

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, January 6, 2014, beginning at 3:59 p.m.

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

PATRICK 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. HOLAHAN: Okay. I'd like to
2 call to order the regular business meeting for --
3 our first one in --

4 MS. LAMBERTON: I know.

5 MR. HOLAHAN: -- the year.

6 MS. LAMBERTON: 2014.

7 MR. HOLAHAN: Do you want to do
8 the pledge again?

9 MR. KERRICK: No, no.

10 MS. PICKARD: We already did
11 it -- we already did it twice.

12 MR. HOLAHAN: Annie's going to
13 recite the pledge for the first --

14 MR. MOYER: Third time.

15 MS. HAASE: The third time.

16 MR. HOLAHAN: Do we have any
17 announcements?
18 MS. PICKARD: I don't have any.
19 MS. HAASE: No, sir, I do not.
20 MR. HOLAHAN: Okay. Consider
21 the minutes of December 9, 2013 regular business
22 meeting.
23 MS. HAASE: I do have two
24 corrections. The December 9, 2013 regular business
25 meeting, Page 25, Line 5, they've raised, should be

3

1 R-A-Z-E-D. Page 41, Line 9, correct spelling should
2 be H-O-L-A-H-A-N. I have no further corrections.
3 MS. PICKARD: I make a motion we
4 approve the minutes of December 9, 2013.
5 MS. LAMBERTON: Second.
6 MR. HOLAHAN: I have a motion
7 and second.
8 Any discussion from the board?
9 Any discussion from the public?
10 Hearing none, all in favor?

11 MR. MOYER: Aye.
12 MS. LAMBERTON: Aye.
13 MS. PICKARD: Aye.
14 MR. HOLAHAN: Opposed?
15 Motion carries.
16 Consider the treasurer's report.
17 Do I have a motion to approve the treasurer's
18 report?
19 MS. PICKARD: Motion to approve
20 the treasurer's report in the amount of \$134,921.35.
21 MS. LAMBERTON: Second.
22 MR. HOLAHAN: I have a motion
23 and second.
24 Any discussion from the board?
25 Any discussion from the public?

4

1 Call the vote.
2 John Kerrick?
3 MR. KERRICK: Abstained.
4 MR. HOLAHAN: Heidi Pickard?
5 MS. PICKARD: I'll vote in

6 favor.

7 MR. HOLAHAN: Donald Moyer?

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

9 MR. HOLAHAN: Anne Lamberton?

10 MS. LAMBERTON: I vote in favor.

11 MR. HOLAHAN: And I vote in

12 favor. Motion carries.

13 Next is solicitor's report.

14 Patrick?

15 MR. ARMSTRONG: Thank you, Mr.

16 Chairman.

17 The one item listed under my

18 report is the Dosch-King contract proposed

19 resolution. As the board may or may not be aware,

20 there were some issues with the work performed by

21 Dosch-King and/or Midland associated with the seal

22 coat on township roads throughout the township. I

23 forwarded a letter to Dosch-King dated December 23,

24 2013 after reviewing and discussing the matter with

25 the township engineer with the proposed resolution

1 for the outstanding terms of the contract.

2 I have received a response
3 letter from Dosch-King as of Thursday of last week.
4 I forwarded it to the township engineer. My
5 understanding is, he has not had a chance to look at
6 or consider the counter-resolution proposed by
7 Dosch-King, so we don't really have a response from
8 Dosch-King yet.

9 I spoke to the township engineer
10 before your meeting this afternoon and it's my
11 understanding that I should get some direction from
12 him sometime, maybe before the end of the day or
13 tomorrow; but it looks like the lineal square
14 yardage, or the square yardage, we might be able to
15 come to terms as to the calculation.

16 The bigger issue in my mind is
17 going to be the differential or the decrease in the
18 amount to be paid related to the deficiencies in the
19 material that was provided. The township engineer
20 has a certain proposed value of that differential
21 and the -- obviously Dosch-King as a separate, so we
22 just need -- I need to talk to Bob McHale after he
23 has a chance to look at that letter and respond

24 accordingly to Dosch-King. But until that time, we
25 really have nothing to respond with.

6

1 Does anyone have any questions
2 with respect to that?

3 MS. LAMBERTON: No.

4 MR. HOLAHAN: Is it figured into
5 their bid what the over/under could be and a
6 percentage so there may -- they may write into their
7 contract -- and I hadn't read it, but do they allow
8 any kind of margin or --

9 MR. ARMSTRONG: No, I don't --

10 MR. HOLAHAN: -- is it a fixed
11 price?

12 MR. ARMSTRONG: -- actually if
13 you look at the bid, they only bid on a certain
14 square yardage of road; but as the project
15 progresses, if you take away some roads, you add a
16 little bit. So it's not actually the exact amount
17 that was bid, which brought us to the situation
18 we're in, as to the disagreement, as to the actual

19 square yardage that was done.

20 MR. HOLAHAN: So if they were
21 looking to build an addition, would they look for
22 issuing a change order?

23 Is it done like that, John?

24 MR. KERRICK: It said in our
25 contract that they're supposed to agree on the

7

1 yardage before they start.

2 MR. HOLAHAN: And they were out
3 doing the measurements?

4 MR. KERRICK: They didn't do it.

5 MR. HOLAHAN: Oh.

6 MR. KERRICK: And they started,
7 so it --

8 MR. HOLAHAN: Okay.

9 MR. KERRICK: -- it snowballed
10 from Day 1.

11 MR. HOLAHAN: Okay.

12 Anything else, Patrick?

13 MR. ARMSTRONG: Nope, nope,

14 that's all I have.

15 MS. LAMBERTON: Really?

16 MR. ARMSTRONG: Well, there
17 are -- well, there's items further down on the
18 agenda, but nothing under my report.

19 Thank you.

20 MR. HOLAHAN: Okay. Then we can
21 touch on them later, we'll give you a break.

22 The manager report, Phyllis?

23 MS. HAASE: Two items I just
24 want to briefly touch on. Rettew Engineering,
25 they -- as you know, we've engaged their services to

8

1 work on the sand filter building, to oversee the
2 construction. They have just about completed it.
3 We do have a punch list of some outstanding items
4 that need to be resolved, so we'll be releasing some
5 funds. We're gonna retain just under 20,000 until
6 the punch list has been completed.

7 At our last meeting, we had
8 talked about a dehumidifier, which I spoke to Jim

4 giving us a comparative price point of managing the
5 plant. As we agreed, we would go line by line to
6 see where we could save money throughout the
7 township. At this particular point, we have a
8 company we've used many -- for many years, but we
9 just need to have a cost comparison to make certain
10 that we're getting the best bang for our buck. So
11 that will be submitted to me within the next few
12 weeks and I will distribute that to the board as
13 well.

14 And at this particular time,
15 those are the only two items I have.

16 MR. HOLAHAN: Thank you,
17 Phyllis.

18 Any old business?

19 MS. HAASE: We do have old
20 business. Again, it was not placed on the agenda,
21 and that's the sewer authority, which we're going to
22 have to address that. I will ask our assistant
23 secretary to make certain it's placed on the agenda
24 and it stays on until we resolve that matter.

25 MR. HOLAHAN: Any other old

1 business?

2 MS. HAASE: No, sir.

3 MR. HOLAHAN: Okay.

4 Entertain new business. And our
5 first item here is consider the Kalahari Resorts
6 reduction of Bond Payment No. 3.

7 MS. HAASE: As you're aware, in
8 our agreement, once Kalahari Resorts submits a
9 request for reduction of their bond within 15 days,
10 we need to hold a meeting to consider that. It is
11 on our agenda today; however, we are still waiting
12 for some outside and outstanding reports to be
13 submitted to us. So at this particular time, I'm
14 requesting the board to table this. Once we receive
15 the reports from Pennoni Associates, I will send
16 something out to the board, once I receive Bob
17 McHale's recommendation and request a special
18 meeting.

19 MR. KERRICK: Could we do it if
20 it meets Bob's approval, so we don't have to
21 advertise and have a special meeting?

22 MR. ARMSTRONG: That's -- that's
23 up to the board.
24 MR. KERRICK: I'm asking you,
25 can we?

11

1 MR. ARMSTRONG: Yeah, it's up to
2 the board. You can. Unfortunately you don't really
3 have anything --
4 MS. PICKARD: We need to
5 figure --
6 MR. ARMSTRONG: -- you don't
7 have anything in front of you.
8 MS. PICKARD: -- if Bob
9 describes --
10 MR. KERRICK: Right. Bob's
11 probably going to do it anyway. We don't know.
12 MR. HOLAHAN: We're going to act
13 on Bob's recommendation?
14 MS. LAMBERTON: Recommendation.
15 MS. PICKARD: Yeah.
16 MR. KERRICK: Okay. Just an

17 idea.

18 MR. HOLAHAN: What's the
19 pleasure of the board then?

20 MR. ARMSTRONG: I mean, keep in
21 mind that -- remember that land development
22 agreement for any special meeting that you do need
23 to hold, Kalahari will reimburse the township for
24 the costs associated with that meeting, just going
25 forward.

12

1 MS. PICKARD: Will we have 15
2 days from when -- I mean, it was requested, correct,
3 or no?

4 MS. HAASE: It was requested,
5 but they did not submit --

6 MS. PICKARD: It was --

7 MS. HAASE: -- the proper
8 reporting.

9 MS. PICKARD: -- 15 days from
10 when Pennoni --

11 MR. ARMSTRONG: When they submit

12 the requisite documents --

13 MS. PICKARD: -- submits

14 something --

15 MR. ARMSTRONG: -- necessary to

16 make that decision, or --

17 MS. PICKARD: They may need

18 another meeting. I mean, it doesn't matter to me.

19 MR. KERRICK: I don't think it's

20 needed, but that's only my opinion.

21 MR. HOLAHAN: Okay. Well,

22 what's the board's pleasure on this then?

23 MS. LAMBERTON: I'll make a

24 motion to table this until Bob has a chance to

25 review.

13

1 MR. MOYER: Second.

2 MR. HOLAHAN: Do I -- Patrick,

3 do I need to call a vote on table, to table

4 something?

5 MR. ARMSTRONG: No.

6 MR. HOLAHAN: No?

7 MR. ARMSTRONG: You're not
8 taking any action.

9 MR. HOLAHAN: Right.

10 MR. ARMSTRONG: There actually
11 isn't a real formal request before you at this point
12 in time.

13 MR. HOLAHAN: Okay.

14 MR. ARMSTRONG: So no action is
15 necessary.

16 MR. MOYER: Has Bob went over it
17 already at all, or --

18 MS. HAASE: He went over what he
19 had --

20 MR. MOYER: Oh, okay.

21 MS. HAASE: -- but he's still --

22 MR. MOYER: Still needs --

23 MS. HAASE: -- missing some
24 outstanding items.

25 MR. MOYER: I got you.

1 MR. HOLAHAN: Okay. The next

2 item is the agreement to return sewer EDUs.

3 What's the board's pleasure on
4 this?

5 MS. PICKARD: I have a question
6 for Pat, I guess, I don't know. On the first --
7 second whereas, if the owner intends to raze, remove
8 or otherwise demolish, shouldn't it be the other
9 has? I mean, would we be entering this before it's
10 done?

11 MR. ARMSTRONG: Well, I mean, we
12 could put intends --

13 MS. PICKARD: They may intend
14 to --

15 MR. ARMSTRONG: -- to and/or
16 has.

17 MS. PICKARD: -- and then never
18 tear it down, and then we've taken it back?

19 MS. LAMBERTON: Just get rid of
20 intends to.

21 MS. PICKARD: Yeah.

22 MR. ARMSTRONG: Owner has razed,
23 removed or otherwise --

24 MS. LAMBERTON: Yep, yep.

25

MS. PICKARD: All right.

15

1

MR. HOLAHAN: Okay. So do I

2 have a motion as amended?

3

MS. PICKARD: So moved.

4

MS. LAMBERTON: Second.

5

MR. HOLAHAN: Okay. Any other

6 discussion?

7

Hearing none, call the vote.

8

John?

9

MR. KERRICK: I'm in favor.

10

MR. HOLAHAN: Heidi?

11

MS. PICKARD: I'm in favor.

12

MR. HOLAHAN: Donald?

13

MR. MOYER: I vote in favor.

14

MR. HOLAHAN: Annie?

15

MS. LAMBERTON: I vote in favor.

16

MR. HOLAHAN: And I vote in

17 favor.

18

Next item is the Tobyhanna

19 Township Volunteer Fire Company Fundraisers for

20 2014.

21 MR. MOYER: I'll make a motion
22 we acknowledge the fundraisers that they're
23 requesting us.

24 MS. LAMBERTON: I second.

25 MR. HOLAHAN: I got a motion and

16

1 second. That was on the carnival?

2 MR. MOYER: The e-mail --
3 carnival and beef roast, I think it was.

4 MR. HOLAHAN: Okay. I have a
5 motion and second. Any further discussion from the
6 board?

7 Anything from the public?

8 Eddie?

9 MR. ED TUTRONE: Just one quick
10 thing. Ed Tutrone, Tobyhanna Township Fire Company.

11 In the e-mail, I stated we
12 didn't have our meeting yet because of the holidays,
13 so I'm not sure if there are any other fundraisers.
14 So if that's okay, we'll come back with an e-mail

15 about the fundraisers, if we're having any? Those
16 are the two I know we're having for sure, so --

17 MR. HOLAHAN: Is that all right
18 for the board?

19 MR. MOYER: Yeah.

20 MS. LAMBERTON: That's fine.

21 MR. MOYER: We'll do it now,
22 and --

23 MR. HOLAHAN: Okay. Call the
24 vote.

25 John?

17

1 MR. KERRICK: Favor.

2 MR. HOLAHAN: Heidi?

3 MS. PICKARD: Favor.

4 MR. HOLAHAN: Donald?

5 MR. MOYER: I vote in favor.

6 MR. HOLAHAN: Annie?

7 MS. LAMBERTON: I vote in favor.

8 MR. HOLAHAN: And I vote in

9 favor. And --

10 MS. PICKARD: Can I make a
11 motion that we release the \$100,000 from the tax
12 fund to make the payment on the ladder truck for
13 Tobyhanna Township Volunteer Fire Department?

14 MR. HOLAHAN: I've got a motion.
15 Second?

16 MS. LAMBERTON: Second.

17 MR. HOLAHAN: Motion and second.
18 Discussion from the board?

19 Yes?

20 MR. ED TUTRONE: One other quick
21 thing. I didn't realize this till after I sent the
22 e-mail. The hundred thousand we're gonna put on
23 our -- our payment on our ladder truck, there's
24 another 28,000 and change in the account and we're
25 looking to buying a new chief's vehicle; so we may

18

1 need to have that released, that other 28. We'd be
2 looking for the other 28,000 possibly before the end
3 of the month. So could you, maybe, approve that too
4 today just in case we need it before the end of the

5 month and before your next meeting?

6 MR. HOLAHAN: What's the
7 pleasure of the board?

8 MS. PICKARD: I'll make a motion
9 to approve the Tobyhanna Township Volunteer Fire
10 Department requesting the balance of funds of
11 approximately \$28,000 for -- towards a chief's
12 vehicle.

13 MR. MOYER: Or just the total
14 128 --

15 MR. HOLAHAN: For a total of
16 128 --

17 MS. PICKARD: Yeah.

18 MR. HOLAHAN: -- and
19 whatever's -- yes. So that would be the amended
20 motion?

21 MS. PICKARD: Amended.

22 MR. MOYER: Second.

23 MR. HOLAHAN: I've got an
24 amendment for that motion and a second.

25 Any further discussion from the

1 board?

2 The public?

3 Call the vote.

4 John?

5 MR. KERRICK: I vote in favor.

6 MR. HOLAHAN: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: Donald?

9 MR. MOYER: I vote in favor.

10 MR. HOLAHAN: Annie?

11 MS. LAMBERTON: I vote in favor.

12 MR. HOLAHAN: And I vote in

13 favor. Motion carries.

14 Thanks for catching that, Heidi.

15 MS. PICKARD: Um-hmm.

16 MR. HOLAHAN: And then we need

17 the advertisement for the planning commission

18 member.

19 MS. HAASE: Mr. Rob Baxter has

20 purchased a new home, so he will be moving out of

21 the area, so -- which will leave a vacancy on our

22 planning commission, so we will need to advertise

23 for interested parties.

24 MR. HOLAHAN: Do we need this
25 board's authorization to do the advertisement? I'll

20

1 entertain that motion.

2 MS. LAMBERTON: I make a
3 motion -- I'm sorry -- to advertise for a planning
4 commission member.

5 MS. PICKARD: I'll second.

6 MR. HOLAHAN: Motion and second.

7 Further discussion from the board?

8 Anything from the public?

9 Call the vote.

10 John?

11 MR. KERRICK: Favor.

12 MR. HOLAHAN: Heidi.

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Donald?

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

16 MR. HOLAHAN: Anne?

17 MS. LAMBERTON: I vote in favor.

18 MR. HOLAHAN: And I vote in
19 favor. Motion carries.
20 Does the board have anything
21 else?
22 MS. LAMBERTON: Pat does.
23 MR. HOLAHAN: Oh, Patrick, of
24 course.
25 MR. ARMSTRONG: Under new

21

1 business, the return sewer EDU to township
2 agreement, you voted in favor, but I don't know if
3 we specified the property. My understanding is,
4 this is a form agreement that can be used in the
5 future; however, there is a specific property that
6 had requested this, correct?
7 MS. HAASE: That's correct.
8 MS. PICKARD: Is that Palko?
9 MS. LAMBERTON: I thought it was
10 just a blanket agreement.
11 MS. PICKARD: Yeah, I thought we
12 were doing a blanket, but --

13 MS. HAASE: Well, I think we can

14 use this moving forward as a blanket --

15 MS. PICKARD: Okay.

16 MS. HAASE: -- agreement.

17 MS. PICKARD: But we approved

18 it, so if it meets the in-house -- whoever approves

19 that, zoning or whoever, sewer. This would be

20 administrative --

21 MR. ARMSTRONG: Moving

22 forward --

23 MS. PICKARD: -- wouldn't it be?

24 MR. ARMSTRONG: Yes. This was

25 drafted with the intent that it can be utilized in

22

1 the future when this issue would pop up again. My
2 understanding is, the request submitted to the board
3 for action on this particular property -- I don't
4 know if we -- we should probably identify that
5 property, if the motion of the board was to approve
6 the specific request.

7 MR. MOYER: We can do it

8 separate.

9 MS. LAMBERTON: Okay.

10 MS. PICKARD: It's come up a
11 couple of times. I don't know, do we have a form?

12 MR. ARMSTRONG: Unless the board
13 is okay and agreeable to allowing the township staff
14 to determine whether or not it's appropriate going
15 forward with -- I guess that would be delegated to
16 the relative township SEO and the township engineer,
17 given the status of the property and whether or not
18 sewer service is necessary or --

19 MR. MOYER: Yeah, I don't recall
20 which one it is and I don't have it, so I don't
21 know. I mean, if that's --

22 MS. HAASE: To be clear, I think
23 it would be the township zoning officer and SEO.

24 MR. ARMSTRONG: Okay. Okay.

25 MR. HOLAHAN: But there's still

23

1 a couple of things. There's a township fee that we
2 haven't established.

3 MR. ARMSTRONG: Right.

4 MR. HOLAHAN: I think we --

5 MS. LAMBERTON: That's not on
6 the fee --

7 MS. PICKARD: That should be on
8 the fee schedule.

9 MS. LAMBERTON: Right?

10 MR. HOLAHAN: Well, there's --
11 there's an escrow fee.

12 MR. MOYER: Yeah.

13 MS. LAMBERTON: Oh.

14 MR. ARMSTRONG: I mean, the
15 purpose of the escrow fee --

16 MS. LAMBERTON: Could you have
17 that to be determined?

18 MR. ARMSTRONG: -- would be --
19 yeah, I mean, you can add it to your fee resolution.
20 You probably have a miscellaneous --

21 MS. PICKARD: We have a
22 miscellaneous escrow fee.

23 MR. ARMSTRONG: -- that this
24 would probably fall under, but the purpose of that
25 is obviously to cover the cost of the township for

1 applications such as this.

2 MR. MOYER: Right.

3 MR. ARMSTRONG: I mean --

4 MR. HOLAHAN: I wasn't thinking
5 that this was for a particular case. I was thinking
6 this was the general --

7 MS. PICKARD: Me too.

8 MR. HOLAHAN: -- agreement that
9 we were going to use.

10 MR. ARMSTRONG: Okay.

11 MS. PICKARD: It was blank and
12 the names --

13 MR. HOLAHAN: So then we
14 could -- we wouldn't need further action. This
15 person could come forward and agree to this.

16 MR. ARMSTRONG: Right.

17 MS. HAASE: So, Pat, how will
18 that escrow -- how would that be implemented? Are
19 we pulling out any fees that you may have on it? Is
20 it a -- in essence, a permit fee?

21 MR. ARMSTRONG: No, it's --

22 MS. HAASE: Do we need to change
23 the verbiage of it?

24 MR. ARMSTRONG: You know, this
25 is -- someone who does this, there's going to be

25

1 inspections required. If they're going to raze a
2 building, they're going to, you know, demolish a
3 building, they're going to cap their sewer --

4 MS. PICKARD: But we have the
5 permit fee for the capping of and sealing of the
6 well --

7 MR. ARMSTRONG: Okay.

8 MS. PICKARD: -- and that's
9 suppose to be an escrow and a fee determined on how
10 much it's going to cost to cap it, so this is just
11 to remove the EDU.

12 MR. HOLAHAN: Right, because we
13 have a permit for razing as well, correct?

14 MS. HAASE: Correct.

15 MR. HOLAHAN: Yes.

16 MS. HAASE: I just don't want
17 our staff to charge a resident twice for the same --
18 MR. ARMSTRONG: Okay.
19 MS. HAASE: You see what I'm
20 saying?
21 MR. ARMSTRONG: Right.
22 MS. HAASE: -- for the same
23 inspections.
24 MR. HOLAHAN: Do we --
25 MS. PICKARD: Once it's

26

1 capped --
2 MR. HOLAHAN: -- need to revisit
3 this?
4 MS. PICKARD: -- and sealed,
5 there's no --
6 MR. MOYER: You might have to
7 change the wording --
8 MS. PICKARD: -- no other
9 inspection. If it's capped and sealed. It can only
10 be capped and sealed if the property is razed.

11 So we wouldn't be foregoing the
12 capping and sealing, John, would we? We'd have to
13 cap and seal it.

14 MR. KERRICK: No.

15 MS. PICKARD: So once it's
16 capped and sealed and the building is not there, I
17 don't know how many more inspections would be
18 necessary.

19 MR. KERRICK: That would be it.

20 MS. PICKARD: I don't think
21 there would be any other fees except unless the
22 engineer --

23 MR. ARMSTRONG: I would suggest
24 keeping this in here. Going forward with this first
25 one, if there's no costs to the township, just --

27

1 you know, there's no costs.

2 MS. HAASE: Okay.

3 MR. ARMSTRONG: But if you learn
4 that there is some cost or additional inspection or
5 additional work that's required, you know, for

6 future -- maybe the miscellaneous in your fee
7 schedule is not going to work. Maybe it will have
8 to be a new one that you come up with just for these
9 particular situations.

10 MS. PICKARD: We need to clarify
11 the capping and sealing because we've been doing
12 that on our own in-house. John's been doing that,
13 correct?

14 MR. KERRICK: Yeah.

15 MR. ARMSTRONG: The cost is --

16 MS. PICKARD: We have not billed
17 that, but it says in our cap and seal agreement,
18 which is not this agreement, that they're to bear
19 the costs and they're supposed to consult with the
20 township on how to do it --

21 MR. ARMSTRONG: Okay.

22 MS. PICKARD: -- and make sure
23 that it's -- so it's in the cap and seal, not in
24 this.

25 MR. ARMSTRONG: Okay.

1 MS. PICKARD: That needs to be,
2 maybe, looked at again.

3 MR. HOLAHAN: Right, because we
4 have escrow agreement. We don't have --

5 MS. PICKARD: And I think that's
6 in --

7 MR. HOLAHAN: Escrow agreement's
8 in here, so is this going to be part of that fee, is
9 they're going to place funds in escrow that's going
10 to cover that or are we going to give them a
11 particular fee schedule, that this is how it's going
12 get done?

13 MR. ARMSTRONG: If it's an
14 escrow or a fee, it's still going to go in your fee
15 schedule. Your escrow requirements are in the fee
16 schedule. They should be.

17 MR. HOLAHAN: Right.

18 MR. ARMSTRONG: But if DPW's
19 going out and they're actually doing the work or
20 making sure that the work is done and capping,
21 there's a cost associated with that. And it sounds
22 like you have a separate agreement for capping and
23 sealing that captures that. And then your permit

24 for razing and demolishing structures probably
25 captures that inspection cost.

