to work  
7 on the issues and make sure that we stay together.

8 I'm very confident that we can. That's all I have  
9 to report.

10 Do you have anything, Anne?

11 MS. LAMBERTON: No, that pretty  
12 much wraps it up.

13 MR. KERRICK: Don will be  
14 thrown into the fire tomorrow night.

15 MR. MOYER: Right.

16 MR. KERRICK: Open space, did  
17 we have a report?

18 MS. PICKARD: No, we haven't  
19 heard anything from --

20 MR. KERRICK: Regional Comp?

21 MR. HOLAHAN: Nothing.

22 MR. KERRICK: TIF?

23 MS. LAMBERTON: Yes. Actually  
24 I had forwarded everybody the minutes and the  
25 reporting from the first official committee

1 meeting. I didn't know if anybody had any  
2 questions on how the TIF works or any comments on

3 the economic impact study that was done. It's  
4 impressive.

5 MR. KERRICK: It's very  
6 impressive.

7 MS. LAMBERTON: Very  
8 impressive.

9 MR. MOYER: Looked nice.

10 MS. LAMBERTON: What they --

11 MR. KERRICK: This ought to  
12 bring a few dollars to our area.

13 MS. LAMBERTON: Hallelujah  
14 Hollywood. What they are trying to achieve from  
15 the three agencies is a hundred percent funding,  
16 'cause that's the number they need to work with  
17 their infrastructure and costs.

18 And also, Heidi, I wanted to  
19 mention to you and the rest of the board, I'd like  
20 to have all -- since it's Tobyhanna Township TIF,  
21 everything's going to filter through our building.  
22 So as secretary I think everything should go to  
23 you, one person. And then you'll be in touch with  
24 Michelle and Chuck Leonard at DCED. And it can  
25 stay all in one spot. That way we have that

1 organized through our secretary over to one agency  
2 and there's no confusion. I would just like to  
3 just mention that and throw that out there.

4 MR. KERRICK: Does she need any  
5 --

6 MS. LAMBERTON: There's an  
7 awful lot of paperwork that I would --

8 MS. PICKARD: Yeah, I might  
9 have some questions. I know I didn't bring it with  
10 me, but I have questions just with the numbers and  
11 there seems to be some disparity from the county.  
12 I didn't -- I wasn't prepared really to ask you,  
13 but I'll --

14 MS. LAMBERTON: Also, too,  
15 Pocono Mountain School District is holding an open  
16 meeting on the 15th, which is a Tuesday, at 3 p.m.,  
17 anyone's invited. I believe the location -- I can  
18 check on it, I can email everybody, but I think  
19 it's down at east campus, and that it'll be a great  
20 informational tool.

21 MR. MOYER: When is that?  
22 MS. LAMBERTON: It is Tuesday,  
23 the 15th, at 3.  
24 MR. KERRICK: Better check on  
25 the location. Last time --

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1 MS. PICKARD: Is this another  
2 one like they had before?  
3 MS. LAMBERTON: No. This is  
4 Michelle, Joe Hogan, the guy who is writing the TIF  
5 and pretty much putting the package together.  
6 MS. PICKARD: Are they going to  
7 -- is somebody going to advertise it, though, this  
8 time?  
9 MS. LAMBERTON: The school  
10 district, they're hosting it. It should be out for  
11 advertisement.  
12 MS. PICKARD: Well, the last  
13 one they had they just put it on the website,  
14 nobody --  
15 MS. LAMBERTON: I believe the



16 last one was just put on their agenda at the school  
17 board meeting, to be honest.

18 MS. PICKARD: Maybe it'd be  
19 nice if --

20 MS. LAMBERTON: Yeah, yes.  
21 It'll be very interesting.

22 MS. PICKARD: -- if somebody  
23 would like alert the public.

24 MR. MOYER: Joe Hogan, not Hulk  
25 Hogan?

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1 MS. LAMBERTON: No, not Hulk  
2 Hogan, Joe Hogan.

3 MR. HOLAHAN: Annie, are they  
4 going to be voting? Are they gonna be taking  
5 action?

6 MS. LAMBERTON: No, no. It's  
7 informative, and they want to explain the numbers  
8 if anyone has any questions. And also to show  
9 their goal of what percentages they need in order  
10 to make the infrastructure work fund work for

11 what's being brought to the site, that can be used  
12 by other properties as well along the way.

13                               There's a huge advantage with  
14 gas line proposal that's coming from the industrial  
15 park up by Johnson and Johnson in Coolbaugh  
16 Township, which will tie in, hopefully, all of the  
17 industrial park, through Mount Pocono Industrial  
18 Park, come behind Lowe's and tie in as many  
19 properties as possible for that as well. So that's  
20 a huge plus, which those tax dollars are going to  
21 be paying for that. So that's a big plug.

22                               MR. McHALE: As I recall,  
23 several million dollars?

24                               MS. LAMBERTON: Yes, several  
25 million just for that alone. I believe the amount

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1 in their proposal natural gas connection, 4.5. And  
2 they've whittled it down, it started at seven or  
3 eight, if I remember correctly.

4                               MS. PICKARD: We had that  
5 Williams that was coming in and they were talking

6 about coming up from this side, Bob?

7 MS. LAMBERTON: It wasn't  
8 feasible.

9 MR. McHALE: They were wanting  
10 to do a loop, they never got back to discuss  
11 further.

12 MS. LAMBERTON: It also was --  
13 wasn't feasible with the numbers they originally  
14 came back with.

15 MR. McHALE: But this is  
16 independent --

17 MS. LAMBERTON: Oh, I'm sorry.

18 MR. KERRICK: That's totally  
19 separate.

20 MS. LAMBERTON: They actually  
21 did approach Williams for 423, to tie into that.

22 MR. McHALE: The Williams folks  
23 do want to come in and talk to you.

24 MS. LAMBERTON: Good. Gas is  
25 good.

1 MS. HAASE: Mr. Chairman, I did  
2 forget something.

3 MR. KERRICK: Are we finished  
4 with the TIF?

5 MS. LAMBERTON: Yes, unless  
6 anybody has any questions.

7 MS. PICKARD: Or just that we  
8 did -- Tom Hill did that all by himself?

9 MS. LAMBERTON: Yes. He worked  
10 with -- well, Tom Hill bought to DCED, who worked  
11 with Joe Hogan, who is the company that is writing  
12 this entire TIF; but he cannot move forward until  
13 all three of our agencies have said, we are fine  
14 with giving them a hundred percent. And I think I  
15 just kind of want to know if there's any questions  
16 on that figure because then we can at least say  
17 Toby's good, county commissioners are good and now  
18 we're waiting to hear from the school.

19 MR. KERRICK: I have no problem  
20 with it.

21 MS. LAMBERTON: It's the number  
22 that's necessary in order to do the infrastructure,  
23 so in my mind it makes all sense.

24 MR. HOLAHAN: John, is that  
25 something that we think we can take care of now at

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1 this meeting? Is that the board supervisors go  
2 ahead and make the recommendation?

3 Annie, is that something that  
4 your committee is asking for?

5 MS. LAMBERTON: They're asking  
6 for a verbal, that he can then produce a plan based  
7 on a hundred percent. That's what he needs to know  
8 in order to know what numbers --

9 MS. PICKARD: What is that  
10 number now?

11 MS. LAMBERTON: The number is  
12 -- the total TIF is 22,600,000 over 20 year.

13 MR. HOLAHAN: I'll make a  
14 motion that we accept the TIF at the hundred  
15 percent level.

16 MR. KERRICK: We have a motion.  
17 Do we have a second?

18 MS. LAMBERTON: I'd love to

19 second it.

20 MR. MOYER: Go ahead.

21 MS. LAMBERTON: I'll second it.

22 MR. ARMSTRONG: The county's  
23 already --

24 MS. LAMBERTON: No. We have to  
25 actually -- they will vote on it separately, the

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1 school will vote it on separately and then they  
2 bring it to us. And then we have a meeting where  
3 we accept the TIF through the Tobyhanna Township  
4 TIF. At that point, you get all the paperwork.

5 MR. HOLAHAN: So I suppose that  
6 the motion should be that we --

7 MS. LAMBERTON: I don't even  
8 know that we need a motion.

9 MS. PICKARD: Yeah.

10 MR. HOLAHAN: -- would draft a  
11 letter or that the board of supervisors supports --

12 MS. LAMBERTON: Support a  
13 hundred percent.

14 MR. HOLAHAN: At this point it

15 --

16 MS. PICKARD: What we'll need

17 then to move forward, we'll have -- it'll have to

18 be advertised in --

19 MS. LAMBERTON: Oh, absolutely,

20 yes.

21 MS. PICKARD: I don't know if

22 it's an ordinance or --

23 MR. ARMSTRONG: You can't do

24 anything definitively tonight. You're --

25 MR. KERRICK: No, we're just

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1 writing a letter of support.

2 MR. ARMSTRONG: -- it sounds

3 like you're looking for a hey, we're in favor at

4 this point in time --

5 MS. LAMBERTON: He needs to

6 know, are you at 80, 85, 90, 95, in order to

7 present a TIF.

8 MR. KERRICK: I think a letter

9       would be in order and -- in support so they can put  
10       the plan together.

11                               MS. LAMBERTON:    Correct.

12       That's all --

13                               MR. KERRICK:    I think that's  
14       what you're asking for.

15                               MS. LAMBERTON:    That's all  
16       they're looking for.

17                               MR. HOLAHAN:    Well, then I will  
18       --

19                               MR. ARMSTRONG:   Why don't you  
20       just do it by consensus tonight --

21                               MS. LAMBERTON:    And they're  
22       fine with that.

23                               MR. ARMSTRONG:    -- if they're  
24       not looking for any formal action at this point in  
25       time? I mean, it's up to you as a board.

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1                               MS. LAMBERTON:    Well, he can't  
2       conclude numbers until he knows what percentages  
3       they're working with. And since that's his



4 question --

5 MR. KERRICK: So you don't  
6 think a letter is in order?

7 MS. PICKARD: You think that's  
8 the consensus of the school district and the  
9 county? Then I'm good with that.

10 MR. ARMSTRONG: Well, you can  
11 do a letter just giving the consensus of the board  
12 that everyone seems to be in agreement with x  
13 percent.

14 MR. HOLAHAN: I'm all right with  
15 that.

16 MR. KERRICK: That's your  
17 motion then. That's your second.

18 MS. PICKARD: I'll coordinate  
19 with you and get a --

20 MR. HOLAHAN: It didn't seem  
21 like it needed to be a motion other than --

22 MS. LAMBERTON: I don't think  
23 it does honestly.

24 MR. KERRICK: Well, then we'll  
25 withdraw your second and withdraw your motion.

1                   MR. MOYER:   We're in favor of a  
2   letter.

3                   MS. LAMBERTON:   I'll withdraw  
4   my second, you can withdraw your motion.

5                   MR. KERRICK:   You withdraw your  
6   motion?

7                   MR. HOLAHAN:   I do.

8                   MR. KERRICK:   Done.

9                   MR. ARMSTRONG:   So I guess now  
10   just --

11                   MR. MOYER:   Draft the letter.

12                   MR. ARMSTRONG:   -- poll each  
13   other, consensus is you'll all --

14                   MR. KERRICK:   I already said  
15   that I was in favor.

16                   MR. MOYER:   Favor. Favor,  
17   favor.

18                   MS. LAMBERTON:   Everybody good  
19   with it? I'll take it back to the committee then?  
20   Very good.

21                   MS. PICKARD:   So we don't need

22 a letter?

23 MS. LAMBERTON: We don't need a  
24 letter.

25 MR MOYER: Okay. You're just

80

1 going to tell them.

2 MS. LAMBERTON: I will be a  
3 delivery person. No. It's on record, I mean, that  
4 we all agreed.

5 MR. KERRICK: Phyllis, you said  
6 you had one more thing.

7 MS. HAASE: Yes. I'm sorry. I  
8 forgot to mention to the board that I will be  
9 attending a meeting at the county public safety  
10 center regarding our hazard mitigation plan.  
11 There's some items in there, they need updated  
12 information and they also need to update them on  
13 where we're at with some improvements that we need  
14 to do and some projects that we've been working on.  
15 So I will be meeting with them at the end of the  
16 month and I will report on that in February.

17 MR. KERRICK: Thank you.  
18 Anything else?  
19 Anyone from the board have  
20 anything else?  
21 Bob?  
22 Phyllis?  
23 MR. McHALE: No, sir.  
24 MR. KERRICK: Open it up to the  
25 floor?

81

1 Does anyone have anything they  
2 wish to address the board?  
3 Nothing?  
4 MS. LAMBERTON: Nothing?  
5 Jeff, come on, a little  
6 something?  
7 MR. JEFF EVANS: Five o'clock,  
8 you all need to go home.  
9 MR. KERRICK: Why?  
10 MR. MOYER: Just feels right.  
11 MR. JEFF EVANS: I'm sure you

12 have other things to do.

13 MS. LAMBERTON: My day's only  
14 half done, Jeff.

15 MR. HOLAHAN: Were we still  
16 going into executive session?

17 MR. KERRICK: Yes. And we do  
18 not need a return.

19 MR. ARMSTRONG: I will just  
20 mention, and it just dawned on me, Bob brought up  
21 about the I&I in his report. We had talked about  
22 back in December how we wanted to address that, if  
23 you wanted to move forward with something or if you  
24 wanted me to get with Bob to see if there's -- we  
25 talked about a number of things.

82

1 One was -- it sounded like what  
2 you may be inclined to, be most adhered to, at  
3 least for now, is to whenever the properties change  
4 names or sold, that there's an inspection  
5 associated with that from the sewage enforcement  
6 officer, to make sure there are no improper

7 hookups, sump pumps --

8 MR. KERRICK: Bob and I have  
9 some ideas and thoughts. Why don't we get with you  
10 at a conference call and report back to the rest of  
11 the board next month?

12 MR. ARMSTRONG: Perfect.

13 MR. KERRICK: Thank you. We're  
14 adjourned.

15 (Meeting concluded at 5:05 p.m.)

16 ---

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10

I hereby certify that the

11

proceedings and evidence are contained fully and

12

accurately, to the best of my ability, in the notes

13

taken by me at the meeting in the above matter; and

14

that the foregoing is a true and correct transcript

15

of the same.

16

17

18

19

TARA FIGUCCIO, C.R.

20

21

22

23

24





Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Reorganization Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, January 7, 2013, beginning at 3:30 p.m.

---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
DONALD MOYER, Board Member  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

ROBERT J. McHALE, Township  
Engineer

---

Panko Reporting  
537 Sarah Street, 2nd Floor  
Stroudsburg, Pennsylvania 18360  
(570) 421-3620

2

1                               MR. ARMSTRONG:   Welcome you all  
2   to the reorganization meeting of the Tobyhanna  
3   Township Board of Supervisors for 2013.   Would you  
4   please rise for the pledge of allegiance?

5                               (Pledge of allegiance was  
6   recited.)

7                               MR. ARMSTRONG:   Thank you.  
8   With that, this is the reorganization meeting of  
9   the Tobyhanna Township Board of Supervisors for the  
10   year 2013.

11                              We'll start with, if there are  
12   any nominations to serve as the chairman of the  
13   board of supervisors for 2013.

14                              MR. HOLAHAN:    I'll nominate  
15   John Kerrick to serve as interim chairman of the  
16   board.

17 MS. LAMBERTON: I'll second.  
18 MR. ARMSTRONG: Motion and  
19 second.  
20 All those in favor?  
21 MR. HOLAHAN: Aye.  
22 MR. MOYER: Aye.  
23 MS. LAMBERTON: Aye.  
24 MS. PICKARD: Aye.  
25 MR. ARMSTRONG: Motion carries.

3

1 That was unanimous, correct?  
2 MR. MOYER: It was.  
3 MR. ARMSTRONG: With that, I  
4 can hand it over to -- with that, I can hand it  
5 over to the chairman.  
6 MR. KERRICK: Thank you, Pat.  
7 I'd like to welcome everyone  
8 here today.  
9 Next we have a nominee for  
10 vice-chair of the board of supervisors.  
11 Come on, it can't be that

12     difficult.

13                     MR. MOYER:    I'll nominate Heidi

14     Pickard.

15                     MR. HOLAHAN:   I'll second.

16                     MR. KERRICK:   Motion and

17     second.

18                     Call the vote.   John?

19                     MR. HOLAHAN:    I vote in favor.

20                     MR. KERRICK:    Anne?

21                     MS. LAMBERTON:   I'll vote in

22     favor.

23                     MR. KERRICK:    Donny?

24                     MR. MOYER:    I'll vote in favor.

25                     MR. KERRICK:    Heidi.

4

1                     MS. PICKARD:    I'll abstain.

2                     MR. KERRICK:    I'll vote in

3     favor.

4                     Next item on our agenda,

5     township secretary.   What's the board's pleasure?

6                     MR. HOLAHAN:    I make a motion

7     that we appoint Heidi Pickard as township  
8     secretary.

9                             MR. KERRICK:    Do we have a  
10    second?

11                            MS. LAMBERTON:   I'll second.

12                            MR. KERRICK:    Questions or  
13    comments?

14                            Call the vote.   John?

15                            MR. HOLAHAN:    I vote in favor.

16                            MR. KERRICK:    Anne?

17                            MS. LAMBERTON:   I vote in  
18    favor.

19                            MR. KERRICK:    Donny?

20                            MR. MOYER:    I vote in favor.

21                            MR. KERRICK:    Heidi?

22                            MS. PICKARD:    I'll abstain.

23                            MR. KERRICK:    I'll vote in  
24    favor.

25                            Next item on our agenda,

1     assistant township secretary:  to assist and

2 perform duties of the township secretary in the  
3 absence or the disability of the township  
4 secretary.

5 MS. PICKARD: I make a motion  
6 we appoint Margie Argot.

7 MS. LAMBERTON: I second.

8 MR. KERRICK: Questions or  
9 comments?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. KERRICK: I'll vote in  
20 favor.

21 Nominee to serve as township  
22 treasurer.

23 MR. HOLAHAN: Make a motion  
24 that we appoint Terry Dougherty as the township

25 treasurer.

6

1 MS. LAMBERTON: I'll second.

2 MR. KERRICK: Questions or

3 comments from the board?

4 Call the vote. John?

5 MR. HOLAHAN: I vote in favor.

6 MR. KERRICK: Anne?

7 MS. LAMBERTON: I vote in

8 favor.

9 MR. KERRICK: Donald?

10 MR. MOYER: I'll vote in favor.

11 MR. KERRICK: Heidi?

12 MS. PICKARD: I vote in favor.

13 MR. KERRICK: I'll vote in

14 favor. The motion carries.

15 Nominee to serve as assistant

16 township treasurer.

17 MR. MOYER: I'll nominate Heidi

18 Pickard.

19 MR. HOLAHAN: And I'll second.

20 MR. KERRICK: Questions or  
21 comments from the board?

22 Call the vote. John?

23 MR. HOLAHAN: I vote in favor.

24 MR. KERRICK: Anne?

25 MS. LAMBERTON: I'll vote in

7

1 favor.

2 MR. KERRICK: Donny?

3 MR. MOYER: I'll vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I'll abstain.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Next item, a nominee to serve as

9 chief administrator to the Township Nonuniformed

10 Pension Plan.

11 MR. MOYER: I nominate John

12 Kerrick.

13 MS. LAMBERTON: I'll second.

14 MR. KERRICK: Questions or





10 MR. KERRICK: Anne?  
11 MS. LAMBERTON: I vote in  
12 favor.  
13 MR. KERRICK: Donny?  
14 MR. MOYER: I'll vote in favor.  
15 MR. KERRICK: Heidi?  
16 MS. PICKARD: Vote in favor.  
17 MR. KERRICK: I'll vote in  
18 favor.  
19 Next item, a nominee to serve as  
20 township emergency management deputy.  
21 MS. LAMBERTON: I'll nominate  
22 John Holahan.  
23 MS. PICKARD: I'll second that.  
24 MR. KERRICK: Questions or  
25 comments?

1 Call the vote. John?  
2 MR. HOLAHAN: I'll abstain.  
3 MR. KERRICK: Anne?  
4 MS. LAMBERTON: I vote in

5 favor.

6 MR. KERRICK: Donny?

7 MR. MOYER: I'll vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

12 A nominee, it has to be a  
13 township supervisor, to serve as representative to  
14 the Pocono Mountain Regional Police Commission.

15 MS. LAMBERTON: I'll nominate  
16 John Kerrick.

17 MR. HOLAHAN: I'll second.

18 MR. KERRICK: Questions or  
19 comments?

20 Call the vote. John?

21 MR. HOLAHAN: I vote in favor.

22 MR. KERRICK: Anne?

23 MS. LAMBERTON: I vote in  
24 favor.

25 MR. KERRICK: Donny?

1 MR. MOYER: I vote in favor.

2 MR. KERRICK: Heidi?

3 MS. PICKARD: Vote in favor.

4 MR. KERRICK: I'll abstain.

5 We need another nominee,

6 township supervisor, to serve the second

7 representative to the Pocono Mountain Regional

8 Police Commission.

9 MS. LAMBERTON: I'll nominate

10 Donald Moyer.

11 MR. HOLAHAN: I'll second that.

12 MR. KERRICK: Questions or

13 comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in

18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I'll abstain.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor.

25 A nominee, a township

11

1 resident/taxpayer, to serve as township

2 representative to the Pocono Mountain Regional

3 Police Commission.

4 MR. HOLAHAN: I'll make a

5 motion that we nominate David Moyer.

6 MR. KERRICK: Do I have a

7 second?

8 MS. PICKARD: I'll second it.

9 MR. KERRICK: Questions or

10 comments?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. KERRICK: Donny?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?  
19 MS. PICKARD: I vote in favor.  
20 MR. KERRICK: I'll vote in  
21 favor. Motion carried.  
22 Nominate a member of the board  
23 of supervisors to serve as township representative  
24 to the Pocono Mountain Council of Governments.  
25 MR. MOYER: I'll nominate Anne

12

1 Lamberton.  
2 MS. PICKARD: I'll second.  
3 MR. HOLAHAN: I'll second.  
4 MR. KERRICK: I didn't -- I  
5 didn't hear what you said.  
6 MS. LAMBERTON: I said, oh,  
7 thanks.  
8 MR. MOYER: We got Annie.  
9 MR. KERRICK: It was Anne?  
10 MR. MOYER: Anne and then we  
11 have a second from John or Heidi, it was pretty  
12 close.

13 MR. KERRICK: Questions or  
14 comments?  
15 Call the vote. John?  
16 MR. HOLAHAN: I vote in favor.  
17 MR. KERRICK: Anne?  
18 MS. LAMBERTON: I'll abstain.  
19 MR. KERRICK: Donald?  
20 MR. MOYER: I'll abstain.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: Vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor.  
25 MR. MOYER: I vote in favor,

13

1 I'm sorry.  
2 MR. KERRICK: Nominee, township  
3 supervisor to serve as a representative to the  
4 Pocono Mountain Regional Emergency Services  
5 Commission.  
6 MS. LAMBERTON: I think we need  
7 a second on COG.

8 MR. KERRICK: We need two  
9 people on COG?  
10 MS. PICKARD: We both -- with  
11 second and alternate.  
12 MR. MOYER: Yeah. I'll alter --  
13 well --  
14 MS. PICKARD: I'll make a  
15 motion that we appoint Donald Moyer as alternate.  
16 MS. LAMBERTON: I'll second.  
17 MR. KERRICK: How come it's not  
18 on my sheet?  
19 MS. PICKARD: I don't know.  
20 MS. LAMBERTON: It's on mine.  
21 MR. MOYER: Yeah, we had that  
22 last year.  
23 MR. KERRICK: Donald Moyer it  
24 is. It's not on my sheet.  
25 MS. LAMBERTON: Oh, sorry.

14

1 MR. KERRICK: No problem.  
2 Any questions or comments?



3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I vote in  
7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I abstain.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in  
13 favor. Motion carried.

14 Now we're back to the township  
15 supervisor to serve as a representative to the  
16 Pocono Mountain Regional Emergency Services  
17 Commission.

18 MR. MOYER: Okay. Now we're  
19 back.

20 MR. KERRICK: Do we have one?  
21 If not, we'll come back to that.

22 MS. LAMBERTON: I'll nominate  
23 John Holahan.

24 MR. KERRICK: We have a motion.  
25 Do we have a second?

1 MR. MOYER: I'll second.

2 MR. KERRICK: You second it,

3 Donny?

4 MR. MOYER: Sure.

5 MR. KERRICK: Motion and

6 second.