29

1 MS. PICKARD: Not everyone that
2 caps and seals is going to necessarily throw away
3 their EDU, so --

4 MR. ARMSTRONG: Right. Well, I
5 guess the question is, is there any other cost
6 associated with this type of a request that isn't
7 covered in your razing and not covered in your cap
8 and seal?

9 MS. LAMBERTON: No.

10 MR. ARMSTRONG: Maybe it's
11 something that John Brogan, your SEO, needs to look
12 at. Someone's request -- I mean, they're requesting
13 to be, you know, disconnected and no longer charged
14 a sewer fee.

15 Are there any special
16 circumstances that the board does want the actual
17 request to come before the board --

18 MS. HAASE: The only --

19 MR. ARMSTRONG: -- the zoning
20 office --

21 MS. HAASE: We did discuss, I
22 think Annie brought it up, that maybe this should be
23 recorded at the county.

24 MS. LAMBERTON: Yeah, I want to
25 make sure they're --

30

1 MR. HOLAHAN: Well, that's in
2 this agreement.

3 MS. LAMBERTON: -- certifying
4 that property so --

5 MR. ARMSTRONG: Right, right.

6 MS. HAASE: So that is cost, but
7 if they record it themselves, then they'll --

8 MS. PICKARD: And they're paying
9 the recording fee.

10 MS. HAASE: Right.

11 MR. ARMSTRONG: Yes.

12 MR. HOLAHAN: So that would have
13 to be a stipulation of an approval because if that

14 gets missed, then do we become culpable for that?

15 Does our sewer authority then have to track -- which

16 we would want to do anyway, but if a title agent

17 were to come to us --

18 MR. MOYER: Miss it.

19 MR. HOLAHAN: -- or even a for

20 sale by owner, where they might do something dumb

21 like not use a title agent --

22 MR. MOYER: Right.

23 MR. ARMSTRONG: No. I mean,

24 it's a requirement that this agreement gets recorded

25 against the property. What I can do, I'm looking at

31

1 the sole cost of the applicant, we can include, if

2 we're going to play with that escrow provision, if

3 that's -- is that what I'm gathering? I would still

4 suggest, keep that provision. Even if we get the

5 application, just put NA, nonapplicable, or zero, if

6 you find out going forward that there are no

7 additional costs associated with these. And then

8 with respect to the cost of the recording at the

9 sole expense of the applicant, we can include that.

10 But as John indicated, it sounds
11 like you do have a specific property owner that
12 brought this to our attention currently, so once
13 this is finalized, I'm assuming Phyllis or John
14 Brogan, someone will notify that property owner to
15 come in, execute it, and the question is, does the
16 board want these types of requests coming before the
17 board?

18 MS. LAMBERTON: I don't see why
19 we do --

20 MR. ARMSTRONG: Or do you feel
21 comfortable allowing the SEO and the zoning officer
22 to handle it unless there's a -- you know, special
23 circumstances that --

24 MR. HOLAHAN: I think our SEO
25 and zoning officers are --

32

1 MR. MOYER: Yeah.

2 MR. HOLAHAN: -- fully capable

3 of --

4 MS. LAMBERTON: Yeah, I agree.

5 MR. ARMSTRONG: Okay.

6 MS. LAMBERTON: I agree.

7 MR. HOLAHAN: Would that be the
8 agreement of everybody else?

9 MS. LAMBERTON: Yes.

10 MR. MOYER: Yeah, I'm fine with
11 that.

12 MR. ARMSTRONG: Okay. I think
13 that's it. I just wanted to clarify that before you
14 ended it.

15 MS. LAMBERTON: As long as it
16 gets recorded that they do not have an EDU.

17 MR. ARMSTRONG: Yes.

18 MS. LAMBERTON: That's my only
19 concern. I don't want to see somebody else buying
20 it and not be able to --

21 MS. PICKARD: They will be able
22 to buy it back and pay another capping fee, as long
23 as there's (inaudible) --

24 MS. LAMBERTON: Just so you're
25 aware.

1 MR. ARMSTRONG: Yeah. So just
2 going back to that one whereas clause, I was reading
3 through it and I think we'll still keep the owner
4 intends to and/or has already razed, we'll keep the
5 intends to, because the way this reads is we're not
6 going to stop the charging until all of the razing,
7 demolishing, all of those capping requirements are
8 complete.

9 MR. HOLAHAN: Right. Okay.

10 MR. ARMSTRONG: It's
11 specifically stated in there.

12 MR. HOLAHAN: Right.

13 MR. ARMSTRONG: Okay?

14 Thank you.

15 MR. HOLAHAN: Okay. Anything
16 else from the board?

17 Any public comment?

18 Hearing none, look for a motion
19 to adjourn?

20 MS. LAMBERTON: Motion to
21 adjourn.

22 MS. PICKARD: Second.
23 MR. HOLAHAN: Motion and second.
24 All in favor?
25 MS. LAMBERTON: Aye.

34

1 MR. HOLAHAN: We're adjourned.
2 (Meeting concluded at 4:24 p.m.)

3 ---

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I hereby certify that the

8 proceedings and evidence are contained fully and

9 accurately in the notes taken by me, to the best of

10 my ability, 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 JESSICA L. HOLT, C.R.

17

18

19

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24

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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 6, 2014, beginning at 3:32 p.m.

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

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO

PRESENT: Phyllis Haase, Township Manager

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

2

1 MR. ARMSTRONG: Okay. My name
2 is Pat Armstrong, Tobyhanna Township solicitor.
3 I'll act as the brief interim chair for the
4 reorganization meeting. And with that, I'll call
5 the Township of Tobyhanna Board of Supervisors
6 reorganization meeting to order with the Pledge of
7 Allegiance.

8 (Pledge of Allegiance was
9 recited.)

10 MR. ARMSTRONG: We'll begin the
11 January 6, 2014 reorganization meeting of the
12 Tobyhanna Township Board of Supervisors with any
13 nominations for the chair.

14 MS. LAMBERTON: I'd like to
15 nominate John Holahan to serve as the chairman for

16 the board of supervisors.

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

19 MR. ARMSTRONG: Motion made and
20 second.

21 All those in favor?

22 MR. MOYER: Aye.

23 MS. PICKARD: Aye.

24 MS. LAMBERTON: Aye.

25 MR. ARMSTRONG: Motion passed.

3

1 Any -- any -- maybe I didn't get them all. How
2 many --

3 MS. LAMBERTON: You want to
4 vote?

5 MR. HOLAHAN: Oh, I'm sorry,
6 aye. What are you -- what are you asking now?

7 MR. ARMSTRONG: Did we get --

8 MS. LAMBERTON: Everyone said
9 yeah.

10 MS. PICKARD: I said aye.

11 MR. ARMSTRONG: Motion made and
12 passed.

13 John, would you like to take
14 over?

15 MR. HOLAHAN: Sure. I'll
16 entertain a motion to nominate someone to serve as
17 vice-chair for the board of supervisors. Do I have
18 a nomination?

19 MR. MOYER: I'll nominate Annie
20 Lamberton.

21 MS. PICKARD: I'll second the
22 motion.

23 MR. HOLAHAN: I have a motion
24 and a second.

25 Any discussion from the board?

4

1 All in favor?

2 MS. PICKARD: Aye.

3 MS. LAMBERTON: Aye.

4 MR. MOYER: Aye.

5 MR. HOLAHAN: Opposed?

6 So moved.

7 Next I'll entertain a motion for
8 township secretary.

9 MS. LAMBERTON: I'd like to
10 appoint Phyllis Haase to serve as township
11 secretary.

12 MR. HOLAHAN: I have a motion.

13 MR. MOYER: Second.

14 MR. HOLAHAN: Motion and second.

15 Discussion from the board?

16 Hearing none, all in favor?

17 MS. LAMBERTON: Aye.

18 MR. MOYER: Aye.

19 MS. PICKARD: Aye.

20 MR. HOLAHAN: Opposed?

21 Motion carries.

22 Next we have to appoint the
23 assistant township secretary.

24 MS. LAMBERTON: I will make a
25 motion to appoint Margie Argot as assistant township

1 secretary.

2 MR. HOLAHAN: I have a motion.

3 Do I have a second?

4 MR. MOYER: I'll second.

5 MR. HOLAHAN: I have a motion

6 and second.

7 Any discussion from the board?

8 Hearing none, all in favor?

9 MS. LAMBERTON: Aye.

10 MS. PICKARD: Aye.

11 MR. HOLAHAN: Opposed?

12 So moved.

13 Next we have to serve as the

14 director of finance.

15 MS. LAMBERTON: I would like to

16 appoint Heidi Pickard to serve as director of

17 finance.

18 MR. MOYER: I'll second.

19 MR. HOLAHAN: Motion and second

20 for Heidi Pickard.

21 Any discussion from the board?

22 MS. HAASE: Mr. Holahan, also

23 for clarification, that she will also hold the

24 title, as the Second Class Township Code, as
25 treasurer.

6

1 MR. HOLAHAN: Township
2 treasurer?

3 MS. LAMBERTON: I apologize,
4 yes.

5 MR. HOLAHAN: Okay.

6 MS. LAMBERTON: I'll amend my
7 motion.

8 MR. HOLAHAN: Do you agree to
9 the second -- to the amendment, Don?

10 MR. MOYER: I do.

11 MR. HOLAHAN: Okay. Motion and
12 second.

13 Any discussion from the board?

14 Hearing none, all in favor?

15 MS. LAMBERTON: Aye.

16 MS. PICKARD: Aye.

17 MR. MOYER: Aye.

18 MR. HOLAHAN: Opposed?

19 So moved.
20 Looking for a motion for
21 assistant township treasurer and fiscal specialist.
22 MS. LAMBERTON: I'd like to
23 appoint Terri Dougherty to serve as fis -- fiscal
24 specialist and the assistant township treasurer.
25 MR. HOLAHAN: Okay. I have a

7

1 motion. Do I have a second?
2 MS. PICKARD: Second.
3 MR. HOLAHAN: Motion and second.
4 Any discussion from the board?
5 Hearing none, all in favor?
6 MS. LAMBERTON: Aye.
7 MS. PICKARD: Aye.
8 MR. MOYER: Aye. Sorry.
9 MR. HOLAHAN: It's all right.
10 We'll take it one at a time.
11 MR. MOYER: Yeah. Sorry.
12 MR. HOLAHAN: Any opposed?
13 So moved.

14 Next we're looking for someone
15 to serve as the chief administrator for the township
16 nonuniform pension plan.

17 MS. LAMBERTON: I'd like to
18 appoint Phyllis Haase to serve as the chief
19 administrator for the township nonuniformed pension
20 plan.

21 MS. PICKARD: I second the
22 motion.

23 MR. HOLAHAN: I have a motion
24 and a second.

25 Any discussion from the board?

8

1 Hearing none, all in favor?

2 MS. LAMBERTON: Aye.

3 MR. MOYER: Aye.

4 MS. PICKARD: Aye.

5 MR. HOLAHAN: Opposed?

6 So moved.

7 Next we need an appointment for
8 the township emergency management coordinator.

9 Do I have a motion?

10 MS. LAMBERTON: I'll make a
11 motion to appoint Phyllis Haase to serve as the
12 township emergency management coordinator.

13 MR. HOLAHAN: I have a motion.
14 Do I have a second?

15 MS. PICKARD: Second.

16 MR. HOLAHAN: Motion and second.

17 Any discussion from the board?

18 Hearing none, all in favor?

19 MS. PICKARD: Aye.

20 MS. LAMBERTON: Aye.

21 MR. MOYER: Aye.

22 MR. HOLAHAN: Opposed?

23 So moved.

24 Need appointment to serve as
25 township emergency management deputy.

9

1 MS. LAMBERTON: I'll make a
2 motion to appoint John Holahan to serve as the
3 township emergency management deputy.

4 MS. PICKARD: Second.

5 MR. HOLAHAN: Okay. I have a
6 motion and second.

7 Any discussion from the board?

8 Hearing none, all in favor?

9 MR. MOYER: Aye.

10 MS. LAMBERTON: Aye.

11 MS. PICKARD: Aye.

12 MR. HOLAHAN: Opposed?

13 So moved.

14 Looking for an appointment to
15 serve as the township safety coordinator.

16 MS. LAMBERTON: I'd like to
17 appoint Phyllis Haase to serve as the township
18 safety coordinator.

19 MR. HOLAHAN: Do I have a
20 second?

21 MS. PICKARD: Second.

22 MR. HOLAHAN: I have a motion
23 and a second.

24 Discussion from the board?

25 Hearing none, all in favor?

1 MR. MOYER: Aye.

2 MS. LAMBERTON: Aye.

3 MS. PICKARD: Aye.

4 MR. KERRICK: Aye.

5 MR. HOLAHAN: Opposed?

6 So moved.

7 Looking to appoint a township

8 supervisor or manager to serve as township

9 representative for the Pocono Mountain Regional

10 Police Commission.

11 MS. PICKARD: I make a motion we

12 appoint Donald Moyer.

13 MS. LAMBERTON: Second.

14 MR. HOLAHAN: Motion and second.

15 Any discussion from the board?

16 Hearing none, all in favor?

17 MS. LAMBERTON: Aye.

18 MS. PICKARD: Aye.

19 MR. HOLAHAN: Opposed?

20 So moved.

21 Looking for a motion to appoint

22 township supervisor or manager to serve as township
23 representative for the Pocono Mountain Regional
24 Police Commission.

25 MS. LAMBERTON: I'll make a

11

1 motion to appoint Phyllis Haase to serve as the
2 township representative, as township manager, to the
3 Pocono Mountain Regional Police Commission.

4 MR. HOLAHAN: I have a motion.

5 Do I have a second?

6 MS. PICKARD: So moved.

7 MR. HOLAHAN: I have a motion
8 and second.

9 Any discussion from the board?

10 Hearing none, all in favor?

11 MS. LAMBERTON: Aye.

12 MR. MOYER: Aye.

13 MS. PICKARD: Aye.

14 MR. HOLAHAN: Opposed?

15 So moved.

16 Looking for an appointment of

17 the town -- for the Township of Tobyhanna resident
18 taxpayer to serve as a township representative for
19 the Pocono Mountain Regional Police Commission.

20 MS. LAMBERTON: I'll make a
21 motion to appoint Dave Moyer as township resident to
22 serve as the township representative to the Pocono
23 Mountain Regional Police Commission.

24 MR. HOLAHAN: I have a motion.
25 Do I have a second?

12

1 MS. PICKARD: So moved.

2 MR. HOLAHAN: I have a second.

3 Any discussion from the board?

4 Hearing none, all in favor?

5 MS. PICKARD: Aye.

6 MS. LAMBERTON: Aye.

7 MR. HOLAHAN: Opposed?

8 Motion carries.

9 Appoint a member of the board of
10 supervisors to serve as the township representative
11 for the Pocono Mountain Council of Governments.

12 MS. PICKARD: I make a motion
13 that we appoint Anne Lamberton to serve as the
14 township representative to Pocono Mountain Council
15 of Governments.

16 MR. MOYER: Second.

17 MR. HOLAHAN: I have a motion
18 and a second.

19 Any discussion from the board?

20 Hearing none, all in favor?

21 MS. LAMBERTON: Aye.

22 MS. PICKARD: Aye.

23 MR. HOLAHAN: Opposed?

24 So moved.

25 MS. PICKARD: I make a motion

13

1 that we appoint --

2 MR. MOYER: Everyone --

3 MS. PICKARD: -- the remainder

4 of the board as alternates to the Pocono Mountain --

5 MS. LAMBERTON: Yes.

6 MS. PICKARD: -- Council of

7 Governments.

8 MS. LAMBERTON: So moved.

9 MR. MOYER: Second.

10 MS. PICKARD: Second.

11 MR. HOLAHAN: Okay. I've got a

12 motion and second to appoint every other member of

13 the board to serve as an alternate for the Pocono

14 Mountain Council of Governments.

15 MS. LAMBERTON: Yes.

16 MR. HOLAHAN: Any discussion

17 from the board?

18 Hearing none, all in favor?

19 MS. LAMBERTON: Aye.

20 MS. PICKARD: Aye.

21 MR. MOYER: Aye.

22 MR. HOLAHAN: Opposed?

23 So moved.

24 Looking for appointment,

25 township supervisor, to serve as a representative to

2 Commission.

3 MS. LAMBERTON: I'd like to make
4 a motion to appoint Heidi Pickard, township
5 supervisor, to serve as a representative to the
6 Pocono Mountain Regional Emergency Services
7 Commission.

8 MR. MOYER: I'll second.

9 MR. HOLAHAN: I've got a motion
10 and a second.

11 Any discussion from the board?

12 Hearing none, all in favor?

13 MS. LAMBERTON: Aye.

14 MS. PICKARD: Aye.

15 MR. HOLAHAN: Opposed?

16 So moved.

17 Looking for the appointment of a
18 township supervisor to serve as a representative to
19 the Top of the Mountain Open Space Advisory
20 Committee.

21 MS. LAMBERTON: I'll make a
22 motion to appoint Heidi Pickard to serve as a
23 representative to the Top of the Mountain Open Space
24 Advisory Committee.

25

MR. MOYER: Second.

15

1

MR. HOLAHAN: I have a motion

2 and a second.

3

Any discussion from the board?

4

Hearing none, all in favor?

5

MS. LAMBERTON: Aye.

6

MR. MOYER: Aye.

7

MS. PICKARD: Aye.

8

MR. HOLAHAN: Opposed?

9

Motion carries.

10

Looking for an appointment to

11 serve as the open records officer in accordance with

12 the Pennsylvania Right-To-Know Law.

13

MS. LAMBERTON: I'll make a

14 motion to appoint Heidi Pickard to serve as open

15 records officer in accordance with the Pennsylvania

16 Right-To-Know Law.

17

MR. MOYER: Second.

18

MR. HOLAHAN: I've got a motion

19 and a second.

20 Any discussion from the board?
21 MS. LAMBERTON: Sorry.
22 MR. HOLAHAN: Hmm?
23 MS. LAMBERTON: She says thanks
24 a lot.
25 MR. HOLAHAN: You're welcome.

16

1 Any discussion from the board?
2 Hearing none, all in favor?
3 MS. LAMBERTON: Aye.
4 MR. MOYER: Aye.
5 MR. HOLAHAN: Opposed?
6 Motion carries.
7 MS. PICKARD: Did we skip the --
8 MR. HOLAHAN: Did I miss one
9 here?
10 MS. PICKARD: -- regional comp?
11 MS. LAMBERTON: Yeah.
12 MR. HOLAHAN: Oh.
13 MS. PICKARD: I'll make a motion
14 that we appoint John Holahan to serve as the

15 representative to the Regional Comprehensive Plan
16 Committee.

17 MS. LAMBERTON: Second.

18 MR. HOLAHAN: I've got a motion
19 and second for supervisor to serve as the
20 representative to the Regional Comp Plan Committee.

21 Any discussion from the board?

22 Hearing none, all in favor?

23 MS. LAMBERTON: Aye.

24 MR. HOLAHAN: Opposed?

25 Motion carries. Thank you.

17

1 Looking for the appointment of a
2 township supervisor to serve as a representative to
3 the Monroe County Tax Collection Committee.

4 MS. LAMBERTON: I'll make a
5 motion to appoint Heidi Pickard to serve as a
6 representative to Monroe County Tax Collection
7 Committee.

8 MR. MOYER: Second.

9 MR. HOLAHAN: I got a motion and

10 I got a second from Donald.

11 Discussion from the board?

12 Hearing none, all in favor?

13 MR. MOYER: Aye.

14 MS. PICKARD: Aye.

15 MS. LAMBERTON: Aye.

16 MR. HOLAHAN: Opposed?

17 Motion carries.

18 Looking for an appointment to

19 serve as chair of the Vacancy Board.

20 MS. LAMBERTON: I'll make a

21 motion to appoint Mark Argot to serve as the chair

22 of the Vacancy Board.

23 MS. PICKARD: I'll second.

24 MR. HOLAHAN: I've got a motion

25 and second.

18

1 Any discussion from the board?

2 Hearing none, all in favor?

3 MR. MOYER: Aye.

4 MS. LAMBERTON: Aye.

5 MS. PICKARD: Aye.

6 MR. HOLAHAN: Opposed?

7 Motion carries.

8 I need a motion to appoint a
9 recording secretary to the board of supervisors.

10 MS. PICKARD: I make a motion
11 that we appoint Panko Recording as recording
12 secretary to the board of supervisors.

13 MS. LAMBERTON: Second.

14 MR. HOLAHAN: I have a motion
15 and second.

16 Any discussion from the board?

17 Hearing none, all in favor?

18 MS. PICKARD: Aye.

19 MS. LAMBERTON: Aye.

20 MR. HOLAHAN: Opposed?

21 Motion carries.

22 Move to appoint a solic --
23 someone to act as township solicitor at \$150 an hour
24 and -- what was it, zero per meeting?

25 MS. LAMBERTON: I think it went

1 up to 155, which I wanted to question Patrick on.

2 MR. HOLAHAN: Oh, we're going to
3 negotiate.

4 MS. LAMBERTON: I saw the 155.

5 MR. HOLAHAN: I see that.

6 MR. MOYER: Is it 155?

7 MR. HOLAHAN: It's 155, is the
8 schedule.

9 MR. MOYER: Okay.

10 MR. HOLAHAN: 155?

11 MS. LAMBERTON: Yes.

12 MS. PICKARD: You want a motion?

13 MR. HOLAHAN: Please.

14 MS. PICKARD: So moved for
15 paying Patrick -- Patrick Armstrong 155 an hour.

16 MR. MOYER: I'll second.

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

19 Any discussion from the board?

20 Hearing none, all in favor?

21 THE BOARD: Aye.

22 MR. HOLAHAN: Opposed?

23 Motion carries.
24 MR. ARMSTRONG: Thank you.
25 MR. HOLAHAN: You're welcome.

20

1 Looking to appoint someone to
2 act as the township planning commission solicitor;
3 and is that at the same rate?
4 MS. LAMBERTON: I believe it
5 was.
6 MS. PICKARD: I only have one
7 sheet there, so --
8 MS. LAMBERTON: Yeah. The rates
9 are the same.
10 MR. HOLAHAN: 24, 25, it's the
11 same rate.
12 MS. PICKARD: I make a motion we
13 appoint Grim, Biehn & Thatcher, Patrick Armstrong,
14 to act as township planning commission solicitor.
15 MS. LAMBERTON: Second.
16 MR. HOLAHAN: I have a motion
17 and second.

18 Any discussion from the board?
19 Hearing none, all in favor?
20 THE BOARD: Aye.
21 MR. HOLAHAN: Opposed?
22 Motion carries.
23 MR. ARMSTRONG: Thank you,
24 again.
25 MR. HOLAHAN: Entertain a motion

21

1 establishing the payment of employee salaries and
2 wages on a biweekly basis.
3 MS. PICKARD: So moved.
4 MS. LAMBERTON: Second.
5 MR. HOLAHAN: Motion and second.
6 Any discussion from the board?
7 Hearing none, all in favor?
8 MS. LAMBERTON: Aye.
9 MR. MOYER: Aye.
10 MS. PICKARD: Aye.
11 MR. HOLAHAN: Opposed?
12 Motion carries.

13 Entertain a motion establishing
14 the 2014 holiday schedule for the township
15 employees.

16 MS. LAMBERTON: I'll make a
17 motion establishing the 2014 holiday schedule for
18 the township employees.

19 MR. HOLAHAN: Okay. And that's
20 No. 27?

21 MS. LAMBERTON: Yes.

22 MR. HOLAHAN: Okay. I've got a
23 motion.

24 MR. MOYER: I'll second.

25 MR. HOLAHAN: Motion and second.

22

1 Any discussion from the board?

2 Hearing none, all in favor?

3 THE BOARD: Aye.

4 MR. HOLAHAN: Opposed?

5 Motion carries.

6 Entertain a motion establishing
7 the tax assessor's bond at 40,000 annually.

8 MS. PICKARD: So moved.

9 MS. LAMBERTON: Second.

10 MR. HOLAHAN: I have a motion

11 and second.

12 Any discussion from the board?

13 Hearing none, all in favor?

14 MS. LAMBERTON: Aye.

15 MS. PICKARD: Aye.

16 MR. HOLAHAN: Opposed?

17 So moved.

18 Entertain a motion establishing

19 the 2014 millage rate -- I'm sorry, mileage rate.

20 MS. LAMBERTON: I didn't see

21 that. I'll make a motion to establish the 2014

22 mileage rate in the packet we have received.

23 MS. PICKARD: That's at 56 cents

24 a mile for the IRS. We usually use the IRS's --

25 MR. HOLAHAN: We're looking to

23

1 drop that.

2 MS. PICKARD: They did.

3 MR. HOLAHAN: Did it go down to
4 55.6?

5 MS. PICKARD: No. It was 56.5,
6 and now it's just 56.

7 MR. HOLAHAN: Okay.

8 MS. LAMBERTON: Yeah, 56.

9 MR. MOYER: 56.

10 MR. HOLAHAN: Okay.

11 MS. LAMBERTON: It's a decrease.

12 MR. HOLAHAN: Okay. I have a
13 motion. Do I have a second?

14 MR. MOYER: Second.

15 MR. HOLAHAN: Motion and second.

16 Any discussion from the board?

17 Hearing none, all in favor?

18 THE BOARD: Aye.

19 MR. HOLAHAN: Opposed?

20 So moved.

21 We're looking to certify the
22 five township board of supervisors, township manager
23 and township solicitor as delegates to the
24 Pennsylvania Township Supervisors 2014 annual
25 convention.

1 MS. PICKARD: So moved.

2 MS. LAMBERTON: Second.

3 MR. HOLAHAN: Motion and second.

4 Any discussion from the board?

5 Hearing none, all in favor?

6 THE BOARD: Aye.

7 MR. HOLAHAN: Opposed?

8 Motion carries.

9 Looking to certify someone to

10 serve as the voting delegate to the Pennsylvania

11 State Association of Township Supervisors 2014

12 annual convention.

13 MS. LAMBERTON: I'd like to

14 certify that it be John Holahan to serve as the

15 voting delegate to the Pennsylvania State

16 Association Township Supervisors 2014 annual

17 convention.

18 MS. PICKARD: Second the motion.

19 MR. HOLAHAN: I've got a motion

20 and second.

21 Any discussion from the board?
22 Hearing none, all in favor?
23 THE BOARD: Aye.
24 MR. HOLAHAN: Opposed?
25 Motion carries.

25

1 MS. PICKARD: We have an
2 alternate also.
3 MS. LAMBERTON: Oh.
4 MR. HOLAHAN: Let's do that.
5 MS. LAMBERTON: I'll certify
6 Heidi Pickard, because you'll be there, right --
7 MR. HOLAHAN: Motion for
8 Heidi --
9 MS. LAMBERTON: -- to serve as
10 a --
11 MR. HOLAHAN: -- to serve as the
12 alternate --
13 MS. LAMBERTON: -- alternate as
14 the voting delegate to the Pennsylvania State
15 Association of Township Supervisors 2014 annual

16 convention.

17 MR. HOLAHAN: I have a motion.

18 Do I have a second?

19 MR. MOYER: Second.

20 MR. HOLAHAN: Motion and second.

21 Any discussion from the board?

22 Hearing none, all in favor?

23 MS. LAMBERTON: Aye.

24 MR. MOYER: Aye.

25 MR. HOLAHAN: Opposed?

26

1 So moved.

2 Looking for an approval of an

3 agreement to retain Brian Oram for the year 2014 as

4 the professional soil scientist for the township at

5 the rate set forth in the agreement, No. 32.

6 MS. HAASE: Mr. Chairman, before

7 you go any further, I just want to bring to the

8 attention of the board this agreement. There was a

9 few changes that Mr. Oram had requested to be made,

10 and actually he made them himself; one, that it

11 states that he's not prohibited, the consultant,
12 from working on projects in the township service
13 area, but he will give the township prior notice if
14 that does occur.

15 He is also requesting that his
16 website be placed on our township website with his
17 address and phone number. And if he -- if he's
18 contacted directly by an individual company or a
19 third party, he will refer them to the township
20 CEO -- SEO. I just wanted to bring that to your
21 attention.

22 MR. HOLAHAN: Okay.

23 MS. PICKARD: Is that all right
24 if he's on the website, just listed as ours, not
25 that we're recommending his services?

27

1 MS. HAASE: That's why I'm
2 bringing it to your attention.

3 MR. MOYER: Is that all secure?
4 I mean --

5 MR. ARMSTRONG: He's not asking

6 for recommendation. He's asking to be put on the
7 website as the township's appointed soil scientist.

8 MS. LAMBERTON: Now it's just
9 saying that he'll be added as a consultant.

10 MR. ARMSTRONG: Right.

11 MS. PICKARD: Okay.

12 MR. ARMSTRONG: The only
13 potential thing that may come up is, you notice he
14 didn't want to be prohibited from representing
15 residents or applicants in the township. So in the
16 event that he does and the township needs a soil
17 scientist, you'll need to find another --

18 MR. HOLAHAN: Soil scientist.

19 MR. ARMSTRONG: -- consultant,
20 yes, an alternate conflict soil scientist.

21 MS. PICKARD: We don't have to
22 pay him if we don't use him --

23 MS. HAASE: That is correct.

24 MS. PICKARD: -- we don't need
25 any retainer? Okay.

1 I'll make a motion that we
2 approve the agreement to retain Brian Oram, PG for
3 the year 2014 as professional soil scientist for the
4 township at the rate set forth in the agreement.

5 MS. LAMBERTON: Second.

6 MR. HOLAHAN: I have a motion
7 and a second.

8 Any discussion from the board?

9 Hearing none, all in favor?

10 MS. LAMBERTON: Aye.

11 MS. PICKARD: Aye.

12 MR. HOLAHAN: Opposed?

13 So moved.

14 Looking for an approval for the
15 L&V Engineering proposal for traffic engineering
16 services on an as-needed basis for the year 2014.

17 Do I have a motion?

18 MS. LAMBERTON: I'll make that
19 motion.

20 MS. PICKARD: I second the
21 motion.

22 MR. HOLAHAN: Motion and second.

23 Any discussion from the board?

24 Hearing none, all in favor?

25 MS. LAMBERTON: Aye.

29

1 MS. PICKARD: Aye.

2 MR. HOLAHAN: Opposed?

3 Motion carries.

4 Looking for the approval of

5 Rettew Associates proposal for the alternate

6 township engineering services.

7 MS. LAMBERTON: I'll make a

8 motion to approve Rettew Associates proposal for an

9 alternate -- alternate township engineering

10 services. Blah, blah, blah. Sorry about that.

11 MR. HOLAHAN: Blah being spelled

12 B-L-A-H.

13 MS. LAMBERTON: It's the only

14 word that came out right.

15 MR. HOLAHAN: I've got a motion.

16 Do I have a second?

17 MR. MOYER: Second.

18 MR. HOLAHAN: Motion and second.

19 Any discussion from the board?
20 Hearing none, all in favor?
21 MS. PICKARD: Aye.
22 MS. LAMBERTON: Aye.
23 MR. HOLAHAN: Opposed?
24 So moved. Motion carries.
25 Looking for an appointment as

30

1 the alternate sewage enforcement officer for the
2 year 2014.

3 MS. PICKARD: I'll make a motion
4 we appoint Jeryl Rinehart.

5 MS. LAMBERTON: Second.

6 MR. HOLAHAN: I have a motion
7 and second.

8 Any discussion from the board?

9 Hearing none, all in favor?

10 MS. LAMBERTON: Aye.

11 MS. PICKARD: Aye.

12 MR. HOLAHAN: Opposed?

13 Motion carries.

14 Looking for an appointment to
15 serve as sewage hearing board, someone to serve as
16 sewage hearing board for the year 2014.

17 MS. LAMBERTON: I'll make a
18 motion to appoint George Ewald as the sewage hearing
19 board for the year 2014.

20 MS. PICKARD: I second the
21 motion.

22 MR. HOLAHAN: I've got a motion
23 and second.

24 Any discussion from the board?

25 Hearing none, all in favor?

31

1 MS. LAMBERTON: Aye.

2 MS. PICKARD: Aye.

3 MR. HOLAHAN: Any opposed?

4 Motion carries.

5 Looking to consider the
6 enactment of Resolution No. 2014 dash 001, setting
7 the dates, times and place for township public
8 meetings to be held.

9 MS. HAASE: Just so the board is
10 aware, as requested, we did just place on the
11 resolution for regular meetings, not work sessions,
12 so they would be as-needed basis.

13 MS. PICKARD: I make a motion we
14 approve Resolution 2014 dash 001.

15 MS. LAMBERTON: Second.

16 MR. HOLAHAN: I have a motion
17 and second.

18 Any discussion from the board?

19 Hearing none, all in favor?

20 MS. LAMBERTON: Aye.

21 MS. PICKARD: Aye.

22 MR. MOYER: Aye.

23 MR. HOLAHAN: Opposed?

24 So moved.

25 MR. ARMSTRONG: The only thing I

1 just wanted to ask, the work sessions, are you going
2 to advertise all the work sessions and just hold
3 them as needed or are you going to advertise them as

4 needed?

5 MS. HAASE: Only if it's needed.

6 MR. ARMSTRONG: Okay.

7 MR. MOYER: So we'll have to
8 advertise each time?

9 MR. ARMSTRONG: Right, if that's
10 how you're going to do it, or you could advertise
11 them all now and if you don't need them, just, you
12 know, cancel them; otherwise you might have multiple
13 advertisements throughout the year. That's --

14 MS. HAASE: It was my
15 understanding the board only wanted one meeting in
16 the summertime.

17 MR. ARMSTRONG: Okay.

18 MS. HAASE: And when we take
19 that out with PSATS and also meeting with the school
20 and holiday, it brought us to like two months that
21 we would have a work session --

22 MR. MOYER: Okay.

23 MS. HAASE: -- in the daytime.

24 MS. PICKARD: We're going to
25 need special meetings for Kalahari and different

1 things anyway, so it makes sense to coordinate.

2 MR. HOLAHAN: Okay. Thank you.

3 MR. MOYER: To advertise them

4 like that.

5 MR. ARMSTRONG: Thank you.

6 Sorry to interrupt. I just wanted to clarify.

7 MR. MOYER: That's good.

8 MR. HOLAHAN: Looking for a

9 motion to consider the enactment of Resolution No.

10 2014 dash 002 designating certain financial

11 institutions as depositories for the township

12 monies.

13 MS. LAMBERTON: So moved.

14 MS. PICKARD: Second.

15 MR. HOLAHAN: Motion and second.

16 Any discussion from the board?

17 Hearing none, all in favor?

18 MS. LAMBERTON: Aye.

19 MR. MOYER: Aye.

20 MS. PICKARD: Aye.

21 MR. HOLAHAN: Opposed?

22 So moved.

23 Looking to consider the
24 enactment for Resolution 2014 dash 003, appointing a
25 firm as the public accounting firm to the township,

34

1 replacing the elected/appointed township auditors.

2 MS. PICKARD: I'll make a motion
3 that we approve Resolution 2014 dash 003, appointing
4 Riley & Company as the public accounting firm.

5 MS. LAMBERTON: Second.

6 MR. HOLAHAN: I've got a motion
7 and a second.

8 Any discussion from the board?

9 MS. PICKARD: I just wanted to
10 mention we have a three year contract, so --

11 MR. HOLAHAN: Okay. We have a
12 three year contract?

13 MS. PICKARD: With Riley.

14 MR. HOLAHAN: So we really
15 didn't need to do this.

16 MS. PICKARD: Well --

17 MR. HOLAHAN: Well, it looks
18 like a resolution, but, okay.
19 MS. PICKARD: We don't have our
20 elected auditors.
21 MR. HOLAHAN: So I have a motion
22 and second.
23 Any further discussion?
24 All in favor?
25 MS. LAMBERTON: Aye.

35

1 MS. PICKARD: Aye.
2 MR. MOYER: Aye.
3 MR. HOLAHAN: Opposed?
4 So moved.
5 Looking for consideration on the
6 enactment of Resolution No. 2014 dash 004,
7 establishing tax rates for the calendar year 2014.
8 MS. PICKARD: I make a motion we
9 approve Resolution 2014 dash 004.
10 MS. LAMBERTON: Second.
11 MR. HOLAHAN: I have a motion

12 and a second.

13 Any further discussion from the
14 board?

15 Hearing none, all in favor?

16 MS. LAMBERTON: Aye.

17 MS. PICKARD: Aye.

18 MR. MOYER: Aye.

19 MR. HOLAHAN: Opposed?

20 So moved.

21 Looking for consideration for
22 the enactment of Resolution No. 2014 dash 005,
23 appointing firm to serve as special counsel for
24 board on any legal matter that becomes a conflict
25 with the township solicitor at your given rate.

36

1 MS. PICKARD: I'll make a motion
2 that we approve the appointment of McNamara, Bolla &
3 Panzer, being William J. Bolla as alternate special
4 counsel at a rate of 185 plus a hundred dollar
5 travel fee.

6 MS. LAMBERTON: Second.

7 MR. HOLAHAN: I've got a motion
8 and a second.

9 Any discussion from the board?

10 Hearing none, all in favor?

11 THE BOARD: Aye.

12 MR. HOLAHAN: Opposed?

13 Motion carries.

14 Looking for consideration for
15 the enactment of Resolution No. 2014 dash 006,
16 setting a fee schedule for the subdivision and land
17 development, planned residential -- planned
18 residential development, zoning hearing board, board
19 of supervisors and other miscellaneous fees.

20 Did you want me to -- did you
21 get that?

22 THE REPORTER: (Reporter nodded
23 her head.)

24 MS. LAMBERTON: I'll make a
25 motion to consider the enactment of Resolution 2014

1 dash 006, setting the fee schedule for subdivision

2 land development, planned residential development,
3 zoning hearing board, board of supervisors and other
4 miscellaneous fees.

5 MS. PICKARD: I second the
6 motion.

7 MR. HOLAHAN: I've got a motion
8 and a second.

9 MS. LAMBERTON: I just have --
10 are your fees the same?

11 MS. HAASE: Yes, ma'am.

12 MS. LAMBERTON: Okay.

13 MR. HOLAHAN: Any further
14 discussion?

15 Hearing none, all in favor?

16 THE BOARD: Aye.

17 MR. HOLAHAN: Opposed?

18 Motion carries.

19 And I believe that is the last
20 thing that we needed to conduct for our reorg
21 meeting.

22 Any further discussion from the
23 board?

24 Considering a motion to --

25

MS. LAMBERTON: A motion to

38

1 adjourn?

2

MR. HOLAHAN: I've got a motion

3 to adjourn. Do I hear a second?

4

MS. PICKARD: Second.

5

MR. MOYER: Second.

6

MS. PICKARD: First.

7

MR. HOLAHAN: Motion and second.

8 We stand adjourned.

9

(Meeting concluded at 3:58 p.m.)

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I hereby certify that the

8 proceedings and evidence are contained fully and

9 accurately in the notes taken by me, to the best of

10 my ability, 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

JESSICA L. HOLT, C.R.

17

18

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24

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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
Wednesday, January 29, 2014, beginning at 8 a.m.

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

PHYLLIS HAASE, Township Manager

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

2

1 MR. HOLAHAN: Okay. I'd like to
2 call to order the supervisors meeting for January,
3 the special supervisors meeting for January 29th.
4 Begin with the Pledge of Allegiance.

5 (Pledge of Allegiance recited.)

6 MR. HOLAHAN: Solicitor's
7 report. No solicitor report. Do you have any
8 messages from Patrick?

9 MS. HAASE: He's a little busy
10 this morning.

11 MR. HOLAHAN: He's playing
12 catch.

13 MS. HAASE: He's playing catch.
14 I did tell him that he perhaps should get his
15 priorities together. This is more important, but

16 we wish him and his family well. And, no, I do
17 not. He did want to relay his comments regarding
18 Kalahari, but then he did send it out to the board
19 directly.

20 MR. HOLAHAN: Okay, then, new
21 business. Consider the amendment to the Kalahari
22 Resorts Development Agreement.

23 MS. HAASE: If the board
24 recalls, in the category one site improvement bond,
25 in our agreement, Kalahari put up 6.6 million

3

1 dollars and that was off of documentation received
2 from their engineer Pennoni Associates. It came to
3 light after I believe the contractor signed, with
4 the contractor, and Steve you can correct me if I'm
5 not relaying this properly, that the estimate was
6 inaccurate and it was just shy of two million
7 dollars. There was an overage. So we have been
8 requested to look at the funding and reduce the
9 amount as needed. Bob did look at what was
10 initially submitted versus the contract with the

11 construction company, and it does appear that there
12 is an over amount of 1.8 million dollars that can
13 be reduced.

14 How it came to the amount was if
15 you look on the first page of Bob's comments, it
16 was six million 24 thousand and change. Then there
17 was a 10 percent addition that was added to that,
18 brought it up to 6.6 million dollars.

19 Now, one thing that Bob did want
20 to make certain that everybody understood, and I
21 think I discussed this with some of the supervisors
22 already, the six million dollars, the 10 percent
23 that was put on it, we were reviewing that as
24 the -- what was required from the MPC, the
25 additional 10 percent. It appears that the

4

1 contract put 10 percent on for any possible
2 overages or change orders. So we still have the 10
3 percent as the MPC states, but there isn't anything
4 additional if there is change orders. So we just
5 wanted to make certain everything was there.

6 So with Bob reviewing both the
7 category one site improvements that was submitted
8 to us initially and the revised amount, the
9 difference between the 2 would be \$1,829,867.49.

10 MS. PICKARD: Excuse me Phyllis,
11 it appears the revised estimate is the same date.
12 A typo -- on the first page, B, it says it's a
13 revised estimate of the same date. Is that
14 supposed to be another date?

15 MS. HAASE: Yeah, I can't speak
16 to -- as far as the dates, Heidi, I'd have to check
17 on that. It very well could be what Pennoni --

18 MS. PICKARD: I was going to
19 say, if they said it's a revised -- different date.

20 MS. LAMBERTON: On No. 2 right
21 here it said emailed on 12/19, Joe Mullen, that's
22 probably what they meant to put in that, right?

23 MR. MOYER: Yeah.

24 MR. HOLAHAN: Okay. What action
25 do we need to take here? Do we need to add this

1 addendum to the Kalahari Resorts Development?

2 MS. HAASE: Well, there's two
3 items on the agenda, one would be the reduction and
4 that's what I just went over. I'm sorry. I guess
5 I skipped around. The other request from Kalahari,
6 as you recall, last month the board extended -- the
7 land development agreement initially stated that
8 the bond had to close by the end of December. Then
9 the board was requested to consider extending that
10 to January. Now it's my understanding, Steve,
11 they're proposing to close on the bond the 15th of
12 February, around about?

13 MR. STEVE PINE: That's what
14 they're doing, but they're saying rather than come
15 back if it doesn't work out, they're asking around
16 the end of March. But, yes, actually around the
17 10th of February they are planning on it.

18 MS. HAASE: So there's two
19 items. One is the board to consider another
20 extension and that would again have to be signed
21 and recorded at the county. And the second item
22 would be to reduce the bond.

23 MR. HOLAHAN: Okay. So do I

24 have a motion to extend the extension.

25 MS. LAMBERTON: I'll make a

6

1 motion to accept the second amendment to the
2 Kalahari Resorts Development Agreement for
3 extension of the bonding for March 31st.

4 MR. MOYER: Second.

5 MR. HOLAHAN: Motion and
6 seconded. Anything from the board? From the
7 public? Call the vote. John?

8 MR. KERRICK: In favor.

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: Vote in favor.

11 MR. HOLAHAN: Donald?

12 MR. MOYER: I vote in favor.

13 MR. HOLAHAN: Anne?

14 MS. LAMBERTON: I vote in favor.

15 MR. HOLAHAN: And I vote in
16 favor. Motion carries.

17 MS. LAMBERTON: We need a motion
18 for the bond reduction, payment number three.

19 MR. HOLAHAN: Yes.

20 MS. LAMBERTON: I'll make a
21 motion for the Kalahari Resort reduction of bond,
22 payment number three.

23 MR. MOYER: I'll second.

24 MR. HOLAHAN: I have a motion
25 and a second. Further discussion from the board?

7

1 From the public? Call the vote. John?

2 MR. KERRICK: In favor.

3 MR. HOLAHAN: Heidi?

4 MS. PICKARD: Vote in favor.

5 MR. HOLAHAN: Donald?

6 MR. MOYER: I vote in favor.

7 MR. HOLAHAN: Anne?

8 MS. LAMBERTON: I vote in favor.

9 MR. HOLAHAN: And I'll vote in
10 favor. Motion carries.

11 Do you have something else here,
12 Phyllis?

13 MS. HAASE: I do have -- there

14 has been discussion floating around regarding a
15 business that's relocating in the Blakeslee sewer
16 area. The restaurant is moving into a new
17 location. Our current ordinance would require the
18 owner to install a grease interceptor. One is --
19 the building code requires one as well as our sewer
20 ordinance, Chapter 113. The owner is requesting
21 the board to consider a waiver of Chapter 113, and
22 only require the grease interceptor under the sink
23 with possibly some other contingencies, that they
24 hold monies in reserve for testing in case there's
25 excess grease being discharged. He has reached out

8

1 to legal counsel and would like the board to
2 consider discussing this a little further and
3 possibly considering a waiver of the section of the
4 ordinance.

5 MS. PICKARD: I have a question.
6 What did we do with Subway when that went in? I
7 thought there was an issue with Insalaco's Plaza.
8 Did we get a permit fee from them because they

9 didn't do it?

10 MS. HAASE: There was a permit
11 fee submitted to the township and there seems to be
12 some discrepancy whether there was one put in and
13 there was -- it was not installed. It appears now
14 that the discussion was that they would pay the fee
15 and pay so much towards reimbursing the township
16 for removing the grease from our system. And it
17 appears that that needs to be followed through a
18 little better. John, you probably could speak more
19 to the issue down in that section between --
20 there's a pizzeria, there's a Chinese restaurant,
21 there's Subway and now there'll be this additional
22 business.

23 MR. KERRICK: And Ahart's.
24 Ahart's has a grease trap. The other ones do not.
25 And we do have a lot of trouble in front of Village

1 Squire, the grease goes under a manhole there. It
2 goes through a manhole, goes underneath 115 and we
3 have to clean that once a year. One time, I guess

4 a year or so ago we had an 8 inch line that was
5 completely blocked with grease.

6 MS. HAASE: Now, across the
7 street, Wawa, they did install the proper grease
8 interceptor, correct, John?

9 MR. KERRICK: Wawa and also --

10 MS. PICKARD: Dunkin Donuts.

11 MR. KERRICK: Dunkin Donuts.
12 When they built Dunkin Donuts that has the proper
13 grease trap per our ordinance.

14 MS. PICKARD: Weren't we talking
15 about Sandy doing something for the whole plaza?

16 MR. KERRICK: Yes. The problem
17 is, I would assume, is that plumbing is already in
18 for this and they would have to saw the floor for
19 the drain.

20 MR. MOYER: Jack hammered he
21 said. There's only one lateral.

22 MR. KERRICK: And put it
23 outside. I think that's a little different
24 business than Subway, with a restaurant, with what
25 they're going to be frying, et cetera, etcetera, as

1 far as dishes. But I'm not versed enough on the
2 inline interceptors versus -- if we're not going to
3 follow our ordinance, my suggestion was that we
4 should change it and bring it up to current
5 standards. It's 10 years old. Maybe there's
6 technology out there. I don't know. I'm not an
7 expert.

8 MR. MOYER: Do we have anybody
9 that has them, indoor ones, under the sink?

10 MS. HAASE: Under the sink, yes
11 there are some restaurants. Brief discussion I had
12 with the building code official, the one concern
13 with that way of trying to accomplish removing the
14 grease is that they are not generally cleaned out
15 on a regular basis.

16 MR. KERRICK: And I don't think
17 they are allowed to be in the food prep area,
18 correct?

19 MR. HOLAHAN: That's our
20 ordinance. But is that code?

21 MR. KERRICK: I don't want to

22 speak to --

23 MR. STEVE PINE: You can't have
24 it in a food service area. You can put them under
25 the sink. That's from Wisconsin, and it might be

11

1 an older law. But I'm not sure how effective a
2 sink receptor is because it only affects things
3 that pass through the sink and not things that go
4 through floor drains and mop sinks. You know what
5 I'm saying? It's only what gets dumped directly
6 right in the sink, so. I'll shut up.

7 MS. LAMBERTON: Wouldn't it make
8 sense to put one at the end of the whole
9 development for the plaza, one for the whole plaza?

10 MS. PICKARD: That's what I was
11 thinking.

12 MS. HAASE: Well, I believe
13 there's one that comes out of each unit.

14 MS. LAMBERTON: A lateral,
15 right? But I'm saying, wouldn't it be wise to have
16 an interceptor for the whole plaza and be one and

17 done. Can you do that?

18 MS. HAASE: And I could reach
19 out to Sandy and speak with him.

20 MS. PICKARD: He's been pretty
21 reasonable about some of this stuff. My concern is
22 that if we waive Chapter 113, we can't waive the
23 building code and where does that leave him with
24 Bill Burton? I mean, then it's in violation and
25 can't get it inspected technically, which is not

12

1 our issue.

2 MR. HOLAHAN: Right. We can't
3 deal with that part. We can only deal with the
4 township, but I understand your concern there too.