7 Questions or comments?

8 Call the vote. John?

9 MR. HOLAHAN: I'll abstain.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in

12 favor.

13 MR. KERRICK: Donny?

14 MR. MOYER: I'll vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in

18 favor. Motion carried.

19 Nominate -- or nominee, a

20 township supervisor to serve as a representative to

21 the Top of the Mountain Open Space Advisory

22 Committee.

23 MS. LAMBERTON: I'll nominate

24 Heidi Pickard.

25 MR. HOLAHAN: I'll second.

16

1 MR. KERRICK: Questions or

2 comments?

3 Call the vote. John?

4 MR. HOLAHAN: I vote in favor.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll vote in

7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I'll vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: Vote in favor --

12 I'll abstain.

13 MR. KERRICK: You abstain?

14 MS. PICKARD: Umm-hmm.

15 MR. KERRICK: I'll vote in

16 favor. Motion carried.

17 Nominate a township supervisor  
18 to serve as a representative to the Regional  
19 Comprehensive Plan Committee.

20 MS. LAMBERTON: I'll nominate  
21 John Holahan.

22 MR. KERRICK: Do we have a  
23 second?

24 MR. MOYER: I'll second that.

25 MR. KERRICK: Motion and

17

1 second.

2 Questions or comments?

3 Call the vote. John?

4 MR. HOLAHAN: I'll abstain.

5 MR. KERRICK: Anne?

6 MS. LAMBERTON: I'll vote in  
7 favor.

8 MR. KERRICK: Donny?

9 MR. MOYER: I vote in favor.

10 MR. KERRICK: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. KERRICK: I'll vote in  
13 favor. Motion carried.

14 Appoint/nominate -- I guess it  
15 would be appoint a representative to serve as open  
16 records officer in accordance with the Pennsylvania  
17 Right-To-Know Law.

18 MR. MOYER: I'll nominate Heidi  
19 Pickard.

20 MR. HOLAHAN: I'll second.

21 MR. KERRICK: Motion and  
22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

18

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in  
3 favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: Vote in favor.

8 MR. KERRICK: I'll vote in  
9 favor. Motion carried.

10 Nominate a township supervisor  
11 to serve as representative to the Monroe County Tax  
12 Collection Committee.

13 MR. HOLAHAN: I'll nominate  
14 Heidi Pickard to fill that position.

15 MS. LAMBERTON: I'll second.

16 MR. KERRICK: Questions or  
17 comments -- motion and second.

18 Questions or comments?

19 Call the vote. John?

20 MR. HOLAHAN: I vote in favor.

21 MR. KERRICK: Anne?

22 MS. LAMBERTON: I vote in  
23 favor.

24 MR. KERRICK: Donny?

25 MR. MOYER: I'll vote in favor.

1 MR. KERRICK: Heidi?

2 MS. PICKARD: I'll abstain.

3 MR. KERRICK: I'll vote in  
4 favor. Motion carried.

5 A township resident -- appoint a  
6 township resident to serve as chair of the Vacancy  
7 Board.

8 MS. PICKARD: I make a motion  
9 we appoint Mark Argot.

10 MR. HOLAHAN: I'll second.

11 MR. KERRICK: Motion and second  
12 to appoint Mark.

13 Questions or comments?

14 Call the vote. John?

15 MR. HOLAHAN: I vote in favor.

16 MR. KERRICK: Anne?

17 MS. LAMBERTON: I vote in  
18 favor.

19 MR. KERRICK: Donny?

20 MR. MOYER: I'll vote in favor.

21 MR. KERRICK: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. KERRICK: I'll vote in

24 favor.

25 Appoint a nominee to -- as

20

1 recording secretary to the board of supervisors.

2 MS. PICKARD: I make a motion

3 we appoint Panko Reporting.

4 MR. HOLAHAN: I'll second.

5 MR. KERRICK: Motion and

6 second.

7 Questions or comments?

8 Call the vote. John?

9 MR. HOLAHAN: I vote in favor.

10 MR. KERRICK: Anne?

11 MS. LAMBERTON: I vote in

12 favor.

13 MR. KERRICK: Donald?

14 MR. MOYER: I'll vote in favor.

15 MR. KERRICK: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. KERRICK: I'll vote in

18 favor. Motion carried.



19 We need to appoint a firm to act  
20 as township solicitor and set the rate and the  
21 meeting rate.

25 MR. KERRICK: And then there's

1 no per meeting?

3 MR. HOLAHAN: I'll second.

6 Questions or comments?

8 MR. HOLAHAN: I vote in favor.

10 MS. LAMBERTON: I vote in  
11 favor.

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 MR. ARMSTRONG: Thank you.  
19 MR. HOLAHAN: You're welcome.  
20 MR. KERRICK: We have to  
21 appoint a firm to act as township planning  
22 commission solicitor and set the rate and the per  
23 meeting rate.  
24 What's the board's pleasure? Do  
25 we have a motion?

22

1 MR. HOLAHAN: Yes. I'll make a  
2 motion that we appoint Grim, Brim (sic) and  
3 Thatcher.  
4 MS. LAMBERTON: I'll second.  
5 MR. KERRICK: Is that the same  
6 rate?  
7 MS. LAMBERTON: Yeah, it looks  
8 like it.

9 MS. PICKARD: It's Grim, Biehn  
10 and Thatcher.  
11 MR. KERRICK: Close enough.  
12 Any questions or comments?  
13 Call the vote. John?  
14 MR. HOLAHAN: I vote in favor.  
15 MR. KERRICK: Anne?  
16 MS. LAMBERTON: I vote in  
17 favor.  
18 MR. KERRICK: Donny?  
19 MR. MOYER: I'll vote in favor.  
20 MR. KERRICK: Heidi?  
21 MS. PICKARD: I vote in favor.  
22 MR. KERRICK: I'll vote in  
23 favor. Motion carried.  
24 Entertain a motion establishing  
25 the payment of employee salaries and wages on a

23

1 biweekly basis.

2 Do we have a motion?

3 MS. LAMBERTON: I'll make a

4 motion.

5 MR. KERRICK: Do we have a  
6 second?

7 MR. MOYER: Second.

8 MR. KERRICK: Questions or  
9 comments?

10 Call the vote. John?

11 MR. HOLAHAN: I vote in favor.

12 MR. KERRICK: Anne?

13 MS. LAMBERTON: I vote in  
14 favor.

15 MR. KERRICK: Donny?

16 MR. MOYER: I vote in favor.

17 MR. KERRICK: Heidi?

18 MS. PICKARD: Vote in favor.

19 MR. KERRICK: I'll vote in  
20 favor.

21 Entertain a motion establishing  
22 the 2013 holiday schedule for the township  
23 employees. It's in your packet.

24 MR. HOLAHAN: I'll make that  
25 motion.

1 MR. MOYER: So moved. I'll  
2 second it.

3 MR. KERRICK: Motion and  
4 second.

5 Questions or comments?

6 Call the vote. John?

7 MR. HOLAHAN: I vote in favor.

8 MR. KERRICK: Anne?

9 MS. LAMBERTON: I vote in  
10 favor.

11 MR. KERRICK: Donny?

12 MR. MOYER: I vote in favor.

13 MR. KERRICK: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. KERRICK: I'll vote in  
16 favor. Motion carried.

17 Entertain a motion establishing  
18 the tax assessor's bond at 40,000.

19 MR. MOYER: So moved.

20 MS. PICKARD: I'll second it.

21 MR. KERRICK: Motion and

22 second.

23 Questions or comments?

24 Call the vote. John?

25 MR. HOLAHAN: I vote in favor.

25

1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in

3 favor.

4 MR. KERRICK: Donald?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I'll vote in

8 favor.

9 MR. KERRICK: I'll vote in

10 favor. Motion carried.

11 Entertain a motion establishing

12 the 2013 mileage rate. Which is?

13 MR. HOLAHAN: 56 and a half.

14 MR. KERRICK: 56 and a half?

15 MS. PICKARD: We usually take

16 whatever the IRS --

17 MR. KERRICK: Is that the --  
18 MR. HOLAHAN: I'm pretty sure  
19 that's there new big bump --  
20 MS. PICKARD: It is the new  
21 one.  
22 MR. HOLAHAN: That's their new  
23 one.  
24 MS. PICKARD: But if we make  
25 the motion so we take the IRS rate, if it changes

26

1 during the year, we wouldn't have to --  
2 MR. HOLAHAN: Yeah, that  
3 probably works better.  
4 MR. KERRICK: So that's your  
5 motion, Heidi?  
6 MS. PICKARD: Well, it was  
7 John's motion.  
8 MR. HOLAHAN: Yeah. So I'll  
9 make a motion that we establish the rate  
10 commensurate with the IRS rules.  
11 MS. PICKARD: I'll second that.

12 MR. KERRICK: Questions or  
13 comments?  
14 Call the vote. John?  
15 MR. HOLAHAN: I vote in favor.  
16 MR. KERRICK: Anne?  
17 MS. LAMBERTON: I vote in  
18 favor.  
19 MR. KERRICK: Donald?  
20 MR. MOYER: I'll vote in favor.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.  
25 Certify the five township board

27

1 of supervisors, township engineer and township  
2 solicitor as delegates to the Pennsylvania Township  
3 Supervisors 2013 Annual Convention.

4 MS. PICKARD: So moved.  
5 MR. HOLAHAN: Second.  
6 MR. KERRICK: Motion and



7 second.

8 Questions or comments?

9 Call the vote. John?

10 MR. HOLAHAN: I vote in favor.

11 MR. KERRICK: Anne?

12 MS. LAMBERTON: I vote in

13 favor.

14 MR. KERRICK: Donald?

15 MR. MOYER: I vote in favor.

16 MR. KERRICK: Heidi?

17 MS. PICKARD: I vote in favor.

18 MR. KERRICK: I'll vote in

19 favor.

20 Certify to serve as voting -- a

21 member to serve as voting delegate to the

22 Pennsylvania State Association Township Supervisors

23 2013 Annual Convention. Last year we had an

24 alternate as well.

25 MS. LAMBERTON: I'll nominate

2 MS. PICKARD: I'll second that.

3 MR. KERRICK: In your motion,

4 do you want to have an alternate?

5 MS. LAMBERTON: Heidi Pickard.

6 MR. KERRICK: Do we have a

7 second?

8 MR. MOYER: So it's John and

9 Heidi.

10 MR. KERRICK: You seconded it?

11 MS. PICKARD: Yeah.

12 MR. KERRICK: Any questions or

13 comments on the motion?

14 Call the vote. John?

15 MR. HOLAHAN: I'll vote in

16 favor.

17 MR. KERRICK: Anne?

18 MS. LAMBERTON: I vote in

19 favor.

20 MR. KERRICK: Donald?

21 MR. MOYER: I vote in favor.

22 MR. KERRICK: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. KERRICK: I'll vote in

25 favor. Motion carried.

29

1 Approve agreement to retain

2 Brian Oram -- is that his name?

3 MR. MOYER: Yeah.

4 MS. PICKARD: Yeah.

5 MR. KERRICK: -- PG for the

6 year 2013 as the professional soil scientist for

7 the township as the rates set forth in this

8 agreement.

9 MR. MOYER: I'll make that

10 motion.

11 MS. PICKARD: I'll second the

12 motion.

13 MR. KERRICK: We have a motion

14 and second.

15 Any questions or comments?

16 Call the vote. John?

17 MR. HOLAHAN: I vote in favor.

18 MR. KERRICK: Anne?

19 MS. LAMBERTON: I'll vote in

20 favor.

21 MR. KERRICK: Donny?

22 MR. MOYER: I'll vote in favor.

23 MR. KERRICK: Heidi?

24 MS. PICKARD: Vote in favor.

25 MR. KERRICK: I'll vote in

30

1 favor. Motion carried.

2 Next item, approve L&V

3 Engineering proposal for traffic engineering

4 service on an as-needed basis for the year 2013.

5 Do we have a motion?

6 MR. MOYER: I'll make a motion.

7 MR. HOLAHAN: And I'll second.

8 MR. KERRICK: Motion and

9 second.

10 Questions or comments?

11 Call the vote. John?

12 MR. HOLAHAN: I vote in favor.

13 MR. KERRICK: Anne?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. KERRICK: Donald?

17 MR. MOYER: I'll vote in favor.

18 MR. KERRICK: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. KERRICK: I'll vote in

21 favor. Motion carried.

22 Nominate an alternate sewage

23 officer for the year 2013.

24 MS. LAMBERTON: I'll nominate

25 Jeryl Rinehart.

31

1 MR. HOLAHAN: I'll second.

2 MR. KERRICK: I didn't hear

3 what you said, Anne.

4 MS. LAMBERTON: I'm sorry Jeryl

5 Rinehart.

6 MR. KERRICK: Jeryl Rinehart?

7 MS. LAMBERTON: Umm-hmm.

8 MR. HOLAHAN: And I'll second

9 that.

10 MR. KERRICK: And a second.  
11 MS. PICKARD: I just want to  
12 mention that we -- that rate is \$35 an hour plus  
13 expenses and mileage.  
14 MR. KERRICK: Plus expense and  
15 mileage.  
16 MR. HOLAHAN: Okay.  
17 MR. KERRICK: Motion and  
18 second.  
19 Still okay?  
20 MR. HOLAHAN: Yes.  
21 MS. LAMBERTON: Umm-hmm.  
22 MR. KERRICK: Any questions or  
23 comments?  
24 Call the vote. John?  
25 MR. HOLAHAN: I vote in favor.

32

1 MR. KERRICK: Anne?  
2 MS. LAMBERTON: I vote in  
3 favor.  
4 MR. KERRICK: Donny?

5 MR. MOYER: I'll vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I'll vote in  
8 favor.

9 MR. KERRICK: I'll vote in  
10 favor. Motion carried.

11 Appoint or nominate someone to  
12 our sewage hearing board for the year 2013. I  
13 believe we tabled that last January and I don't  
14 think we came back to it.

15 MS. PICKARD: Yeah, I think we  
16 did. We appointed George. I think we were okay  
17 with that.

18 MS. PICKARD: I'll nominate  
19 George Ewald.

20 MR. KERRICK: We have a motion  
21 for George Ewald. Do we have a second?

22 MR. HOLAHAN: I'll second that.

23 MR. KERRICK: Motion and  
24 second.

25 Questions or comments?

1 Call the vote. John?

2 MR. HOLAHAN: I vote in favor.

3 MR. KERRICK: Anne?

4 MS. LAMBERTON: I'll vote in

5 favor.

6 MR. KERRICK: Donald?

7 MR. MOYER: I'll vote in favor.

8 MR. KERRICK: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. KERRICK: I'll vote in

11 favor. Motion carried.

12 Consider the enactment of

13 Resolution No. 2013 dash 001, setting the dates and

14 times and place for the township public meetings to

15 be held.

16 MS. PICKARD: I make a motion we

17 approve Resolution 2013 dash 001.

18 MR. KERRICK: Do we have a

19 second?

20 MR. MOYER: I'll second.

21 MR. KERRICK: Questions or

22 comments?



23 Call the vote. John?

24 MR. HOLAHAN: I vote in favor.

25 MR. KERRICK: Anne?

34

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. KERRICK: Donny?

4 MR. MOYER: I'll vote in favor.

5 MR. KERRICK: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. KERRICK: I'll vote in

8 favor. Motion carried.

9 Consider enactment of Resolution

10 No. 2013 dash 002, designating certain financial

11 institutions as depositories for township monies.

12 MS. PICKARD: I make a motion

13 we approve Resolution No. 2013 dash 002.

14 MS. LAMBERTON: I'll second.

15 MR. KERRICK: Motion and

16 second.

17 Questions or comments?

18 Call the vote. John?  
19 MR. HOLAHAN: I vote in favor.  
20 MR. KERRICK: Anne?  
21 MS. LAMBERTON: I vote in  
22 favor.  
23 MR. KERRICK: Donny?  
24 MR. MOYER: I'll vote in favor.  
25 MR. KERRICK: Heidi?

35

1 MS. PICKARD: I vote in favor.  
2 MR. KERRICK: I'll vote in  
3 favor. Motion carried.  
4 Consider the enactment of  
5 Resolution No. 2013 dash 003, appointing a firm as  
6 public accounting firm to the township replacing  
7 the elected/appointed township auditors.  
8 MS. LAMBERTON: I'll a make a  
9 motion for Resolution No. 2013 dash 003 appointing  
10 Riley and Company and as a public accounting firm  
11 of the township replacing the elected/appointed  
12 township auditors.

13 MR. HOLAHAN: I'll second.  
14 MR. KERRICK: Motion and  
15 second.  
16 Questions or comments?  
17 Call the vote. John?  
18 MR. HOLAHAN: I vote in favor.  
19 MR. KERRICK: Anne?  
20 MS. LAMBERTON: I vote in  
21 favor.  
22 MR. KERRICK: Donny?  
23 MR. MOYER: I'll vote in favor.  
24 MR. KERRICK: Heidi?  
25 MS. PICKARD: I vote in favor.

36

1 MR. KERRICK: I'll vote in  
2 favor. Motion carried.  
3 Consider the enactment of  
4 Resolution No. 2013 dash 004, establishing tax  
5 rates for the calendar year 2013.  
6 MS. PICKARD: Make a motion that  
7 we approve Resolution 2013 dash 004.

8 MR. KERRICK: Do we have a  
9 second?  
10 MS. LAMBERTON: I'll second.  
11 MR. KERRICK: Motion and  
12 second.  
13 Questions or comments?  
14 Call the vote. John?  
15 MR. HOLAHAN: I vote in favor.  
16 MR. KERRICK: Anne?  
17 MS. LAMBERTON: I vote in  
18 favor.  
19 MR. KERRICK: Donny?  
20 MR. MOYER: I'll vote in favor.  
21 MR. KERRICK: Heidi?  
22 MS. PICKARD: I vote in favor.  
23 MR. KERRICK: I'll vote in  
24 favor. Motion carried.  
25 Next, consider the enactment of

37

1 Resolution No. 2013 dash 005, appointing to serve  
2 as special counsel to the board on any legal matter



1 favor.

2 MR. KERRICK: Donald?

3 MR. MOYER: I'll vote in favor.

4 MR. KERRICK: Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. KERRICK: I'll vote in

7 favor. Motion carried.

8 Consider the enactment of

9 Resolution No. 2013 dash 006, setting a fee

10 schedule for subdivision and land development,

11 planned residential development, zoning hearing

12 board, board of supervisors and other miscellaneous

13 fees.

14 Do we have a motion?

15 MS. PICKARD: I make a motion

16 we approve Resolution 2013 dash 006.

17 MR. KERRICK: Do we have a

18 second?

19 MS. LAMBERTON: I'll second.

20 MR. KERRICK: Questions or

21        comments on the motion?

22                                MS. LAMBERTON:    Did we change

23        any of the fees?

24                                MR. KERRICK:    Did we change any

25        of the fees?

39

1                                MS. PICKARD:    No.

2                                MR. KERRICK:    Same as last

3        year.

4                                Any other questions?

5                                Call the vote.    John?

6                                MR. HOLAHAN:    I vote in favor.

7                                MR. KERRICK:    Anne?

8                                MS. LAMBERTON:    I vote in

9        favor.

10                                MR. KERRICK:    Donny?

11                                MR. MOYER:    I'll vote in favor.

12                                MR. KERRICK:    Heidi?

13                                MS. PICKARD:    I vote in favor.

14                                MR. KERRICK:    I'll vote in

15        favor.    Motion carried.

16                               We have to appoint a township  
17   auditor.  What's the board's pleasure?

18                               MR. HOLAHAN:  I'll make a  
19   motion that we appoint Patricia Ising, I-S-I-N-G,  
20   to serve as township auditor.

21                               MS. LAMBERTON:  I'll second.

22                               MR. KERRICK:  Motion and  
23   second.  I have a question.  Is that -- what's the  
24   term limit on that?  Is that --

25                               MR. ARMSTRONG:  It's -

40

1                               MS. LAMBERTON:  It's annually,  
2   right?

3                               MR. ARMSTRONG:  No, it's --

4                               MS. PICKARD:  It's municipal --

5                               MR. ARMSTRONG:  It's an elected  
6   position, but your current auditor resigned.

7                               MR. MOYER:  We got to fill it  
8   until --

9                               MR. ARMSTRONG:  You have a  
10   certain period of time to appoint and they'll --



11 she'll keep office until the next --

12 MR. MOYER: -- the next  
13 election.

14 MR. KERRICK: This year was a  
15 municipal election. That was my question, does she  
16 have to run?

17 MS. LAMBERTON: Do you know  
18 what the balance of a term is?

19 MS. PICKARD: This is a  
20 municipal election.

21 MR. ARMSTRONG: If she wants to  
22 stay on, yes.

23 MR. KERRICK: Okay. That's my  
24 question.

25 Any other questions?

41

1 MR. MOYER: And then it's for  
2 30 years.

3 MR. KERRICK: Call the vote.  
4 John?

5 MS. LAMBERTON: And it's for 30

6       years.

7                       MR. HOLAHAN:    I vote in favor.

8                       MR. KERRICK:    30 years?

9                       Anne?

10                      MS. LAMBERTON:    I vote in

11       favor.

12                      MR. KERRICK:    Donny?

13                      MR. MOYER:    I vote in favor.

14                      MR. KERRICK:    Heidi?

15                      MS. PICKARD:    I vote in favor.

16                      MR. KERRICK:    I'll vote in

17       favor.   Motion carried.

18                      That concludes our

19       reorganization meeting for 2013.

20                      (Meeting concluded at 3:55 p.m.)

21                      ---

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I hereby certify that the

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

TARA FIGUCCIO, C.R.

17

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**MINUTES/AGENDA**  
**BOARD OF**  
**SUPERVISORS**  
**Work Session- February 4, 2013**

1. **Call Meeting to Order:** John E. Kerrick, Chair
2. **Pledge of Allegiance**
3. **Solicitor Report**
  - A Arcadia Project- PennDOT H.O.P. (Klock Road) and Agreements
  - B. Floodplain Management Ordinance- Draft will need direction from Board regarding minimum standard, No Build/Expansion of Existing also whether appeals would be variance through Zoning Hearing Board or Waivers from the Board of Supervisors.
4. **Treasurer Report**
  - A Account Cash Balances
  - B. Monthly Revenues
  - C. Monthly Expenditures
  - D. YTD Actual to Budget
5. **Secretary Report**
  - A Blakeslee Sewer System
    - i. Aging Report Comparison [Synopsis for 2012, 2011 and 2010]
    - ii. 2012 AIR Aging Report Summary (As of December 31, 2012)
    - iii. Summary of Delinquent Fees and 2013 YTD fees received
    - iv. Brief Description of Lien Process
    - v. Costs of Lien Process versus Funds collected
  - B. Pocono Creek Stream Gage Support Request – **no motion made to make donation**
6. **Sewer Enforcement Officer Report-** Monthly reports prepared and submitted to various agencies
7. **Zoning Officer Report**
  - A Zoning-related
    - i. Zoning Hearing Board
    - ii. PPL Replacement/Improvement Update (January 17 Meeting)
    - iii. Zoning Report
  - B. Enhanced 911 – Mapping – Road map on Website
  - C. US Census Reporting - Boundary and Annexation Survey
  - D. Land Development- Kalahari Resort, LLC and Dollar General
  - E. Professional Service Billing - Refund Requests, Escrow Account Balance -Arcadia Lot 100
8. **Emergency Management Coordinator Report**
  - A FEMA Briefing – President declared Monroe Cty Disaster, Meeting w/FEMA 2/5/13
  - B. Public Disaster Assistance Application and Agreement
  - C. FEMA- Designation of Agent Resolution Required
  - D. Township EOC – phone lines installed
  - E. EMC Speaking Engagement
  - F. Hazard Mitigation Plan being updated
  - G. Transfer Station – No plans to date

9. **Safety Committee Report**
  - A Training Update
  - B. Tobacco Free Policy
  - C. Drug Testing Policy
  - D. HIPPA Training
10. **Interim Township Manager/DPW/Engineering Reports**
  - A Proposed New Position - Land Use/Engineering Assistant
  - B. Personnel Manual Update, Job Descriptions and Organizational Chart
  - C. DPW/Engineering Synopsis
11. **Resolution 2013-007** Hurricane Sandy Motion Made by Holahan Seconded by Pickard  
**Passed Unanimously**

**Motion made by Pickard, Seconded by Holahan to approve/renew the Woodchipper agreement with Coolbaugh Township, Passed Unanimously**

12. **Committee Reports:** PMREMS • PMRPC • Open Space • CMTPTT • Regional Camp Plan • TIF
13. **New Business**

**Discussion on furthering the Blakeslee Visioning/Village Model Ordinance (which would include Pocono Summit and Pocono Pines) Phyllis to discuss with Planning Commission. Board needs to move forward on Zoning and Saldo changes.**

**Discussion regarding the need for Bill Burton from Bureau Veritas to get direction from the Board regarding Fire Inspections, possible fees and triggers for inspections. (i.e. change of use, business licences)**

**Discussion on removing and/or updating Chapters 60 to reflect the changes from the State Building Code, Solicitor and Zoning officer will prepare changes for the Board.**

**Discussion on the Hiring of Maureen Minnick, Zoning Secretary – Any comments on Job Description should be sent to Bob McHale.**

**Respectfully submitted:**

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**Heidi A. Pickard, Township Secretary**

**MINUTES**  
**BOARD OF SUPERVISORS**  
**Work Session – April 1, 2013**

The work session of the Tobyhanna Township Board of Supervisors was held at 3:30 p.m. on April 1, 2013 at the Tobyhanna Township Government Center, Pocono Pines, PA.

**Present:**

<b>John E. Kerrick</b>	<b>Chair/Director of DPW</b>
<b>Heidi A. Pickard</b>	<b>Vice Chair/Township Secretary</b>
<b>John J. Holahan III</b>	<b>Member</b>
<b>Anne M. Lamberton</b>	<b>Member</b>
<b>Donald J. Moyer</b>	<b>Member</b>
<b>Patrick Armstrong</b>	<b>Township Solicitor</b>
<b>Robert McHale</b>	<b>Township Engineer</b>
<b>John Brogan</b>	<b>Township Sewage Enforcement Officer</b>
<b>Phyllis Haase</b>	<b>Township Zoning Officer</b>
<b>Theresa Dougherty</b>	<b>Township Treasurer</b>

1. **Call Meeting to Order:** John E. Kerrick, Chair at 3:30 pm
2. **Pledge of Allegiance**
3. **Solicitor Report**
  - A. **Kalahari Resort/Pocono Manor Commercial Projects**
    - i. **Sewage Facilities Planning Module – On Agenda 4/8/13**
      - **Jim Cahill of Pocono Manor Investors, LP committed to have the REVISED Sewage Facilities Planning Module to Tobyhanna Township by close of business on Wednesday, April 3, 2013.**  
**Per the PaDEP meeting (04/01/13), re-advertisement of the SFPM is NOT required.**
    - ii. **Pocono Manor Investors, LP Correspondence (Dated: 03/30/13)**  
**Sewer Service Request & DRBC Docket Amendment**  
**\*Authorize Solicitor to Send letter to Pocono Township requesting Sewer service for the Kalahari/Pocono Manor Project as per Map of Service Area: Motion Pickard/Second Moyer voted unanimously**
    - iii. **Memorandum of Understanding**  
**\*Motion Pickard/Second Holahan to approve the Memorandum of Understanding between Brodhead Creek Regional Authority, Pocono Manor Investors/Kalahari (Developers), Pocono Township and Tobyhanna Township agreeing to a list of items needed to be completed prior to providing wastewater service to the Tobyhanna service area to serve the Kalahari and Pocono Manor Investors projects. Approved unanimously**
    - iv. **Pocono Township – Waiver of Representation (Pending Litigation Notification)**  
**\*Motion Moyer/Second Lamberton to approve/accept the disclosure of possible conflict of interest and the waiver of said appearance of a conflict regarding John Rice of Grim, Biehn & Thatcher representing Pocono Twp. in an unrelated Sewer Construction Litigation matter. Approved unanimously.**  
**\*Motion Pickard/Second Moyer to Authorize Solicitor to prepare Kalahari/Pocono Manor Water and Sewer District Ordinances. Approved unanimously.**
  - **Kalahari Tax Incremental Financing Public Hearing Advertised and Scheduled for April 25<sup>th</sup> @ 7pm at Tobyhanna Township Government Center. Upon Approval Ordinance will need to be adopted at least 3 weeks after the public hearing per TIF requirements.**

- B. Dollar General - Status of Agreements – **Letters sent regarding conditional approval by Solicitor, waiting for cost improvements to prepare Developer's Agreement, will be guaranteed with a Bond.**
- C. Floodplain Management Ordinance
  - \*Motion Pickard/Second Holahan to forward Flood Plain Management Ordinance to Monroe County Conservation District to perform a review on behalf of the DCED (& FEMA) and authorize advertisement. Approved unanimously.**

- **Discussion regarding moving forward the Zoning and SALDO revisions**
- **The Floodplain Management and Signage Ordinances are currently proposed to be updated. Along with the Signage Ordinance, the applicable floodplain portions of the Zoning Ordinance Section 155-11 will be updated to reference the proposed Floodplain Management Ordinance.**
- **Heidi Pickard to provide to all Board members via email the amount of the DCED grant funds that Tobyhanna Township would potentially receive based upon the updated Zoning and SALDO Ordinances.**
- **Phyllis Haase to provide to all Board members via email a brief summary as to the current status of the proposed Zoning and SALDO Ordinances.**

**4. Treasurer Report**

- A. Account Cash Balances
- B. Revenues Balances
- C. YTD Actual to Budget Trial Balance
- D. Audit – Status [Review of Capital Assets]
  - **A review of the Capital Assets history from 2004 to present will be conducted by Terri Dougherty, Heidi Pickard and Bob McHale.**
  - **A summary and recommendation of any necessary adjustments will be provided to all Board members via email.**
- E. IT Systems - Update

**5. Secretary Report**

- A. Blakeslee Sewer Accounting
  - 1. **Monthly Aging Report Summary & Delinquency Update**
  - 2. **Draft Inactive Sewer Account Write Off Resolution – 4/8/13 Agenda Item**
- B. Review/Assessment of Copier Contract Option (pending)
- C. Right-to-Know Requests – Update
  - **Heidi Pickard will prepare and forward via email to all Board members an updated spreadsheet of the Right-to-Know Requests.**

**6. Sewer Enforcement Officer Report – DRAFT policy under review**

**PaDEP - Sewage Facilities Planning Module Review for Onlot Sewage Systems Proposed in High Quality and Exceptional Value Watersheds**

- **John Brogan, SEO and Bob McHale, P.E. to prepare review comments of the proposed DRAFT policy and forward the same to the Board of Supervisors and PaDEP prior to the end of the comment period.**

**7. Zoning Officer Report**

- A. Zoning-related
  - i. Zoning Hearing Board
  - ii. Zoning Report
  - iii. Enhanced 911

**Maureen Minnick has been authorized by Monroe County to utilized the 911 mapping system.**



- B. Land Development
  - i. Kalahari Resort, LLC
  - ii. Dollar General
- C. **Request for Fireworks Permit 9/1/13 by Locust Lake Village**  
**Motion Holahan/Second Lamberton to approve, approved unanimously.**
- 8. **Emergency Management Coordinator Report**
  - A. FEMA Meeting – Financial  
**FEMA Disaster Relief Reimbursement for Generator Usage is approximately \$24K.**  
**Park restoration, invoice summarization and FEMA Disaster Relief Reimbursement application in progress.**
- 9. **Safety Committee Report**
  - Phyllis Haase and John Holahan are proposing to conduct a “townhall” style meeting related to building code compliance awareness.
  - Phyllis Haase to obtain a copy of the recently adopted Coolbaugh Township Drug Testing Policy.
- 10. **Interim Township Manager/DPW/Engineering Reports**
  - A. DPW/Engineering Synopsis
- 11. **Committee Reports: PMREMS • PMRPC • Open Space • CMTPTT • Regional Comp Plan • TIF**
  - Open Space - Heidi Pickard to provide to all Board members via email the revised date(s) for the proposed clean-up activity.
  - TIF – A teleconference call is scheduled for Wednesday, April 3, 2013. The Board authorized Pat Armstrong, Esq to participate.
- 12. **New Business**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

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In Re: Public hearing to receive public comment  
and to consider the adoption of an  
ordinance, amending the Tobyhanna Township  
Code of Ordinances, Chapter 77, Flood  
Plain Management.

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Thursday, April 25, 2013 beginning at 6:05 p.m.

---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
ANNE LAMBERTON, Board Member  
DONALD MOYER, Board Member  
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer  
ROBERT J. McHALE, Township Engineer

---

Panko Reporting  
537 Sarah Street, 2nd Floor  
Stroudsburg, Pennsylvania 18360  
(570) 421-3620

2

1 MR. KERRICK: Call the meeting  
2 to order with the pledge of allegiance, please.  
3 (Pledge of allegiance was  
4 recited.)  
5 MR. KERRICK: Purpose of the  
6 special meeting is for a public hearing on the  
7 flood plain ordinance. At this time, I'll turn it  
8 over to our solicitor.  
9 MR. ARMSTRONG: Thank you, Mr.  
10 Chairman.

11                   As you're aware, for the last  
12 several months we've been looking at and revising  
13 the flood plain management ordinance, which is  
14 found at Chapter 77, Flood Plain Management, of the  
15 Tobyhanna Township Code of Ordinances. The purpose  
16 of this was FEMA, as well as DCED, have let all  
17 municipalities know in this area that they needed  
18 to revise their flood plain management ordinances  
19 in order to comply with the requirements of FEMA,  
20 as well as the DCED, which is why we have been  
21 corresponding with representatives from the Monroe  
22 County Conservation District, DCED, as well as  
23 FEMA.

24                   What this proposed ordinance  
25 will do is, it will be amending your Chapter 77,

3

1 Flood Plain Management, of your Code of Ordinances  
2 establishing flood plain management revisions;  
3 requiring all persons, partnerships, businesses and  
4 corporations to obtain a permit for any  
5 construction or development, providing for the  
6 issuance of such permits, setting forth certain  
7 minimum requirements for new construction and  
8 development within areas of Tobyhanna Township  
9 which are subject to flooding. And establishing  
10 penalties for any persons who fail or refuse to  
11 comply with the requirements.

12                   Again, the purpose of this  
13 ordinance is to address construction of new and/or  
14 the use of or the complete reconstruction of  
15 existing structures within flood plains and/or  
16 floodways. That being said, this ordinance has  
17 been advertised for a public hearing this evening.  
18 It's been advertised in the Pocono Record pursuant  
19 to the Second Class Township Code and  
20 Municipalities' Planning Code. A copy of the draft  
21 ordinance -- or a copy of the ordinance has been  
22 available at the township offices, as well as the  
23 Pocono Record for public availability.

24                   We have received the

25 correspondence from the Monroe County Conservation

4

1 District that they are satisfied with the latest  
2 version of the ordinance that has been advertised  
3 for a public hearing this evening for your  
4 consideration, potential adoption.

5 And with that being said, Mr.  
6 Chairman, if you would like, you can open up the  
7 public hearing at this time.

8 MR. KERRICK: Any questions or  
9 comments from the public?

10 Yes, sir?

11 MR. BRAD GRAHAM: Just one  
12 question.

13 MR. KERRICK: State your name  
14 for the record, please.

15 MR. BRAD GRAHAM: Yes, sir.  
16 Brad Graham, G-R-A-H-A-M.

17 Just one question -- and I don't  
18 know who it would be directed to -- basically upon  
19 this new ordinance, when it's put in, how is sewage  
20 gonna be handled on existing and any new projects  
21 that might be built, as far as somebody who might  
22 own a piece of property? Is the sewer systems or  
23 septic systems gonna have to be approved, are they  
24 gonna be allowed? Just a little bit of an  
25 explanation on how that comes across.

5

1 MR. ARMSTRONG: If there's an  
2 existing structure within the flood plain  
3 currently, this ordinance does not require any  
4 revisions to the existing structure within the  
5 flood plain, so long as when and if there's a  
6 repetitive loss.

7 And what that means is, when and  
8 if the structure is damaged to a certain extent, 50  
9 percent or more of its fair market value, at least

10 two times by a flood in a ten-year span, if and  
11 when that does occur, they would be required to  
12 comply with this ordinance. But unless that  
13 occurs, existing structures and uses will not be  
14 impacted by this ordinance.

15 And correct me if I'm wrong,  
16 Bob, but that's the way this ordinance has been  
17 written.

18 MR. BRAD GRAHAM: And under new  
19 construction?

20 MR. ARMSTRONG: New  
21 construction will need to comply -- new  
22 construction within the flood plain?

23 MR. BRAD GRAHAM: Right,  
24 correct.

25 MR. ARMSTRONG: New

6

1 construction within the flood plain will need to  
2 comply --

3 MR. BRAD GRAHAM: For people  
4 who are affected by this change.

5 MR. ARMSTRONG: Right.

6 MR. BRAD GRAHAM: In other  
7 words, if I own a lot and want to build a house and  
8 I'm not on the -- on 940 septic, or whatever  
9 happens to be, and I'm going to need a septic  
10 system, is there a different kind of a mound that  
11 you need? Is it even allowed or how does that  
12 work?

13 MR. McHALE: That's up to the  
14 sewage enforcement officer and the DEP.

15 MR. BRAD GRAHAM: So that's a  
16 case by case --

17 MR. ARMSTRONG: Yeah. I mean,  
18 you're going to have comply with certain --  
19 actually I don't know if this addresses  
20 specifically sewage for properties within the flood  
21 plain. What this addresses is the construction of  
22 structures within a flood plain or uses permitted  
23 within a flood plain.

24                   It does provide certain  
25   limitations as to where water -- on-lot water and

7

1   sewage can be located within a flood plain, but as  
2   for the specifics of the -- you know, the  
3   technicalities of your system, as Bob said, that's  
4   going to have to comply with the township sewage  
5   enforcement officer, as well as DEP.

6                   MR. BRAD GRAHAM:   Very good.  
7   Thank you.

8                   MR. KERRICK:   Any other  
9   questions?

10                   Questions or comments from the  
11   board?

12                   MR. MOYER:   I have none.

13                   MR. KERRICK:   Anything else,  
14   Patrick?

15                   MR. ARMSTRONG:   No.

16                   MR. KERRICK:   I'll entertain a  
17   motion to close the hearing?

18                   MR. HOLAHAN:   So moved.

19                   MR. KERRICK:   Do we have a  
20   second?

21                   MS. LAMBERTON:   Second.

22                   MR. KERRICK:   Questions or  
23   comments?

24                   Call the vote. John?

25                   MR. HOLAHAN:   I vote in favor.

8

1                   MR. KERRICK:   Anne?

2                   MS. LAMBERTON:   I vote in  
3   favor.

4                   MR. KERRICK:   Donny?

5                   MR. MOYER:   I'll vote in favor.

6                   MR. KERRICK:   Heidi?

7                   MS. PICKARD:   I vote in favor.

8                   MR. KERRICK:   Hearing is

9 closed.

10 Does the board wish to take

11 action and adopt the ordinance at this time?

12 MR. HOLAHAN: Yeah. I'll make

13 a motion that we adopt Ordinance 499 amending

14 Chapter 77, Flood Plain Management.

15 MS. LAMBERTON: Second.

16 MR. KERRICK: Motion and

17 second.

18 Questions or comments from the

19 board?

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

9

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: Motion carried.

7 That's all we have under the

8 hearing and the new business.

9 We'll adjourn to our next public

10 hearing at 7 p.m.

11 (Hearing concluded at 6:11 p.m.)

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I hereby certify that the  
proceedings and evidence are contained fully and  
accurately in the notes taken by me at the hearing  
in the above matter; and that the foregoing is a  
true and correct transcript of the same.

TARA WILSON, C.R.



Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Public hearing on a proposal to create a tax increment financing district within the township to be known as Tobyhanna Township Tax Increment Financing District and the adoption of a project plan for the district.

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Thursday, April 25, 2013 beginning at 7:00 p.m.

---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
ANNE LAMBERTON, Board Member  
DONALD MOYER, Board Member  
JOHN J. HOLAHAN, III, Board Member

PATRICK M. ARMSTRONG, ESQUIRE  
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer  
ROBERT J. McHALE, Township Engineer

---

Panko Reporting  
537 Sarah Street, 2nd Floor  
Stroudsburg, Pennsylvania 18360  
(570) 421-3620

2

1 MR. KERRICK: Call the meeting  
2 to order with the pledge of allegiance, please.

3 (Pledge of allegiance was  
4 recited.)

5 MR. KERRICK: We welcome  
6 everyone here this evening. At this time I'll turn  
7 it over to our solicitor, Pat Armstrong.

8 MR. ARMSTRONG: Thank you, Mr.  
9 Chairman. What we are here this evening for is a  
10 public hearing on the proposed Tobyhanna Township  
11 Tax Increment Financing District. With that, what  
12 I will do is I will open up the public hearing and  
13 then provide a brief description as to the purpose  
14 of why we're here, as well as a brief description  
15 of the plan that has brought us all here this

16 evening to discuss, the potential TIF District of  
17 Tobyhanna Township.

18                               As you are all aware, there's a  
19 plan sitting up at the front of the room and on  
20 that plan is what's titled Kalahari Resort Site  
21 Plan. What you will see is a hundred and  
22 fifty-four acre parcel located in Tobyhanna  
23 Township. And what the applicant, Kalahari  
24 Resorts, is proposing is a three phase project  
25 consisting of a large indoor water park, indoor

3

1 theme park, conference center, spa, restaurants, an  
2 outdoor recreational area, as well as numerous  
3 parking spaces.

4                               What we're here this evening for  
5 is to have a public hearing for purposes of hearing  
6 public comment on the proposed Tobyhanna Township  
7 Tax Increment Financing District. What that means  
8 is -- and before we get started, what I want to do  
9 is just give a brief description of the TIF -- when  
10 I say TIF tonight, it's going to be tax increment

11 financing.

12                               There's a TIF Act in  
13 Pennsylvania that provides for certain developers  
14 of certain plans on certain properties to request  
15 that municipalities, like yourself, consider  
16 adopting a TIF District for purposes of helping the  
17 applicant finance some of the off-site public  
18 improvements necessary to move forward with the  
19 project.

20                               That being said, a TIF is not a  
21 tax abatement program. A TIF is, in a nutshell,  
22 what we will be doing for purposes of this project,  
23 is we will be taking the assessment tod -- well,  
24 not today, but the current assessment on the real  
25 estate property of the hundred and fifty-four acres

4

1 you see that's outlined on the plan in front of the  
2 room. We will take the assessment of that property  
3 as it stands currently, before a TIF District is  
4 created, and that assessment is what the property  
5 owners will continue to pay for purposes of paying

6 the real estate taxes going forward.

7                               The TIF aspect of this is when  
8 and if the applicant proceeds to improve the  
9 property with their project, meaning when and if  
10 they proceed with constructing the infrastructure,  
11 constructing the conference center, constructing  
12 the water park, the theme park, constructing the  
13 physical improvements on the property, clearly the  
14 assessed value of that property is going to  
15 increase over the course of the years and clearly  
16 when it's completed.

17                           That being said, those increases  
18 in taxes -- you have the tax increment base, which  
19 is the assessment of the property today, that the  
20 owner will continue to pay. And then the  
21 difference between that tax increment base going  
22 forward as we tax -- taxes increase for purposes of  
23 the -- increases in the tax increments for the  
24 property, that difference, those taxes will be paid  
25 by the owner of the property; but the actual taxes

1 received will go towards paying down debt incurred  
2 by, in this case, the Monroe County IDA, the Monroe  
3 County Industrial Development Authority.

4 In accordance with the TIF Act,  
5 the Monroe County Development Authority will be  
6 issuing TIF bonds in the amount that are estimated,  
7 I believe, in the TIF plan, if you have it, it was  
8 publically available, in the amount of  
9 approximately \$26 million. So the tax increment  
10 revenues, the increases in taxes for the parcel of  
11 property over the course of the years, will be  
12 going towards paying down that debt by the Monroe  
13 County IDA.

14 That being said, why we're here  
15 this evening is, under the TIF Act, a number of  
16 things need to proceed and actions taken by  
17 Tobyhanna Township, which is the municipality  
18 wherein this TIF District is located, needs to  
19 comply with. And it started out with the applicant  
20 approaching Monroe County, the Pocono Mountain  
21 School District and Tobyhanna Township inquiring as  
22 to whether or not those municipalities, those  
23 governmental entities, were interested in

24 considering a TIF District for purposes of  
25 constructing the Kalahari Resorts project.

6

1                               We -- those discussions have  
2 taken place over the course of the last several  
3 months. And in response to those discussions, the  
4 Monroe County IDA has prepared a Tobyhanna Tax  
5 Increment Financing District Plan which provides a  
6 very descriptive summary of the plan, the district  
7 boundaries, the benefits to not only Tobyhanna  
8 Township, but also the benefits to Monroe County,  
9 as well as the Pocono Mountain School District.

10                           And with that plan, both Monroe  
11 County and the Pocono Mountain School District,  
12 pursuant to the Act, have already passed  
13 resolutions. I believe they're actually both dated  
14 March 20, 2013. Both of those governmental  
15 entities have already passed resolutions supporting  
16 the proposed TIF plan in pledging that 100 percent  
17 of the tax increment revenues for Phase 1 of the  
18 plan would go towards paying down the debt service

19 from the Monroe County IDA.

20                               So we already have those  
21 resolutions from Monroe County, as well as the  
22 Pocono Mountain School District. Now that we have  
23 those resolutions, the next step in the process is  
24 for Tobyhanna Township, as the municipality wherein  
25 this TIF District will be located, is to hold a

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1 public hearing. And that is why we're here  
2 tonight.

3                               We're here to hold a public  
4 hearing to allow yourselves, all residents or  
5 citizens, to provide public comment with respect to  
6 the proposed creation of the tax increment district  
7 and its proposed boundaries, the proposed adoption  
8 of the project plan for the district and the  
9 benefits to the municipality. There will be no  
10 ordinance, there will be no plan adopted by this  
11 board tonight. The purposes of tonight is to hold  
12 a public hearing to hear the comments from the  
13 public.



14                               After tonight, if the board  
15     proceeds to consider this TIF District within  
16     Tobyhanna Township, there will be a subsequent  
17     meeting and hearing to consider a resolution or  
18     ordinance adopting this TIF District, and adopting  
19     the TIF plan prepared by the Monroe County IDA.  
20     That ordinance, that action, that resolution will  
21     not be acted upon tonight because pursuant to the  
22     TIF Act in Pennsylvania there needs to be a  
23     three-week period before tonight's public hearing  
24     and the action of this board on the TIF District.  
25                               So with that being said, I would

8

1     like to just also clarify that the TIF plan is  
2     proposed to use these tax increment revenues for  
3     Phase 1 of the plan.   Phases 2 and Phase -- Phase 2  
4     and Phase 3 of Kalahari's plan will not be subject  
5     to this TIF, meaning that when and if the applicant  
6     would proceed with Phase 2 and Phase 3 of the plan,  
7     100 percent of those tax increment revenues will go  
8     towards their respective taxing bodies; Pocono

9 Mountain School District, Monroe County and  
10 Tobyhanna Township. It is only for Phase 1 of the  
11 plan. If you feel like going up and looking at the  
12 plan now, please do.

13 Phase 1 of the plan is the  
14 portion of the project that will be subject to the  
15 Tax Increment Financing District. And it is also  
16 important to know that the tax increment revenue  
17 for the Phase 1 of the plan will not include earned  
18 income taxes of individuals working within the  
19 district. Those earned income revenues will be  
20 provided to the municipalities, that will not be  
21 subject to the TIF.

22 There is also going to be a one  
23 time transfer tax of one percent that the school  
24 district and Tobyhanna Township will share that  
25 will not be paid towards the TIF funds, as well as

1 when and if the TIF bonds that are issued by the  
2 Monroe County IDA, when and if those TIF bonds are  
3 satisfied and paid off and/or in 20 years -- this

4 TIF District period is a 20-year period.

5 So subsequent to the TIF period  
6 of 20 years and/or the payment -- payoff of the TIF  
7 bonds that will be issued by the Monroe County IDA,  
8 subject to those two actions terminating the  
9 increased tax revenues. As a result of the  
10 construction of Phase 1, 100 percent thereafter  
11 will begin to be received and utilized for the  
12 taxing municipalities, being Tobyhanna Township,  
13 Monroe County, as well as the Pocono Mountain  
14 School District.