5 MS. PICKARD: But technically we
6 can't give like an occupancy permit unless the
7 codes are -- am I correct?

8 MS. HAASE: Bill would give us a
9 certificate of completion.

10 MS. PICKARD: But he's not going
11 to give us one.

12 MS. HAASE: I don't know what
13 the code specifically calls out for this. That's
14 something I could speak to Bill. I know that Bob
15 has had some discussion and perhaps he could
16 enlighten us further. But if this is something
17 that the board would like to consider, I believe
18 that they are requesting to come before the board
19 for a waiver.

20 MR. HOLAHAN: I think if they
21 came to us with what their solution was going to be
22 with the data behind it, because the code does
23 give -- you can appeal that and get a ruling on
24 that.

25 MS. PICKARD: But that's a

13

1 little bit complicated and difficult to do.

2 MR. HOLAHAN: But there's
3 meeting the code and then there's the prescriptive
4 method, which means that the code states this and
5 the intent of the code is, so if you can do it
6 another way, we'll take a look at that. That may

7 be up to Bureau Veritas and the business owner to
8 work that out. And we can't issue an occupancy
9 permit unless we get the certificate issued.

10 MS. PICKARD: But the thing is
11 right now, and we've gone over this and we've had
12 meetings, we changed some of our requirements on
13 Chapter 113 I think in 2009, but we have businesses
14 that were sort of grandfathered in, were supposed
15 to be charged a permit fee and there was supposed
16 to be some maintenance that was divided amongst
17 them, but that seems to be convoluted, it's not
18 clarified how many EDUs you have or how much
19 gallons you have running into it. We always said
20 we don't know what the impact of the residential is
21 on that.

22 MR. HOLAHAN: But Pocono
23 Township is starting to run into that, so as they
24 run their lines down there and this was
25 correspondence from Attorney Prevoznik, that

1 they're starting to have some issues as well, and

2 the unintended consequences of, yeah, we want
3 sewers, we want sewers, and then all a sudden this
4 is what you have to do to get them into an
5 establishment that's been there for some time, so.

6 MR. MOYER: Is the septic still
7 there?

8 MR. HOLAHAN: I guess the septic
9 is still there. John, do you know?

10 MR. KERRICK: In the Ahart's
11 Plaza?

12 MR. MOYER: Yes.

13 MR. KERRICK: Yes. It's
14 disconnected. They have tanks there that
15 possibly -- I was going to suggest that, that they
16 possibly could use those for grease, but you'd have
17 to change the piping behind the building.

18 I really have a problem trying
19 to waive it because we have a grease problem. But
20 Mike's Restaurant, if he had the grease interceptor
21 with the rest of the plaza not having it, and
22 Ahart's has one and we don't even know if they pump
23 it. We need to change -- there are several that
24 don't have them. They might have the under the

25 sink kind, Heidi, I don't know.

15

1 MS. PICKARD: Yeah, but under
2 sink is just -- I think we need to look and get a
3 new grease ordinance. I don't have a problem with
4 our end waiving this right now and then getting
5 something in place that we can now do across the
6 board and make those people who don't have one --

7 MR. KERRICK: Yeah, but once he
8 moves in he's not going to want to take the floor
9 up, that's the problem.

10 MR. MOYER: That's part of the
11 problem.

12 MR. KERRICK: If this was Pocono
13 Township they would make you dance to the tune --

14 MS. PICKARD: Have a grease
15 permit fee for everybody who has the under the sink
16 and not the correct one and make them pay now
17 moving forward across the board and treat everybody
18 fairly, which needs to be determined whether it's
19 by EDUs or gallons or some other method.

20 MR. KERRICK: Can we go back and

21 do that?

22 MR. MOYER: That's kind of hard.

23 I mean, I wouldn't want to be a business owner and

24 have them come in --

25 MS. PICKARD: Well, we already

16

1 have something there, it would just be a matter of

2 clarifying it or revising them.

3 MR. MOYER: But you're charging

4 them, then.

5 MS. PICKARD: Well, it says that

6 we are supposed to be charging them now.

7 MR. HOLAHAN: Currently this is

8 an issue that we do have to address then and we

9 can't let a business owner sit out there while we

10 are trying to debate this. My thought is that it's

11 a business moving from one location to another

12 still on the same sewer system so that --

13 MS. PICKARD: And we didn't have

14 it in A.

15 MR. HOLAHAN: I know, but he
16 should have been paying all along and he wasn't.
17 We have an issue with that, but we never pressed
18 the issue as well.

19 MS. PICKARD: I think when we
20 had that it was my understanding when we came on
21 right after we passed that that David Christine
22 said it was unenforceable. Is that your
23 recollection? So that was one of the first things
24 I thought, well, why don't we just pass that and
25 then the next month we hear that we can't do

17

1 anything about it. So we didn't really pursue
2 that.

3 MR. HOLAHAN: Would the board
4 like to hear from Mike, have him come before us?

5 MS. PICKARD: Well, we're
6 meeting February 10th, so it's not really not that
7 far.

8 MR. KERRICK: Why don't we
9 decide what we are going to do. I don't need to

10 hear from him. I mean, he can come, I'm just
11 saying we gotta decide what we gotta do.

12 MS. PICKARD: I'm not sure with
13 the building code and occupancy.

14 MS. LAMBERTON: So if we waive
15 this and then every other restaurant that comes in
16 here wants the same waiver, what are we doing to
17 our sewer system? This is my question.

18 MS. PICKARD: The same thing
19 we've been doing for the last -- years.

20 MR. KERRICK: It's going to come
21 from one spot versus the other, Anne.

22 MS. LAMBERTON: Right, but
23 still, I mean if there's new ones that come on
24 board, you have a grease issue now, it's just going
25 to complicate it.

18

1 MR. KERRICK: I think we need
2 to --

3 MS. PICKARD: I think we can
4 talk to Sandy.

5 MS. LAMBERTON: I think the
6 whole complex would make the most sense.

7 MS. PICKARD: I know. That's
8 what I've been saying all along.

9 MS. LAMBERTON: Why don't we
10 just ask Phyllis to reach out to Mr. Insalaco and
11 see if we can have some sort of discussion, because
12 he could have no eateries in there or he could have
13 all -- you know, it's his complex, so maybe he
14 might be willing to discuss that with us.

15 MS. PICKARD: What about the
16 Chinese restaurant --

17 MR. KERRICK: Might have it
18 under the sink, I don't know.

19 MS. PICKARD: That Chinese
20 restaurant, we've seen the grease with the
21 little -- on the roof.

22 MS. HAASE: Two years ago I was
23 out twice with fire problems out there.

24 MS. LAMBERTON: We should go to
25 the property owner and see if he'd be willing to

1 discuss with us and have one central grease trap
2 and then his tenants won't have to be bombarded
3 with that.

4 MS. PICKARD: Can we look at
5 that just separately as a unit so we are not
6 waiving something for everybody and come up with
7 something?

8 MS. LAMBERTON: Yeah.

9 MR. KERRICK: I think we ought
10 to take a look at the grease ordinance as well.

11 MS. PICKARD: Oh, I definitely
12 agree.

13 MS. LAMBERTON: We need Bob's
14 input.

15 MS. PICKARD: Right now we are
16 loosing businesses. We don't seem to be gaining
17 many.

18 MR. HOLAHAN: We were actually
19 going to talk with Bob about this afterwards.
20 Well, I was.

21 MS. LAMBERTON: Is he here?

22 MS. HAASE: Would you like me to

23 see if he can come in?

24 MS. LAMBERTON: I think we
25 should bring him in.

20

1 MR. HOLAHAN: And talk this out
2 real quick.

3 MS. LAMBERTON: What are your
4 grease trap requirements in Wisconsin?

5 MR. STEVE PINE: I couldn't tell
6 you what the exact ordinance is, but yeah, we have
7 a very large one, so with being a resort site, I
8 want to say they are 20,000 gallons and we've got
9 at least two of them. It would require the system
10 here. I mean, literally, when they're emptied, I
11 mean, this huge truck comes in and kind of fills up
12 that tank on the truck, but they only do it like
13 twice a year. But that's why they are so large
14 that we don't have to deal with that, because when
15 you empty one of those, it's not very pleasant for
16 probably three or four hours. It's bad.

17 MR. KERRICK: It's bad, worse

18 than sewage.

19 MS. LAMBERTON: Really?

20 MS. HAASE: Bob McHale is here.

21 MR. HOLAHAN: We were going to

22 get together kind of afterwards, but now that we've

23 got everybody here, we can talk about this

24 restaurant that's coming in with their proposal for

25 under sink grease receptor. And you'd sent us some

21

1 pretty extensive notes on that.

2 MS. HAASE: Right.

3 MR. HOLAHAN: But the dilemma

4 that we're having is this seems kind of onerous on

5 something on -- I think it's kind of a consensus of

6 the board it's onerous on the owner to have to cut

7 up the floor and replumb the place to meet our

8 ordinance. Without changing the ordinance today we

9 are trying to figure out what can we do maybe as

10 far as the whole Insalaco's place, maybe the whole

11 thing having a interceptor and that's the way you

12 catch everybody, because we don't think it's being

13 enforced across the board there. So we are
14 wondering how much having one new business come in
15 following an ordinance when it doesn't seem the
16 other ones are, how much of a difference is that
17 going to make and how can we resolve this.

18 MR. McHALE: I think there is a
19 couple issues. One of the overall is what you just
20 said, John, the enforcement of what we already have
21 in place as far as the Chapter 113. As far as the
22 style and the type of grease interceptor that's
23 utilized, there's two styles. Basically the
24 gravity type, which is basically a tank outside
25 typically that will allow larger volumes to flow

22

1 through and allow that grease to cool and congeal
2 inside that tank. They also have the
3 hydromechanical style, which is the under the sink
4 style. In our current ordinance, though, the issue
5 is that it states no under sink grease interceptors
6 and they are not to be placed in the food prep
7 areas. So, it's really, the ordinance, you know,

8 do we enforce the ordinance to the letter of the
9 law or do we allow alternatives? Now the ordinance
10 was written probably over 10 years ago, 12 years
11 ago. There's been advancements in the
12 hydromechanical. Which one works? They both work.

13 So I think what it's going to
14 come down to is if you all are planning to modify
15 the ordinance to allow alternatives, then that's
16 one thing we should move forward with, take that
17 ordinance and begin to do that. The overall plaza,
18 we do know from historical two years ago in
19 January, we were out there cleaning the lines and,
20 you know, in the middle of the night because
21 Village Squire and a couple other businesses had
22 backups there due to grease. So there is grease
23 issues that need to be addressed. The question is
24 I guess at this point, how do you move forward.

25 Well, we want to be fair to

23

1 everybody and be consistent going forward. There
2 are probably businesses out there that may not have

3 a grease interceptor and maybe they should, and,
4 you know, we need to think a little bit about how
5 we are going to enforce that moving forward too.
6 Will the under sink style work? Yes. Is it
7 allowed by plumbing code? Yes. You know, all the
8 above. So I guess it's left kind of for you all to
9 decide how we want to move forward with the overall
10 plan. Are we going to change the ordinance to
11 allow alternatives and or are we going to stick
12 with exactly what we have and, you know, force each
13 new restaurant owner to size it according to this
14 gravity style that's shown in the ordinance, 113.

15 MS. LAMBERTON: Do we know the
16 cost of the gravity style and the unit cost and
17 then the actual installation cost?

18 MR. McHALE: Yeah, I think in
19 general we can come up with some numbers and say,
20 you know, here's about what they are. The inside
21 styles obviously are going to be cheaper. They're
22 going to be in the few thousand range. Whereas, if
23 you go to retro fit something you're going to be --
24 not only do you saw cut inside the slab where the
25 building is that's being subleased, but outside

1 you've got other issues to deal with, and each
2 one's going to be different. So that's why I think
3 the Blakeslee Plaza should look at this as a whole,
4 like you were saying, John, to how do we address
5 the grease issue coming out of our development,
6 that's one thing. What do we do in the interim?
7 Well, we don't want to slow down businesses coming
8 in, so maybe that's something let them present a
9 design and I think they already submitted a little
10 bit information, but let them complete that. And
11 then possibly as they had indicated, I think I saw
12 an email from Pat, some monitoring, sampling of the
13 waste that comes out of there to ensure that at
14 least the businesses moving forward are complying
15 with the standards that are in the ordinance for
16 the waste that's being discharged out of their
17 facility. We certainly don't want to compound a
18 problem that we already have.

19 MS. LAMBERTON: How far is the
20 line for Village Squire to where you had it

21 blocked?

22 MR. McHALE: It was blocked
23 actually going under 115 and the lines were
24 partially clogged going back up several hundred
25 feet.

25

1 MR. KERRICK: To the cutaway.

2 MR. MOYER: It makes a turn
3 there?

4 MR. KERRICK: It makes a turn
5 there, Donny.

6 MS. LAMBERTON: My question is
7 the plaza, would that be sufficient to have one in
8 the plaza or would each eatery have an issue out
9 the back?

10 MR. McHALE: I think that's
11 something they need to look at to see what the
12 spacing is, what are their future plans for other
13 restaurants possibly in that facility. Ahart's
14 themselves probably have a grease interceptor
15 behind the back of their --

16 MR. KERRICK: I think it's a 500

17 gallon, I believe, which was put in when they had
18 their on-lot. It wasn't central when it was built.

19 MR. McHALE: The other thing
20 that comes into play is that we need to kind of
21 step up the accountability, if you will, for
22 submitting information to the township to
23 demonstrate that they're actually pumping these
24 things out, cleaning them properly, because you can
25 install a nice 7,000 dollar unit and then not clean

26

1 it and maintain it and what good is it.

2 So, I don't know if that helps
3 at all, but that's kind of what --

4 MR. KERRICK: I would rather
5 see, if we had our choice to have China Pearl or
6 whatever the name is and Brooklyn Bridge, have the
7 under the sink, along with Mike versus -- I don't
8 think they have any.

9 MR. HOLAHAN: Yep. Right.

10 MR. KERRICK: I don't think the

11 Chinese restaurant or Brooklyn Bridge have
12 anything.

13 MS. LAMBERTON: We are just
14 asking for trouble whether the Chat and Chew is in
15 there or not.

16 MR. KERRICK: Yes, we have
17 trouble now.

18 MR. McHALE: There's continuous
19 issues right now with how do we address the grease
20 issue.

21 MR. MOYER: We need to fix it
22 all right now?

23 MR. HOLAHAN: I think that the
24 talk about the 10 years since the ordinance has
25 been passed and with the new options that are

27

1 available, we should take a look at those, but we
2 should really, you know, set this up.

3 MS. PICKARD: Does the Brodhead
4 have an ordinance?

5 MR. McHALE: Well, I down loaded

6 the BCRA for Pocono Township and Hamilton, and they
7 do allow alternatives. So --

8 MS. PICKARD: That would be a
9 good place to start. Prevoznik probably did that.

10 MR. MCHALE: The key is going to
11 be that whatever they install, the manufacturers
12 run tests, and plumbing and drainage institute,
13 they have test labs that set up to evaluate these
14 different styles, and as long as the discharge
15 coming out of these facilities is within the
16 maximum discharge limits that are in the ordinance,
17 that I think is the first step for getting people
18 open and moving down the path. But as far as the
19 overall, I think Phyllis, you had mentioned you
20 were going to reach out to somebody, possibly the
21 owner and begin that dialogue on how do we address
22 it? It's an issue and it needs to be cleaned up.

23 MR. HOLAHAN: Well, certainly,
24 if each of the individual eateries had some type
25 grease interceptor in their establishment, then the

1 plaza would not necessarily need to base the flow
2 because of the pretreated getting there. So we
3 might find out that individually as they do that,
4 like have grinder pumps as it's treated
5 individually, then at the end you don't have the
6 processing.

7 MR. McHALE: And that's why they
8 need to look at it as the overall. If the spacing
9 between the restaurants is such a great distance
10 that it becomes difficult, because you have two
11 things that happen. One is with the
12 hydromechanical style, you're intercepting the
13 grease right at the fixtures. With the outside
14 gravity style you're allowing that grease to go
15 through the plumbing that's inside the building and
16 outside, so now you have a maintenance issue taking
17 care of the grease that is being conveyed through
18 the system. And it gets down to, do you put both
19 in? At some point economically you gotta draw the
20 line. So I think the key is going to be, and I
21 think the way they offered it up, and we have to
22 get a little more detail, but if they want to do
23 something in-house or the under the sink style,

24 hydromechanical, and they're willing to do some
25 sampling for a period of time and assure that it's

29

1 functioning and submit their logs that they are
2 cleaning it on a regular basis, I think that would
3 be a good step in the right direction and move the
4 businesses ahead and get open.

5 MS. PICKARD: Phyllis, could we
6 approve a waiver contingent upon an agreement
7 between the plaza owner and or Chat and Chew
8 contingent upon Bob and Patrick coming up with some
9 sort of agreement to do what Bob is saying?

10 MS. HAASE: I think it would be
11 acceptable as long as whatever plans that they
12 present to Bob he's acceptable with.

13 MS. PICKARD: And Patrick and
14 then obviously we're going to move forward with
15 modifying our ordinance.

16 MR. McHALE: Now I want to kind
17 of dovetail out here a little bit. The
18 international plumbing code also speaks to some of

19 this and Bill Burton I believe should be involved
20 as well, because in their review comments they
21 indicated a grease interceptor is required. Now,
22 in the code, they speak to -- they don't tell them
23 what type to use other than that a hydromechanical
24 is typically. They don't really regulate gravity
25 style or gravity type. So that's something we'll

30

1 need to coordinate a little bit further with the
2 building official to make sure that we've got
3 something that will work for the township
4 dischargewise coming into the plant for treatment
5 purposes and for conveyance in our system and
6 they're also meeting the plumbing code.

7 MS. PICKARD: So that I think
8 would be Bob and Patrick.

9 MS. HAASE: Yes. So Bob will
10 approve the design. Pat will put an agreement
11 together. We're going to monitor. Are we putting
12 funds in place?

13 MS. LAMBERTON: You will need

14 some sort of teeth in this.

15 MR. KERRICK: Can I suggest
16 something? I think the agreement should be with
17 the landowner not the restaurant and then it's up
18 to him to go after his -- we ran into problems
19 before when we went to individual businesses.
20 It's -- there's no teeth. It's a lot easier to go
21 to the owner, have the agreement with him and then
22 it's up to him to monitor it, because many times we
23 called Sandy and people weren't paying the bill,
24 whatever, he said I'll take care of it. I have it
25 in my lease.

31

1 MS. HAASE: So it's being
2 proposed, the agreement goes with the property
3 owner. The funds, letter of credit or bond that
4 would be then with the establishment, I would
5 assume then, because they're the one that's going
6 to be dispensing the grease. Would you feel that
7 that's correct, Bob or --

8 MR. McHALE: Yes, unless the

9 owner of the property is going to look at an
10 overall system that will function for all his lease
11 space.

12 MS. PICKARD: But I think we
13 place the onus on the owner to monitor the whole
14 thing. He's the one whether he makes an agreement
15 with Mike to let him in his lease until something
16 gets done or -- and that's between them then.

17 MR. STEVEN PINE: I think you'd
18 have some legal issues if you've made an agreement
19 with the landowner and you ask the tenant for a
20 financial thing. They don't always jive with each
21 other. I think wherever you lie the financial
22 responsibility at it should be with the same
23 person.

24 MS. HAASE: With the owner of
25 the property.

32

1 MR. McHALE: And the
2 accountability and the cleaning of the under sink
3 hydromechanical style really is left with that

4 particular owner of that restaurant or facility.

5 If it's outside and he installs some kind of a
6 gravity type, then the shopping center owner would
7 maintain that.

8 MS. PICKARD: Just as an aside,
9 we have that issue with that plaza where we are
10 billing the tenants. It's really the only one
11 we've been doing that and we talked about switching
12 that and I know John mentioned he talked with
13 Sandy. Now that we've got it in-house we should
14 probably do that. But that being said, any time
15 we've had an issue we've gone directly to Sandy and
16 he's immediately fixed it if somebody was
17 delinquent or whatever. We haven't had a probl --
18 he's been very reasonable to deal with.

19 MR. KERRICK: But he also knew
20 that it was coming. The bills would go to him and
21 he'd disburse them from there.

22 MS. PICKARD: Obviously that
23 wasn't able to occur at the end of December when
24 the bills went out.

25 MR. HOLAHAN: So who are we

1 asking the owner of the establishment to report to
2 then on inspections?

3 MS. LAMBERTON: Our SEO.

4 MR. HOLAHAN: No, if we're
5 saying Sandy is going to be ultimately responsible,
6 then Sandy will have a process in place knowing
7 that his tenants are doing what they are supposed
8 to do. They are submitting these things, where
9 he's going to tack it on to their lease or
10 something like that.

11 MS. PICKARD: Yes.

12 MR. KERRICK: And then he could
13 submit a report to us at the end of each quarter or
14 however he wanted to do it.

15 MS. HAASE: There's going to be
16 either multiple under sink styles or one gravity
17 outside, two gravity outside, you know, it depends
18 on what they --

19 MS. PICKARD: But this takes
20 care of the whole plaza.

21 MR. HOLAHAN: Correct, we need

22 to take care of one guy now.

23 MS. LAMBERTON: And I think this
24 allows us to, allowing him to go under the sink and
25 monitoring it with an agreement with Sandy that

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1 Sandy would be the overseer, is how I'm
2 understanding everybody's conversation right now.
3 Does that make sense?

4 MS. HAASE: And then Sandy will
5 have to work it out with the new tenant on how this
6 is going to be funded.

7 MS. LAMBERTON: Correct.

8 MS. HAASE: And that's going to
9 be between them.

10 MS. PICKARD: Sandy needs the
11 tenant to be in business so he can pay rent.

12 MS. LAMBERTON: And that should
13 make it work for everybody.

14 MR. HOLAHAN: Do we have
15 something with the plaza's owner that we can
16 enforce by fees on their tenant?

17 MS. HAASE: Not the way the
18 ordinance is currently written. It speaks to the
19 establishment.

20 MR. KERRICK: He has safeguards
21 in is lease is what he told us. So I think he's
22 always worked with us. I think he'll be fine. And
23 I would suggest the other eateries put the under
24 sink as well with -- if we talk to him, I'm sure
25 he'll have him do that as well. And that will be

35

1 better off in the end.

2 MR. MCHALE: I think we get the
3 Chat and Chew issue moving down the path so they
4 can get open. And with these other businesses, I
5 think that's where the dialogue that you started
6 with Sandy Insalaco, as to is it going to be more
7 economical and effective to have under sinks for
8 everybody or is it better for him to put in a
9 gravity type outside and let them tie in. You
10 know, that's going to be something he'll have to
11 evaluate and then go, but at least we can move

12 down -- and the worse case scenario should be at
13 least to get the hydromechanicals in there so that
14 we're at least collecting or they're collecting
15 grease out of there and getting it out of our
16 system.

17 MR. HOLAHAN: We also want to
18 see that Ahart's is -- when they first put in their
19 store then they wanted to allow food prep in there
20 as well. We don't know if that's been changed, so
21 I think we'd want to offer them some guidance on
22 what we are looking to get from them and the plaza
23 as a whole because that may not be sized properly.

24 MR. McHALE: That may not be
25 sized properly for the use that's there, correct.

36

1 MR. HOLAHAN: That's currently.

2 MR. McHALE: And within a
3 restaurant then the --

4 MR. KERRICK: Regardless of what
5 size it is, if they don't clean it it doesn't make
6 any difference because the grease goes right

7 through --

8 MR. HOLAHAN: True.

9 MR. McHALE: And periodically
10 they should be checked either annually or every two
11 years or something like that to see that the
12 fixture units that are in these facilities have not
13 changed because if they add extra fixtures then
14 their hydromechanical may not be sized properly to
15 handle what they are utilizing.

16 MS. PICKARD: I think if we had
17 an annual report that was due by the end of the
18 first quarter or something, and if it's not
19 received then we tack on some sort of steep fee,
20 you know, to say then you're contributing -- it
21 should be per EDU because that whole plaza has 13
22 to 15 EDUs probably. I think the Chinese place has
23 four or seven. We have the laundromat. We have a
24 lot of EDUs in that plaza. I mean, so if we looked
25 at that, you might need to -- yeah, we have more

1 like 20 in that plaza. So if you looked at one EDU

2 for the hair salon and everything else, Sandy's got
3 like 20.

4 MR. HOLAHAN: So how do we move
5 this forward with the Chat and Chew?

6 MS. PICKARD: I made sort of a
7 motion there to enter into something that was
8 approved by Pat and Bob and we'll deal with the
9 owner.

10 MR. McHALE: And I think they're
11 already proposing, through Pat's email, as I read,
12 the hydromechanical style and with sampling and
13 possibly some kind of escrows to make sure that
14 that's working out and then some kind of an
15 agreement and then that can help move them forward
16 and still assure the township that they're meeting
17 the effluent or discharge requirements so that
18 they're not discharging grease in the system.