15 That all being said, and I  
16 understand it's not an easy act and/or process to  
17 understand, I wanted to try and put it in a  
18 nutshell so everyone understands sort of what we're  
19 dealing with when it comes to the TIF District.  
20 And one thing I did neglect to say and I'll say it  
21 now, another aspect of this project will be a  
22 Neighborhood Improvement District that the Board of  
23 Supervisors of Tobyhanna Township will be  
24 considering in the not too distant future.

25 I believe another public hearing

1 has been scheduled for May 15, 2013, at seven  
2 o'clock to consider -- or to hold the first public  
3 hearing for a Neighborhood Improvement District,  
4 which will also be related to this TIF District;  
5 but the public hearing this evening is for the TIF  
6 District of Tobyhanna Township.

7 That being said, this is a  
8 public hearing. It's been advertised in the Pocono  
9 Record pursuant to the TIF Act, the Second Class  
10 Township Code, as well as the Municipalities'  
11 Planning Code. We've already opened up the public  
12 hearing. With that, the only thing I guess I will  
13 proceed to say is, Phase 1, which will be the phase  
14 subject to the TIF District, will consist of 450  
15 guest rooms; 103,000 square feet indoor water park;  
16 30,000 square feet of indoor theme park; 64,000  
17 square feet of a conference center, spa and/or  
18 restaurant; 3 acres of an outdoor recreation area;  
19 and 2500 parking spaces.

20 The pin number for the property,  
21 I also failed to neglect that, but you can see it

22 on the plan, the property that is proposed to be  
23 within the hundred and fifty-four TIF District is  
24 located at the corner of Routes 380 and 940. And  
25 it is Pin No. 19635400099554. And, again, it is

11

1 approximately 154 acres and that 154 acres, if you  
2 look at the plan, includes approximately a 4 acre  
3 area of property that will be dedicated to Kalahari  
4 Boulevard, the entrance boulevard into the  
5 property.

6 So with that being said, and I'm  
7 sure there are probably questions, there are  
8 members from the Monroe County IDA. This is a  
9 public hearing and I believe I did get a request,  
10 one individual who wishes to speak tonight would  
11 like to go first. I will let the chairman proceed  
12 with respect to allowing public comment, but I  
13 believe the name of the individual who has another  
14 appointment this evening is a Carl Wilgus of the  
15 Pocono Mountain Visitors Bureau, if he is here.

16 MS. LAMBERTON: John, do you

17 want the list?

18 MR. KERRICK: I got the list

19 right here. I think I do.

20 MR. HOLAHAN: The sign-in

21 sheet.

22 MS. LAMBERTON: There's a

23 sign-in sheet.

24 MR. KERRICK: Yeah, but I wrote

25 them down as they -- I knew everybody.

12

1 The floor is yours.

2 THE REPORTER: Would you just

3 spell your name for me, please?

4 MR. CARL WILGUS: I certainly

5 would. C-A-R-L W-I-L-G-U-S, Carl Wilgus.

6 MR. KERRICK: Thank you.

7 MR. CARL WILGUS: Thank you

8 very much. I appreciate the opportunity to go

9 first tonight.

10 I'm here on behalf of the Pocono

11 Mountain Visitors Bureau. As I said, my name is

12 Carl Wilgus, I am the president and CO of the  
13 Pocono Mountain Visitors Bureau. Tonight I would  
14 like to focus my remarks on the jobs that will be  
15 created by the project and address some of the  
16 misconceptions about the hospitality industry.

17 In the packets that I gave you  
18 -- provided to you, you will see on the left-hand  
19 side, you will find two charts from a December 2012  
20 report on jobs in Pennsylvania done by the  
21 Department of Community and Economic Development.  
22 The first deals with travel employment and  
23 intensity by region.

24 It tells us that in the four  
25 counties that make up the Pocono Mountains -- that

13

1 being, Carbon, Monroe, Pike and Wayne -- some  
2 34,000 plus jobs are linked to the travel tourism  
3 and the hospitality industry, which is 34.6 percent  
4 of the region's labor force. Of the 11 tourism  
5 regions in Pennsylvania, this is by far the highest  
6 percentage a labor force connected to our industry

7 in the Commonwealth. No other region in  
8 Pennsylvania exceeds 12 percent.

9                         Clearly the Pocono Mountains are  
10      the most tourism dependant region within the state.  
11      But what's even more amazing is illustrated in the  
12      next chart, which you have, that shows that this  
13      34.6 percent of the work force accounts for 49.6  
14      percent of the labor income generated in our four  
15      counties. Clearly this would indicate that in our  
16      region the hospitality industry outperforms other  
17      industries in the areas of salaries and wages and  
18      is far from being low paying minimum wage jobs.

19 I'm also providing you with a  
20 chart behind that of the typical hospitality career  
21 ladder developed by the American Hotel and Lodging  
22 Association back in 2006. On data provided by Wage  
23 Watch, Incorporated, which clearly indicates  
24 numerous jobs available in our industry that  
25 provide sustainable living wages.



2 testimony at previous hearings about the  
3 displeasure of minimum paying jobs. Let me respond  
4 by saying that we need to take a moment and think,  
5 then acknowledge and be thankful that we do have an  
6 industry in our area that exists and is vibrant and  
7 that affords our youth and those without  
8 substantial skill sets, an opportunity for  
9 employment and the potential for development of job  
10 skills and developing of careers.

11                               Where would these kids go for  
12 jobs if we did not have the hospitality industry?  
13 We have thousands of kids in the high school  
14 programs in all four school systems within Monroe  
15 County. If there wasn't the hospitality and travel  
16 and tourism industry, who is gonna hire those kids?  
17 Who's gonna put them to work for the summer? Who's  
18 gonna give them an opportunity to develop some  
19 basic job skills?

20                               We all begin somewhere and most  
21 likely it was at the bottom of the ladder. Then we  
22 worked our way up and no industry does that better  
23 than ours. Rather than grate the industry that  
24 gives many us our first opportunity, gainful

25 employment, we need to be celebrating it.

15

1 I'd also like to refer you to a  
2 recent release report entitled Fast Forward Travel  
3 Creates Opportunities and Launches Careers, which  
4 is on the right side of your packet. This ten year  
5 data analysis done by the United States Department  
6 of Labor -- Bureau of Labor Statistics and Travel  
7 Economics includes the following:

8 First, workers whose first job  
9 is in the travel industry progress farther in their  
10 careers than individuals who get their start in  
11 other industries. Two. Travel industry work  
12 experience helps Americans earn higher wages and  
13 attain more education. Three. Travel jobs provide  
14 important transferable skills that are  
15 indispensable to career success.

16 And four -- excuse me -- careers  
17 in travel deliver financial security with the  
18 majority of travel industry workers earning middle  
19 class incomes or higher, as was demonstrated by the

20 American Hotel and Lodging Association chart I  
21 eluded to a few moments ago. This report goes on  
22 to provide an analysis to substantiate each and  
23 every one of those points.

24 Following my remarks to here --  
25 here tonight, I'm headed to the Skytop Lodge where

16

1 this very evening a retirement party is being held  
2 for Ed Mahon, a veteran of 35 years of our  
3 industry, the last 19 as the president and general  
4 manager of Skytop Lodge. Who knows, one of these  
5 future employees of the new Kalahari Resort in the  
6 Pocono Mountains could one day be the president,  
7 the general manager of the Skytop Lodge or the  
8 Kalahari Resort or one of our other fine resorts  
9 and attractions here, so you see, this is the  
10 industry of limitless opportunities and potential  
11 where an individual is restrained only by their own  
12 desire and own ambition.

13 I thank you for your time and  
14 attention. I would be happy to stand for any

15 questions you might have. I'll give Ed your best.  
16 MS. LAMBERTON: Thank you.  
17 Please do, yes.  
18 MR. KERRICK: Thank you.  
19 Next we have Michael Baxter.  
20 THE REPORTER: Would you please  
21 just spell first and last name?  
22 MR. MICHAEL BAXTER: Michael,  
23 M-I-C-H-A-E-L, Baxter, B-A-X-T-E-R.  
24 THE REPORTER: Thank you.  
25 MR. MICHAEL BAXTER: My name is

17

1 Michael Baxter and I -- I actually come here  
2 wearing several hats. I am the current chairman of  
3 the Pocono Mountain Industrial Development  
4 Authority, the Monroe County Industrial Development  
5 Authority and Pocono Mountain Industries. I also  
6 serve on the chair -- on the Chamber of Commerce  
7 Economic Development Committee and on the Monroe  
8 20/20 Task Force. So a large part of my volunteer  
9 time in this community has to do with economic

10 development.

11 That being said, it is  
12 frustrating to hear and to read some of the  
13 negative comments about the TIF District proposal.  
14 And it's very clear, when I read them and when I  
15 hear them, that these are people that don't  
16 understand what the TIF District is. So what I  
17 plan to do tonight is I want to read a letter.

18 Our executive director, Chuck  
19 Leonard, could not be here tonight, but we consider  
20 him one of the most experienced and talented  
21 economic development people in the State of  
22 Pennsylvania. And he wrote a letter on February 22  
23 to the Pocono Record to rebut some of the editorial  
24 letters to the editors and actually some of the  
25 articles that -- that had gross misstatements about

18

1 what the TIF District is. And my hope is that the  
2 letter will reenforce some of what Mr. Armstrong  
3 has already said and clarify the facts about what a  
4 TIF District is.

5                                So, again, this letter is Chuck  
6    speaking not me.

7                                MR. HOLAHAN:    How long is this  
8    letter?

9                                MR. MICHAEL BAXTER:    It's not a  
10   long letter.   You know, even when Chuck's not here  
11   he still gets to comment.

12                                MR. MOYER:    It's been edited.

13                                MR. MICHAEL BAXTER:    This was  
14   submitted to the Pocono Record on February 22 and  
15   was never printed.   He was expecting it to be the  
16   my turn print.   Anyway --

17                                One of my mentors once said to  
18   me, don't ever get into an argument and print it  
19   unless you own a printing press, but our  
20   community's need to attract jobs and encourage  
21   investment is too great not to respond.   Some of  
22   the misinformation and misunderstandings that have  
23   been circulated by recent press coverage and that  
24   have appeared in recent letters to the editor need  
25   to be clarified.

1                                   Unfortunately the responsible  
2 fact check coverage my generation got from our  
3 newspapers is no longer the standard. You have  
4 people still believe what they read. The new  
5 mindset is, it has to be true, I read it on the  
6 internet. Discerning readers understand that even  
7 publications striving to meet high journalistic  
8 standards for truth and accuracy sometimes get it  
9 wrong.

10                                   For example, the headline in  
11 January 16, 2013s Pocono Record article, Kalahari  
12 Seeks 24.6 Million Tax Deferral, gives the mistaken  
13 impression that the company will be paying no  
14 taxes, when in fact the company actually must pay  
15 all taxes. Let me be perfectly clear, the company  
16 will receive no reduction in the taxes they pay as  
17 a result of the creation of a Tax Increment  
18 Financing District, or TIF.

19                                   I cannot hope to correct all the  
20 misunderstandings of what TIF Districts are in the  
21 space of a short editorial, but TIF Districts  
22 exist, as they exist in other states, are, in most

23 cases, quite unlike our Pennsylvania TIF Districts.  
24 To clarify some recent TIF misstatements, there is  
25 no deferral of taxes. All taxes are paid by the

20

1 property owners.

2                               The three taxing bodies borrow  
3 no money to finance the infrastructure. They do  
4 pledge additional real estate tax proceeds, the  
5 increment, that results from buildings or other  
6 improvements within the TIF. The receipts pledged  
7 for this purpose are used to pay debt taken by the  
8 Monroe County Industrial Development Authority,  
9 which I am chair of.

10                           The county municipal --  
11 municipality and the school district do not  
12 guarantee the debt. The taxing bodies are not  
13 responsible should the project fail. Taxpayers are  
14 not at risk. The debt is not issued and the  
15 improvements are not undertaken until a project  
16 financing is in place; therefore, if there is no  
17 project, there is no debt.



18                               It is the lenders or buyers of  
19   the bond who have the risk not the taxpayers. Only  
20   the increased real estate taxes are pledged. The  
21   existing real estate tax is still received by the  
22   taxing bodies. Also any other tax revenue  
23   generated by the project, i.e., earned income  
24   taxes, sales tax, PA income taxes, et cetera, is  
25   not included in the TIF and is paid to the

21

1   respective taxing bodies.

2                               The recession has hit Monroe  
3   County hard. Tax increment financing is a tool  
4   that we can use to overcome infrastructure problems  
5   that hinder development, investment and job  
6   creation. The TIF enables us to build what is  
7   needed just in time to accommodate new business and  
8   mitigate impact without using taxpayer money.  
9   Businesses will not be encouraged to invest in  
10   Monroe County unless we invest in ourselves.  
11   Reduced funding from the state and federal  
12   government has made infrastructure funding a scarce



8 Trapasso's, T-R-A-P-A-S-S-O.

9 THE REPORTER: Thank you.

10 MR. VINCENT TRAPASSO: I'm a  
11 proud dad of three children. I'm a businessman and  
12 a developer, I have a business on Route 611. And I  
13 echo and share all the things that Michael and Carl  
14 have said except a couple of things. I don't  
15 understand why there would be any opposition  
16 because any township community would be honored to  
17 have an operation like Kalahari moving into it, to  
18 do all the things that they're gonna do for our  
19 community.

20 I want to share one thing. One  
21 of my children come home and he goes to Pocono  
22 Mountain East and says, "Dad, why are kids moving  
23 out of the town?" 'Cause I've always told him how  
24 people love moving to the Poconos. And I have to  
25 share with him well, their dad or their mom can't

23

1 find a job, okay? So they have to move back to New  
2 York.

3                               He says, "Well, geez, I don't  
4 understand that, I thought that there's --" and  
5 he's a young kid, he's only 16. He doesn't  
6 understand that the parents have to go where they  
7 have to go to find a job.

8                               So, and then I constantly, as  
9 recently as this week -- see, we have a restaurant  
10 business. We have a nurse and we have other people  
11 in good professions that come in and say, we just  
12 can't make ends meet and one girl wants to be a  
13 server or a busboy at night and they have children  
14 as well.

15                              So just by virtue of the amount  
16 of jobs that this company's going to provide for  
17 our community, for the people who have jobs who  
18 need more money and for the people that are  
19 leaving, I think is a wonderful thing. And we all  
20 should be proud and honored to have them come here  
21 and spend their money, 'cause they could probably  
22 go anywheres in America and be met with open arms  
23 to come in and spend all your money in our town.  
24 So I don't know why we would have any kind of  
25 opposition.

1 Thank you for your time.

2 MR. MOYER: Thank you.

3 MR. KERRICK: Thank you.

4 MS. PICKARD: Thank you.

5 MR. KERRICK: Next Don Snyder.

6 MR. DON SNYDER: Good evening

7 and thanks for the opportunity to take a minute of  
8 your time. And I just wanted to try to dispel  
9 something that was mentioned at the school board  
10 meeting. When one of the speakers that was against  
11 this TIF funding made the comment that the  
12 developer has plenty of money, they don't need our  
13 TIF, let them spend their own money, it's just  
14 contrary the way business is done today.

15 All of our surrounding  
16 communities, the Lackawanna County, Northampton,  
17 Luzerne County, as you go down the highways you see  
18 the industry on both sides of the road. It's all  
19 been done with incremental financing of one sort or  
20 another, tax breaks or incentives to bring those

21 people there.

22 No one has more love for Pocono  
23 Manor than I do and I would hate to see it not  
24 fulfill another hundred years in the hospitality  
25 business. Something like Kalahari is breathing

25

1 such a new breath into not only Pocono Manor, but  
2 the whole region. It's gonna be an incentive,  
3 it'll be an incentive for other development along  
4 the thoroughfare. It'll give something as simple  
5 as our children not having to go to Scranton or New  
6 Jersey to have a prom, because there's no facility  
7 large enough with enough public space to handle our  
8 own -- our own kids.

9 So I think it's an opportunity  
10 that shouldn't be missed. I congratulate you all.  
11 A lot of people don't realize that this wasn't a  
12 done deal, that several supervisors from Tobyhanna  
13 Township and from Pocono Township, county  
14 commissioners, made the trek out to Kalahari and  
15 had a laundry list of all the reasons they should

16 come here, bring their investment here and support  
17 our community. So I think it'd be very  
18 short-sighted on everyone's -- pennywise and dollar  
19 foolish to turn our back on such an opportunity and  
20 I hope you all find favorably for it.

21 I thank you for your time.

22 MR. LAMBERTON: Thank you.

23 MR. KERRICK: Thank you.

24 Next, Dr. Pence.

25 MR. GREGORY PENCE: I want to

26

1 thank you for --

2 THE REPORTER: Would you just  
3 please state and spell --

4 MR. GREGORY PENCE: Oh, Gregory  
5 Pence, G-R-E-G-O-R-Y, Pence, P-E-N-C-E.

6 THE REPORTER: Thank you.

7 MR. GREGORY PENCE: I want to  
8 thank you for allowing me to speak without a three  
9 minute limit. I'll try not to go over that too  
10 much. First of all, I'd like to state that I'm not

11 opposed to the Kalahari Resort, proposal or  
12 economic growth that it would bring to the area.  
13 What I am opposed to is the unnecessary tax break,  
14 a tax incentive, if you will, that you are prepared  
15 to the extremely wealthy developer and seller at  
16 the expense of property owners, students and  
17 teachers of the Pocono Mountain School District.

18 The Planning Commission of  
19 Monroe County has certified to the Monroe County  
20 Commissioners that the TIF project is in a blighted  
21 area according to the Urban Redevelopment Law of  
22 1945 based on one or more of the following  
23 conditions:

24 A. One -- Condition A. Unsafe,  
25 unsanitary, inadequate and overcrowded conditions

27

1 or dwellings therein. B. Inadequate planning of  
2 the area. C. Excessive land coverage of the  
3 buildings thereon. D. Lack of proper light and  
4 air and open space. E. Defective design and  
5 arrangement of the buildings thereon. F. Faulty



6 street and lot layout. And G, economically or  
7 social -- socially undesirable land uses. The  
8 proposed TIF District meets none of those  
9 conditions. It is not a blighted area, it is  
10 mostly a beautiful golf course.

11                               Next, let me go over some of the  
12 facts listed on the TIF facts sheet. Why create a  
13 TIF District -- why create a TIF actually? The  
14 taxing bodies continue to receive the current tax  
15 revenue, all \$11,140 of it for the next 20 years.  
16 Only Phase 1 is included in the TIF. If they  
17 proceed with Phase 2 or 3, all the property taxes  
18 generated will stay with the taxing bodies. Phase  
19 2 and 3 would only be developed after certain  
20 benchmarks are reached.

21                               The Hotel and Leisure Advisors  
22 report does not reveal what those benchmarks are.  
23 In essence, Phase 2 and 3 may never be built. The  
24 TIF attracts new investment to the community,  
25 maybe, but look at Mount Airy. What new investment

1 occurred due to the presence of Mount Airy? Do you  
2 see any new businesses along Route 611 near the  
3 entrance to Mount Airy.

4 Next, what TIF is not. TIF is  
5 not a tax break or incentive for the developer or a  
6 company who locates in the TIF District. Tax  
7 increment financing is just another term for tax  
8 break or tax incentive. Let me give you an  
9 analogy. A taxpayer like yourself, you need a new  
10 well or a septic system, driveway improvement,  
11 instead of paying for it out of pocket or obtaining  
12 a loan, instead you'll use the money that you would  
13 pay for property taxes to fund that driveway, well,  
14 drilling or septic improvement. How is that not a  
15 tax break or tax incentive?

16 Another condition of what TIF is  
17 not. The property owner pays all of its taxes.  
18 Yeah, it will pay all of its taxes, it's gonna pay  
19 state tax, corporate tax, but in the TIF District,  
20 it will just pay \$11,140 per year and the rest of  
21 the money that will go to property tax will be used  
22 to pay a debt service on the TIF bond.

23 Are there other existing ti --

24 any other existing TIFs in Monroe County? There's  
25 only one, it's the Pocono Township sewer project,

29

1 which was based on the needs of Sanofi and national  
2 security being Sanofi as one of the -- maybe the  
3 one or two vaccine makers in the whole country.

4 Another item under the fact  
5 sheet, is it expected the TIF will be paid off  
6 early based on Kalahari's historical revenues?  
7 This project is obviously very lucrative for the  
8 developer, but exactly how much is Kalahari  
9 expected to gross? That's not really answered in  
10 the Market Feasibility and Economic Impact Study.

11 However, on Page 17 of the study  
12 it is estimated that in 2015, the first year of  
13 operation, 6.7 million will be generated in  
14 Pennsylvania state sales tax. That translates into  
15 112 million gross. Certainly there is enough money  
16 there in that 112 million gross to be able to pay  
17 property taxes and not grant a TIF.

18 The Market Feasibility and

19 Economic Impact Report by Hotel and Leisure  
20 Advisors is largely based on estimates and  
21 projections as per their own admission. They did  
22 not warrant that their estimates will be attained.  
23 As part of their standard conditions, they state  
24 that actual results will vary from those described  
25 in the report. Yet decisions are being made based

30

1 on these lofty estimates.

2 With an estimated annual payroll  
3 of 14 million and an average hotel wage of \$29,203,  
4 the report estimates that 727 permanent full and  
5 part-time positions will be created. Does the  
6 average service worker wage of \$29,203, which  
7 translates into \$14 per hour, include benefits?  
8 Many workers will be part-time and not receive  
9 benefits.

10 Where will they reside? It says  
11 131 full-time equivalent or 25 percent of the work  
12 force will reside in the Pocono Mountain School  
13 District. Fifty-three or ten percent of the work

14 force will reside in Tobyhanna Township. How is  
15 \$29,203 for a full-time position, how is that  
16 enough money to pay rent or buy a house or pay for  
17 living expenses? Does Tobyhanna Township have any  
18 low-income housing?

19 And I agree with the previous  
20 speakers, you know, people need a place to start  
21 out, I have no objection to that. Will multiple  
22 workers and their families have to live in the same  
23 house? The truth is no one knows where the workers  
24 will reside. The construction payroll of 51  
25 million is divided by the median construction wage

31

1 in Northeastern Pennsylvania of \$43,217 creating  
2 1,181 direct construction jobs; 35 percent of the  
3 construction budget of 113.4 million or almost \$40  
4 million is estimated to employ and remain in Monroe  
5 County.

6 The truth is no one knows where  
7 the construction workers will be from until bids  
8 are awarded and workers are paid. When using

9 multipliers to project the impacts of construction,  
10 the number's even more inflated.

11 MR. KERRICK: Are you about  
12 finished, Dr. Pence?

13 MR. GREGORY PENCE: I have a  
14 little bit more. I'd appreciate it if you let me  
15 continue.

16 MR. KERRICK: For a little  
17 while, we've got your three minutes in already.

18 MR. GREGORY PENCE: But you  
19 didn't say a time limit to be on.

20 MR. GREGORY PENCE: Oh, but you  
21 mentioned three minutes. See if you could finish  
22 it up, please.

23 MR. GREGORY PENCE: I will.

24 Then we have the impa -- impact  
25 of increased visitor spending which is estimated to

32

1 be 3.28 million divided by the average wage which  
2 equals \$112. This is earnings and jobs to  
3 establishments outside the resort. I presume they

4 may be referring to Pocono Manor because the report  
5 by Hotel and Leisure Advisors describes Kalahari as  
6 a destination resort designed to capture a maximum  
7 amount of guest spending. It is further described  
8 as a land-based cruise ship. The fact is with such  
9 easy on and off access to Interstate 380, visitor  
10 spending will be limited to Kalahari and Pocono  
11 Manor.

12 Economic impacts are just  
13 estimates that are then overinflated by multiplier  
14 effects. Estimates such as these are typical of  
15 large projects in order to curry favor and ultimate  
16 approval of their plans. An important impact issue  
17 that the report fails to estimate is the impact of  
18 new students on the Pocono Mountain School  
19 District. There are certainly multipliers  
20 available to estimate the number of new students  
21 per full-time equivalent position. Each new  
22 students costs the district between 18,000 and  
23 20,000 -- 18 to \$20,000 each. Just one new student  
24 will exceed the \$8,931 the school district will  
25 receive in property taxes for the next 20 years.

1                               Many people expect unemployment  
2     to decrease because of the proposed development,  
3     but typically many people are attracted to move to  
4     an area for these service jobs and many remain  
5     unemployed. The unemployment rate will remain  
6     virtually unchanged or, at best, decrease slightly.  
7     How many children will need to be educated by the  
8     school district? That certainly is a question that  
9     remains mysteriously unaddressed.

10                           The Pocono Mountain School  
11    District will, according to Hotel and Leisure  
12    Advisors report, be impacted by almost 2.6 million  
13    per year of potential real estate taxes in 2015  
14    alone. Over the next ten years that projection  
15    increases to almost \$30 million. The total cost of  
16    that school district and ultimately the taxpayers  
17    is unknown, but it's certainly much more than what  
18    will be lost through the TIF funding.

19                           Who is going to make up the  
20    difference? The average taxpayer. Who benefits  
21    most from the proposed TIF plan? Kalahari, of



22 course, who gets a significant tax incentive. The  
23 bondholders will also benefit from 6.25 interest.  
24 A total of 48 million will be paid to the  
25 bondholders after 26 million in bond funding is

34

1 received.

2 The seller will benefit from  
3 having the instr -- infrastructure improvements  
4 already in place as they further develop Pocono  
5 Manor property. Offered just up to 4 million  
6 contributions to help offset Kalahari's  
7 infrastructure improvements. It won't be too long  
8 until Pocono Manor connects to the already in place  
9 sewer line. Kalahari's going to develop the  
10 property even if a TIF is not approved, it's just  
11 too lucrative not to. It's the perfect location.  
12 It is only fair to all the taxpayers that they also  
13 pay their fair taxes.

14 After all, Great Wolf was able  
15 to open without a TIF and is doing extremely well.  
16 How can you explain that? They are paying their

17 fair share of taxes. It's fuzzy math, fuzzy  
18 termination -- terminology to make everyone feel  
19 warm and fuzzy. The developers are very clever and  
20 shrewd businessmen. The fox is about to enter the  
21 chicken house through the front door.

22 Thank you.

23 MR. KERRICK: Thank you.

24 MR. VINCENT TRAPASSO: Can we  
25 make a comment to what he said? Are we allowed to

35

1 do that or no?

2 MR. KERRICK: Wait till we get  
3 all the comments.

4 MR. ARMSTRONG: You've already  
5 spoke. We'll go through the list. If the board  
6 feels there's time --

7 MR. KERRICK: Donna Fleming,  
8 you're next.

9 THE REPORTER: Will you just  
10 spell your name, please?

11 MS. DONNA FLEMING: D-O-N-N-A

12 F-L-E-M-I-N-G.

13 THE REPORTER: Thank you.

14 MS. DONNA FLEMING: Actually I  
15 have some questions to help me understand the TIF a  
16 little bit better, if we can try that and see if it  
17 works. If not, then I'll just go into speech.

18 One of my questions is, you're  
19 referring to the fact that there will be tax  
20 revenue that we'll be using somewhat to offset what  
21 the improved taxes would have been, is my  
22 understanding, kind of a trade. What -- how is  
23 that when it goes back to the correct authorities  
24 like us and I guess there's another township  
25 involved, how is that -- what's the formula or how

36

1 is that divided up for our schools? How -- if  
2 we're not getting an enlarged school tax with the  
3 improved tax that's happening -- let's back up.

4 11,000 is what the taxes are now  
5 and it's what it's going to be frozen at, roughly.  
6 And I believe the papers that I downloaded off your

7 website said it was an estimated two million taxes  
8 with the improvements. So there's a difference  
9 between the 11,000 and the 2 million.

10 So we're expecting, by having  
11 that difference going towards the bond, that our  
12 township won't be out of those funds, we'll be  
13 making those funds through tax revenue. Is that a  
14 correct understanding?

15 MS. PICKARD: I don't think  
16 that's exactly in there.

17 MR. ARMSTRONG: No. The -- I'm  
18 not sure if I completely understand your question.

19 MS. DONNA FLEMING: That's  
20 okay, 'cause I'm still trying to understand the  
21 whole TIF thing so --

22 MR. ARMSTRONG: So the  
23 owner/developer will be paying the full amount.  
24 It's just that --

25 MS. DONNA FLEMING: But not to

2 MR. ARMSTRONG: Not -- but when  
3 you say us, Tobyhanna Township, Pocono Mountain  
4 School District, as well as the County of Monroe.

5 MS. DONNA FLEMING: Now, when  
6 you say the full amount, you mean the 11,000?

7 MS. LAMBERTON: No. The  
8 improvement tax.

9 MS. DONNA FLEMING: The  
10 improvement tax that \$2 million.

11 MR. LAMBERTON: That's being  
12 paid --

13 MR. ARMSTRONG: What will  
14 happen is the difference that 11 -- approximately  
15 11,000, I believe it might be a little bit more,  
16 but that's the tax increment base. That's the  
17 amount that the owner will be paying in real estate  
18 taxes today, for the hundred and fifty-four acres  
19 within the TIF District. They will continue to pay  
20 that to Tobyhanna Township. There's a different  
21 number for Pocono Mountain School District.  
22 There's a different number for the County of  
23 Monroe.

24 All of those -- all these taxing

25 bodies have a separate tax increment base and then

38

1 the difference between that tax increment base and  
2 the tax increment revenue increases as the project  
3 is completed and as those improvements are  
4 constructed on the property. That difference is  
5 still paid by the developer, but the amount of that  
6 money goes towards satisfying the debt service.  
7 That obligation's issued by the Monroe County  
8 Industrial Development Authority.

9 And those -- that debt  
10 obligation, that money is used towards the  
11 construction of the public improvements, off-site  
12 improvements being PennDOT improvements related to  
13 the project, sewer, extensions related to the  
14 project, water extensions related to the project.  
15 All of these public improvements is what that money  
16 will be going towards when it's paying off the TIF  
17 bond issued by the Monroe County IDA.

18 MS. DONNA FLEMING: So the  
19 difference is paying off the TIF bond, the

20 difference between the 11,000 and what the improved  
21 would be?

22 MR. ARMSTRONG: In a nutshell,  
23 generally speaking, yes.

24 I mean, correct me if I'm wrong  
25 -- members of the Monroe County IDA are here, but

39

1 in a nutshell that's -- that's a pretty good  
2 explanation.

3 MS. DONNA FLEMING: Okay. So  
4 then the question that leads me to is that's not  
5 going to our schools then, to Pocono Mountain  
6 School District, as if it were -- as if they were  
7 paying that complete improved tax?

8 MR. ARMSTRONG: That increase  
9 in the tax increment revenues has been pledged by  
10 the Pocono Mountain School District resolution  
11 agreeing to 100 percent of that for Phase 1 of the  
12 plan.

13 MS. DONNA FLEMING: Right. So  
14 our schools that have gotten rid of their

15 technology classes due to lack of funding and  
16 things like that, they're not going to see a direct  
17 improvement in the schools?

18 MR. ARMSTRONG: It sounds like  
19 you're very interested in the school district?

20 MS. DONNA FLEMING: I am.

21 MR. ARMSTRONG: This is the  
22 Tobyhanna Township Board of Supervisors. I hope  
23 you were at the meetings where the school district  
24 --

25 MS. DONNA FLEMING: Well, I

40

1 was.

2 MR. ARMSTRONG: -- conceded the  
3 resolution.

4 MS. DONNA FLEMING: What I'm  
5 trying to find out, where that money goes. And  
6 since I already know where their taxes go, the  
7 original question was the tax revenue that will be  
8 generated. Say if they come in on the TIF, and the  
9 tax revenue that's generated by this development,



10 when that comes into the township, how is that  
11 divided up? Will any of that go to our schools?

12 MR. ARMSTRONG: When what comes  
13 in?

14 MS. DONNA FLEMING: The tax  
15 revenue created --

16 MS. PICKARD: Real estate tax  
17 revenue.

18 MS. DONNA FLEMING: No. I  
19 believe that's what we're referring to for the  
20 wages and everything else so --

21 MS. PICKARD: They would still  
22 --

23 MR. ARMSTRONG: The earned  
24 income tax and the local services tax --

25 MS. DONNA FLEMING: Right.

41

1 MR. ARMSTRONG: -- all of those  
2 taxes --

3 MS. DONNA FLEMING: I think  
4 somebody put that under a tax revenue title in one

5 of the --

6 MR. ARMSTRONG: In the transfer  
7 tax for purposes of the selling -- when the  
8 property is sold, there's going to be a transfer  
9 tax, one percent, both the school district and  
10 Tobyhanna Township will split that at a half  
11 percent. The earned income tax, you know, I can't  
12 speak for the school district, but, you know,  
13 Tobyhanna Township will continue to receive those  
14 earned income tax --

15 MS. DONNA FLEMING: I'm not  
16 gonna ask how they're going to spend it, I'm just  
17 wondering, do they get some of that?

18 MS. LAMBERTON: Yes.

19 MS. PICKARD: They get the  
20 earned income tax. It's split half between the  
21 school district and Tobyhanna Township, it's one  
22 percent of the residents of the municipalities.

23 MS. DONNA FLEMING: One  
24 percent, okay. So --

25 MR. ARMSTRONG: It's only the

1 real estate tax that is being impacted by the TIF  
2 District. The increase in the assessed property of  
3 the real estate.

4 MS. DONNA FLEMING: Okay.

5 MS. PICKARD: Which doesn't  
6 exist now --

7 MR. ARMSTRONG: Phase 1, Phase  
8 1.

9 MS. PICKARD: -- if there's no  
10 project.

11 MS. DONNA FLEMING: Exactly.

12 My concern is if they come in on a TIF, and you  
13 talk about 20 years that possibly it could be  
14 extended to, or they could pay it off early, which  
15 I believe has been a history of Kalahari. And I  
16 have heard some great things about Kalahari so I'm  
17 not against them coming in or nor do I not see a  
18 benefit to them being here, but my concern right  
19 now is that there are qualifications to meet for  
20 TIF, which Mr. Pence has discussed, being unsafe,  
21 unsanitary. I'm curious, and you don't have to  
22 answer that, but I'm curious how that property can

23 be considered to be a blighted area to --

24 MR. ARMSTRONG: Just a very  
25 quick response from this board, I believe, is,

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1 there was a resolution passed by the County of  
2 Monroe, I'm looking for it to give you the date,  
3 but that resolution was passed by the County of  
4 Monroe.

5 MS. DONNA FLEMING: I  
6 understand that. I've got their letter, I've got  
7 their quotes, but I understand too that it's going  
8 to go in front of you to vote on. And if this  
9 question hasn't come up, then I'd like to plant  
10 that seed in your minds. There are some distinct  
11 qualifications.

12 MS. LAMBERTON: It's already  
13 done.

14 MR. ARMSTRONG: The county has  
15 already approved that resolution dated December 13,  
16 2012.

17 MS. LAMBERTON: That's a done

18 deal.

19 MR. ARMSTRONG: What's before  
20 this board this evening is the tax increment  
21 financing plan of Tobyhanna Township prepared by  
22 the Monroe County IDA.

23 MS. LAMBERTON: Yes.

24 MR. ARMSTRONG: That's the  
25 purpose of this hearing tonight.

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1 MS. DONNA FLEMING: I know,  
2 aren't you deciding whether or not you're going to  
3 consider this development with a TIF?

4 MR. ARMSTRONG: Absolutely.  
5 That's the purpose of hearing the public comment  
6 this evening.

7 MS. DONNA FLEMING: So that's  
8 my purpose of saying that there are distinct  
9 qualifications that have to be met for a TIF.

10 MS. LAMBERTON: They've already  
11 been met.

12 MR. MOYER: Yeah, that was

13 passed.

14 MS. DONNA FLEMING: And that  
15 TIFs historically have been abused, California's  
16 even set up legislation.

17 MR. ARMSTRONG: I think the  
18 board understands your concerns.

19 MS. PICKARD: Yeah.

20 MS. LAMBERTON: Yeah.

21 MR. KERRICK: We understand  
22 your concerns, move on, please.

23 MS. DONNA FLEMING: So then  
24 going into that, my next concern then is, yes, for  
25 the schools. I do have kids in the school

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1 district. I do have children who were in the  
2 schools that were continually getting warnings for  
3 their performance, schools that had their  
4 technology classes removed, their field trips  
5 removed. So it is a concern for me to think that  
6 there is a property coming in that could possibly  
7 for 20 years not have to pay anything more than the

8 11,000 that will directly impact the schools. I'm  
9 talking about the schools.

10 MR. ARMSTRONG: Phase 1. Phase  
11 2 and 3 --

12 MS. DONNA FLEMING: Phase 1, I  
13 understand that. Phase 1, though, will lock that  
14 tax at -- roughly that 11,000 unless they pay it  
15 off early. They get done with Phase 1 and they go  
16 on to Phase 2, then that will generate the taxes, I  
17 understand that. I may not be eloquent in  
18 explaining it, but the meat of it is, if they come  
19 in underneath a TIF, I understand you're saying  
20 right now it's 11,000, so what are we going to be  
21 out?

22 My concern is, if they come in  
23 under the 11,000 with a TIF, we've precluded  
24 anybody from coming in next year or the year after  
25 who might want to to develop without a TIF where we

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1 would have those improved tax revenues coming in.

2 I've heard, like I said, a lot

3 of great things about Kalahari. I've heard that  
4 they are concerned with communities. I've heard a  
5 lot of people say that here, that they come in a  
6 lot more sympathetic than my experience, uhm,  
7 standing here. I'm curious as to whether or not  
8 things have been brought, requests such as --  
9 'cause I -- in doing the research, I see a lot of  
10 large developers, when they come into the  
11 communities, in an effort to say hey, we are  
12 actually here for us and for you, they set up a  
13 community fund, where somebody else actually sets  
14 up a 501 -- let's make sure I say that correctly,  
15 501C3 and then that is used to help with the  
16 betterment of the schools, with parks, whichever is  
17 going on.

18 Has any of that been brought up?

19 And if not, I would at least like to say I hope  
20 that they would consider it. I think it would go a  
21 long way for the rest of the community to take off  
22 our glasses that we've been using with past  
23 potential development and put on a new set of  
24 glasses for this developer.

25 So to sum this all up, I believe



1     that that area is a beautiful area. I believe that  
2     that area does not fall underneath the TIF. I  
3     believe that this area is much better than the  
4     Fredericksburg area that was being considered. And  
5     I'm hoping that you'll take what everybody says  
6     into consideration in what you're doing and that so  
7     does the developer.

8                     MR. KERRICK: Thank you for  
9     your comments. That concludes the list.

10                    Is there anyone else who would  
11    like to speak?

12                    Vincent?

13                    MR. VINCENT TRAPASSO: I would  
14    just like to readdress a couple comments from Dr.  
15    Pence. For the sake of not trying to sound too  
16    sarcastic, we are not people that go in business,  
17    shrewd people. Unfortunately, we don't have a  
18    mirror ball, we don't have an insurance policy that  
19    when we go into business, we're gonna automatically  
20    make money.

21                               So with the way the industry --  
22    the way the world is and the way that the economy  
23    is, there's no insurance policy that says that he's  
24    gonna make a lot of money. So to say that they're  
25    shrewd businessmen and things like that, I don't

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1    think it's fair, that's number one.

2                               Number two, another one of his  
3    comments were that because the casino went in that  
4    nobody went and did anything. Well, I did. Myself  
5    and my family spent a few million dollars on Route  
6    611 because of the casino. So there's another  
7    inaccuracy.

8                               I just want to apprise that to  
9    you.

10                              MR. MOYER:    Thank you.

11                              MS. PICKARD:   Thank you.

12                              MR. KERRICK:   Thank you.

13                              Anyone else?

14                              Yes, sir? State your name for  
15    the record, please.

16 MR. LEIGH STELZER: Yes. My  
17 name is Leigh Stelzer, L-E-I-G-H S-T-E-L-Z-E-R.  
18 I've heard a lot of comments and it's almost -- it  
19 seems like a suggestion that Kalahari's being given  
20 a gift by having this area developed. But, in  
21 fact, what's wrong with us that we didn't develop  
22 it long ago and make it attractive for business  
23 developments to occur.  
24 I built a house in Mount Pocono  
25 and there was a street there when I built it.

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1 There was a sewer line there when I built it.  
2 There was water lines, everything, all I had to do  
3 was attach my house to the infrastructure that was  
4 already there. So I don't understand why we  
5 begrudge them this development.  
6 Really we're enhancing our own  
7 neighborhood, our own property. It's not a gift to  
8 them, it's our own -- it's our gift to ourselves  
9 and the payoff will be that other businesses then  
10 will be able to take advantage of it and, you know,

11 this isn't -- this isn't really taking up all of  
12 the resource and facilities that are being created  
13 by the TIF, so I'm all for it.

14 Thank you.

15 MR. KERRICK: Thank you for  
16 your comments.

17 Anyone else? Mr. Snyder?

18 MR. DON SNYDER: Just a quick  
19 comment referring to some statements my neighbor,  
20 Dr. Pence, had made. You know, as those of you --  
21 you have sat on this board for any length of time  
22 might remember back in 2007 when we had a casino  
23 proposal at Pocono Manor that was a billion plus  
24 ratable.

25 The only difference at that

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1 point is Dr. Pence was supporting a no casino  
2 Pocono Manor t-shirt. You know, now it's another  
3 cause so now it's -- I'm about to think that he'd  
4 have objections with the Garden of Eden being  
5 located there.

6                               MALE VOICE:   Let's not get  
7   personal.

8                               MR. ARMSTRONG:   We want to keep  
9   this -- we don't want to address --

10                             MR. DON SNYDER:   It's so much  
11   as -- that's fine. In so much as incentives, a  
12   quick search of Google today showed me that in this  
13   country John Deere, Chrysler, General Motors,  
14   Lockheed, Boeing, Caterpillar, Sanofi Pasteur in  
15   our own neighborhood, have all been recipients of  
16   tax incentives by the municipalities who wanted to  
17   host them.

18                             Mayor Bloomberg in New York is  
19   offering incentives for companies to stay and  
20   locate in Manhattan, so it's smart business. To  
21   pass up an opportunity like this would be to shoot  
22   ourselves in the foot. We're asking -- they're  
23   asking for nothing. They're paying 11,000 now in  
24   taxes, they'll continue to pay it. If there was no  
25   Kalahari, there'd be no infrastructure. It was a

1     shortfall of the county in its planning that goes  
2     back 30, 40 years, it doesn't have regional  
3     infrastructure to provide this expansion for  
4     industry.

5 So we owe it to ourselves, we  
6 owe it to our neighbors and our children and the  
7 spinoff businesses that'll be derived from this to  
8 support this and comments to the contrary are just  
9 not well thought through in my opinion.

10 Thank you.

11 MR. KERRICK: Thank you.

12                      Anyone else?

13 Mr. Pence?

14 MR. GREGORY PENCE: I just  
15 wanted to provide one quick comment. I am -- I'm  
16 not opposed to Kalahari, I welcome it. I welcome  
17 them to Pocono Manor. I just feel that they should  
18 pay their fair share taxes like everyone else. I  
19 don't see a problem with that.

20 Thank you.

21 MR. KERRICK: Thank you.

22                      Anyone else?

23 MR. ARMSTRONG: I just do want

24 to, for purposes of clarifications \$11,000 has been  
25 thrown around a lot this evening. That is an

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1 estimate and it's actually been brought to my  
2 attention that it might be more along the lines of  
3 \$13,000, just for clarification. We won't know for  
4 sure until the county tax assessment office issues  
5 its determination of that aspect of the plan.

6 Thank you.

7 MR. KERRICK: Mr. Nelson.

8 MR. TODD NELSON: My name's  
9 Todd Nelson, N-E-L-S-O-N T-O-D-D. I just want to  
10 kind of clarify our business and if I -- I know the  
11 board knows about our business, but if I could,  
12 just for the audience.

13 We're a family business, my wife  
14 and I, Sherry, we've been married 32 years, we have  
15 five children. My second oldest son right here is  
16 Travis, he's in our finance department. All five  
17 of our children work in our company. We have no  
18 shareholders, we have no -- we actually don't even

19 have a board of directors. We are a family company  
20 that we feel our board meets every single day when  
21 we're all at work and so on and so forth.

22 We have a track record so far,  
23 we have two resorts. They both started out exactly  
24 like this one did. It starts out small. Our  
25 business motto works when we get them larger. We

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1 are not getting a tax break. We are gonna continue  
2 to pay -- you're gonna continue to receive the  
3 \$13,000 that you're receiving right now. We will  
4 pay in excess of \$2 million in taxes. We get zero  
5 tax breaks, but I just want to let you know what  
6 we're about.

7 If you go on the internet and  
8 you Google the Kalahari Resorts or our family or  
9 whatever, you -- what you see right here is what  
10 you get. We go to work every single day, seven  
11 days a week. We give back to our communities in a  
12 huge, huge way. We like doing the right thing, we  
13 were raised on farms, you do the right thing and we



14 do it every single day of our lives.

15                               And we're gonna come here and a  
16 couple of my kids and their family are gonna move  
17 out here. We'll be -- actively become part of your  
18 community, we will support the charities, we will  
19 support everything and we just run a good show,  
20 that's all we're about. And we create great family  
21 entertainment. We're conscious of your beautiful  
22 area. I am so in sync with why all the  
23 environmentalists are so concerned about it up  
24 there.

25                               I understand perfectly after

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1 being out here for a year now, it's beautiful out  
2 here, it's gorgeous. You have the most gorgeous  
3 area of rivers and streams. I want to pull over on  
4 the street and watch these -- look at these streams  
5 when I see them and it's just a great area. And  
6 the misconceptions that we're getting anything for  
7 free or anything else that's just -- couldn't be  
8 any further from the truth.

9                               We have water and sewer and gas  
10    lines and everything to run for miles and miles and  
11    it's extremely expensive. This project cannot go  
12    without the TIF. We absolutely have no chance of  
13    this project working or getting it done without the  
14    TIF and really that's all I wanted to say. I  
15    wanted to put a face to the name and we're a family  
16    business, that's what we are.

17                            Thank you very much. I do  
18    appreciate all your support and all the work  
19    everyone has done on the board.

20                           MR. KERRICK:   Thank you very  
21    much.

22                           MR. HOLAHAN:   I'm actually  
23    surprised to see him, Mr. Nelson, dressed up. He's  
24    normally in a Hawaiian shirt and shorts.

25                           MR. KERRICK:   Yes, ma'am?

55

1                           MS. DONNA FLEMING:   I'd like to  
2    address Mr. Nelson if I may.

3                           I could not find one bad thing

4 about your company online. And so if there is a  
5 perceived fight against you here, I want to clear  
6 that up. For everything that I could imagine  
7 coming in here, I love the idea of your water park.  
8 I love the idea that it's not an industrial park  
9 where we get all of those cars at one time and  
10 going in and causing traffic jams. Although I was  
11 not too eloquent in my speech, there's been a lot  
12 of due diligence with finding out what you're about  
13 and your family. And other people's opinions about  
14 your values and, again, could not hear one bad  
15 thing because it wasn't said.

16                               The concern I have being a  
17 mother, having children living in the community is,  
18 I understand you're going to put in all of this  
19 infrastructure that is going to affect that area.  
20 Now, the impact it will have on me and my family is  
21 eventually one day when your business is up and  
22 running, it'll start generating for the community,  
23 but initially, when that's all tied up, that is my  
24 concern until that happens, because I don't live  
25 over there. I live away from there, so that's

1 great that the infrastructure will be there, that  
2 it will help you and that wasn't there.

3                               Again the concern's the  
4 community, what impact it will have, other than the  
5 obvious benefits, is -- although everybody said you  
6 are great for the community and you just said that,  
7 I'm curious as to some examples of other than the  
8 business. What participation do you do in the  
9 communities? What can we look forward to other  
10 than -- we do have bad history of -- at least I do,  
11 feeling that I dealt with people who haven't been  
12 as forthright as you are and so I'm very happy to  
13 see that today.

14                              So I'd like to find out, what  
15 can you do for our community other than the  
16 Kalahari? What in the past have you participated  
17 in?

18                              MR. TODD NELSON: We've  
19 participated in a tremendous amount of things. We  
20 do a fundraiser every year, five this year, it's  
21 called the Andy North and Friends. If you Google

22 that, that's the most tremendous event. This is  
23 year five. Four years ago we started it with Andy  
24 North and we hold it at our resort and in our golf  
25 club in Wisconsin. We raised 250,000 the first

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1 year net, 500,000 the second year, 910,000 the  
2 third year and last year we raised a million  
3 seventy thousand for Carbone Comprehensive Cancer  
4 Center.

5                               Three years ago myself, the  
6 principal and the school superintendent started the  
7 Wisconsin Dells Education Foundation and what we do  
8 is we raise money to fully endow scholarships and  
9 that is our only and sole purpose, is to endow  
10 scholarships. We have over a million dollars of  
11 assets in endowed scholarships right now, only  
12 being three years old and we're growing like crazy.