19 MS. HAASE: Correct. And that's
20 where their attorney is stating that they will put
21 up the monies into escrow, either a bond or letter
22 of credit. I believe he's referring to a letter of
23 credit.

24 MR. HOLAHAN: Letter of credit

25 is better.

38

1 MS. HAASE: Right, letter of
2 credit. So my question then to -- so I can inform
3 Pat, what is the board looking at? What dollar
4 figure? Is that something --

5 MS. PICKARD: I don't think we
6 can answer that yet.

7 MS. HAASE: To be determined by
8 Pat and Bob?

9 MS. PICKARD: Yes, and Bob. And
10 whether it's just on that one owner we're making it
11 for or for Sandy Insalaco to look at the whole
12 plaza.

13 MR. HOLAHAN: If they were
14 getting monitoring and testing themselves then they
15 are already taking on that expense. We just want
16 to make sure they are doing that. I think Bob and
17 Patrick will be able to figure out how much that
18 testing will run quarterly and then if we are
19 looking for a two year period we can extrapolate

20 the figure from that. But we can let Bob and
21 Patrick take care of that.
22 So do I have a motion that we
23 are looking to waive that?
24 MS. PICKARD: I made that
25 motion.

39

1 MR. MOYER: I'll second.
2 MR McHALE: You're going to
3 allow an alternative style to be utilized.
4 MS. LAMBERTON: With monitoring
5 and an agreement.
6 MS. PICKARD: Contingent upon
7 Patrick or the township engineer and solicitor
8 coming up with an agreement and requisite security.
9 MR. HOLAHAN: Letter of credit.
10 MR. McHALE: And I think once we
11 get that package pulled together at least in draft
12 form, forward it to all board members so that you
13 all can see.
14 MS. PICKARD: Are we making this

15 relative just to Insalaco Plaza or to the
16 restaurant?

17 MR. HOLAHAN: I don't think so.
18 I think we just take care of Chat and Chew right
19 now and then we have to have a conversation.
20 You're going to reach out to Mr. Insalaco.

21 MS. HAASE: Yes, I will.

22 MR. HOLAHAN: And then we'll see
23 where we can take it from there.

24 MS. PICKARD: So the motion to
25 have an agreement is with Chat and Chew or with

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1 Insalaco?

2 MR. HOLAHAN: Chat and Chew was
3 my understanding.

4 MR. KERRICK: You have to have
5 it with the landlord, owner.

6 MR. HOLAHAN: Right. True.

7 MS. HAASE: I think Sandy has to
8 be in agreement that he's willing to do this. If
9 we make it pertaining to the landowner Sandy may

10 not be interested.

11 MR. HOLAHAN: Unless he wants
12 the tenant in there.

13 MS. PICKARD: That's what I was
14 going to say.

15 MR. HOLAHAN: Which I believe he
16 does.

17 MS. PICKARD: So this is to
18 waive the grease interceptor, Chapter 113
19 requirements contingent upon an alternate agreement
20 being drawn up.

21 MR. HOLAHAN: An alternate
22 design acceptable by --

23 MR. KERRICK: Alternate design,
24 alternate interceptor or just a gravity.

25 MR. HOLAHAN: Okay. I have a

41

1 motion and a second. Any further discussion?

2 Anything from the public?

3 Call the vote. John?

4 MR. KERRICK: Question. This is

5 with the landowner, this agreement?

6 MS. LAMBERTON: Yes.

7 MR. HOLAHAN: Yes.

8 MR. KERRICK: Okay. I vote in
9 favor.

10 MR. HOLAHAN: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. HOLAHAN: Donald?

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

14 MR. HOLAHAN: Anne?

15 MS. LAMBERTON: I vote in favor.

16 MR. HOLAHAN: And I vote in
17 favor. Motion carries.

18 MS. HAASE: One thing I want to
19 bring up to the board, through this whole exercise,
20 which we knew there were some issues before with
21 Chapter 113, the enforcement side of it, there
22 seemed to be some confusion of who was enforcing
23 it. John Brogan's stance is that he is only in
24 charge of on-lot systems. I went back and I spoke
25 to DEP and in essence that is how they view, an SEO

1 is in charge of on-lot systems and also his job
2 description. So most likely as the Blakeslee sewer
3 plant is handled through DPW, this most likely will
4 go under them, enforcement of DPW, for the director
5 of public works. So we'll work through what we
6 need to to make certain that Chapter 113 right now
7 as written is beginning to be reviewed and enforced
8 and then we would need to maybe look at some
9 changes to that --

10 MR. HOLAHAN: Do we have the
11 resources -- I'm sorry. Does DPW have the
12 resources to do that or are we going to have to
13 take a look at what's entailed and decide from
14 there?

15 MS. HAASE: I think the director
16 should be able to.

17 MS. PICKARD: I just had one
18 question on that that comes up when I had called
19 for whatever and John has mentioned that he's not
20 authorized to be on the property where John Brogan
21 is.

22 MR. KERRICK: No, John Brogan I

23 guess is not either, after having conversations
24 with Phyllis.

25 MS. HAASE: No. He gets a

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1 trespass waiver signed.

2 MS. PICKARD: For the on lot.

3 MS. HAASE: Correct. So that's
4 something we're going to have to discuss with Pat.

5 MS. PICKARD: The issue where
6 somebody's sewer pipe is burst and somebody calls
7 and says there's raw sewage running down the
8 street --

9 MR. KERRICK: Well, that's what
10 we had. And I could not find anything, but I did
11 not walk on somebody else's property. I stayed in
12 the road.

13 MR. HOLAHAN: Tobyhanna Township
14 is the only one that I know of that we, that my
15 company has to get the owners to sign trespass
16 waivers. So I wonder how the other townships are
17 handling that?

18 MS. PICKARD: I don't know.

19 That was probably something that the solicitor at
20 the time required because somebody, you know, came
21 at us I'm guessing.

22 MR. HOLAHAN: There are right of
23 ways. Is a sewer line considered a right of way?

24 MS. PICKARD: We have easements.

25 MR. KERRICK: A lateral then

44

1 would be --

2 MR. HOLAHAN: Well, that's what
3 we are trying to think. From the street connection
4 to the house is that sewer line considered a right
5 of way at that point?

6 MS. PICKARD: Haven't you done
7 televising of the laterals? I mean if it connects
8 then -- but if there is a hole in the lateral then
9 we need to be able to see that and rectify it. We
10 have to go after the property owner, correct?

11 MS. HAASE: I think I'll need to
12 get some clarification from our solicitor.

13 MS. LAMBERTON: Let's find out
14 why we need waivers.

15 MS. HAASE: It could have been
16 in this area, this is just how it was done.

17 MR. HOLAHAN: Anything else
18 before the board?

19 MS. HAASE: Mr. Chairman we do
20 need to go into executive session.

21 MS. LAMBERTON: Can we adjourn?

22 MS. HAASE: We probably should
23 keep it -- no, I think we could adjourn.

24 MS. LAMBERTON: Motion to
25 adjourn.

45

1 MS. PICKARD: Second.

2 MR. HOLAHAN: Motion and second.

3 All in favor?

4 (All say aye.)

5 MR. HOLAHAN: Opposed? We stand
6 adjourned.

7 (Special meeting adjourned at 8:48 a.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 meeting

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in the above matter, to the best of my ability; and

11

that the foregoing is a true and correct transcript

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of the same.

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JOSEPHINE HOLLMAN, 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, February 10, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

2

1 MR. HOLAHAN: We'll call to
2 order the meeting for February 10. Start with the
3 pledge of allegiance.

4 (Pledge of Allegiance was
5 recited.)

6 MR. HOLAHAN: Good evening,
7 everybody.

8 AUDIENCE: Good evening.

9 MR. HOLAHAN: We'll start with
10 announcements.

11 MS. HAASE: Mr. Chairman, I'll
12 hold mine under manager's report.

13 MR. HOLAHAN: Very good.

14 Consider the meeting -- the
15 minutes of the meetings for December 20, special

16 meeting; the January 6, reorg; and the January 6,
17 regular meeting.

18 MS. HAASE: I do have one
19 change for the January 6 regular meeting; Page 4,
20 Line 22 code, c-o-d-e, should be coat, c-o-a-t.
21 There are no other changes.

22 MR. HOLAHAN: Do we have a
23 motion to accept the minutes?

24 MS. PICKARD: So moved.

25 MR. MOYER: Second.

3

1 MR. HOLAHAN: Have a motion and
2 second.

3 All in favor?

4 BOARD MEMBERS: Aye.

5 MR. HOLAHAN: Opposed?

6 So moved.

7 Next, consider treasurer's
8 report.

9 Do I have a motion on the
10 treasurer's report? Everybody got a chance to

11 review it?

12 MR. MOYER: Yeah, I looked it
13 over. I don't think there was any big change,
14 right?

15 MS. PICKARD: Do you have a
16 question?

17 MR. MOYER: No, no.

18 MS. PICKARD: I'll make a
19 motion that we approve the disbursements in the
20 amount of \$685,039.68.

21 MR. HOLAHAN: I have a motion.
22 Second?

23 MR. MOYER: I'll second.

24 MR. HOLAHAN: Donald second.

25 Any other discussion?

4

1 Discussion from the public?

2 Call the vote. John?

3 MR. KERRICK: Opposed.

4 MR. HOLAHAN: Heidi?

5 MS. PICKARD: I'll vote in

6 favor.

7 MR. HOLAHAN: Donald?

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

9 MR. HOLAHAN: I'll vote in

10 favor. Motion carries.

11 Next is solicitor report.

12 MR. ARMSTRONG: Thank you, Mr.

13 Chairman. The first item under my report is the

14 Dosch-King contract proposed resolution. If you

15 recall, a few months ago this was brought to your

16 attention. There were some discrepancies -- or not

17 necessarily discrepancies, but some issues with

18 respect to the square yardage and the product

19 provided by the contractor. I've been in contact

20 with Mr. King.

21 Is Mr. King in the audience?

22 MR. DAVID KING: Yes.

23 MR. ARMSTRONG: Oh, perfect.

24 It looks like we have representation from

25 Dosch-King this evening. I've also been in

1 communication and correspondence with the township
2 engineer on this matter. I believe we're very
3 close to resolving the outstanding issues.

4 The two big issues were, if you
5 don't recall, one was the square yardage. There
6 was some discrepancy between the square yardage
7 that the township engineer came up with and the
8 square yardage that the -- that Dosch-King came up
9 with. Dosch-King, to my understanding, is
10 agreeable to move forward with the square yardage
11 from the township engineer at this point. The one
12 outstanding item -- and there were some other
13 additional issues that have been tentatively agreed
14 upon at this point in time.

15 There is one outstanding item
16 that we are not completely at a resolution with,
17 and that is, if the board recalls, there was some
18 issue with the emulsion -- emulsion? -- for the
19 bituminous seal coat portion of the project. If I
20 mispronounce certain things, please correct me.
21 Some of the tests for some of those test samples
22 did not meet the required specs and it brought an
23 issue as to whether or not the product actually met

24 what was contracted for.

25 Bob McHale, the township

6

1 engineer, came up with a way to calculate a
2 differential, so to speak, as to what to reduce the
3 contract price by. Mr. King and Dosch-King has
4 come up with their own way to calculate as to what
5 the differential should be. So we're at -- we're
6 at two separate points on that particular issue.

7 Bob is not here tonight, I was
8 hoping Bob was going to be here tonight. I want to
9 follow up with him as to where we are in those two
10 numbers. With that -- I mean, I'm not going to
11 speak as to how Bob came up with his number. I
12 know --

13 Which one is David King?

14 I've spoken with David King on
15 the phone. I know he has his own way of how he
16 calculated his number. Really the issue is --

17 Well, go ahead. If you want to
18 address the board, I guess, now --

19 MR. DAVID KING: Should I come
20 forward?

21 MR. KERRICK: Sure. Haven't
22 seen you in a while, I want you right up front.

23 MR. DAVID KING: Good to see
24 you, John.

25 Thank you for a couple minutes.

7

1 And I applaud your knowledge of our chip seal
2 business and learning emulsion. But our issue
3 really is trying to ascertain what should be the
4 amount given back. We were supposed to provide
5 CRS-2P, P stands for polymer, type emulsion for the
6 chip seal. And the test results that the town
7 took, the measurement should be over 50.

8 So the one result out of four --
9 actually, it's the two results that the township
10 upholds; one was 51 and acceptable, one was 42 and
11 a half. They were further tested and shown to be
12 at 35 a month later. So we tried to come up with
13 an equitable figure for the difference in what the

14 rubber should've been and the emulsion.

15 And the engineer, the township
16 engineer, thought that he should -- he looked at a
17 figure from -- in the State of Pennsylvania, they
18 have 12 districts and they bid for all the emulsion
19 in the various districts. He was using the
20 district in -- in District 12 and District 1 out in
21 Pittsburgh. And I submitted to Pat that I thought
22 we should use it more locally and they do bid it in
23 District 5, which is right in Monroe County.

24 So it's very easy to see what
25 the going rate and price is in this local district.

8

1 And I thought that was more fair to use that
2 figure. So my figure was used instead of -- which
3 was a price of a 17 cent difference and I think
4 that's what we calculated. Bob had used the price
5 of -- a price difference of 30 cents. So we wanted
6 to try to find a middle ground in there because I
7 didn't think it was relevant to use rubber latex
8 prices from districts out in Erie and Pittsburgh.

9 I just didn't think it was relevant.

10 We are the manufacturers, we are
11 emulsion manufacturers, as well as contractors. So
12 I wanted to come up with a compromise, and we had
13 come up with a compromise and I was giving it to
14 Pat to discuss. And I wanted to remind Pat that we
15 didn't try to put less than 50 percent in the -- of
16 rubber in the oil.

17 We regret that it isn't 50 and I
18 think out of 58 or 60,000 gallons, most of the
19 rubber would be in there, it would acceptable;
20 however, I can't take back the test results. They
21 are the test results. I don't think they were
22 tampered or anything, but we provide a value to the
23 town of Tobyhanna. We saved over \$32,000 and I
24 think we've done good work.

25 Now, we're disappointed with the

9

1 results, but we're here to prepare to give you what
2 is fair value for the rubber even though we think
3 the majority of the emulsion contains the

4 acceptable amount of rubber. So we think the
5 figure, the discrepancy number, should be local as
6 to District 5 and district -- in Monroe County. So
7 that's what we would like to use, that figure, and
8 that differential. Using that, it's escaping me
9 how we're -- we came up with our total amount.

10 We used the difference of 17
11 cents times the total amount of 58,000 gallons,
12 roughly in that range, and we came up with \$10,000.
13 And I thought that because the material showed
14 almost 90 percent of the rubber or 84 percent of
15 the other two samples. The first two sample -- one
16 was over 50, so it was acceptable; the other one
17 was 42 and a half.

18 So we're splitting hairs, but we
19 -- I thought the amount we should split should be
20 at \$10,000 not at -- to be at \$10,000. So that was
21 where I was saying that's the figure that I thought
22 we should offer to split. And I submitted \$5100, I
23 think, is what I sent to you in an email.

24 MR. MOYER: Why is there such a
25 difference in the differential between Pittsburgh

1 and --

2 MR. ARMSTRONG: The difference

3 -- oh --

4 MR. MOYER: Weather?

5 MR. ARMSTRONG: -- between

6 Pittsburgh and the local? I'm not sure why there

7 --

8 MR. DAVID KING: We're an

9 emulsion manufacturer, we manufacture many

10 different grades of emulsion. There is CRS-2, and

11 not to get too technical, but that's a product

12 that's widely used, used many, many years and now

13 they've put latex modified emulsion. So we

14 manufacture in New Jersey, we ship it 60 miles to

15 Tobyhanna Township.

16 What their price difference and

17 their economies of scale are in Pittsburgh, if they

18 buy cheaper, if they -- clearly they want more

19 money for the rubber out there, there's a 30 cent

20 difference as opposed to 17 cents here. So it's a

21 bigger difference for the township, so I understand

22 where Bob's coming from, but I don't think it's
23 relevant to what we're doing with manufacturing.
24 So why it's different? I don't know.

25 MR. ARMSTRONG: There's no real

11

1 clear way to come up with this differential. I
2 think both parties are trying to come up with what
3 they think is the more reasonable or more accurate.
4 My understanding of the reason why Bob used the
5 numbers from out in District 12 was, there was a
6 larger specimen, meaning, there were -- I think it
7 was a million gallons or something.

8 MR. DAVID KING: Probably a
9 million and a half gallons.

10 MR. ARMSTRONG: Whereas here
11 the specimen was small.

12 MR. DAVID KING: For the state
13 work, state bidding.

14 MR. ARMSTRONG: My
15 understanding is the reason he took that, the
16 larger the specimen, sometimes the more accurate

17 calculations you can get with something like this.

18 MR. DAVID KING: Yeah, I don't
19 think there's any correlation to that. I
20 understand that, I respect that, but I don't think
21 is -- making emulsion for 30 years, I don't think
22 that's correlation. Keep in mind the acceptable
23 level, and John can speak to this a little bit. We
24 felt the first two samples at 94 percent of what we
25 should've had. While it's not a hundred, it should

12

1 be, we were not at zero. If we really didn't want
2 to give the township any rubber, we don't make any
3 money putting six percent less rubber in the
4 emulsion. It's the manufacturing process, which I
5 regret, but it isn't like we tried to withhold six
6 or eight or nine percent.

7 So we want to identify how much
8 rubber was in the emulsion to begin with. We think
9 that the work stands for itself, we think -- we're
10 proud of what we did. We're proud to give a good
11 value, but we want to be fair with what the amount

12 of rubber was in the emulsion and how much
13 deduction they should -- while they still -- the
14 township still receiving quite a benefit, we've
15 offered a substantial amount to discount for the
16 lack of latex.

17 MS. PICKARD: Pat, weren't we
18 looking for like 17,000 back and they had an offer
19 of like 2300?

20 MR. ARMSTRONG: The numbers
21 from Bob using the 30 cent was 17 and change.

22 MR. DAVID KING: Correct.

23 MR. ARMSTRONG: The initial
24 number from Dosch-King using the 17 cent amount in
25 their percentage was a little over 2,000. Now

13

1 Dosch-King has come back and they're coming up this
2 \$5,118.89 number. Before they came back with that,
3 what I had suggested to try and resolve this was,
4 we were at 17 and change, they were at 21 or 2200
5 and change; take the difference, split it and I
6 came up with a \$10,000 number. It's my

7 understanding after discussing with Mr. King last
8 week that they weren't necessarily inclined to
9 accept that. After that conversation is when I got
10 their latest number of 5100.

11 Bob had indicated that he would
12 be on board with the \$10,000 number. I have not
13 been able to speak with Bob as to this latest
14 number, but what we're trying -- this is the last
15 remaining issue. Unfortunately the contract didn't
16 go as smoothly as planned. There were some issues
17 with the testing results for the emulsion, as well
18 as the aggregate for the other portion of the
19 project, that is not necessarily Dosch-King but
20 still part of the same project. But this is the
21 last really remaining issue that we're trying to
22 resolve.

23 MR. KERRICK: Could you recap
24 that for us? Is there any kind of performance for
25 another year or longevity?

14

1 MR. ARMSTRONG: Absolutely.

2 MR. KERRICK: I mean, that's
3 where we're going to have the problem with --

4 MR. ARMSTRONG: One of the
5 other issues --

6 MR. KERRICK: -- bleeding and
7 the longevity of the product.

8 MR. ARMSTRONG: -- they have a
9 performance bond that expires in September of this
10 year and they're going to agree to extend that by
11 another year. So it'll be September --

12 MR. DAVID KING: There's a
13 maintenance bond in place already. Chips and
14 everything should last an average of three to five
15 years depending on winters and traffic. I think
16 you'll see seven years out of this. We have put in
17 place and we're prepared to put it in place, after
18 the maintenance bond expires in September, a
19 performance bond will take an effect for one year
20 in addition, an additional one year performance
21 bond.

22 MR. ARMSTRONG: So we'll have a
23 bond taking us through the fall --

24 MR. DAVID KING: 2015 and

25 summer.

15

1 MR. ARMSTRONG: -- of 2015.

2 MR. DAVID KING: And if there's
3 any issues, we'll come back at our own expense.

4 John knows who we are and we want to continue --

5 MR. ARMSTRONG: That's the
6 quick answer, but the other contractor who
7 performed the FiberMat portion of the project, has
8 --

9 MR. KERRICK: Let's finish this
10 one first --

11 MR. ARMSTRONG: Okay.

12 MR. KERRICK: -- while we're on
13 this.

14 MR. ARMSTRONG: Okay.

15 MR. KERRICK: This is
16 Dosch-King exclusively.

17 MR. ARMSTRONG: So Dosch-King
18 has agreed to the additional one-year period for
19 the bond. They've agreed to the square yardage

20 calculations as calculated by the township
21 engineer, as opposed to their calculations, which
22 there was a pretty significant difference.

23 MR. DAVID KING: There was a
24 significant difference. I think there was probably
25 an \$8,000 difference that we feel that we're giving

16

1 back because the roads, we were looking for
2 opportunities and Phyllis had offered us some
3 meetings and we wanted to try to go out and measure
4 the roads with a representative. The roads have
5 now become measured at inches; 17 feet, 3 inches;
6 18 feet, 2 inches.

7 MR. ARMSTRONG: But you've
8 agreed -- you've agreed --

9 MR. DAVID KING: Unfortunately
10 and reluctantly, but in order to pass it, we have
11 to say, okay, we're not gonna get pa -- even though
12 we've offered a tremendously low price, we've
13 agreed with the price of the yardage.

14 MR. ARMSTRONG: The yardage as

15 calculated by the township engineer.

16 MR. DAVID KING: We've agreed
17 with the yardage, we've agreed --

18 MR. KERRICK: So you're not in
19 agreement with Pat's and Bob's figure of 10,000, is
20 that where we are right now?

21 MR. ARMSTRONG: That's the
22 outstanding item. What that number is, it's going
23 to be a reduction in the contract price due to the
24 failing of emulsion on all those test results.

25 MR. KERRICK: There'd be no

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1 late fees for where they didn't get the project
2 finished on time, that's --

3 MR. ARMSTRONG: That would go
4 to the other portion.

5 MR. KERRICK: That's the other
6 portion?

7 MR. DAVID KING: Yeah. We did
8 finish it on time, but --

9 MR. KERRICK: So you don't want

10 to finish this up tonight and just agree to the 10
11 and we'll move on?

12 MR. DAVID KING: Well, we
13 offered -- we initially offered, when we spoke
14 about it -- the problem with the 10, John, is that
15 we're using a price from Pittsburgh --

16 MR. KERRICK: No. No, we're
17 not. No, we're not, because we split it in the
18 middle. We took the 17 and the 22 and split it in
19 the middle.

20 MR. DAVID KING: But if we
21 start where the price should be at 17 cents --

22 MR. KERRICK: Don't you want to
23 finish this tonight?

24 MR. DAVID KING: I do, John, I
25 do, but --

18

1 MR. KERRICK: So then agree to
2 the 10?

3 MR. DAVID KING: I think the 10
4 is just too painful for us. I mean, as it is --

5 MR. PETER KING: My name's
6 Peter King. I was on the project and I did most of
7 the work.

8 MR. KERRICK: Your son did it.

9 MR. PETER KING: I'm sorry?

10 MR. KERRICK: Your son did all
11 the work.

12 MR. PETER KING: Well, my son
13 did a lot of it. The problem with a 10,000 or a
14 \$7500 is -- to some degree, is, there was a lot of
15 work that was done in the town. We did over nine
16 and a half miles of work, it was spread throughout
17 the -- I'll call it a district, if you will,
18 because I think there's four almost townships
19 within the township.

20 There was a lot of costs and we
21 covered a tremendous amount of ground. And to say
22 that the latex is completely representative of four
23 sample jars is just really truly not fair. To get
24 discounted \$10,000 on a price that we gave to the
25 township at \$1.12 per square yard, which is

1 extremely advantageous, you know, we can only
2 absorb so much and take so much of a hit.

3 MR. KERRICK: But, Peter, the
4 bottom line is, did it pass? Did it pass the 50?

5 MR. PETER KING: Well,
6 certainly one sample did.

7 MR. KERRICK: One sample.

8 MR. PETER KING: Right.

9 MR. KERRICK: How about the
10 ones that PennDOT did, nine out twelve didn't pass.

11 MR. PETER KING: Well, those
12 two did --

13 MR. KERRICK: So how can the
14 taxpayers pay for something they didn't get? We're
15 trying to come to a fair conclusion here.