13                              We raised over a half a million  
14 dollars for our local band. I wasn't a big  
15 supporter of athletics. Because nobody raised  
16 money for the music and arts, so we took on that

17 challenge and over a five year period we raised  
18 right around a half a million dollars for the band.  
19 We did build a football stadium  
20 for Huron because they're kind of like Texas over  
21 there, Ohio football is a very, very strong thing  
22 and they really like their sports. I think  
23 everybody supports sports so I kind of always went  
24 after music and arts. Just a wide variety of  
25 things. It's things that we like to get passionate

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1 about that we feel (inaudible) about.  
2 The last thing I would ever want  
3 you to do is try and put something in a document up  
4 here that says you're going to do that, because  
5 what's fun for us is getting on board with people  
6 and joining you. We had dinner over at Desaki  
7 tonight and they had the Pocono Mountain  
8 fundraising, they were thanking -- Sanofi was  
9 there, thanking all of their folks and we'll get  
10 involved all over the place.  
11 I mean, we're -- our projects

12 are -- we call them works of -- they're a labor of  
13 love that are never finished. We've been at it in  
14 Wisconsin Dells for 13 years. We're building two  
15 new restaurants there this year. Ohio, we've been  
16 there for eight years, we've probably had seven or  
17 eight additions. These are tax generating  
18 machines, they put people to work.

19                               The fallacy that we have minimum  
20 wage jobs -- there's some minimum wage jobs, but  
21 there's not very many of them, you know,  
22 lifeguards, housekeepers aren't minimum wage jobs.  
23 I looked at the sheet that Carl put here and it had  
24 the wage scale and I don't know if anyone got to  
25 see that or not, but those don't even fall -- I

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1 wish I could get by with paying those wages. Most  
2 of the wages that are on this sheet, that they're  
3 used to up here, we are 50 to 100 percent higher in  
4 what we pay in Wisconsin Dells and Sandusky, Ohio.

5                               If you do some searches on the  
6 -- Sandusky register college or whatever, there was

7 an article in there a couple years ago that said  
8 who gets Kalahari cash and the school district and  
9 the county were arguing over the \$1.3 million of  
10 excess funds in the TIF.

11 MS. DONNA FLEMING: I saw that.

12 MR. TODD NELSON: I don't know  
13 if you saw that one. A real interesting one is our  
14 town of -- we live in Wisconsin Dells, Lake Delton  
15 and you never know when you're traveling from each  
16 one. Lake Delton got on the indoor water park  
17 resort and we have four big ones and what they  
18 classify as six or seven small ones and where 2,500  
19 people living there and we have a \$1.2 billion tax  
20 base, \$1.2 billion, with 2500 people living there.

21 Wisconsin Dells, which is just  
22 across the bridge, only ended up with one indoor  
23 water park and a few other businesses and they have  
24 a \$450 million tax base. So Lake Delton, that  
25 nobody's ever heard of, when they build the

1 sidewalks, it's stamped color concrete with



2 decorative railing and there's no money issues.  
3 Our town is flushed with money, they open their  
4 arms up to development. We've done TIF projects in  
5 Wisconsin Dells for the Tanger Outlet Mall, for the  
6 Great Wolf in Wisconsin Dells, just a variety of  
7 things and these work.

8 Our -- we will be passionately  
9 obsessed to get Phase 2 on this thing. Our motto  
10 works when we get large, that's -- that's our --  
11 our pamorous (phonetic) is you need love. We  
12 started out in Wisconsin Dells with 272 rooms and  
13 we now have 760. We started out in Ohio with 308  
14 we have 890, and that's how this project will go.

15 MS. DONNA FLEMING: You were  
16 described already by someone else as being --

17 MR. ARMSTRONG: Thank you.

18 MS. DONNA FLEMING: -- as being  
19 passionately obsessed.

20 MR. TODD NELSON: I'm sorry. I  
21 went over.

22 MR. ARMSTRONG: We've gone a  
23 little off target.

24 Does anyone have any other

25 public comment with respect to the proposed TIF

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1 District, the boundaries, the benefits and/or the  
2 Tobyhanna Township TIF plan prepared by the Monroe  
3 County IDA?

4 MR. MARK VULTAGGIO: I'm sorry,  
5 we were a little late, I did not get a chance to  
6 sign in.

7 MR. KERRICK: That's fine.

8 MR. MARK VULTAGGIO: My name is  
9 Mark Vultaggio and I will spell that one for you.  
10 It's V, like Victor, U-L-T-A-G-G-I-O. I have a  
11 very brief comment. I came to the Poconos 33 years  
12 ago to start my business back when things were good  
13 and certainly the economic challenges of running,  
14 starting and operating a business have only gotten  
15 more and more difficult as time has gone on. The  
16 fact that this entity is considering our area, I  
17 think is a blessing.

18 I wish that some of the  
19 opportunities that were being -- are being offered

20 or potentially offered to this organization were  
21 offered to me because I know with a little bit of  
22 help, in spite of the success that I had, I know  
23 that it could've been magnified a hundred times  
24 over had we had any assistance.

25 So I want to welcome you guys,

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1 hope everything goes well for you. And really  
2 encourage the board to consider the total picture.  
3 Yes, there are shortcomings with every proposal.  
4 There is nothing ideal in this world and in this  
5 life. And I think what they have here and what the  
6 TIF that you guys are offering up and the melding  
7 of the two concepts to make this project work is  
8 something that we should all embrace and very  
9 welcomed from where you're sitting.

10 Thank you.

11 MR. MOYER: Thank you.

12 MR. KERRICK: Thank you for  
13 your comment.

14 Anyone else?

15 Board have any comments?

16 MR. HOLAHAN: No.

17 MS. LAMBERTON: No.

18 MR. KERRICK: Make a motion --

19 or entertain a motion to close.

20 MR. HOLAHAN: So moved.

21 MR. KERRICK: Second?

22 MR. MOYER: Second.

23 MR. KERRICK: Call the vote.

24 John?

25 MR. HOLAHAN: I vote in favor.

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1 MR. KERRICK: Anne?

2 MS. LAMBERTON: I vote in

3 favor.

4 MR. KERRICK: Donny?

5 MR. MOYER: I vote in favor.

6 MR. KERRICK: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. KERRICK: Motion carried.

9 Hearing is closed.

10 MR. ARMSTRONG: Public hearing  
11 has been closed. Obviously you cannot take action  
12 on this TIF District or the TIF plan this evening  
13 pursuant to the statute. There needs to be at  
14 least a three-week waiting period between tonight's  
15 public hearing and formal action of the board.

16 Would you like to --

17 MR. KERRICK: That's the 16th.

18 MR. ARMSTRONG: That is the  
19 16th of May.

20 Would you like to entertain a  
21 potential special meeting or would you like to  
22 consider it at the June 3 work session of the board  
23 of supervisors? And just as a reminder this will  
24 involve a resolution and/or ordinance. I'm in  
25 discussions with counsel for the IDA and it looks

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1 like I'm going to probably be doing it by ordinance  
2 if the board proceeds to move forward with adopting  
3 the TIF District and the plan prepared by the  
4 Monroe County IDA.

5                               With that being said, would you  
6    like to schedule a special hearing or special  
7    meeting or schedule this potential action of the  
8    board for your June 3 work session?

9                               MS. LAMBERTON:    I'm good with  
10   June 3.  We do our work session June 3, is that  
11   okay?

12                            MR. KERRICK:    That's all right  
13   with me.

14                            MS. PICKARD:    That's the only  
15   thing --

16                            MR. MOYER:    Yeah, I'm good.  
17   I'm good with that.

18                            MR. KERRICK:    So you'll have  
19   the ordinance prepared and advertised?

20                            MS. PICKARD:    That would be  
21   3:30?

22                            MR. KERRICK:    Yes.

23                            MR. ARMSTRONG:   June 3 at 3:30?

24                            MR. KERRICK:    Correct.

25                            MR. ARMSTRONG:   Thank you.

1 MS. LAMBERTON: Thank you.

2 MR. KERRICK: Sorry, John?

3 MR. HOLAHAN: I was just kind

4 of mumbling to myself, I guess, but it extends to

5 -- the 16th is the next time we can do it?

6 MS. LAMBERTON: Yes.

7 MR. KERRICK: The 16th is three

8 weeks.

9 MR. HOLAHAN: This doesn't

10 affect the schedule at all?

11 MS. LAMBERTON: I don't think

12 so.

13 MR. KERRICK: Does that affect

14 the schedule?

15 MS. LAMBERTON: I think we

16 should be fine.

17 MR. KERRICK: Okay.

18 MR. ARMSTRONG: If there is an

19 issue with the schedule, what I can do is I can

20 send everyone an email tomorrow or as soon as I

21 find out and if there's a need to schedule a

22 special hearing before the end of May --

23 MR. HOLAHAN: So can we get  
24 this advertised so that a May 16 could be possible  
25 and then if we decide to hold it -- or we have to

66

1 advertise the meeting?

2 MR. ARMSTRONG: Oh, you're  
3 going to have to advertise.

4 MR. KERRICK: You have to  
5 advertise the meeting.

6 MR. ARMSTRONG: And the  
7 ordinance.

8 MR. KERRICK: And the  
9 ordinance. Do we have time to advertise the  
10 meeting?

11 MR. ARMSTRONG: But if you do  
12 it at your work session, you don't -- the meeting's  
13 already been advertised. It's a matter of just  
14 wording the advertising.

15 MR. HOLAHAN: Okay.

16 MR. KERRICK: Okay?

17 Everybody in agreement?



18 MR. HOLAHAN: Yes.  
19 MR. KERRICK: Good.  
20 MR. ARMSTRONG: Before you  
21 adjourn your special meeting, there is another  
22 item. I forwarded you --  
23 (Inaudible discussion.)  
24 MR. ARMSTRONG: Should we wait,  
25 is everyone staying?

67

1 MR. KERRICK: Sure they're  
2 staying.  
3 MR. ARMSTRONG: With respect to  
4 the potential authority for purposes of the NIDMA,  
5 related to Neighborhood Improvement District, you  
6 will have to adopt an ordinance for purposes of  
7 creating that authority and for administering the  
8 NID and acting as the NIDMA.  
9 So that being said, would you  
10 like that ordinance also to be prepared for the  
11 June 3 work session?  
12 MS. LAMBERTON: Yes.

13 MR. KERRICK: Yes.

14 Anything else, Patrick?

15 MR. ARMSTRONG: I do. You all

16 have a version of the ordinance for the authority

17 that will be created for purposes of the NIDMA. As

18 you are aware, I still need to know if you're -- if

19 you're all agreeable to the potential name or if we

20 had suggestions for the name, as well as

21 appointments to the board to include in that

22 ordinance.

23 MR. HOLAHAN: Do we just have

24 -- do we have to have those prepared by the time

25 we're having the meeting?

68

1 MR. MOYER: For the

2 advertisement?

3 MR. ARMSTRONG: I would like to

4 have them by the time I advertise for the public

5 hear -- for the ordinance for the authority.

6 MS. LAMBERTON: Tobyhanna

7 Township NIDMA.

8 MR. HOLAHAN: Do we have to  
9 hold a meeting to do that or is this  
10 administrative?

11 MR. KERRICK: Can we email it  
12 to you?

13 MR. ARMSTRONG: Yeah. I mean,  
14 what is in the proposed ordinance from Pete  
15 Carlucci from the Monroe County IDA was that the  
16 sitting seven members of the board would be -- the  
17 board for the authority would be the five members  
18 of Tobyhanna Township Supervisors, the five of you,  
19 together with a representative from Kalahari/Pocono  
20 Manor, the owner of the property within the NID, as  
21 well as a representative from the Monroe County  
22 IDA.

23 MR. HOLAHAN: That could be  
24 changed afterwards, though?

25 MR. ARMSTRONG: Yes.

69

1 MR. HOLAHAN: Of course.

2 MR. ARMSTRONG: If you can

3 amend -- yes, clearly. And they will all have  
4 staggering terms on that board pursuant to  
5 municipality authority --

6 MR. HOLAHAN: Then I'm all  
7 right with that.

8 MS. PICKARD: I'm okay with  
9 that.

10 MR. MOYER: Yeah.

11 MR. ARMSTRONG: Okay. So I  
12 guess it'll be just a matter of --

13 MS. LAMBERTON: So you would  
14 just need a Kalahari representative and maybe  
15 someone from the IDA?

16 MR. MOYER: Are you gonna --

17 MR. ARMSTRONG: Yeah. What I  
18 will do is I will follow up, if you're all  
19 satisfied -- if you're all acceptable to that, I  
20 will follow up with both the property owner and the  
21 Monroe County IDA to see who the appropriate  
22 individuals would be --

23 MS. LAMBERTON: Perfect.

24 MR. ARMSTRONG: -- to represent  
25 on that board. Then that will be -- and then you

1 will have the opportunity to review that on the  
2 ordinance prior to the June 3 hearing date for  
3 that.

4 MS. PICKARD: Do we need the  
5 name before then or no?

6 MR. ARMSTRONG: I will -- what  
7 I will do is -- it sounds like everyone's agreeable  
8 to allowing both the property owner and the Monroe  
9 County IDA to designate who they would like to be  
10 representing on that board.

11 MS. LAMBERTON: Yes.

12 MR. MOYER: That's fine.

13 MR. ARMSTRONG: Is that  
14 agreeable?

15 MS. LAMBERTON: Yes.

16 MR. MOYER: That's fine.

17 MR. ARMSTRONG: So when I reach  
18 out to those two bodies and entities, I'll request  
19 that they provide me with one of those.

20 MS. LAMBERTON: Yep, whoever

21 they want.

22 MR. ARMSTRONG: And in a timely  
23 manner due to the advertisement requirements for  
24 that ordinance. Okay?

25 MR. KERRICK: Yes.

71

1 MR. MOYER: Very well.

2 MS. LAMBERTON: Very good.

3 MR. ARMSTRONG: I believe  
4 that's all I have.

5 MS. PICKARD: We don't need the  
6 name for the ordinance?

7 MR. HOLAHAN: Motion to  
8 adjourn.

9 MR. ARMSTRONG: Oh. The name,  
10 the name of the authority.

11 MR. HOLAHAN: I want to get out  
12 of here, Pat.

13 MR. ARMSTRONG: The name of the  
14 authority, does anyone have --

15 MS. PICKARD: Someone had Route

16 314?

17 MR. ARMSTRONG: There was a  
18 Route 314 -- Route 314 Business Improvement  
19 Authority that was thrown out there by Mr.  
20 Carlucci. I don't know if anyone had any --

21 MR. MOYER: I have no  
22 preference.

23 MS. LAMBERTON: Just make it  
24 Tobyhanna Township.

25 MR. ARMSTRONG: Tobyhanna

72

1 Township?

2 MS. LAMBERTON: Sure. We have  
3 the TIF.

4 MR. ARMSTRONG: Okay.  
5 Everyone's on board with that?

6 MS. LAMBERTON: Tobyhanna  
7 Township NIDMA.

8 MR. KERRICK: That's fine with  
9 me.

10 MS. LAMBERTON: Then that way

11 it's clear, 314 could be in Pocono. Right? See,  
12 Bob's agreeing with me.

13 MR. HOLAHAN: Maybe we should  
14 have a special meeting to come with up with a name?

15 MR. KERRICK: I don't think so.

16 MS. LAMBERTON: Oh, dear God,  
17 yeah, that's good. That's good --

18 MR. ARMSTRONG: What I will do  
19 is, before I send out the advertisement, I'll copy  
20 to the board and if anyone has any strong  
21 objections --

22 MS. LAMBERTON: No, we're good.

23 MR. HOLAHAN: Okay.

24 MR. ARMSTRONG: That's all I  
25 have.

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1 MR. KERRICK: Anything else?

2 Anyone from the board?

3 MR. MOYER: Motion to adjourn.

4 MR. KERRICK: Thank you for  
5 attending. We're adjourned.



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(Hearing concluded at 8:20 p.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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accurately in the notes taken by me at the hearing

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in the above matter; and that the foregoing is a

11

true and correct transcript of the same.

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TARA WILSON, C.R.

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**MINUTES**  
**BOARD OF SUPERVISORS**  
**Work Session – May 6, 2013**

1. **Call Meeting to Order:** John E. Kerrick, Chair
2. **Pledge of Allegiance**
3. **Solicitor Report**
  - A. Kalahari Resort/Pocono Manor Commercial Projects
  - B. Dollar General - Status of Agreements & Financial Security
  - C. UCC Ordinance Amendment
  - D. Village Commercial Overlay – On 05/02/13, the Tobyhanna Township Planning Commission requested a draft ordinance for consideration.
4. **Treasurer Report**
  - A. Account Cash Balances
  - B. Revenues Balances
  - C. YTD Actual to Budget Trial Balance
  - D. Audit – Status [Review of Capital Assets] - A review of the Capital Assets history from 2004 to present was conducted. Heidi prepared an historical summary timeline and recommendation of necessary adjustments which will be presented to the Township Auditor for consideration.
  - E. Pension Plan Update
  - F. IT Systems - Update
5. **Secretary Report**
  - A. Capital Assets - Historical summary from 2004 to present with recommendation for adjustments
  - B. Blakeslee Sewer Accounting - Monthly Aging Report Summary & Delinquency Update
  - C. Review/Assessment of Copier Contract has been executed
  - D. Right-to-Know Requests Update
  - E. Zoning/SALDO Ordinances – A grant allocation and expenditures summary is in progress.
  - F. Workers Compensation – PSVFC parades, other parades and special event road closures
6. **Sewer Enforcement Officer Report – DRAFT policy under review**  
PaDEP - Sewage Facilities Planning Module Review for Onlot Sewage Systems Proposed in High Quality and Exceptional Value Watersheds. PaDEP requested review comments by June 2, 2013.
7. **Zoning Officer Report**
  - A. Zoning-related
    - i. Zoning Hearing Board
  - B. Land Development
    - i. Kalahari Resort, LLC – DRBC meetings on May 7<sup>th</sup> and 8<sup>th</sup>.
    - ii. Moose Crossing (Revised LDP)
8. **Emergency Management Coordinator Report**
  - A. FEMA Financial & Additional plans
  - B. New Public Notification Concept
9. **Safety Committee Report**
  - 05/30/13 - "Townhall" style meeting (building safety awareness)
  - Tobyhanna Township Safety Manual
10. **Interim Township Manager/DPW/Engineering Reports**
  - A. DPW/Engineering Synopsis
11. **Committee Reports:** PMREMS • PMRPC • Open Space • CMTPTT • Regional Comp Plan • TIF
12. **New Business**

- Workers Compensation – PSVFC parades, other parades and special event road closures. Will work on drafting resolutions of permitted non-firefighting activities for next week.
5. **Sewer Enforcement Officer Report** – DRAFT policy under review  
PaDEP - Sewage Facilities Planning Module Review for Onlot Sewage Systems Proposed in High Quality and Exceptional Value Watersheds. PaDEP requested review comments by June 2, 2013.
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    - Zoning-related
      - i. Zoning Hearing Board
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      - i. Kalahari Resort, LLC – DRBC meetings on May 7<sup>th</sup> and 8<sup>th</sup>.
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  7. **Emergency Management Coordinator Report**
    - FEMA Financial & Additional plans
    - New Public Notification Concept
  8. **Safety Committee Report**
    - 05/30/13 - "Townhall" style meeting (building safety awareness)
    - Tobyhanna Township Safety Manual
  9. **Interim Township Manager/DPW/Engineering Reports**
    - DPW/Engineering Synopsis
  10. **Committee Reports:** PMREMS – Call volume for April 84 in Tobyhanna • PMRPC – Mt. Pocono Meeting to follow tonight for status update • Open Space –discussed work to be done John to make fieldtrip to view downed trees and possible dangerous structure• CMTPTT • Regional Comp Plan • TIF
  11. **New Business**

Respectfully submitted:

  
HEIDI A. PICKARD, TOWNSHIP SECRETARY

Before  
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

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In Re: Public Hearing in the matter of  
creating the Tobyhanna Township  
Neighborhood Improvement District  
in conjunction with the Tobyhanna  
Township Tax Increment Financing  
District.

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Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Wednesday, May 15, 2013, beginning at 7 p.m.

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PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
DONALD J. MOYER, Board Member  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member  
  
PATRICK ARMSTRONG, ESQUIRE, Solicitor  
  
ROBERT McHALE, P.E., Township Engineer  
  
ALSO PRESENT: Phyllis Haase, Zoning Officer

---

Panko Reporting  
537 Sarah Street, 2nd Floor  
Stroudsburg, Pennsylvania 18360  
(570) 421-3620

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1 MR. KERRICK: Can we call it to  
2 order with the Pledge of Allegiance, please?  
3 (Pledge of Allegiance).  
4 MR. KERRICK: Thank you,  
5 everyone for attending this evening. At this time  
6 I'll turn it over to our solicitor, Pat Armstrong.

7 MR. ARMSTRONG: Thank you, Mr.  
8 Chairman. The reason we are here tonight is the  
9 Neighborhood Improvement District that Tobyhanna  
10 Township is considering creating. Pursuant to the  
11 Neighborhood Improvement District Act, there's a  
12 requirement for a public hearing to go over the  
13 plan with any comments and or concerns that the  
14 property owners within the NID District have with  
15 respect to that NID plan.

16 With that being said, I will  
17 open up the public hearing and provide a brief  
18 outline or summary as to why we are here and the  
19 purpose of the NID plan. There are individuals  
20 here that helped prepare the NID plan in the event  
21 that there are extensive questions, but with that  
22 being said we'll open the public hearing pursuant  
23 to the NID Act.

24 The property owners for this  
25 particular new district is Pocono Manor Investors,

3

1 and pursuant to the Act, Pocono Manor Investors  
2 were provided the requisite notice from a letter  
3 from my office dated April 11, 2013 with respect to  
4 the preliminary NID plan and tonight's public  
5 hearing. I see that a representative of Pocono  
6 Manor Investors is here this evening. The  
7 preliminary Neighborhood Improvement District plan  
8 was provided to Pocono Manor pursuant to that  
9 notification requirement. This public hearing has  
10 been advertised, pursuant to the Neighborhood  
11 Improvement District Act as well as the Second  
12 Class Township Code, as a public hearing. And with  
13 that, we will accept public comment as it comes.

14 The Tobyhanna Township  
15 Neighborhood Improvement District is being created

16 in conjunction with the Tobyhanna Township Tax  
17 Increment Financing District to provide public  
18 improvements for the property within the geographic  
19 boundaries of the NID District. These improvements  
20 will provide a special benefit to the property  
21 owners in the NID District. Tobyhanna Township  
22 will impose special assessments in accordance with  
23 the NID Act in an amount equal to the principal and  
24 the bonds issued by the Monroe County IDA. Those  
25 bonds are being issued in relation to the TIF which

4

1 is also being considered by Tobyhanna Township as  
2 well as the county and the school district.

3                   The location of the NID District  
4 identical -- well, not quite identical, but very  
5 similar to the TIF District will be the property  
6 currently owned by Pocono Manor Investors at or  
7 near the intersection of Route 380 and 940 in  
8 Tobyhanna Township, Monroe County, Pennsylvania.  
9 The property that will eventually encompass the NID  
10 District as proposed will be a 154 acres parcel  
11 that was recently the subject of a subdivision plan  
12 that is currently a part of PIN No. 19635400099554,  
13 and again that property is currently owned by  
14 Pocono Manor Investors. So the NID District will  
15 encompass a 154 acre portion of that property and  
16 the public improvements necessary for Phase I of  
17 the Kalahari Resorts plan.

18                   Those public improvements  
19 include, among other things -- that will be located  
20 within the NID District -- roadway improvements,  
21 sewer and water facility improvements as well as  
22 other related public improvements to the plan in  
23 the NID District. And, again, the purpose of this  
24 NID District is to issue special assessments on the



25 property to assist the payment of the TIF bonds in

5

1 the event that the tax increments are not  
2 sufficient to pay the TIF bonds as they come due.

3 I am sure there will be  
4 potentially other questions, but I think that's a  
5 good enough summary currently. Are there any  
6 comments from the board at this time? Seeing none,  
7 I see that there is a representative of Pocono  
8 Manor Investors. Having this being the first  
9 hearing and the purpose of the first hearing under  
10 the NID Act is to provide the property owners  
11 within the NID District, Pocono Manor Investors, to  
12 provide public comment with respect to the proposed  
13 preliminary NID plan. So with that being said,  
14 Mr. Cahill, would you like to identify yourself for  
15 the record.