16 MR. PETER KING: There's truth
17 to that --

18 MR. DAVID KING: We're not
19 asking them to though.

20 MR. KERRICK: No, I understand,
21 but I think that -- I think that they came up with
22 a fair -- a fair compromise here and I think that

23 the township would probably be willing to go along
24 with it and it's behind us.

25 MR. DAVID KING: Well, we want

20

1 to put it behind us, there's no question about it.
2 We all want to put -- we think we have good product
3 there. We -- we just feel that the -- the
4 discrepancy, and we're looking at -- at really
5 being discounted for not having 80 percent, even if
6 the numbers are PennDOT's. Even with one sample
7 passing, there's -- the majority of the product had
8 the rubber in it but let's remove that. And that's
9 where we had offered a number of -- that you and I
10 had spoken last week.

11 MR. ARMSTRONG: The 51 --

12 MR. DAVID KING: Well, when you
13 had presented me with the \$10,000, I thought that
14 was --

15 MR. ARMSTRONG: You were
16 thinking 7500.

17 MR. DAVID KING: We were

18 thinking 7500 and you said I'll talk to the board.
19 We don't think the board or the town wants to kick
20 us around too much. We think we provide a good
21 value here. We know we're -- we're the
22 manufacturers and the contractors. We want to
23 continue working here, we don't want to get bruised
24 up too bad. We wish it was a hundred percent or
25 the number was 50.

21

1 Keep in mind the emulsion --

2 The biggest number with the
3 emulsion, John, is how much asphalt is in the
4 emulsion. And clearly on all the tests it shows
5 that it's close to 70 percent.

6 MR. KERRICK: Understood.

7 MR. DAVID KING: That's the
8 most important part for us.

9 MR. KERRICK: Understood.

10 MR. DAVID KING: The three
11 percent of the latex, while it's important, it's
12 not gonna make or break the road for the asphalt

13 content to be on there. And God knows all these
14 roads aren't looking very good, not just here but
15 everywhere. So I applaud you guys for doing 10
16 miles, most towns are doing 3.

17 You know, we're happy to see
18 Tobyhanna start to use this program, 10 is probably
19 aggressive; but we had offered 7500. I had gone
20 through the numbers and I said to myself, I just
21 don't think 30 cents is the right number to start
22 with. So while Peter doesn't agree with it and
23 he's the only one that doesn't --

24 MR. PETER KING: No, but I'd
25 also like to settle it --

22

1 MR. DAVID KING: We wanted to
2 resolve it and get out of your hair.

3 MR. PETER KING: I know it's a
4 dollar figure so I mean, my thoughts would be
5 \$6,000 would settle it and we'd move forward.

6 MR. KERRICK: You were just at
7 75, Peter, how did we go down to 6?

8 MR. DAVID KING: No, we're

9 gonna go with 75.

10 MR. PETER KING: I was at --

11 MR. DAVID KING: We're gonna go

12 with --

13 MR. KERRICK: Man, it jumped

14 there quick.

15 MR. DAVID KING: No, Pat, we're

16 gonna -- we had offered -- I had written you a

17 letter and I said to myself, you know, in the

18 spirit of getting things done every penny is

19 important at this dollar twelve root number. The

20 next bidder was \$1.36. So while the town uses

21 their liquid fuels, that's a pickup truck you can

22 buy with what we did.

23 MR. KERRICK: Understood.

24 MR. DAVID KING: There's value

25 in that.

23

1 MR. KERRICK: But there's also

2 value in having the 50 percent of the polymers

3 because of longevity and not bleeding in the
4 summer, that's what we wanted.

5 MR. DAVID KING: We agree. We
6 did quote it.

7 MS. PICKARD: We did pay a
8 dollar more on the other FiberMat also.

9 MR. KERRICK: I think that the
10 75 is respectful because we'll soon spend that at
11 tax time, legal fees back and forth.

12 MR. MOYER: I agree.

13 MR. HOLAHAN: Okay. So --

14 MR. DAVID KING: I would offer
15 the 7500 to say that's -- I'd written 5100, I
16 thought about it, I called your office to say,
17 let's be done with this. The FiberMat, that issue
18 is none of my business other than we bid it, it's
19 \$4.75 and in my humble opinion, it's not worth the
20 money to spend for FiberMat.

21 MR. HOLAHAN: Do I have a
22 motion from the board then on the 75?

23 MR. KERRICK: I'll make that
24 motion.

25 MR. ARMSTRONG: Well --

1 MR. MOYER: I'll second.

2 MR. KERRICK: Wait, wait, wait.

3 MR. ARMSTRONG: You can just do
4 it by consensus this evening because eventually
5 there'll be some kind of document.

6 MR. MOYER: We have to write it
7 up, yeah.

8 MR. ARMSTRONG: To make sure
9 that everyone's on the same page before this all
10 moves forward.

11 MS. PICKARD: And Bob,
12 contingent --

13 MR. ARMSTRONG: Is it the
14 consensus --

15 MS. PICKARD: -- upon --

16 MR. ARMSTRONG: -- of the board
17 members tonight --

18 MR. MOYER: Yeah.

19 MR. ARMSTRONG: -- that say
20 7500 will do it; 7500 reduction of the contract for

21 that portion?

22 MR. DAVID KING: With the risk
23 of my brother not talking to me on the way out of
24 this building.

25 MR. KERRICK: He'll talk to

25

1 you.

2 MR. DAVID KING: You all think
3 so.

4 MR. HOLAHAN: That might not be
5 a bad thing.

6 MR. KERRICK: He holds his
7 breath only for a little while.

8 MR. HOLAHAN: Okay. You have
9 consensus.

10 MR. ARMSTRONG: Okay. No one
11 here is from the other contractor. We don't -- I
12 guess we don't necessarily, but we seem to be --
13 the other portion of the contract we've come to
14 terms, we know what's going to happen.

15 MR. DAVID KING: We'd like to

16 get Midland some money. You know, John

17 understands, he paid us way back when --

18 MR. ARMSTRONG: So with the
19 understanding that the board is on the same page, I
20 think we can proceed in a fairly timely manner to
21 resolve this. What I will do, is I'll follow up
22 with the township engineer when he's back and make
23 sure --

24 MR. MOYER: Right.

25 MR. ARMSTRONG: And have him

26

1 take a look at the doc -- the document I'm going to
2 put together is going to be very similar to those
3 letters I sent to you in December and January.

4 MR. DAVID KING: Great. Good.

5 MR. KERRICK: Thank you.

6 MR. DAVID KING: Thank you very
7 much.

8 Thanks, Phyllis.

9 MS. HAASE: You're welcome.

10 Safe ride home.

11 MR. DAVID KING: Thank you very

12 much.

13 MR. MOYER: Thanks. Good luck

14 to you.

15 MR. DAVID KING: Thank you.

16 MR. KERRICK: Thanks, Dave.

17 You can stay.

18 MR. DAVID KING: I may come

19 back.

20 MR. ARMSTRONG: Does the board

21 want to entertain a motion to conditionally approve

22 -- or to authorize John Holahan to execute the

23 agreement once it's prepared to the satisfaction of

24 the township engineer and the township solicitor?

25 MR. KERRICK: I'll make that

27

1 motion.

2 MR. MOYER: I'll --

3 MS. PICKARD: You second it?

4 MR. MOYER: Yeah.

5 MR. HOLAHAN: I've got a motion

6 and a second.

7 Any further discussion?

8 Anything from the public?

9 Call the vote. John?

10 MR. KERRICK: In favor.

11 MR. HOLAHAN: Heidi?

12 MS. PICKARD: In favor.

13 MR. HOLAHAN: Donald?

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

15 MR. HOLAHAN: I'll vote in

16 favor. Motion carries.

17 MS. HAASE: I'm sorry, Heidi,

18 you second that?

19 MR. HOLAHAN: She did.

20 MS. PICKARD: No, Donny did.

21 MR. ARMSTRONG: Thank you.

22 The next item under my report as

23 being -- it's listed as the agreement, volunteer

24 fire department activities during work hours. If

25 the board recalls, you received a notification from

1 the Keystone Municipal Insurance Trust, basically a
2 notification notifying the township as to certain
3 practices, not necessarily only in Tobyhanna
4 Township, but for all of their membering
5 municipalities; where township employees, if they
6 were to leave work -- out during work hours to
7 fight a fire and perform other fire fighting or
8 fire department activities, that there should be or
9 needs to be a policy in place, as well as an
10 agreement to ensure that the township is not left
11 liable with respect to certain insurance claims of
12 those employees that are also members of the fire
13 department.

14 I looked at the policy, as well
15 as the draft agreement that Keystone had provided,
16 I tweaked it a little bit for Tobyhanna Township.
17 I don't know if you all have it in front of you.
18 If you want to discuss it, we can. I've tried to
19 keep it simple and to the point.

20 MR. KERRICK: Pat, the nuts and
21 bolts of this pretty much takes the liability off
22 the township and puts it back on the fire company,
23 where it should be on workmen's comp?

24 MR. ARMSTRONG: Yeah, it's a
25 workmen's comp issue, yes. They don't want -- the

29

1 concern was an employee leaving the township during
2 work hours to fight a fire. The concern was if
3 they were to get hurt or if there was a workers'
4 comp claim, the fact that they were -- it was
5 during work hours and still getting paid while
6 leaving their job, that there could be an argument
7 that if the fire department did not have a
8 sufficient workers' comp, it could fall back on the
9 township.

10 MR. KERRICK: Okay.

11 MR. ARMSTRONG: So the purpose
12 of this policy and agreement -- the agreement's
13 with the fire department. It's requiring the fire
14 department to maintain an adequate amount of
15 workers' comp and the general liability insurance.
16 And the policy is actually with the policy of the
17 township and it's suggested that each employee
18 that's a member of the volunteer fire company sign

19 it as well.

20 With -- understanding that if
21 they decide to leave the township for purposes of
22 fighting a fire, their -- their title as an
23 employee ceases from the time they leave their job.
24 And when they go fight that fire, they're under the
25 -- they're under the umbrella of the fire

30

1 department and not the township -- Tobyhanna
2 Township. There's noth -- there's no -- I mean,
3 what it would be --

4 Are there any questions from the
5 board?

6 MS. PICKARD: Just was
7 wondering whether Swift gets this as well or
8 whether they need to be aware that we're doing this
9 or not? I don't think that they'd notice
10 particularly, but --

11 MR. ARMSTRONG: No. I mean,
12 you're not agreeing to covering it, what you're
13 agreeing to do is solidify the fact that, you know,

14 they will not and should not be covered under your
15 insurance once they leave their job.

16 MR. HOLAHAN: Are we a
17 certificate holder right now for their workers'
18 comp?

19 MR. ARMSTRONG: You should be
20 -- you mean, additional insured?

21 MR. HOLAHAN: Yes.

22 MR. ARMSTRONG: I don't know if
23 you're named as an additional insured on their
24 policy.

25 MS. PICKARD: No, we were on

31

1 the ambulance and we should be on the police.

2 MR. ARMSTRONG: As an
3 additional insured? Oh, the police --

4 MS. HAASE: We are on the
5 police.

6 MR. ARMSTRONG: The police, you
7 should, yes.

8 MS. PICKARD: And on the

9 ambulance we're listed.

10 MR. HOLAHAN: Do we want to be
11 on that though? Because does that tie us back in
12 again and we're trying to separate --

13 MR. ARMSTRONG: This isn't
14 necessarily a general liability --

15 MR. HOLAHAN: Right.

16 MR. ARMSTRONG: -- this would
17 be a workers' comp concern.

18 MR. HOLAHAN: Then would we
19 still be a certificate holder of workers' comp so
20 we would know when their policies were being --

21 MS. PICKARD: We pay their
22 policies.

23 MS. HAASE: We pay --

24 MR. ARMSTRONG: By state
25 statute you're required to pay the policy of the

32

1 fire departments that service Tobyhanna Township.

2 MR. HOLAHAN: So this is not a
3 problem? I don't see this as a problem.

4 MR. KERRICK: No, it's the
5 same. It's just taking it from one and putting it
6 in the other.

7 MR. ED TUTRONE: Ed Tutrone,
8 Tobyhanna Township Fire Department. Basically it
9 came (inaudible) our carrier also till that Act 46
10 came into play.

11 MR. HOLAHAN: Right.

12 MR. ED TUTRONE: So that way
13 it's pretty much all the commercial end of the
14 workmen's comp, for them kicking the fire companies
15 to the curb, has fallen under the state. You
16 currently cover us for workmen's comp, but under
17 Swift, different company. And also, if I'm not
18 mistaken the township, in our liability policy, is
19 named additionally insured. So it's kind of
20 covered all around.

21 MR. HOLAHAN: Have you guys --
22 did we submit this to the fire company yet?

23 MR. ARMSTRONG: I have not. I
24 sent it to Phyllis, but we wanted to wait to send
25 anything out until the board was on board with the

1 direction we were going after receiving the
2 notification from Keystone.

3 MS. HAASE: Ed came and did
4 submit to us a draft from, I think, Hanover
5 Township?

6 MR. ARMSTRONG: East Hanover,
7 yep.

8 MS. HAASE: East Hanover
9 Township, so they did provide a draft to us.

10 MR. MOYER: Yeah, I read that.

11 MS. HAASE: And they asked us
12 to cease the activity immediately upon receiving
13 the letter, which we did.

14 MS. PICKARD: We are members of
15 the trust, so we have proxy on who's in the group
16 and we are part of the group and the group is
17 trying to protect itself from the legislation,
18 which is still going to need to be addressed in
19 Harrisburg.

20 MS. KERRICK: How did Hanover
21 Township handle this? Did they pass it?

22 MS. HAASE: Yes.

23 MR. KERRICK: The current thing
24 that we have in front of us other than what Pat
25 tweaked?

34

1 MS. PICKARD: But it's similar.

2 MS. HAASE: Just the minor
3 revisions Pat made.

4 MS. PICKARD: I'm fine with it.

5 MR. HOLAHAN: Okay. Yeah, by
6 consensus at this point.

7 Phyllis, go ahead and send it
8 over to the fire company and let them take a look.

9 MR. ARMSTRONG: Then once we
10 get their approval, if they sign it, it'll probably
11 be on your plate for your meeting next month to
12 approve and execute.

13 MS. PICKARD: In the meantime,
14 we just have that they're not allowed to --

15 MS. HAASE: They will not be
16 paid by the township if they leave their place of

17 employment.

18 MR. HOLAHAN: Well, that puts
19 us in a tough position, you know --

20 MS. PICKARD: It puts everybody
21 in a tough position.

22 MR. HOLAHAN: -- it's terrible.

23 MR. ED TUTRONE: I'll be honest
24 with you, I'm surprised it didn't come sooner.

25 MR. HOLAHAN: Yeah.

35

1 MR. KERRICK: They're really
2 hard on the volunteers.

3 MR. HOLAHAN: Behind you,
4 Brendon, the lady back there.

5 Did you have your hand up?

6 FEMALE VOICE: No, Brendon did.

7 MR. HOLAHAN: Oh, Brendon.

8 MR. BRENDON CARROLL: Does the
9 township have any --

10 THE REPORTER: May I just have
11 your name?

12 MR. BRENDON CARROLL: Oh, I'm
13 sorry. Brendon, B-r-e-n-d-o-n, Carroll,
14 C-a-r-r-o-l-l.

15 THE REPORTER: Thank you.

16 MR. BRENDON CARROLL: Does the
17 township have any responsibility to set a limit of
18 workers' comp insurance to make sure our volunteers
19 are protected? I mean, is there a policy in place
20 at the fire company that's similar to if they were
21 an employee at the township?

22 MR. HOLAHAN: Yes.

23 MR. BRENDON CARROLL: It's --

24 MR. HOLAHAN: Yeah, they have a
25 workers' comp policy.

36

1 MR. BRENDON CARROLL: Okay. I
2 just -- you know, I understand liability and hold
3 harmless and all that kind of stuff. I just want
4 to make sure if we're cutting them off here as an
5 employee of the township --

6 MR. ARMSTRONG: No, the

7 agreement --

8 MR. BRENDON CARROLL: -- when
9 they go --

10 MR. ARMSTRONG: One of the
11 agreements, the memorandum of understanding, will
12 be with the fire department, between the township
13 and the fire department.

14 MR. BRENDON CARROLL: But does
15 the township have the right to say you have to have
16 adequate coverage?

17 MR. ARMSTRONG: Oh, absolutely.

18 MS. HAASE: We pay for it.

19 MR. BRENDON CARROLL: Similar
20 to --

21 MR. ARMSTRONG: We pay for it.

22 MS. HAASE: We pay for it.

23 MR. BRENDON CARROLL: -- or
24 greater to --

25 MR. ARMSTRONG: We pay for it.

1 MR. BRENDON CARROLL: Well, I

2 understand that, but it's certainly probably not
3 the same policy as you have as a township employee.

4 MR. ARMSTRONG: Well, the
5 workers' comp --

6 MS. PICKARD: Yeah, it is.

7 MR. MOYER: It is.

8 MR. ARMSTRONG: Workers' comp
9 is set by the state, actually the minimums are.

10 MR. BRENDON CARROLL: Well,
11 sure I understand that.

12 MR. ED TUTRONE: Brendon, it
13 is, it's just two different companies, but it is --

14 MR. BRENDON CARROLL: It's two
15 different companies, but it's just -- if you just
16 had -- you have adequate coverage.

17 MR. ED TUTRONE: -- (inaudible)
18 to protect you guys, that's all it is.

19 MS. PICKARD: We're legally
20 required to cover the firemen.

21 MR. BRENDON CARROLL: I'm
22 sorry?

23 MS. PICKARD: We're legally
24 required to cover them with workers' comp.

25

MR. HOLAHAN: Move on then.

38

1

I think you have alarm

2

ordinance?

3

MR. ARMSTRONG: Yes. Thank

4

you, Mr. Chairman. The last item under my report

5

is -- it was brought to my attention, I believe by

6

Phyllis, that there has been an issue with respect

7

to the alarm ordinance, for alarm systems within

8

the township.

9

And the issue is the

10

enforcement, the cost associated with registering

11

them and it was -- I was informed that the township

12

was interested in basically delegating and shifting

13

the registration, the enforcement, everything over

14

to the regional police department. And I believe

15

this initiated on the township level and the

16

regional police commission as well.

17

MR. KERRICK: This was here in

18

front of you last year.

19

MS. PICKARD: Umm-hmm.

20 MS. HAASE: Correct.

21 MR. KERRICK: You got a copy of
22 it last year.

23 MR. ARMSTRONG: Okay. So what
24 I have done is I took what -- I'm not sure -- I
25 took what you have on the books right now in your

39

1 current Code of Ordinances and I revised it, before
2 you as an amendment. It would be for Chapter 49 of
3 the Code of Ordinances to address the concerns as
4 represented to me. There are some blanks that need
5 to be filled in.

6 MS. HAASE: There are. My
7 suggestion would be if the board would consider
8 advertising tomorrow night, we have the police
9 commission meeting, we can send this, distribute
10 that amongst the commission members and -- for some
11 discussion. And then I can distribute that back to
12 Pat and the board and we can go ahead and advertise
13 that if it's acceptable.

14 MR. KERRICK: Well, why would

15 we want to advertise it till it's in agreement with
16 everybody?

17 MS. HAASE: That's what I'm
18 saying.

19 MR. KERRICK: This whole idea
20 was to get all the municipalities --

21 MS. HAASE: It may not be. It
22 may not be because the other municipalities may not
23 relinquish the permits to the police commission.

24 MR. KERRICK: Well, last year
25 everybody was in agreement to relinquish it, but

40

1 they wanted the same ordinance throughout. And
2 that's the way it'll be now?

3 MS. HAASE: I can't answer --

4 MR. KERRICK: If --

5 MS. HAASE: I can't answer for
6 the other --

7 MR. HOLAHAN: Makes sense.

8 MS. HAASE: -- municipalities.

9 MR. KERRICK: That's what it

10 was supposed to be.

11 MR. MOYER: Yeah, that's what
12 we talked about.

13 MR. HOLAHAN: Uniformity with
14 this.

15 MR. ARMSTRONG: Probably then
16 what makes sense is to -- if the board says -- if
17 you've had a chance to look at this, if you don't
18 have any issues, if you agree with it with the
19 understanding that there's some blanks, maybe
20 forward it to the regional police commission and
21 see if those commissioners want to circulate it
22 amongst their membering municipality governing bod
23 -- elected officials.

24 MR. KERRICK: Well, I'm sure
25 this is the first one so that's probably good.

41

1 They'll just take it back and maybe they'll go
2 along with what we have and then it would be the
3 same.

4 MS. HAASE: Certainly my

5 concern would be is we want to move forward with
6 this. So we don't want to take months on end for
7 them to be looking at it. Regardless, I think it
8 would benefit Tobyhanna Township to relinquish our
9 permits over to them. It's taking up a lot of time
10 from our staff to process them.

11 So I agree with what John is
12 saying and I know that that was the decision of the
13 commission last year, was to try to get the same
14 ordinance for the alarm as also for metals, I
15 believe.

16 MR. MOYER: And pawnshops.

17 MR. KERRICK: Pawnshops.

18 MR. MOYER: Pawnshops
19 basically.

20 MS. HAASE: So I will
21 distribute this tomorrow.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: But if -- if it
24 pleases the board, I would like to move forward
25 with this in the next few months, even if the

1 police commission chooses not to.

2 MS. PICKARD: Will they take
3 ours and just do ours in-house and have the rest --

4 MS. HAASE: Well, we have to
5 adopt the ordinance, they cannot. So what we're
6 adopting is what they're going to have to do.

7 MR. KERRICK: I think what
8 she's asking is, will they just do one municipality
9 if, say, the other ones don't go along with it.

10 MR. MOYER: Right.

11 MR. KERRICK: They would
12 relinquish their --

13 MS. PICKARD: Fees.

14 MR. KERRICK: -- their alarm
15 fee and their record keeping. Would they just do
16 one? I don't -- I can't answer that, you'd have to
17 ask them.

18 MR. MOYER: Well, they'd have
19 to ask Tobyhanna. I don't know.

20 MS. HAASE: Yeah, I can't
21 answer for them, I don't know.

22 MR. KERRICK: Well, that's

23 where it belongs.

24 MS. HAASE: It does.

25 MR. KERRICK: It belongs there

43

1 and I think it's a great idea and I'm okay with it.

2 MS. PICKARD: I'm okay with
3 everybody or without everybody, it doesn't matter.

4 MR. HOLAHAN: Do you want to
5 make a mot --

6 MS. HAASE: So I will --

7 MS. PICKARD: Are we just
8 looking for the amounts to put in here and get them
9 to agree with the other commission members to have
10 them reasonable or do we want to --

11 MR. ARMSTRONG: Those can be
12 Tobyhanna's solely, if -- you don't have to -- I
13 mean, it's up to the board --

14 MR. MOYER: They agree with it,
15 they agree with it.

16 MR. ARMSTRONG: -- it's up to
17 the --

18 MS. PICKARD: I'm just thinking
19 that my -- I'm thinking that if it goes back to the
20 other municipalities like it did the last time,
21 it'll never come forward again.

22 MS. HAASE: I agree with you
23 and that's my concern.

24 MR. KERRICK: Well, it never --
25 it never reached them, the alarm ordinance. We

44

1 never took it back.

2 MS. HAASE: Well, there was an
3 initial one.

4 MR. KERRICK: We brought it
5 here and gave it to Pat, but we never really --

6 MS. PICKARD: Yeah.

7 MR. KERRICK: -- we never
8 followed through with it.

9 MS. PICKARD: But I don't think
10 anybody else did.

11 MR. KERRICK: No, no one else
12 did.

13 MR. MOYER: No, they -- nobody
14 else made one up --

15 MS. HAASE: If I'm not
16 mistaken, Pat, we have --

17 MR. KERRICK: And there was an
18 issue with the pawnshop.

19 MS. HAASE: -- to set our fees
20 --

21 MR. KERRICK: Some sort or
22 court cause or something.

23 MS. HAASE: -- for our
24 township, correct?

25 MR. ARMSTRONG: Yes.

45

1 MS. PICKARD: Yeah, that I --

2 MR. KERRICK: So that was kind
3 of on hold --

4 MR. HOLAHAN: Did you all hear
5 that? We have to set our fees for our own
6 township.

7 MR. KERRICK: Correct.

8 MS. PICKARD: Okay.

9 MR. HOLAHAN: So regardless
10 what the other ones are doing.

11 MS. PICKARD: Are we going to
12 leave them the same they are currently?

13 MS. HAASE: Well, we have a fee
14 -- a penalty, I believe it's \$25.

15 MR. MOYER: After three times?

16 MS. HAASE: After three. So
17 this is a little bit different. We have one, two
18 and then each additional after that.

19 MR. ARMSTRONG: I mean, you
20 don't -- this was made -- I put this together. So
21 if you don't want to charge for the first false or
22 accidental alarm in a 12-month period, that's fine.
23 You could just -- we can just put zero.

24 MR. HOLAHAN: Yeah, that would
25 be my suggestion.

46

1 MS. PICKARD: Mine too.

2 MR. HOLAHAN: You get three

3 beyond this.

4 MR. ARMSTRONG: So zero for the
5 first. I think what -- if you don't have already,
6 what usually makes sense in these types of
7 ordinance is what's going to be the cost of the
8 police to respond.

9 MS. HAASE: That's the problem.

10 MR. ARMSTRONG: You should
11 probably somehow --

12 MR. KERRICK: You'll never get
13 enough.

14 MR. MOYER: Yeah.

15 MR. KERRICK: Same with the
16 fire company, if there's a fire alarm.

17 MS. PICKARD: I was just going
18 to say, are you responding to some of these?

19 MR. ED TUTRONE: Yeah, does
20 that include the fire company for false alarms?
21 'Cause we get a lot more than the police do, repeat
22 offenders anyway.

23 MS. ROBIN McSHAY: How does
24 that work? Like if you're an alarm person and the
25 alarm goes off, and I say don't send the cops and

1 you do?

2 MS. HAASE: They would be
3 dispatched, unless you give the code.

4 MS. ROBIN McSHAY: I give the
5 code and tell them not to come.

6 MS. HAASE: If you give the
7 code, then that should release the call. If you
8 don't give the code, I believe they have to
9 respond.

10 MR. MOYER: No. My alarm
11 company sent them anyway, she said they're already
12 dispatched.

13 MR. ARMSTRONG: It might depend
14 on the company because some companies, if you hit
15 that number within a certain period of time, they
16 don't --

17 MS. ROBIN McSHAY: I don't have
18 to hit the number if they're calling me. It's --
19 what happens is, if your alarm goes off, the alarm
20 company calls me first and they say to me the

21 alarm's going off, do you want the police to
22 respond? My answer is no.

23 THE REPORTER: May I just have
24 your name?

25 MS. ROBIN McSHAY: I'll get the

48

1 cops if I need them.

2 Robin McShay.

3 I'll get the cops if I need them
4 to come. The alarm company, 90 percent of the
5 time, sends the cops anyhow and I beat them there
6 anyhow, 100 percent of the time. So are you gonna
7 -- how's that gonna work? Am I gonna get a fine,
8 if the cops go after one time?

9 MR. ARMSTRONG: Well, how often
10 does it happen?

11 MS. ROBIN McSHAY: Well, it
12 could happen with a spider. It might only happen
13 once in a year, it might happen 10 times in a
14 month.

15 MR. ARMSTRONG: Okay.

16 MS. ROBIN McSHAY: You know?
17 MR. MOYER: Like --
18 MS. ROBIN McSHAY: It happens.
19 MR. MOYER: We had a call,
20 'cause there was a balloon in there, helium balloon
21 that got off the plant --
22 MS. HAASE: For the motion
23 detectors?
24 MR. MOYER: Yeah.
25 MR. HOLAHAN: That should cost

49

1 you big time, Donald.
2 MR. MOYER: Yeah. It wasn't
3 me, but -- it's just simple things --
4 MS. PICKARD: At some level,
5 that's between you and the alarm company. I would
6 go after them if you said not to come and they send
7 somebody anyway, I would send them the bill.
8 MR. HOLAHAN: Yeah.
9 MS. ROBIN McSHAY: I don't
10 know. You know, they shouldn't send them.

11 MS. PICKARD: You said no,
12 don't send them.

13 MS. ROBIN McSHAY: You don't
14 have to put the code on the phone.

15 MR. HOLAHAN: I'm surprised,
16 Robin, I used to have --

17 MR. MOYER: Mine does.

18 MR. HOLAHAN: I used to have an
19 alarm company and the monitoring companies, that's
20 what they do, is they call and ask for the pass
21 code. You got two different ones, you got a pass
22 code that says --

23 MS. ROBIN McSHAY: When you're
24 in the building to reset it.

25 MR. HOLAHAN: -- that it's safe

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1 and then you got another pass code that you give as
2 a duress signal.

3 MS. ROBIN McSHAY: When you're
4 in the building to reset it. But that's when
5 you're in the building.

6 MR. HOLAHAN: Right.

7 MS. ROBIN McSHAY: They do not
8 ask for a pass code for home.

9 MR. HOLAHAN: No, they don't.
10 You got to be on-premise for an accidental alarm.

11 MR. KERRICK: Are we going to
12 continue with this, fill this in?

13 MR. HOLAHAN: Let's finish it
14 up.

15 MS. HAASE: With no charge for
16 the first and then 50 and 75 be acceptable? I
17 agree with whatever we put down here is not going
18 to be enough to compensate for the time of the
19 staff and the officers going out and reporting and
20 doing the paperwork. So we need to be careful with
21 our residents of the township, but this is a huge
22 cost to PMRPD.

23 MR. MOYER: I think you at
24 least give them two.

25 MS. PICKARD: Yeah, I think the

1 second one should be lower if not --

2 MR. HOLAHAN: So you want to do
3 two freebies?

4 MR. MOYER: I just know with my
5 own alarm going in the house, you know, it's just
6 sometimes it goes off and --

7 MR. HOLAHAN: Let's put a
8 number in here. What's the thought then?

9 Heidi, you're saying --

10 MS. PICKARD: I'd rather lower
11 it or leave it zero for the second and charge more
12 on the third.

13 MR. HOLAHAN: Okay. John?

14 MR. KERRICK: I got to erase it.

15 MR. HOLAHAN: How do you feel if
16 I put zero on the second?

17 MR. KERRICK: That's fine.

18 MR. HOLAHAN: I would agree.

19 What do you want to do for the
20 third? 75?

21 MS. PICKARD: Hundred.

22 MR. HOLAHAN: Hundred? Okay.

23 MR. ARMSTRONG: The only other

24 blank is --

25 MR. HOLAHAN: The fine amount?

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1 MR. ARMSTRONG: Yeah.

2 MR. HOLAHAN: It's typically

3 eight -- the industry standard's eight minutes.

4 MR. MOYER: Yep.

5 MR. ARMSTRONG: Eight minutes

6 for both?

7 MR. HOLAHAN: Yes.

8 So the ordinance with the --

9 Page 4 under 2; 8 minutes for the sound device and

10 then the -- on Page 5 is, no charge for the first

11 and second but a hundred on the third.

12 MR. KERRICK: Eight minutes you

13 said?

14 MR. HOLAHAN: Yes, sir.

15 So do I have a motion to adopt

16 the ordinance?

17 MR. ARMSTRONG: No, no.

18 MS. PICKARD: No to recommend

19 the advertising.

20 MR. HOLAHAN: Oh, the
21 advertising.

22 MR. ARMSTRONG: This isn't --
23 this hasn't been advertised.

24 MR. HOLAHAN: Right.

25 MR. ARMSTRONG: I guess the

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1 really -- the question for the board is, do you
2 want to proceed with adopting it at this time and
3 advertise it, or do you want to just proceed with
4 forwarding on to the commission members and see if
5 they want to circulate it among the membering
6 municipalities to see if everyone else is on board
7 with the same ordinance? That's really the
8 decision I think you have to --

9 MR. KERRICK: I would agree
10 with Phyllis that if we're going to do it, take it
11 to the commission tomorrow, but I would continue
12 and give it to them if they'll take it.

13 MS. PICKARD: Say we're going

14 to advertise and this is what we're going to
15 advertise.

16 MR. MOYER: Right. See if they
17 jump on board or if they have suggestions. I
18 agree.

19 MR. KERRICK: Could I ask a
20 question? I know we didn't have a motion yet, but
21 current -- people that have alarms now, will they
22 have to reregister then?

23 MS. HAASE: No.

24 MR. KERRICK: The files from
25 here will go there?

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1 MS. HAASE: Well, they
2 currently -- when a resident comes to our township
3 and they fill out an application, we immediately
4 process it and then a copy is sent to PMRPD.

5 MR. KERRICK: Okay. Thank you.

6 MS. PICKARD: So if there was
7 any tweaking, which I can't imagine would happen,
8 that there was a discussion, would we -- would you

9 be able to bring it back to us and modify it or
10 tweak it a little bit before we advertise?

11 MR. ARMSTRONG: Yeah, this
12 isn't -- this just needs to be advertised at least
13 seven days. It's just one advertisement, so it's
14 -- it would be seven days before your public
15 hearing, which would be at your next meeting,
16 unless you wanted to wait until April. Since
17 they're meeting tomorrow night, I'll just hold off
18 on advertising it until two weeks before your next
19 meeting.

20 MR. MOYER: You know, there's
21 another thing too that we didn't bring up. It's
22 possible for those to go off without it being --
23 like I know, the battery on my back entrance went
24 and they -- you know, they had to come out, but it
25 actually set the alarm off when that battery died.

55

1 So, you know, we've got to -- we got to see what
2 would count as --

3 MS. PICKARD: Well, that

4 shouldn't happen three times in twelve months.

5 MR. MOYER: Well, if that
6 happens once and it's not your fault, and then
7 something else happens, you're paying a hundred
8 bucks because you have an alarm.

9 MS. PICKARD: The third time.

10 MR. MOYER: Right, the third
11 time. I don't know. It's just something to think
12 about.

13 MR. HOLAHAN: Okay. So we're
14 going to wait until -- we'll go ahead and advertise
15 this in time for our next meeting?

16 MS. HAASE: Yes, sir.

17 MR. ARMSTRONG: So I'll proceed
18 with advertising this ordinance for your March --
19 your March meeting, whenever that is, 2nd, 3rd.

20 MR. ED TUTRONE: Now, am I
21 understanding correctly that does not include fire
22 alarms, that's just burglar alarms?

23 MS. HAASE: It is what the
24 police would respond to, that is correct.

25 MR. KERRICK: I thought they

1 would be together.

2 MS. PICKARD: They are
3 together.

4 MR. ED TUTRONE: Can you look
5 into an ordinance for fire alarms?

6 MR. ARMSTRONG: I can read you
7 the definition of an alarm device.

8 An alarm is -- as pursuant to
9 this ordinance -- it's a communication to the
10 police department indicating that a crime, fire or
11 other emergency situation warranting immediate
12 action by the police department has occurred or is
13 occurring; that's an alarm. So it wouldn't be a
14 fire. I'm assuming the regional police department
15 gets --

16 MR. ED TUTRONE: We get
17 notified, which doesn't mean they usually show up
18 though.

19 MS. HAASE: Right, but
20 everything would be towards the police department.
21 You're asking, would you get the fines?

22 MR. ED TUTRONE: I don't care
23 if we get the fines. We just want the people fined
24 with the habitual alarms like 10, 20 literally a
25 month, same people.

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1 MS. HAASE: How does that
2 happen?

3 MR. MOYER: Yeah, what's it
4 from?

5 MR. KERRICK: That does happen
6 a lot.

7 MR. ED TUTRONE: Pocono
8 Mountain School District's the worst.

9 MR. MOYER: Why though?

10 MR. ED TUTRONE: We've been out
11 there about six or seven times since the beginning
12 of February.

13 MR. KERRICK: So that is
14 including the fire alarm?

15 MR. ARMSTRONG: The definition
16 is a communication to the police department.

17 MR. KERRICK: Because I know
18 that they have some serious issues with the school.

19 MR. ED TUTRONE: It's not even
20 so much, like I said, the matter of the fire
21 department getting money, it's us having to leave
22 to go to check the alarm.

23 MR. ARMSTRONG: Does the police
24 department show up at those alarms?

25 MR. ED TUTRONE: If they're not

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1 busy, which usually they're pretty busy.

2 MR. ARMSTRONG: But they -- so
3 they get notices of --

4 MR. ED TUTRONE: They get it
5 through the control center, they get dispatched too
6 whether or not they're advised that we're going to
7 something.

8 MR. HOLAHAN: Well, of course,
9 the intention of this ordinance is not to generate
10 funds as it is to stop false alarms. So, I mean,
11 this is going to be a Mah Sing project here. We're

12 starting off with this and if the school district
13 needs to be contacted -- there's so many things
14 that could set off fire, we certainly don't want to
15 not respond, but --

16 MR. ARMSTRONG: Well, you do
17 currently have something like this. It's just that
18 the onus it's -- the registration is on the
19 township, the enforcement is on the township.
20 Where this is, almost, it's transferring those
21 responsibilities on to the police department.

22 MR. HOLAHAN: However, when the
23 monitoring company calls, they'll dispatch fire if
24 it's a fire alarm and police if it's a burglar
25 alarm, right.

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1 MR. MOYER: That's what mine
2 did.

3 MR. HOLAHAN: Let's move on.
4 Phyllis?

5 MR. ARMSTRONG: Thank you, Mr.
6 Chairman. That's all I have for my report.

7 MS. HAASE: I distributed
8 earlier a report that we are going to beginning to
9 use in 2014 for our vehicles. Each month the board
10 will be advised of each vehicle we have, any
11 maintenance that we have performed, anything major,
12 early anticipated repairs, if someone says that the
13 transmission is starting to slip or there's a major
14 issue, this way we're going to able to plan of the
15 expense and what we need to do with that vehicle.

16 I did start a log as requested
17 by the board and it's been placed in each vehicle,
18 so that started. Next month you'll get a true
19 month, this was only, I believe, 15 days or 16 days
20 usage of the vehicles.

21 I received notification from
22 DCNR regarding a grant that's going to be offered
23 to municipalities and the applications are accepted
24 from January 15 through April 16 and I'm going to
25 look into what is being offered. The one item

1 that's available is to modernize equipment in our

2 facilities and our parks. So we can look at what
3 we have there to bring into ADA compliance for our
4 residents, whether they're children or adults using
5 some of our facilities. So I will look into that
6 and I'll bring it back to the board of my findings.

7 About four months ago we had
8 some discussion regarding a walking trail that
9 connects in back of the transfer station. And we
10 had discussed to table it. Supervisor Lamberton
11 had some concerns, which, unfortunately, she's not
12 here tonight, but I did speak to her about that.
13 Her main concern was using funds to subsidize the
14 trail, whether we have to put shale down, stone or
15 whatever. She is not opposed if we move forward
16 with the trail, as long as we're not using a large
17 amount of public funds for this.

18 Speaking with Christine Dettore
19 and also Heidi's on open space as well, it appears
20 that the only thing that they're going to need is
21 some signs, just to note the fact that it is a
22 walking trail and it continues out with the trail.
23 So since we kind of left that discussion open, I
24 didn't want to pursue that any further until I

25 brought it back to the board.

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1 Heidi, I don't know if there's
2 anything else you wanted to add to that.

3 MS. PICKARD: Just that there
4 are many grants for signs. I don't know which
5 grounds, I know Tunk was going for some we didn't
6 have a need for signs because we didn't want to
7 address that at the time. So there still is
8 availability maybe to get a mini grant from the
9 county or some of the Marcellus Shale money for
10 that.

11 Also I know the historic society
12 -- this is in Wilkes-Barre/Easton rail line -- I
13 know they're very interested. I know there's a lot
14 of people that would be interested in seeing that
15 around. I know the synagogue was interested in
16 seeing that move forward. It runs right behind
17 Hungry Hill. So I think we might be able to find
18 money and open space has been good at getting some
19 money from the Women's Club and from the Lion's

20 Club. So they're, you know -- I don't know what
21 we're looking at.
22 We got rid of the old signage.
23 We still have some, I don't know how complicated
24 that is, some old road signs that we might be able
25 to utilize.

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1 MR. KERRICK: The only concern
2 I would have is in the area of the transfer station
3 where we stockpile our -- some material and
4 eventually when we reached a point where we had to
5 do recycling I thought -- we had anticipated using
6 that area, Bob had engineered a flat area there.
7 If we could make the trail so it doesn't interfere
8 with that somehow.

9 MS. PICKARD: The trail is all
10 the way along the back, but when we did get to
11 that, we walked with some people from the historic
12 and from the county and our open case and it just
13 kind of opens up there right past --

14 MR. KERRICK: Yeah.

15 MS. PICKARD: -- the mountain of
16 cement concrete blocks from Bartell's and then it
17 just opens up and you're in the back where our
18 pile's modified and whatnot.

19 MR. KERRICK: We don't have any
20 place to stockpile material and that's what we
21 utilize.

22 MS. PICKARD: It would just be
23 nice at some -- to get some trees planted there and
24 to find the trail, 'cause it just kind of opens up
25 and then it comes back and you're going behind the

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1 school district, you know, up to the other end.

2 MS. HAASE: Well, I'd like to
3 say if the board is not opposed to placing signage,
4 that we place a few signs as long as we keep that
5 at a minimum. And then this spring, John and I can
6 go out there and take a look at what's being
7 stockpiled and what -- if we have to move anything.

8 MR. KERRICK: We can move it
9 around. Won't we have to cut the trail?

10 MS. HAASE: No, there's nothing
11 that needs to be done to the trail.
12 MS. PICKARD: No.
13 MR. KERRICK: They're just
14 going to walk through it?
15 MS. PICKARD: The trail's --
16 it's flat, it's perfect.
17 MR. KERRICK: I know, but
18 there's brush and --
19 MR. HOLAHAN: There's no
20 overbrush or anything?
21 MS. PICKARD: No, it's fine.
22 But, you know, it's much better than Blakeslee
23 Natural Area --
24 MR. KERRICK: Oh, I understand.
25 Yeah, I understand.

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1 MS. PICKARD: -- which is
2 another topic for conversation.
3 MS. HAASE: Is that acceptable
4 with the board?

5 MR. MOYER: Yeah. Just as long

6 --

7 MS. PICKARD: Yeah. The only
8 thing when I did open up the other thing, was that
9 Panther had the gate open, so I was a little bit
10 afraid. And I -- you know, that gate's usually
11 just for us really to go back through.

12 MR. KERRICK: Correct.

13 MS. PICKARD: So they would
14 need -- I wouldn't want anybody going into their --

15 MS. HAASE: I'm actually, at the
16 end of this month, going out to the transfer
17 station to meet with the Johnsons. We got a few
18 things we need to discuss and I also wanted to look
19 at a few items so I could bring that up at that
20 time.

21 MS. PICKARD: Okay.

22 MS. HAASE: Speaking of the
23 transfer station, I also, so the board is --

24 MS. PICKARD: Nice segway in.

25 MR. MOYER: Yeah.

1 MS. HAASE: I'm sorry? I have
2 pictures here of the transfer station. The
3 building has been erected, that was damaged from
4 Hurricane Sandy, and also the sand filter building.

5 MS. PICKARD: Oh, it looks
6 nice.

7 MR. MOYER: Yeah.

8 MS. HAASE: Just so you can --

9 MS. PICKARD: Looks nicer than
10 it did.

11 MS. HAASE: My wish list for
12 the transfer station is they will paint the blue
13 building to match the other one.

14 MR. HOLAHAN: Okay.

15 MS. HAASE: September, or end
16 of August actually, the board had passed a
17 resolution to request the county commissioners to
18 consider denoting nine of our properties as tax
19 exempt. Commissioner Garris and Commissioner
20 McCool did pass the motion to turn those nine
21 properties into tax exempt. I did receive
22 notification from the county assessor, Thomas Hill,

23 and he notified me of the change this past week,
24 actually two weeks ago.

25 One final item is, I received

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1 notification today as a request for a donation from
2 Thornhurst Volunteer Fire and Rescue. At this
3 particular point, I think you're probably going to
4 be having some further discussion related to this
5 item further down in the agenda, perhaps, under
6 reports.

7 Mr. Chairman, that's all I have
8 at this moment.

9 MR. HOLAHAN: Thanks, Phyllis.

10 Okay. Some committee reports.

11 Anything from regional --

12 Regional EMS?

13 MS. PICKARD: We have our
14 meeting next week, but I do have the statistics,
15 I'll get them out to the board. They just came in,
16 I haven't gotten a chance to get them out, but I
17 will send those out. Just of note, I think we had

18 a new engine replaced on one of our vehicles that
19 was giving us some trouble and it's always a
20 difficult time this time of year; but we did get
21 our fuel money in today from them. So we're caught
22 up-to-date with that.

23 MR. HOLAHAN: Great. You also
24 have open space, correct?

25 MS. PICKARD: Yes, I do.

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1 MR. HOLAHAN: Anything
2 happening there?

3 MS. PICKARD: We're in the
4 process of scheduling a meeting now for later this
5 month or early March, maybe the 17th or March 3rd.
6 We had a couple things we were going to go over. I
7 met this week with Roger Spots from the
8 conservation district regarding a program we talked
9 about last year, the Bio Blitz, that we allowed
10 them to start planning. And that he came in to go
11 through that.

12 We'll have some flyers and more

13 information coming shortly, but that will be June
14 20, at three o'clock for the 24-hour period ending
15 June 21, at three o'clock. Some of the events
16 during the day mostly will be open to the public.
17 They'll be setting up some tables and things under
18 the pavilion. Their folks from the district and
19 some of the various groups will be spending the
20 night in the natural area. They will be providing
21 us with their certificate of insurance naming us as
22 additional insured for anything that they have
23 going on there.

24 They had requested use of --
25 well, they had mentioned they needed generators. I

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1 did speak with our DPW and we thought we had a
2 couple generators we could loan them. We have the
3 one porta potty there. They said they would
4 probably add an additional one. They'll be doing a
5 24-hour inventory of everything living in the
6 nature area and we'll keep it that way, supposedly,
7 except for the insects.

8 So they'll be doing counting
9 insects, counting birds, counting reptiles. They
10 stun the fish for three or four minutes, then they
11 pull them all out and inventory them. They have
12 some -- they try and catch some of the mammals, but
13 they just do everything over a 24-hour period.
14 They will give us a full report
15 at the conclusion, usually it's 30 or 40 pages from
16 each group, but they'll be people there from
17 each -- you know, having different tables on the
18 different various groups in the area. They'll be
19 out all night as well, the people that come.
20 MS. HAASE: I have one item to
21 add to open space. We've also been approached,
22 there's two buildings, John Kerrick's aware of
23 that, that need to be razed. One is small home and
24 one is a shed, I believe.
25 Correct?

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1 MS. PICKARD: No, there's a
2 foundation that's built in, is there just --

3 MR. KERRICK: No, there's some
4 things to clean up. I'm waiting -- well, it's my
5 fault --

6 MS. PICKARD: Might be like an
7 outhouse.

8 MS. HAASE: Well, what --

9 MR. KERRICK: Bill Burton and I
10 are supposed to go there to do --

11 MS. HAASE: Yeah. I'm going to
12 approach Tunkhannock Township because, as per our
13 agreement, we have to put -- notify them if we're
14 doing any work. I will also ask them if they can
15 assist our group to raze the structure. Of course,
16 I think it's acceptable the township, we waive the
17 zoning permit for ourself. I'm also going to
18 approach Bureau Veritas and ask them to waive that
19 fee for us as well. So I will have everything in
20 line so once the weather breaks and John feels it's
21 doable, then we can get those buildings down.

22 MS. PICKARD: And there were
23 some trees that were hanging precariously that we
24 probably need to take a look at as well.

25 MR. KERRICK: Yes.

1 MR. HOLAHAN: You're on that
2 right, John?

3 MR. KERRICK: Yes. We'd figure
4 we do it when the machine's there, but just
5 unfortunately we have --

6 MS. PICKARD: 'Cause some it's
7 going to be hard to get done.

8 MR. KERRICK: I know.

9 MR. HOLAHAN: Okay.

10 How about regional police
11 commission?

12 MS. PICKARD: I'd like -- can I
13 go on elaborate -- can I go back?

14 MR. HOLAHAN: To what?

15 MS. PICKARD: Just about the
16 Thornhurst --

17 MR. HOLAHAN: Oh.

18 MS. PICKARD: -- issue with the
19 EMS? Sorry about that.

20 MR. HOLAHAN: Oh, no, go ahead.

21 MS. PICKARD: I did have a
22 meeting with Thornhurst Volunteer Ambulance with
23 our ambulance and some of our members from the
24 various municipalities. Brad's here, Phyllis
25 attended the meeting.

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1 MS. HAASE: I attended as well.

2 MS. PICKARD: We have a couple
3 things that we were having issues with. One of
4 them is, we believe that they owed us like 11 or
5 \$12,000, which we cover Coolbaugh and Toby down
6 there for basic life support only, where Pocono
7 Mountain Regional's already doing the advanced life
8 support.

9 We're working out -- we sat down
10 with them and we're going through the bills, they
11 don't think they owe us as much money, but this
12 goes back to 2012. So any money that the
13 municipalities are giving PMR EMS is really leaking
14 out by money owed to us by Thornhurst. We had an
15 issue and notification that their workers' comp had

16 expired back in the fall, which they rectified the
17 day that --

18 MS. HAASE: Cancellation.

19 MS. PICKARD: They were going to
20 be cancelled by control center. They said they had
21 an address problem. They seem to have an address
22 problem with our billing as well, 'cause we sent
23 them three certified letters that weren't picked up
24 like three or four months later. So we did speak
25 out and talk about some of the problems.