16 MR. CAHILL: Jim Cahill, Pocono  
17 Manor Investors.

18 MR. ARMSTRONG: Do you have any  
19 comment with respect to the preliminary NID plan  
20 this evening, Mr. Cahill?

21 MR. CAHILL: No. I have one  
22 small technical thing. The subdivision plan shows  
23 the proposed Kalahari lot at 151 acres, not 154.

24 MR. ARMSTRONG: I apologize.  
25 Well, I believe the roadway will be funded through

6

1 the TIF and, therefore, will be part of the NID  
2 District, which might be the difference in acreage.

3 Any other comments from the  
4 property owners within the NID? Mr. Cahill?

5 MR. CAHILL: No.

6 MR. ARMSTRONG: I see there are  
7 other members of the public in the audience this  
8 evening. I believe the board will open it up for  
9 public comment. I will make an announcement.  
10 Tobyhanna Township does have somewhat of a policy  
11 with respect to limiting public comment for certain  
12 things. We are fairly flexible at times. That  
13 limit is a three minute limitation, but given the  
14 fact that there are not significant amount of  
15 public residence in the audience this evening, I'll  
16 leave it up to the board as to how flexible they  
17 will be with respect to the time limitation. So  
18 that being said, if you do want to provide comments  
19 on the preliminary NID plan, the Tobyhanna Township  
20 preliminary NID plan, please identify yourself for  
21 the record. Does the board want them to come to  
22 the podium?

23 MR. KERRICK: Whatever you're  
24 comfortable with.

25 A VOICE: We are here for

7

1 information.

2 MR. EUGENE SAMOLEWICZ: Eugene  
3 Samolewicz. I am not a property owner, but I am a  
4 resident of the county. My question is  
5 specifically to Mr. Armstrong. Was your statement  
6 as to other improvements to the area, you mentioned  
7 the sewer and water improvement and roadway  
8 improvement, what other improvements were you  
9 referring to with that statement?

10 MR. ARMSTRONG: Well, the  
11 roadway improvements along the PennDOT roadways.  
12 There will likely be some PennDOT improvements with  
13 respect to those roadways. There will be a new  
14 road. My understanding it's proposed to be

15 Kalahari Boulevard. That will be a new road being  
16 built in relation to the land development of  
17 Kalahari Resorts, which will be within the NID  
18 District.  
19 The public water and sewer lines  
20 extending throughout Tobyhanna Township down to  
21 connect to the BCRA lines and Pocono Township lines  
22 will be the sewer and water improvements.  
23 Sidewalks, you know, I'd probably be at a loss if I  
24 tried to list them all this evening, but there --  
25 with respect to the land development plan, there

8

1 are additional public improvements involved. Those  
2 are the main ones being funded through the NID and  
3 TIF.

4 MR. EUGENE SAMOLEWICZ: I see.  
5 On that same idea then those improvements would  
6 specifically be within the NID District themselves  
7 or --

8 MR. ARMSTRONG: Yes.

9 MR. EUGENE SAMOLEWICZ: I see.  
10 Very good. That's the only question I had.

11 MR. ARMSTRONG: Any other  
12 comments from the public? Any other comments from  
13 the board?

14 MR. HOLAHAN: I have none.

15 MS. PICKARD: I have none.

16 MR. KERRICK: Okay.

17 MR. ARMSTRONG: With that being  
18 said I think we can close this public hearing,  
19 which was the first public hearing for the  
20 Tobyhanna Township Neighborhood Improvement  
21 District, being proposed for consideration of  
22 Tobyhanna Township. But I will ask, there will be  
23 needed a second public hearing pursuant to the Act

24 as well as an ordinance adopting the NID in the  
25 event that the board proceeds with consideration

9

1 and adoption of the NID plan.

2                   It's my understanding -- well,  
3 under the Act, we don't have to get into detail,  
4 but the NID ordinance requires at least a 45 day  
5 time period to allow the property owner to object  
6 to the NID District after that second hearing.

7 It's my understanding that the property owner has  
8 or will be waiving that objection period. So we  
9 may not need to -- Mr. Cahill, you may not be aware  
10 of it, but obviously, once we confirm that the  
11 property owner will be waiving that objection, that  
12 45 day objection time frame, potentially what the  
13 township could do would be to hold that second  
14 hearing and adopt the ordinance on the same date.

15                   That being said, would you like  
16 to consider certain dates that you're available in  
17 early June? I will say that you are aware that you  
18 have an ordinance proposed to be considered and  
19 adopted on June 3rd with respect to creating the  
20 authority that will administer -- the NIDMA, who  
21 will administer the NID District and act as the  
22 NIDMA and that is set for June 3rd. Subsequent to  
23 adopting that ordinance in the event that the board  
24 adopts it, we'll need to file articles of  
25 incorporation for that authority shortly

10

1 thereafter. So June 3rd is not a likely date to  
2 adopt the NID ordinance and or hold the second  
3 hearing given the fact that you will not have the  
4 authority created at that time. But why don't --

5 do you have certain dates? Maybe the second week  
6 in June or shortly thereafter?

7 MS. PICKARD: Our meeting on  
8 June 10th?

9 MR. KERRICK: How would that  
10 work?

11 MS. LAMBERTON: Can we come  
12 before it?

13 MR. ARMSTRONG: We can schedule  
14 it for the meeting. What I'm going to do is I'm  
15 going to circle back with Mr. Carlucci who's been  
16 involved in this process and see if he had a time  
17 frame involved. The NID ordinance is still in the  
18 process of being prepared. Obviously we need to  
19 advertise that appropriately as well as the second  
20 hearing for the NID District. But if you're all  
21 inclined to agree that June 10th would be a good  
22 time frame, so long as we can get everyone  
23 satisfied with respect to the authority and the  
24 NIDMA, that will act as the NIDMA, and if that time  
25 frame will work with respect to filing those

11

1 articles of incorporation, June 10th might work.  
2 If not you will receive an email from me and if we  
3 need to schedule a meeting within a few days of  
4 June 10th would everyone be amenable to that?

5 MS. LAMBERTON: Absolutely. I  
6 am.

7 MS. PICKARD: And we do have the  
8 TIF on June 3rd also?

9 MR. ARMSTRONG: The TIF  
10 ordinance is being -- it's proposed to be  
11 advertised for your June 3rd work session. It has  
12 not been advertised yet. We still have time under  
13 the second class township code to advertise that

14 ordinance. I believe Pete might be out of town  
15 right now.  
16 MS. LAMBERTON: He is.  
17 MR. ARMSTRONG: So I just need  
18 to finalize one or two provisions of the ordinance  
19 with him. If we can do that in the next couple of  
20 days, we can clearly get that advertised for your  
21 June 3rd -- that's been the plan to advertise it  
22 for your June 3rd meeting, the TIF ordinance. And  
23 also, we just talked about it, but the authority  
24 that you're creating, that ordinance has also been  
25 advertised for your June 3rd work session.

12

1 MS. LAMBERTON: Okay.  
2 MR. ARMSTRONG: Okay? I see  
3 representatives from UNICAP? Any comments or  
4 questions from UNICAP?  
5 A VOICE: No.  
6 MR. ARMSTRONG: That's all I  
7 have. Thank you.  
8 MS. SUSAN BUSH: No relation. I  
9 don't want to be interruptive but I wondered if you  
10 would be open to hearing about an issue that  
11 concerns the community right here? It's not a long  
12 presentation, it's just something we'd like to make  
13 you aware of.  
14 MR. ARMSTRONG: It doesn't  
15 involve the NID or the TIF?  
16 MS. SUSAN BUSH: No, it doesn't.  
17 So I don't know if it would be better after the  
18 meeting to try to talk to you.  
19 MR. KERRICK: We don't need the  
20 stenographer for that, do we? We can't take action  
21 on it because this is only for this, but I'm  
22 willing to listen to anything.

23 MS. SUSAN BUSH: Okay. Thank  
24 you.  
25 MR. KERRICK: The hearing is

13

1 closed. We'll close the meeting and then we'll  
2 listen to what you have to say. Okay, guys? I'm  
3 going to close the meeting.

4 MS. LAMBERTON: Oh, absolutely,  
5 yeah.

6 MR. KERRICK: Okay. We're  
7 adjourned. Thank you for attending.

8 (Hearing adjourned at 7:12 p.m.)

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I hereby certify that the  
proceedings and evidence are contained fully and  
accurately in the notes taken by me at the hearing  
in the above matter; and that the foregoing is a  
true and correct transcript of the same.

JOSEPHINE HOLLMAN, C.R.



Before

THE TOBYHANNA BOARD OF SUPERVISORS

- - -

In Re: Special Meeting

- - -

Tobyhanna Township Government Center  
105 Government Center Way  
Pocono Pines, Pennsylvania, 18350  
Friday, May 17, 2013, beginning at 8:00 a.m.

- - -

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
ANNE LAMBERTON, Supervisor  
JOHN HOLAHAN, Supervisor  
  
PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO PRESENT: Phyllis Haase, Zoning Officer

- - -

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Panko Reporting  
537 Sarah Street, 2nd Floor  
Stroudsburg, Pennsylvania 18360  
(570) 426-1601

2

1 THE CHAIRPERSON: The first item  
2 on our agenda is the solicitor's report.

3 MR. ARMSTRONG: Thank you, Mr.  
05:12:58

4 Chairman. The first item under my report is the proposed  
05:12:58

5 ordinance relating to the intergovernmental cooperative  
05:13:02

6 agreement by and between Tobyhanna Township and the  
05:13:06

7 Brodhead Creek Regional Authority.  
05:13:10

8 As you are aware, as part of the  
05:13:10

9 Kalahari Resorts land development application and project,  
05:13:16

10 they are proposed to be served by public water and sewer.  
05:13:18

11 And in order to do that, for purposes of the water, there

05:13:24

12 needs to be an intergovernmental agreement between the  
05:13:30

13 township and the BCRA, as well as an ordinance authorizing  
05:13:32

14 the agreement, to allow the BCRA -- that's Brodhead Creek  
05:13:38

15 Regional Authority -- to provide water service within  
05:13:44

16 Tobyhanna Township.

17 This first ordinance authorizes us  
05:13:50

18 to enter into that intergovernmental agreement and also an  
05:13:54

19 exhibit to the intergovernmental agreement is a draft of  
05:13:56

20 the ordinance that is next on your agenda this morning.  
05:14:00

21 And that second ordinance will be an ordinance establishing  
05:14:04

22 and creating a Tobyhanna Township Public Water Service  
05:14:08

23 District, which will be exclusively served by the BCRA to  
05:14:14

24 properties within that district and abutting the water  
05:14:22

25 line.  
05:14:22

05:14:24

1 The water district --

2 THE CHAIRPERSON: Is this the  
3 hearing?

4 MR. ARMSTRONG: I'm sorry?

5 THE CHAIRPERSON: Is this the  
6 hearing?

7 MR. ARMSTRONG: It will be. I  
8 didn't open it up, but it will be. I've just got to  
9 explain --

10 THE REPORTER: Is this on the  
11 record?

12 THE CHAIRPERSON: For purposes --

13 MR. ARMSTRONG: Oh, yeah.

14 THE CHAIRPERSON: For purposes of  
15 the public.

16 MS. ARMSTRONG: Yeah, for purposes  
17 of the public that are here and for the record. But the  
18 water district, as proposed, is the -- currently the Pocono  
19 Manor property, the entire Pocono Manor Investors property.

05:14:54

20 There is an exhibit to the ordinance, as well as the  
05:14:54  
21 intergovernmental agreement with a depiction of the  
05:14:58  
22 Tobyhanna Township water service area. And it's -- as you  
05:15:04  
23 can see, it's the Pocono Manor Investors property at the  
05:15:06  
24 intersection primarily of 380 and 940.  
25 With that being said, the first  
05:15:14

4

1 ordinance will be Ordinance 500, I believe. It's been  
05:15:16  
2 advertised for a public hearing this morning in the Pocono  
05:15:24  
3 Record, pursuant to the Second Class Township Code. It's  
05:15:28  
4 been available at the township offices in the Monroe County  
05:15:32  
5 Law Library for purposes of public availability.  
05:15:36

6 And with that I will open up the  
05:15:38  
7 public hearing with respect to the ordinance authorizing  
05:15:38

05:15:44 8 the Township of Tobyhanna to enter into an  
05:15:46 9 intergovernmental agreement with the BCRA to establish and  
05:15:50 10 designate a water service area within Tobyhanna.

05:15:52 11 Are there any comments from the  
05:15:54 12 board?

05:15:56 13 MS. LAMBERTON: I just have one  
05:15:56 14 question. Did anyone comment from the public during the  
15 advertisement?

16 MS. HAASE: Not to my knowledge.

17 MR. ARMSTRONG: No. Typically with  
05:16:06 18 ordinances like this, we advertise the public hearing and  
05:16:06 19 if they have public comment, they'll come to the hearing,  
20 providing comment.

21 MS. LAMBERTON: Did anybody review  
22 it? Do you have any knowledge?

23 MS. HAASE: Not to my knowledge,  
24 no.

25 MS. LAMBERTON: Okay.

1 MS. PICKARD: If it would help you  
2 set the record, I know we've gotten calls before from -- it  
05:16:18  
3 appears some of the things that we didn't know whether or  
05:16:20  
4 not they did review it.  
05:16:22

5 MS. LAMBERTON: Okay.  
05:16:26

6 MS. PICKARD: I did get a call from  
05:16:26  
7 David Pierce, though, about that -- whether or not the 200  
05:16:30  
8 feet was just in this area or whether it included down the  
05:16:30  
9 line. And it's just the service area.  
05:16:34

10 MR. ARMSTRONG: It's just the  
11 service area, yeah. The important -- for purpose of the  
05:16:40  
12 intergovernmental agreement, we're establishing the water  
05:16:42  
13 service district in Tobyhanna, which is shown on the  
05:16:46

14 exhibit map, which is the Pocono Manor Investors property,  
05:16:48

15 and all properties within that district that are abutting  
05:16:50

16 the water line. What does abutting mean? Abutting means  
05:16:58

17 within 200 feet of the water line.  
05:17:00

18 If the structure is within 200 feet  
05:17:02

19 of the right-of-way of the water, they are required, it's a  
05:17:04

20 mandatory connection to the BCRA water system. They will  
05:17:08

21 be customers of this area for purposes of water service.  
05:17:16

22 Okay? The one -- I guess an aside, part of the  
05:17:20

23 intergovernmental agreement, there is a provision that in  
05:17:26

24 the event that the BCRA needs to install or repair their  
05:17:28

25 water lines underneath or within a township right-of-way or  
05:17:30

1 underneath the township road, that they do need to repair



05:17:36

2 those roads in accordance with our ordinances.

05:17:40

3 I've spoken with Bob. There are

05:17:44

4 paving requirements for our roadways, but apparently there

05:17:46

5 are no repaving standards currently in your ordinances. So

05:17:48

6 I believe Bob is going to start preparing like a repaving

05:17:52

7 type --

8 MS. LAMBERTON: Just to restore it

9 to its original --

10 MR. ARMSTRONG: Right. Because

11 right now, I mean --

12 MS. LAMBERTON: -- I guess, what

13 have you.

14 MR. ARMSTRONG: -- if they would go

15 in and do it, they'd be subject to the paving requirements,  
05:18:02

16 but likely there's a better way to do. You can have a  
05:18:04

17 repaving standard as well as.  
05:18:08

18 MS. HAASE: That is correct.  
05:18:08

19 MR. ARMSTRONG: Okay?

05:18:10

20 MR. HOLAHAN: What's the  
21 difference?

22 THE CHAIRPERSON: I don't know.

23 MS. LAMBERTON: Because if you --  
24 if you dig it up, then there's nothing --

25 THE CHAIRPERSON: It just makes

7

1 more paperwork.  
05:18:16

2 MS. LAMBERTON: Yeah. But think  
3 about it, though, John, just -- it just restores it back to  
05:18:20

4 its original -- there's nothing that states they need to  
05:18:20

5 restore it back to its original already?  
05:18:22

6 MR. ARMSTRONG: No. That's the  
05:18:24  
7 agreement --

8 MS. LAMBERTON: If he documents  
9 like --

10 MR. ARMSTRONG: The agreement will  
11 require them to restore it. It references our standards  
05:18:30  
12 for paving, repaving.  
05:18:30  
13 MS. LAMBERTON: Oh. So we kind of  
14 do that --  
15 MR. ARMSTRONG: Well, my  
16 understanding, after talking with Bob is, we have standards  
05:18:38  
17 on the books with respect to paving, but nothing as to  
05:18:38  
18 repaving. What the distinguish -- or difference is, I'm  
05:18:42  
19 not -- I -- that's a conversation for Bob.  
05:18:46  
20 MS. LAMBERTON: -- you restore or  
21 repaving. I don't know.  
22 MR. HOLAHAN: That's getting it  
23 fixed.  
24 MR. ARMSTRONG: Bob's the better --  
25 MS. LAMBERTON: That's okay.

1 MR. ARMSTRONG: Bob's probably the  
2 better person to talk to about it, so --

3 MS. LAMBERTON: Okay. It's a good  
4 question.

5 MR. ARMSTRONG: Okay.

6 MS. LAMBERTON: But I understand  
7 John's comment.

8 MR. ARMSTRONG: Any comments --

9 MS. LAMBERTON: I'm happy.

10 MR. ARMSTRONG: Any comments from  
05:19:04

11 the public?  
05:19:04

12 MR. JIM CAHILL: Jim Cahill, Pocono  
13 Manor Investors, and I encourage you to look favorably on  
14 this proposed ordinance.

15 Thank you.  
05:19:12

16 MR. ARMSTRONG: Just one other item  
05:19:16

17 in the agreement, there is a provision with respect to  
05:19:16

18 rates. Now, clearly the rates are going to be what BCRA is  
05:19:18

19 going to be charging customers, Kalahari, Pocono Manor.  
05:19:22

20 We're not involved in that. It's -- there's a provision  
05:19:24

21 that specifically says that the rates will be the same as  
05:19:28

22 their other customers -- the authority's other customers  
05:19:32

23 unless there's a need for a special rate within this  
05:19:32

24 district and that would be pursuant to the authority's act.  
05:19:36

25 And they'd have to -- each area  
05:19:42

9

1 would have to perform the requisite studies pursuant to the  
05:19:44

2 act and provide us with enough, you know, information and  
05:19:44

3 the appropriate studies justifying that special rate. But  
05:19:48

4 again, that would not be a rate on Tobyhanna, it would be a  
05:19:50

5 rate on the customers of the BCRA.  
05:19:54

6 THE CHAIRPERSON: So Tobyhanna  
05:19:58

7 would have no say on that?

8 MS. LAMBERTON: No, we have no  
9 responsibility either.  
05:20:02

10 THE CHAIRPERSON: I know. I'm just  
11 --

12 MS. LAMBERTON: Yeah.

13 THE CHAIRPERSON: -- asking the  
05:20:02

14 question.  
05:20:02

15 MS. LAMBERTON: No.

16 MR. ARMSTRONG: This is different  
05:20:04

17 -- and I want to make clear, this is different and distinct  
05:20:04

18 from the sewer that's coming down the pike.  
05:20:06

19 MS. LAMBERTON: Go ahead. We'll  
20 stick to water.

21 MR. ARMSTRONG: Okay?

22 MS. LAMBERTON: Yeah.

23 MR. ARMSTRONG: Any other comments  
24 from the board?

25 MS. LAMBERTON: I do not have

1 anything.

2 MR. ARMSTRONG: Public? With that  
3 being said, I think we can close the public hearing. I did  
05:20:22

4 see that further down on the agenda is the actual adoption  
5 of this ordinance, but if you wanted to, you could  
6 entertain a motion to adopt this ordinance before we  
7 proceed into the next public hearing for the next  
8 ordinance, it's up to the board.

9 MS. LAMBERTON: I'll make a motion  
10 to accept Ordinance No. 500.

11 MS. PICKARD: Do we need to close  
12 the hearing first?

13 THE CHAIRPERSON: We did close the  
14 hearing. Do we have a second? John Molahan.

15 Questions for comments from the  
16 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 THE CHAIRPERSON: Anne?  
22 MS. LAMBERTON: I vote in favor.  
23 THE CHAIRPERSON: Heidi?  
24 MS. PICKARD: I vote in favor.  
25 THE CHAIRPERSON: I'll vote in

11

1 favor. Motion carried.  
2 MR. ARMSTRONG: Thank you.  
3 The next item is the proposed  
4 ordinance creating and establishing the Tobyhanna Township  
05:21:08  
5 Water Service District. And as I indicated before, this  
05:21:10  
6 district, we are creating a water district for purposes of  
05:21:16  
7 public water service exclusively by the BCRA within  
05:21:20  
8 Tobyhanna Township within that service to properties  
05:21:24  
9 abutting the BCRA water system, which would be 200 feet  
05:21:24  
10 within the line.  
05:21:30



11 So with that being said, we can open  
05:21:32

12 the public hearing. This public hearing has been  
05:21:34

13 advertised in the Pocono Record pursuant to the Second  
05:21:36

14 Class Township Code. The ordinance has been made available  
05:21:40

15 at the township offices, as well as the Monroe County Law  
05:21:40

16 Library. And this would be Ordinance 501.  
05:21:46

17 And again, it would be adding a new  
05:21:50

18 Chapter 150 water district to the Tobyhanna Township Code  
05:21:54

19 of Ordinances creating and establishing a water district  
05:21:58

20 for the purpose of providing public water service to the  
05:22:02

21 properties required to connect within the public water  
05:22:04

22 service district area and establishing the BCRA -- that's  
05:22:06

23 the Brodhead Creek Regional Authority -- as the exclusive  
24 public water service provider. The public hearing has been  
05:22:20

25 opened.  
05:22:20

1 Are there any comments from the  
05:22:22

2 board at this time?  
05:22:22

3 MR. HOLAHAN: Yeah. What's Keswick  
05:22:26

4 Pointe? Is that a private water system there?  
05:22:28

5 MS. LAMBERTON: Yes.

6 MR. HOLAHAN: Yes. Okay.

7 MS. LAMBERTON: So you're saying  
8 it's not private?

9 THE CHAIRPERSON: No, it's private  
10 property.

11 MR. HOLAHAN: Private so it doesn't  
12 affect us. Okay.

13 MS. PACKARD: If there -- this can  
14 be amended if there was some need or reason to expand the  
15 water service district.

16 MR. ARMSTRONG: Yes, yes. Clearly  
05:22:50

17 it would -- if either the township or the BCRA felt there

05:22:54

18 would be a need to expand it, it would be, you know,  
05:22:58

19 subject to another agreement between the parties.  
05:23:02

20 MS. PICKARD: It wouldn't require  
05:23:06

21 an ordinance?

22 MR. ARMSTRONG: Well, it would --

23 MS. PICKARD: It would because --

24 MR. ARMSTRONG: -- because you'd be

25 amending your district.

13

1 MS. PICKARD: -- you'd be amending

2 the district.

3 MR. ARMSTRONG: If you would be

4 expanding it to, say, you know, the west of 380.  
05:23:16

5 THE CHAIRPERSON: You have your  
05:23:18

6 struggle there.

7 MR. ARMSTRONG: You have to adopt a  
05:23:20

8 new ordinance with a new exhibit map.  
05:23:20

9 MR. HOLAHAN: Okay.  
05:23:22

10 MR. ARMSTRONG: But right now the  
05:23:24

11 only thing that's being proposed is what's depicted on  
05:23:24

12 Exhibit A of the ordinance.  
05:23:28

13 MR. HOLAHAN: Right.  
05:23:30

14 MR. ARMSTRONG: Which is the  
15 Kalahari -- or I'm sorry, the Pocono Manor Investors  
05:23:36

16 property.  
05:23:36

17 Any other comments from the board?  
05:23:38

18 MS. LAMBERTON: I have none.

19 MR. HOLAHAN: I have none.  
05:23:42

20 MR. ARMSTRONG: Any comments from  
05:23:42

21 the public?  
05:23:44

22 MR. JIM CAHILL: Jim Cahill, Pocono  
23 Manor Investors. I encourage you to act favorably.  
05:23:46

24  
05:23:48

Thank you.

25  
05:23:52

MR. ARMSTRONG: Seeing no more, I

14

1 think we can close the public hearing. The public hearing  
05:23:52

2 is closed. And if the board wants to entertain a motion  
05:23:56

3 approving Ordinance 501, you may do so.  
05:24:02

4 MS. PICKARD: I make a motion that  
05:24:04

5 we approve Ordinance No. 501.

6 THE CHAIRPERSON: We have a motion,  
7 do we have a second?

8 MR. HOLAHAN: I'll second.  
05:24:10

9 THE CHAIRPERSON: Motion and  
10 second.

11 Questions or comments from the  
12 board? Questions or comments from the public?

13 Call the vote, John?  
05:24:18

14 MR. HOLAHAN: I vote in favor.  
15 THE CHAIRPERSON: Anne?  
16 MS. LAMBERTON: I vote in favor.  
05:24:20  
17 THE CHAIRPERSON: Heidi?  
18 MS. PICKARD: I vote in favor.  
05:24:20  
19 THE CHAIRPERSON: I vote in favor;  
05:24:22  
20 motion carried.  
05:24:22  
21 MR. ARMSTRONG: And that's all I  
05:24:24  
22 have.  
23 Thank you.  
24 (Meeting concluded at 8:20 a.m.)  
25 - - -

5

6

7

I hereby certify that the

8

proceedings and evidence are contained fully and accurately

9

in the notes taken by me at the meeting in the above

10

matter; and that the foregoing is a true and correct

11

transcript of the same.

12

13

14

15

---

Janet R. Erdey-Truncali, C.R.

16

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

---

In Re: Special Meeting

---

Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Monday, June 3, 2013, beginning at 3:30 p.m.

---

PRESENT: JOHN E. KERRICK, Chairperson  
HEIDI A. PICKARD, Vice-Chairperson  
DONALD J. MOYER, Board Member  
ANNE LAMBERTON, Board Member  
JOHN J. HOLAHAN, III, Board Member  
  
PATRICK ARMSTRONG, ESQUIRE, Solicitor  
  
ROBERT McHALE, P.E., Township Engineer  
  
ALSO PRESENT: Phyllis Haase, Zoning Officer

---

Panko Reporting  
537 Sarah Street, 2nd Floor  
Stroudsburg, Pennsylvania 18360  
(570) 421-3620

2

1 MR. KERRICK: I'd like to call  
2 the special meeting. At this time, I'll turn it  
3 over to our solicitor.

4 MR. ARMSTRONG: Thank you,  
5 Mr. Chairman. As you're aware, this is a special  
6 meeting immediately prior to the work session.  
7 There's been two public hearings scheduled before  
8 the board for this afternoon, both of them having  
9 to do with ordinance -- a potential ordinance  
10 adoption for the township to consider. The first  
11 one under my report is a public hearing for the  
12 proposed ordinance to establish a Neighborhood  
13 Improvement District Authority. As this board is  
14 aware, in relation to the Kalahari Resort property,  
15 in the Neighborhood Improvement District that

16 Tobyhanna Township is considering, there is needed  
17 a NIDMA or Neighbor Improvement District Municipal  
18 Authority or municipal administrative body. An  
19 authority to be created by Tobyhanna Township can  
20 act as the NIDMA, and the NIDMA's sole role would  
21 be to administer the NID District within Tobyhanna  
22 Township.

23                               So in response to that  
24 requirement, Tobyhanna Township has advertised,  
25 pursuant to the Municipal Authority Act of

3

1 Pennsylvania, an ordinance as well as articles of  
2 incorporation for the purposes of a municipal  
3 authority within Tobyhanna Township to be named the  
4 Tobyhanna Township Neighborhood Improvement  
5 Authority and the primary role of the Tobyhanna  
6 Township Neighborhood Improvement Authority would  
7 be to act as the NIDMA of the NID District within  
8 Tobyhanna Township.

9                               This proposed ordinance has been  
10 advertised in the Monroe County Law Reporter and as

11 well as the Pocono Record in accordance with the  
12 Pennsylvania Municipal Authority Act. The  
13 ordinance as it's proposed proposes that Tobyhanna  
14 Township will establish and execute any and all  
15 documents necessary in order to create and  
16 establish a municipal authority to be known as the  
17 Tobyhanna Township Neighborhood Improvement  
18 District Authority. And the members of the  
19 Tobyhanna Township Neighborhood Improvement  
20 District Authority proposed in the ordinance as  
21 well as proposed in the articles of incorporation  
22 are as follows:

23 Steve Pine, for a one year term  
24 that would expire on December 31st, 2014;

25 John Holahan, III, to be a two

4

1 year term that would expire on December 31st, 2015;

2 Heidi Pickard, to be appointed to  
3 a three year term that would expire on December  
4 31st, 2016;

5 Donald Moyer and Anne Lamberton,

6 to be appointed to the authority's board for a four  
7 year term that would expire on December 31st, 2017;

8 And John Kerrick and Michelle  
9 Bisbing for a five year term each, to expire on  
10 December 31st, 2018. I see Michelle Bisbing in the  
11 audience this afternoon.

12 The other members, as I  
13 indicated, are all members of the board of  
14 supervisors, with the exception of Steve Pine.  
15 Steve Pine would be the representative of the  
16 property owner. Pursuant to the Neighborhood  
17 Improvement District Act, one member of the NIDMA  
18 needs to be a representative of the property owners  
19 within the NID, and Steve Pine would be that  
20 representative for the property owner.

21 The process, once and if the  
22 board would entertain a motion approving the  
23 ordinance, would be to further authorize the  
24 chairman and vice-chairman or vice-chairwoman, to  
25 execute the articles of incorporation to

1 incorporate the Tobyhanna Township Neighborhood  
2 Improvement District Authority, and subsequent  
3 thereto there is a post adoption requirement to  
4 advertise the ordinance that has been adopted with  
5 the Monroe County Legal Reporter. Once that proof  
6 of publication is returned, the articles of  
7 incorporation as well as all the proofs of  
8 publication with respect to the advertisement of  
9 the ordinance will be forwarded to the Commonwealth  
10 of Pennsylvania for purposes of incorporating the  
11 authority.

12 With that being said, this is a  
13 public hearing. Are there any comments -- and I  
14 will -- we are now opening up the public hearing.  
15 I don't believe I did yet. So we'll open it up.  
16 Are there any comments from the board with respect  
17 to the proposed ordinance establishing the  
18 Tobyhanna Township Neighborhood Improvement  
19 District Authority for purposes of acting as the  
20 NIDMA in association with the Tobyhanna Township  
21 Neighborhood Improvement District?

22 MR. HOLAHAN: I have none.

23 MS. LAMBERTON: I have none.

24 MR. MOYER: I have none.

25 MS. PICKARD: I have none.

6

1 MR. KERRICK: No.

2 MR. ARMSTRONG: Are ther any  
3 members of the public that wish to provide public  
4 comment on the proposed ordinance? Seeing none,  
5 any of the board?

6 With that we can close the  
7 public hearing. I do see on the agenda that under  
8 new business would be the actual consideration of  
9 the adoption of the ordinance. Given the fact that  
10 we've had the public hearing, I think it would make  
11 sense if the board wants to entertain a motion to  
12 approve the ordinance at this time and then we'll  
13 handle the next ordinance and public hearing after.

14 MR. KERRICK: Could we have a  
15 motion to close the hearing?

16 MR. HOLAHAN: So moved.

17 MR. KERRICK: Second?

18 MS. LAMBERTON: Second.

19 MR. KERRICK: Questions or  
20 comments from the board?  
21 Call the vote. John?  
22 MR. HOLAHAN: I vote in favor.  
23 MR. KERRICK: Anne?  
24 MS. LAMBERTON: I vote in favor.  
25 MR. KERRICK: Donny?

7

1 MR. MOYER: I vote in favor.  
2 MR. KERRICK: Heidi?  
3 MS. PICKARD: I vote in favor.  
4 MR. KERRICK: I vote in favor.  
5 The hearing is closed.  
6 MR. ARMSTRONG: Okay. And,  
7 again, that was Ordinance No. 502.  
8 MR. KERRICK: I'll entertain a  
9 motion to approve Ordinance 502.  
10 MS. LAMBERTON: I'll make a  
11 motion to approve Ordinance 502.  
12 MR. MOYER: Second.  
13 MR. KERRICK: Motion and second.



14 Questions or comments from the  
15 board on the motion? Questions or comments from  
16 the 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 favor.  
21 MR. KERRICK: Donny?  
22 MR. MOYER: I vote in favor.  
23 MR. KERRICK: Heidi?  
24 MS. PICKARD: I vote in favor.  
25 MR. KERRICK: I vote in favor.

8

1 Motion carried.  
2 MR. ARMSTRONG: Thank you,  
3 Mr. Chairman.  
4 MR. KERRICK: You're welcome.  
5 MR. ARMSTRONG: The next item  
6 under my report is the public hearing for proposed  
7 ordinance creating a Tax Increment Financing  
8 District. And as this board is aware, there is a

9 proposed TIF, Tax Increment Financing District  
10 Ordinance. We held, we being Tobyhanna Township  
11 and the board of Tobyhanna Township held the  
12 requisite public hearing prior to considering the  
13 adoption of a TIF District. That hearing took  
14 place on April 25th, 2013 pursuant to the act. The  
15 board needed to and has waited the statutory three  
16 week period prior to adopting a resolution and or  
17 ordinance approving the TIF plan for Tobyhanna  
18 Township. Similar to the discussion at the public  
19 hearing on April 25th, 2013, which proposed is the  
20 Tobyhanna Township Tax Increment Financing District  
21 pursuant to the Pennsylvania TIF Act. And the  
22 intent of the TIF District is to fund certain  
23 public improvements in accordance with the act  
24 through the cooperation of Monroe County, the  
25 Pocono Mountain School District, as well as

1 Tobyhanna Township to agree to allow the tax  
2 increments on the property owned by Pocono Manor  
3 and the subject of the Kalahari Resorts project to

4 be used towards paying down a TIF bond, which shall  
5 be issued and taken out by the Monroe County IDA,  
6 Industrial Development Authority.

The ordinance provides for certain legislative findings in accordance with the TIF Act as well as references the TIF plan, project plan, which is titled the tax increment financing, TIF plan, for the Tobyhanna Township Tax Increment Financing District, and Tobyhanna Township said plan being prepared in March 2014 by the Monroe County IDA and the TIF ordinance before this board this afternoon. Further, in referring to the TIF plan prepared by the Monroe County IDA, provides for the boundaries of the proposed TIF District. The name of the district is to be the Tobyhanna Township Tax Increment Financing District. And further such TIF Ordinance would approve the authority, the Monroe County IDA, Industrial Development Authority, to proceed with issuing the TIF bonds for purposes of financing the public improvements within the TIF District.

25 It also agrees to 100 percent of

1 the incremental real estate tax revenues due, owing  
2 and received by the township from the parcels  
3 within the TIF District from Phase I, again, that's  
4 Phase I of the development project, the Kalahari  
5 Resort project to the extent described in the TIF  
6 plan prepared by the Monroe County IDA.

7 This is a public hearing. It's  
8 been advertised in accordance with the second class  
9 township code and it has been advertised in the  
10 Pocono Record for public hearing this afternoon.  
11 With that, I think we can open the public hearing.  
12 We'll open the public hearing. Are there any  
13 comments from the board at this time?

14 MR. KERRICK: I don't.

15 MR. ARMSTRONG: Any comments  
16 from the public at this time?

17 MR. TOM KEYS: I'm a resident of  
18 Pocono Pines.

19 I was at the last meeting and  
20 from what you've just read now it's the property  
21 taxes that are going to offset this bond issue, is

22 that correct?

23 MR. ARMSTRONG: The tax  
24 increments.

25 MR. TOM KEYS: What happens --

11

1 in this county and even locally politicians have  
2 been kicking around the possibility of totally  
3 eliminating property taxes. As stupid as that  
4 sounds, it might happen. What happens if property  
5 taxes are totally eliminated or some political  
6 acquisition comes or they're cut in half and the  
7 money from the property taxes coming out of this  
8 organization, the amusement park or whatever it is,  
9 what happens if that is significantly decreased?

10 MR. ARMSTRONG: What happens --  
11 I think your question is what happens if the tax  
12 increments with respect to the proposed TIF  
13 District are not enough to satisfy the payments on  
14 the TIF bonds that the Monroe County IDA will be  
15 issuing?

16 MR. TOM KEYS: Yep.

17 MR. ARMSTRONG: There is also,  
18 what's being proposed and has not been adopted by  
19 the board of supervisors yet, there is a  
20 neighborhood improvement district being proposed  
21 and the purpose of the neighborhood improvement  
22 district would be to establish a special assessment  
23 on the property of the property owner being Pocono  
24 Manor Kalahari at this point in time, to provide  
25 for payments in lieu of the difference between the

12

1 TIF bonds.

2 MR. TOM KEYS: So you're saying  
3 it's covered?

4 MR. ARMSTRONG: Well, I'm saying  
5 that the township has the ability that if it's not  
6 enough to cover the TIF bonds, the township has the  
7 ability to institute and issue special assessments  
8 on the property, which in turn would be liens on  
9 the property.

10 MR. TOM KEYS: Just assessments  
11 on this Kalahari or on everybody or on a

12     selected --

13                             MR. ARMSTRONG:  No, just the  
14     properties within the NID District.  And that  
15     ordinance has not been adopted by this board yet.  
16     It is proposed to be some time.  We don't have a  
17     specific date yet.  We had the first hearing on the  
18     NID, the Neighborhood Improvement District on  
19     May -- I believe it was May 15th of 2013.  There  
20     will need to be an ordinance adopted by this board  
21     with respect to the NID District.  But the purpose  
22     of the NID District is to allow and establish a  
23     special assessment on the properties within the NID  
24     District which for all intents and purposes is the  
25     property within the TIF District as well as -- I'm

13

1     sorry, go ahead.

2                             MR. TOM KEYS:  And those people  
3     have to accept that increase in taxes?  I'm just  
4     afraid school taxes will be diverted.

5                             MR. ARMSTRONG:  No. No. No  
6     increase in taxes.  I don't understand where you

7      came up with that, but, special assessment on the  
8      property.

9                               MR. TOM KEYS: Is that a one  
10     time deal or an every year deal?

11                           MR. ARMSTRONG: It's an  
12     annual -- it would be an annual special assessment  
13     on the property, to the extent it is needed to  
14     cover the amount of the TIF bonds that is not  
15     covered by the tax increment. And that's assessed  
16     onto the Kalahari owners or property or whatever,  
17     to the property that's being proposed within the  
18     NID District which is the 154 acre parcel that the  
19     Kalahari Resort is being proposed on as well as  
20     certain tentacles on Pocono Manor's property that  
21     would include the proposed sewer, the proposed  
22     water, the public improvements that would extend  
23     beyond the Kalahari Resort project itself.

24                           MR. TOM KEYS: So you're saying  
25     this contingency is covered. There is no way our

1     everyday taxes are going to have to go to pay off



2     this bond.

3                             MR. ARMSTRONG:   Remember, the  
4     issuing entity of the bond is the Monroe County IDA  
5     not Tobyhanna Township.  Tobyhanna Township is not  
6     issuing a bond for purposes of the TIF.  The TIF  
7     bond is going to be taken out by the Monroe County  
8     IDA, Industrial Development Authority.  And these  
9     special assessments in NID are going to be used, in  
10    the event they are needed, to cover the difference  
11    by lienning the property and requiring the property  
12    owner to pay the special assessments to Tobyhanna  
13    Township.  They will in turn go to the Monroe  
14    County IDA, who will in turn pay down the TIF  
15    bonds, to the extent the tax increments do not  
16    cover that amount, if that makes sense to you, sir.

17                            MR. TOM KEYS:   Well, I keep  
18    asking, does this mean that we're covered?  Is it  
19    your opinion we are covered?

20                            MR. ARMSTRONG:   The purpose of  
21    the NID and the purpose of the special assessment  
22    is so the TIF bonds would be covered.  You keep  
23    saying we, but Tobyhanna Township is not issuing  
24    the TIF bonds, Monroe County IDA is.

1 residents. It doesn't affect you at all, your  
2 property. It only affects the property that's  
3 being proposed.

4 MR. ARMSTRONG: And the only  
5 special assessments this township can place is on  
6 the property of Pocono Manor, Kalahari. Part of  
7 the process of adopting the NID, the Neighborhood  
8 Improvement District, for purposes of special  
9 assessment, is to provide all property owners  
10 within the NID District ample notice pursuant to  
11 the act of the adoption of the NID. And the only  
12 property owners that were notified were Kalahari  
13 and Pocono Manor because they are the only property  
14 owners being affected with the special assessment.

15 MR. TOM KEYS: Okay. Thank you.

16 MR. ARMSTRONG: Yep. Thank you.

17 Anyone else public comment?

18 Seeing none, I was remiss. I  
19 will just indicate that we did receive the

20 resolutions from the Pocono Mountain School  
21 District as well as Monroe County. They are both  
22 in the resolutions in favor of adopting a TIF plan  
23 in the TIF District. That's also required under  
24 the act. We have received those. With that being  
25 said, is there anything else from the board at this

16

1 time with respect to the TIF Ordinance.

2 Okay. We can close the hearing.

3 And then if the board wanted to entertain a motion  
4 with respect to the ordinance -- I believe it will  
5 Ordinance 503.

6 MR. KERRICK: Do we have a  
7 motion to close the hearing?

8 MR. HOLAHAN: So moved.

9 MS. LAMBERTON: Second.

10 MR. KERRICK: Motion and second.  
11 Questions or comments from the board?

12 Call the vote. John?

13 MR. HOLAHAN: I vote in favor.

14 MR. KERRICK: Anne?

15 MS. LAMBERTON: I vote in 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 vote in favor.  
21 Motion carried.  
22 Entertain a motion to approve  
23 Ordinance 503.  
24 MR. HOLAHAN: I'll make a motion  
25 that we adopt Ordinance 503 establishing the

17

1 boundaries and creating a tax increment financing  
2 district to be known as Tobyhanna Township Tax  
3 Increment Financing District.

4 MR. KERRICK: Motion. Do we  
5 have a second?

6 MS. LAMBERTON: I'll second.

7 MR. KERRICK: Questions or  
8 comments? Any questions from the 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 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 Anything else, Pat?  
20 MR. ARMSTRONG: That's all I  
21 have for the special meeting. I believe there's  
22 some items under my report for the work session but  
23 that's all I have for the special meeting.  
24 MR. HOLAHAN: I make a motion we  
25 close the meeting.

18

1 MS. LAMBERTON: Second.  
2 MR. KERRICK: All in favor?  
3 MR. HOLAHAN: Aye.  
4 MS. LAMBERTON: Aye.

5 MR. MOYER: Aye.

6 MS. PICKARD: Aye.

7 MR. KERRICK: Aye. It's closed.

8 Thank you.

9 (Hearing concluded at 3:46 p.m.)

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I hereby certify that the

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proceedings and evidence are contained fully and

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accurately in the notes taken by me at the hearing

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in the above matter; and that the foregoing is a

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true and correct transcript of the same.

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JOSEPHINE HOLLMAN, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

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In re: Special Meeting/Public Hearing

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Tobyhanna Township Government Center Building  
105 Government Center Way  
Pocono Pines, Pennsylvania 18350  
Wednesday, June 26, 2013 beginning at 6:00 p.m.

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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

ALSO PRESENT: PHYLLIS HAASE, Zoning Officer

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MR. KERRICK: I would like to welcome everyone here this evening to this special meeting. Could we have a pledge of allegiance to open the meeting, please?

(Pledge of allegiance was recited.)

MR. KERRICK: At this time, to save my voice, Pat?

MR. ARMSTRONG: Thanks. Thank you, Mr. Chairman. The reason we are here, we have a special meeting and public hearing scheduled for an ordinance authorizing the Township of Tobyhanna to enter into an intergovernmental cooperation agreement with Coolbaugh Township for purposes of the Tobyhanna Township Neighborhood Improvement District.

As the board is aware, you entered into a similar intergovernmental agreement with Pocono Township for purposes of the NID and there is an identical - not identical but very similar agreement needed for a cooperation agreement between Tobyhanna Township and Coolbaugh. The reason being is that the NID, which is the neighborhood improvement district, includes gas lines extending outside of Tobyhanna Township and into Coolbaugh Township that will be servicing the Kalahari Resorts project.

Due to the fact that the NID boundary extends outside of Tobyhanna and into Coolbaugh there is a need for Tobyhanna Township to agree with and Coolbaugh to agree to delegating and accepting certain powers and responsibilities with respect to the NID district. It's my understanding that Coolbaugh has already had their public hearing and approved the ordinance authorizing the intergovernmental agreement on June 18 and this evening has been advertised for public hearing for Tobyhanna Township to consider the ordinance which would authorize the township to enter into the intergovernmental agreement with Coolbaugh Township.

With that being said, this is scheduled for a public hearing this evening. It's been advertised with the Pocono Record pursuant to the appropriate act and statute. And with that we can open up the public hearing.

Are there any comments from the

board on this ordinance?

MR. HOLAHAN: I have none.

MR. KERRICK: I have none.

MS. LAMBERTON: I have none.

MR. ARMSTRONG: Are there any  
comments from the public? Seeing none.

We can close the public hearing.

MR. HOLAHAN: Make a motion that  
we close the public hearing.

MS. LAMBERTON: I'll second.

MR. KERRICK: Motion and second.

Questions or comments?

Questions or comments from the  
public?

Call the vote. John?

MR. HOLAHAN: I vote in favor.

MR. KERRICK: Anne?

MS. LAMBERTON: Vote in favor.

MR. KERRICK: Heidi?

MS. PICKARD: I vote in favor.

MR. KERRICK: I'll vote in favor.

MR. ARMSTRONG: Now that the  
public hearing has been closed, if the board was  
willing to entertain a motion approving Ordinance  
505 - correct?

MR. KERRICK: Yes.

MR. ARMSTRONG: - 505, which  
would be authorizing Tobyhanna Township to enter  
into an intergovernmental cooperation agreement with  
Coolbaugh Township in regards to the Tobyhanna  
Township Neighborhood Improvement District.

MS. PICKARD: I make a motion we  
approve Ordinance No. 505.

MS. LAMBERTON: Second.

MR. KERRICK: Motion and second.

Questions or comments from the  
board?

Questions or comments from the  
public on the motion?

Call the vote. John?

MR. HOLAHAN: I vote in favor.

MR. KERRICK: Anne?

MS. LAMBERTON: I vote in favor.

MR. KERRICK: Heidi?

MS. PICKARD: I vote in favor.

MR. KERRICK: I'll vote in favor.

Motion carried.

MR. ARMSTRONG: Thank you. Now, similarly, you've already got the ordinance authorizing the intergovernmental cooperation agreement, is there a motion to approve and execute the intergovernmental cooperation agreement with Coolbaugh Township?

MR. HOLAHAN: So moved.

MS. LAMBERTON: Second.

MR. KERRICK: Motion and second.  
Questions or comments from the

board?

Questions or comments from the  
public on the motion?

Call the vote. John?

MR. HOLAHAN: I vote in favor.

MR. KERRICK: Anne?

MS. LAMBERTON: I vote in favor.

MR. KERRICK: Heidi?

MS. PICKARD: I vote in favor.

MR. KERRICK: And I'll vote in  
favor. Motion carried.

MR. ARMSTRONG: Thank you.  
That's all I have for the special meeting held before the board this evening. It's my understanding that there are representatives from Kalahari Resorts and/or Pocono Manor Investors this evening which are, as you are aware, the property owners within the NID district. I don't know if they had any comments or discussion for this evening.

No? Okay. That's all I have.

MR. KERRICK: Would it be  
appropriate to - I don't care if we close the meeting, but I don't think it needs to go on the record. We wanted to talk about some of these items on this -- for your agreement, for your developers agreement?

MR. ARMSTRONG: Sure.

Absolutely.

MR. KERRICK: We don't need the record for that, do we?

MR. ARMSTRONG: It's up to the board. This is still - this will still be your public meeting. If you don't want the stenographer here for that, that's fine.

Is there no action proposed to be taken this evening? This is just general discussion?

MS. LAMBERTON: Uh-huh.

MR. KERRICK: In my mind, this was to give you the information to put the developers agreement together.

MR. ARMSTRONG: That's fine.

MR. KERRICK: Do you need it on the record?

MR. ARMSTRONG: No. I will be taking notes, but this will remain - the public meeting will remain open.

MR. KERRICK: Thank you.

(Reporter directed to go off the record at 6:05 p.m.)

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I hereby certify that the proceedings 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.

---

Tammy M. Panko Shaw, C.R.