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1 Our main concern is that they
2 are not answering their calls, they're volunteer
3 mostly at night and they will not answer the calls.
4 So they get toned out once, three minutes later
5 they get retuned, three minutes later they're
6 toning PMR EMS who could've already been on the
7 scene.

8 We discussed those problems and
9 Phyllis was there. Pretty much that sometimes the
10 volunteers don't show up, sometimes the radios

11 don't work. There were various problems, they were
12 maybe going to work on the radios.

13 The main thing is that April 10
14 there's new regulations that go in effect and they
15 have to be up 24/7. You cannot have a fireman
16 drive the rig while an EMT's in the back, you have
17 to have two EMTs. They didn't seem to know about
18 the new regulations basically.

19 MS. HAASE: Out of four in
20 attendance, only one was aware and didn't seem to
21 know all of the regulations. I had questioned
22 whether or not they attend any meetings or
23 conferences at the control center for Monroe County
24 and all four responded no.

25 As I explained to both agencies

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1 there is -- as the manager of Tobyhanna Township,
2 the billing is amongst those two parties to work
3 out. I am extremely concerned with the fact
4 they're missing calls and our residents are not
5 being responded to as rapidly as they should by

6 Thornhurst. So I think that this may be something
7 that the board may need to revisit by the April
8 meeting. With these new regulations going in
9 place, I think that there's going to be even an
10 greater issue.

11 MR. HOLAHAN: Can they even
12 function come April? Can they function come April
13 if they're not --

14 MS. HAASE: I can't speak to
15 that.

16 MR. HOLAHAN: -- adhering to
17 these new rules?

18 MS. PICKARD: They're not
19 supposed to --

20 MS. HAASE: I don't believe so.

21 MS. PICKARD: I don't know how
22 it's going to be enforced.

23 MR. HOLAHAN: So if that's the
24 case, then control center couldn't tone them out
25 either, correct?

1 MS. PICKARD: Pretty much,
2 pretty much.

3 MR. HOLAHAN: So then are we
4 ramping up to be able to take care of --

5 MS. PICKARD: We already do
6 take care of all the ALS. So if somebody's having
7 a heart attack, we're the ones being called anyway.
8 We're doing all the advanced life support, they're
9 just doing BLS.

10 MR. KERRICK: I thought we did
11 BLS in Tobyhanna Township and Arrowhead?

12 MS. PICKARD: No.

13 MR. KERRICK: So why don't we
14 change it right now?

15 MS. PICKARD: We could
16 redesignate.

17 MR. KERRICK: Right now.

18 MS. PICKARD: I wanted to -- I
19 wanted to just give them the month and revisit this
20 in March and see where they were going.

21 MR. KERRICK: I don't want to
22 revisit it if somebody's going to die or have a
23 problem. Let's take care of it right now, that's

24 what we did with the fire company. We designated
25 Tobyhanna Township, Thornhurst comes, but Tobyhanna

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1 Township is on its way.

2 MR. MOYER: If they're not up
3 to -- it doesn't make sense.

4 MR. HOLAHAN: Are they -- are
5 they past the point of no return really?

6 MR. MOYER: Yeah.

7 MR. HOLAHAN: If we take a --

8 MS. HAASE: This is the --

9 MS. PICKARD: I think so.

10 MR. HOLAHAN: -- real look at
11 this?

12 MS. HAASE: Truthly it's the
13 first time that I met with them and I sat and I
14 listened probably for about an hour and a half and
15 I have grave concerns. I respect the fact -- I
16 mean, Heidi wants to standby, which she did say and
17 she -- we did tell them or Heidi did say that they
18 need to respond back beginning of April.

19 Unfortunately, I don't think anything's going to
20 change between now and April.

21 MS. PICKARD: And what they
22 said too was one of the things they were planning
23 on doing is having people spend the night in
24 12-hour shifts which still, I don't think they had
25 any concept of the -- you know, usually the firemen

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1 drive the truck that aren't EMTs. So I think it's
2 going to be difficult for them and I can't speak to
3 that.

4 MS. HAASE: I found it
5 disturbing that they were not even aware of the
6 change. Where I asked the question, I came out and
7 I asked the group, when are you going to be able to
8 accomplish this and basically I was told, well, I
9 guess we have to by the beginning of April.

10 MS. PICKARD: By April 10.

11 MS. HAASE: Well, there
12 should've been a plan in place now on how are you
13 going to accomplish this. So I do have my concerns

14 with this for our residents in that area.

15 MR. MOYER: Are they short
16 members too or --

17 MS. PICKARD: You know, they're
18 half paid and they're half volunteered and I think
19 they did put another truck up and were paid by
20 PennDOT while the break was out to make sure that
21 they have enough to cover that.

22 MR. MOYER: Right.

23 MR. HOLAHAN: Well, I think
24 you've gone to bat for them here.

25 But I'm hearing, John, that

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1 you're concerned about the --

2 MR. MOYER: Safety.

3 MR. HOLAHAN: -- health and
4 safety of the --

5 MR. KERRICK: That's what our
6 job is, that's why we're here.

7 MS. PICKARD: Well, at the end
8 of the day, I think now we got another situation

9 where the volunteers are getting hammered and I
10 can't imagine what other smaller rural
11 municipalities across the state are going to do
12 with this. But they're trying to protect this so
13 that everybody is getting called and they don't
14 have volunteers that don't answer a call and delay
15 patient care.

16 MR. KERRICK: Could you start
17 to respond and if they go on the road, cancel it?
18 I know that doesn't work with fire, but --

19 MS. PICKARD: Well, it doesn't
20 work there, that was the other problem that we had
21 a couple times --

22 MS. HAASE: 'Cause they're
23 designated.

24 MS. PICKARD: -- that they
25 didn't respond, supposedly the radios didn't work

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1 and we would drive sometimes, you know, from a
2 great distance all the way down there to find them
3 already there and they never bothered to call

4 control center.

5 MR. KERRICK: Their radios
6 never work.

7 MS. PICKARD: Their radios
8 never work.

9 MR. KERRICK: It is a tough
10 area, but --

11 MR. MOYER: Is it (inaudible)?

12 MS. PICKARD: They just got a
13 grant and I asked them whether there were getting
14 new radios with the grant, but nobody seemed to
15 know what they were doing with the money that they
16 just got from the grant.

17 MS. HAASE: Yeah, it doesn't
18 appear that there's a lot planning.

19 MR. KERRICK: It's been years,
20 but the fire company offered to give them radios.

21 MS. PICKARD: Well, there was a
22 fire company -- the fire chief was there.

23 MR. HOLAHAN: Is there any
24 mentoring that we can provide or is this pretty
25 much too little too late?

1 MS. PICKARD: We had them
2 coming to the meetings. I would like to just, you
3 know -- I don't think it hurts to have them there,
4 my concern is, you know, as a backup and they say
5 like sometimes there's all the ambulances are out
6 here and there, they can go other places. I think
7 it will be a death knell to them --

8 MR. HOLAHAN: Yes.

9 MS. PICKARD: -- if we
10 completely pull out and that was -- my concern for
11 multiple reasons was, if we knew they were on or
12 they were off by the beginning of the month, which
13 is two or three weeks away, we could take action in
14 March.

15 I'm not sure what Coolbaugh's
16 going to do, but I think Coolbaugh's pretty much in
17 the same position, but I don't know what other
18 communities are down there, Riverside, that are in
19 Coolbaugh. We're just worried about our Arrowhead
20 side.

21 And then the subscriptions are

22 going out too and that's our feeling, we'll get
23 more money from subscriptions that we -- you know,
24 we have not really pushed because Thornhurst really
25 -- but that would also be involved. I've been in

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1 touch with Lonnie Howard from Arrowhead Lakes, just
2 letting him know what was going on.

3 MR. HOLAHAN: Okay.

4 MS. PICKARD: But they're
5 concerned too that they -- you know, they have a
6 lot of people that support their local ambulance,
7 but they also don't want them waiting for service
8 when they're not responding.

9 MR. HOLAHAN: So, Heidi, what
10 are you asking the board to do right now with this?

11 MS. PICKARD: I just wanted you
12 to be aware and I would like to make a decision
13 next month when we sit down with them and find out
14 by the beginning of March whether they're ready to
15 take this on and what their plan is.

16 MR. ED TUTRONE: Heidi, one

12 redesignating the area for one tone --

13 MR. KERRICK: We're not doing
14 anything about it.

15 MS. PICKARD: We'll just try
16 for the next month?

17 MR. KERRICK: I'm waiting for
18 you to see what you think, Ed.

19 Yeah, that's what -- I'm worried
20 about Tobyhanna Township.

21 MS. PICKARD: We can try that
22 for the next month and then see whether they're
23 going to be able to --

24 MS. HAASE: We'll put this on
25 this agenda for the March meeting?

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1 MR. KERRICK: No, I would do it
2 now.

3 MS. PICKARD: Well, I'm going
4 to call control center --

5 MR. HOLAHAN: Control center for
6 --

7 MS. PICKARD: -- and see if
8 they will only --
9 MR. HOLAHAN: -- toning out --
10 MS. PICKARD: -- tone them out
11 once. I'm, you know --
12 MR. KERRICK: We have to vote
13 on that though.
14 MR. ED TUTRONE: Well, it's not
15 so much that they tone them out once. What they
16 would do is, when it was all volunteer, is they
17 were hitting that crew and in three minutes they
18 did a realert, if there was no acknowledgement.
19 When they did the realert, they get the -- the
20 second, do ambulance with it. So if at that three
21 minute point, if they're getting realerted, that's
22 when -- then they'll alert PMR.
23 And then -- 'cause actually it's
24 10 minutes. I don't know if they changed that, I
25 know it was three minutes and then ten minutes is

1 when PMR would get dispatched. So you're cutting

2 out that other seven minutes that you're sitting
3 there waiting. So if they do it --

4 MS. PICKARD: So the second
5 three minutes they tone us both?

6 MR. ED TUTRONE: Yeah.

7 MR. KERRICK: After the first
8 three.

9 MS. PICKARD: After the first
10 three minutes, but then we commit to go to that
11 call and now another heart attack calls comes in
12 that, you know -- and they're there already and
13 we're waiting.

14 MR. KERRICK: That could happen
15 here too, but at least you have ambulance en route
16 to that one, to the first one.

17 MS. PICKARD: Yeah.

18 MR. HOLAHAN: So do we want to
19 have a motion on contacting control center?

20 MR. KERRICK: You're from the
21 ambulance, are you okay with that?

22 MS. PICKARD: I'm good, I'm
23 good. We can do that. We'll do that for the month
24 and notify them to --

25 MS. HAASE: So we're not

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1 changing --

2 MS. PICKARD: -- dual --

3 MS. HAASE: -- the designated
4 area, it's just dual?

5 MR. MOYER: Yeah, we want to --

6 MS. PICKARD: And we're only --

7 MR. KERRICK: After three
8 minutes.

9 MR. MOYER: Yeah.

10 MS. PICKARD: We're only doing
11 Tobyhanna Township, that's all that we can --

12 MR. HOLAHAN: Is that your
13 motion, John?

14 MR. KERRICK: Yes. And out
15 intent -- part of the motion is our intent is not
16 to hurt Thornhurst but to provide for our citizens
17 of Tobyhanna Township.

18 MR. HOLAHAN: I have a motion.

19 Do I have a second?

20 MR. MOYER: I'll second.
21 MR. HOLAHAN: Have a motion and
22 second.
23 Any further discussion from the
24 board?
25 From the public?

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1 Call the vote. John?
2 MR. KERRICK: In favor.
3 MR. HOLAHAN: Heidi?
4 MS. PICKARD: I'll vote in
5 favor.
6 MR. HOLAHAN: Donald?
7 MR. MOYER: I'm in favor.
8 MR. HOLAHAN: I vote in favor.
9 Motion carries.
10 MS. HAASE: Mr. Chairman, do
11 you want this back on the agenda for March --
12 MR. HOLAHAN: Please.
13 MS. HAASE: -- for further
14 discussion?

15 MR. HOLAHAN: Okay. Now, on to
16 regional police commission.
17 Donald, do you have something?
18 MR. MOYER: No, not --
19 MR. HOLAHAN: Phyllis, is there
20 anything?
21 MS. HAASE: We met last month,
22 we've had multiple executive sessions finalizing
23 some contracts and tomorrow night we meet, which
24 the following month I have should have more to
25 report.

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1 MR. HOLAHAN: What is CMTPTT?
2 Do you know what that is, anybody?
3 MS. PICKARD: Coolbaugh, Mount
4 Pocono, Tobyhanna and Tunk.
5 MS. HAASE: What?
6 MS. PICKARD: Regional
7 comprehensive plan. That's all part of the same --
8 MR. HOLAHAN: So it's all part
9 of that?

10 MS. PICKARD: Yeah.

11 MR. HOLAHAN: Okay.

12 MS. HAASE: Heidi and I had
13 some discussion that perhaps we'll take this off
14 the agenda moving forward.

15 MR. HOLAHAN: Okay.

16 MS. HAASE: The only thing
17 right now we have that's pending still is our
18 ordinances. Our assistant zoning officer is
19 reviewing what has been proposed for additional
20 comment.

21 And then is the pleasure of the
22 board, I start taking chapter by chapter and
23 distributing it to the board for comment? I don't
24 know how you'd like us -- we've discussed this
25 numerous times and I'm not quite certain how you

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1 want to proceed with this.

2 MR. HOLAHAN: I think it's
3 about time that we --

4 MR. MOYER: Yeah.

5 MR. HOLAHAN: -- took action on
6 this and got it done.

7 Everybody else?

8 MS. PICKARD: Yes.

9 MR. KERRICK: Yes.

10 MS. HAASE: So I'll distribute
11 it to the entire board the complete document or do
12 you still want me to go chapter by chapter?

13 MR. HOLAHAN: Show us the
14 complete document and then let's pick out --

15 MS. PICKARD: Put it on the --

16 MR. MOYER: Yeah. Well --

17 MR. HOLAHAN: Let's pick out
18 some highlights, give us the Reader's Digest
19 version.

20 MR. KERRICK: Phyllis, weren't
21 we down to just a couple sections? Could you help
22 me out? I think it was signage and --

23 MS. HAASE: Signage was
24 completed.

25 MR. KERRICK: Oh, it was

1 completed?

2 MS. PICKARD: No. I thought
3 signage we had issues with though?

4 MS. HAASE: Well, we reviewed
5 it and it was completed and then there was comment
6 that there was some concerns with a few of the
7 board members, but we did review it and we were
8 moving forward. We do have the resort overlay that
9 we have to finalize. And I believe the other item
10 was the PRD that we did not review, but that
11 basically was going to be the same as what we
12 currently have. I believe that those are the only
13 two remaining.

14 MR. HOLAHAN: So then let's
15 just take those then, right?

16 MS. PICKARD: Yeah.

17 MS. HAASE: So the signage and
18 the PRDs?

19 MR. HOLAHAN: Yes.

20 MR. KERRICK: I think you sent
21 it to us electronically a while back.

22 MS. HAASE: Yes.

23 MS. PICKARD: Is there any way
24 that you would be able to just have, you know, the
25 sheets with whatever districts they're in and what

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1 was special exception and what was conditional use
2 that you could throw out there just for a little --

3 MS. HAASE: Sure.

4 MS. PICKARD: -- reminder?

5 MR. HOLAHAN: Okay. Let's move
6 on.

7 Tobyhanna Township Sewer
8 Authority.

9 MS. HAASE: Yes. We've had
10 this pending for a few years now.

11 MR. KERRICK: Fifteen.

12 MS. HAASE: So we kind of need
13 to move in a direction either we need to appoint
14 members to the sewer authority or abolish the
15 authority. Pat's probably better versed in what we
16 need to do.

17 I believe a few years back Pat

18 sent out an email to the board. So we just kind of
19 need -- this is one of our final items that we've
20 had hanging out there for a while that we need to
21 clear up. And Pat and myself will need some
22 direction of what the board's pleasure would be for
23 this.

24 MR. KERRICK: The last time we
25 spoke I thought we were going to take the members

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1 of the board for the commission.

2 And I think, Pat, correct me
3 here, help me out here. Was that able to be done
4 or not able to be done? Did it have to be total
5 separate?

6 MR. ARMSTRONG: I don't
7 necessarily recall. I mean, we discussed it with
8 Kalahari if we were going to --

9 MR. KERRICK: No, this goes
10 back a couple years ago.

11 MS. PICKARD: No, yeah.

12 MR. KERRICK: I think it was

13 you.

14 MR. MOYER: Yeah, it was, it
15 was Patrick. We mentioned that the board would be
16 the sitting --

17 MR. ARMSTRONG: My
18 understanding is whether or not you wanted to
19 continue to have the authority, and you can or you
20 can dissolve if you'd like. If you don't dissolve
21 it, you should really be -- there should be someone
22 on that authority. And the que -- if the question
23 is, can members of this board be the sole members
24 on the authority? I don't know of anything
25 prohibiting it sitting here tonight. I'd like to

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1 confirm it.

2 MS. PICKARD: We have bylaws,
3 right?

4 MR. ARMSTRONG: Yeah.

5 MS. HAASE: There are bylaws,
6 yes.

7 MS. PICKARD: So it's not in

8 contradiction with the bylaws.

9 MR. ARMSTRONG: There's bylaws
10 and there's articles of incorporation.

11 MS. HAASE: We have a seal.

12 MS. PICKARD: Yeah, but the
13 bylaws should say whether or not we would be
14 excluded, right?

15 MR. ARMSTRONG: Well, it's not
16 necessarily the bylaws I'm worried -- I'm worried
17 about if there's anything in the Second Class
18 Township Code or the Municipal Authorities Act.

19 MR. KERRICK: I think you did
20 the research and you gave us the report.

21 MS. PICKARD: Yeah.

22 MR. KERRICK: I don't recall
23 what it said though.

24 MR. ARMSTRONG: It sounds like
25 it has been a while.

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1 MR. KERRICK: It's been a
2 while.

3 MR. ARMSTRONG: But I would
4 like to just revisit that before giving you a
5 definitive answer. I don't know of anything
6 prohibiting it at this point in time. If you were
7 to -- number one, want to keep the authority live;
8 and number two, want to consider appointing members
9 of this board as -- as the authority members.

10 MS. PICKARD: My question would
11 be, what would the benefit of having the authority
12 or not be?

13 MR. ARMSTRONG: Yeah, we had
14 talked about that years ago as well, I think
15 probably the first or second year I came on-board.
16 And really the benefit as to why municipalities
17 typically create these sewer authorities, number
18 one, well, obviously if they want to -- to install
19 a sewer facility within the municipality, which is
20 already done. But when you do that, obviously,
21 there's a significant cost involved. The sewer
22 authorities typically take out loans, bonds, notes,
23 and that -- that debt would be under the authority,
24 that's a very big benefit of having the sewer
25 authorities -- of this sewer authority.

1 My understanding is though in
2 Tobyhanna Township, even though you created this
3 authority how many years ago, the debt is really
4 being paid by Tobyhanna Township.

5 MR. KERRICK: Well, I think at
6 the time they couldn't -- they could not borrow
7 money, the authority.

8 MS. PICKARD: Yeah. I don't
9 think any new authority's going to have --

10 MR. KERRICK: The new authority
11 couldn't borrow money, so that's why it was under
12 the township. Then the township over the years
13 never wanted to -- then there was a lawsuit going
14 on. They didn't want to relinquish the authority
15 of it to the -- to the authority.

16 MR. ARMSTRONG: Umm-hmm.

17 MR. HOLAHAN: What it --

18 MR. KERRICK: The benefit would
19 be, it would be to separate the two.

20 MS. PICKARD: But if we're

21 planning on perhaps doing extensions or doing
22 anything, would it make sense to leave it -- leave
23 the authority there?

24 MR. ARMSTRONG: Doing
25 extensions?

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1 MS. PICKARD: Well, if we did
2 anything or --

3 MR. ARMSTRONG: Yeah, yeah. I
4 think it's a separate municipal entity. It's a --
5 so if you're saying if you're -- if there's thought
6 down the road to extend the existing sewer line,
7 that will require a significant encumbrance of
8 money, then, yeah, it might make sense to keep the
9 authority out and not dissolve it at this point in
10 time.

11 I don't know if there's any
12 thoughts or plans as to, you know, what Tobyhanna
13 Township has in store with respect to public sewage
14 in that area of the township in the not too distant
15 future; but that should be something that you

16 should think about before doing anything.

17 MS. HAASE: So how would that
18 work, Pat --

19 MS. PICKARD: We're doing that
20 never ending 537 Plan.

21 MR. KERRICK: I'm sorry,
22 Phyllis?

23 MS. HAASE: How would that work
24 if the township doesn't cover the expense of the
25 existing plan? And you're saying then the

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1 authority then would move forward with the expense
2 of the new lines? How would that work?

3 MR. ARMSTRONG: I mean,
4 obviously you would need someone on the board, you
5 need bodies and you need that authority to be up
6 and running before that would even take place. But
7 I don't know the exact history as to why, you're
8 telling me, that Tobyhanna Township Sewer Authority
9 was not able to take out the initial loan or --

10 MR. KERRICK: That's what I was

11 told when I came here. That was all before my
12 time.

13 MR. ARMSTRONG: I don't know
14 the history as to why they wouldn't've been able to
15 at that point in time. Maybe whatever prevented
16 them from being able to do that at that time
17 doesn't exist now. But clearly before you do any
18 of this potential expansion, you'd need to --

19 MR. MOYER: Make an authority.

20 MR. ARMSTRONG: -- start up
21 that engine again and not just have it exist on
22 paper.

23 MS. HAASE: Just to refresh the
24 board, we are working at -- John has been working
25 on pulling up some documents, we sent it over to

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1 Jim Hendricks from RETTEW and we're in the process
2 of setting up a meeting with DEP to plead our case
3 of how we can expand without jumping through major
4 hoops. So we are in the process of speaking with
5 DEP.

6 MR. HOLAHAN: So now, Patrick,
7 are we -- are we saying we have sewer authority,
8 but we don't have any members of it?

9 MR. ARMSTRONG: It exists on
10 paper. You have the sewer facilities throughout
11 the township, but the work is coming to and going
12 through the Township of Tobyhanna.

13 MR. KERRICK: Correct.

14 MR. ARMSTRONG: The billing,
15 the maintenance, the payment on the debt, it's all
16 going through Tobyhanna Township.

17 MR. HOLAHAN: So why don't we
18 take a look and see if the supervisors can be
19 members and then we start that and then we replace
20 ourselves with other members as this progresses?

21 MR. KERRICK: Or maybe we can
22 add to it and have some residents, as well as board
23 members to --

24 MR. MOYER: Yeah.

25 MR. HOLAHAN: I think that's

1 what we're really looking for, right?

2 MR. KERRICK: Yeah.

3 MR. HOLAHAN: Good idea, John.

4 MR. ARMSTRONG: Yeah.

5 MR. HOLAHAN: Done there,

6 Patrick?

7 MR. ARMSTRONG: Yeah. What

8 I'll do, is I'll look as to what I -- what we've

9 discussed years ago and I'll kind of take that and

10 move on and send you all probably a summary email

11 to help.

12 MR. HOLAHAN: Okay. Let's move

13 on to new business. Under A, Pine Crest Phases 5

14 and 6, we're going to table that?

15 MS. HAASE: Yes, sir. The

16 engineer, Nate Oiler, had contacted me this

17 afternoon and requested this item to be tabled.

18 MR. HOLAHAN: Let's move on to

19 Item B, consider the Pocono Summit Fire Company

20 2014 fund-raisers.

21 MS. HAASE: The board had in --

22 I believe October, had approved certain events and

23 functions of the volunteer fire companies. They

24 were told at that time to submit a request for
25 consideration of the board of supervisors at the

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1 reorganizational meeting. Station 33 did not
2 follow through with that. I reached out to them
3 twice and I did get their proposed events for 2014.

4 The only items that I would like
5 to just bring to your attention before you make any
6 decisions is their Item No. 7, June 27 and 28, this
7 festival and parade. The parade is in Tobyhanna
8 Township and the surrounding municipalities. This
9 event does serve beer at their function.

10 Also Item 16, they do sell candy
11 throughout the year at different locations. I
12 asked the chief if they could specify what
13 locations and he could not. He said they will sell
14 some on property and then they will also take them
15 to other areas to be sold. The May 24 car wash,
16 which is Item 17, that location has not been
17 determined.

18 MR. MOYER: Could you give me

19 those first ones that you mentioned?

20 MS. HAASE: No. 7 is the
21 festival and the parade, and Items 15, 16, 17.

22 MR. MOYER: How about 10?

23 MS. HAASE: That will be at
24 their station.

25 MR. HOLAHAN: The roast beer?

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1 MS. HAASE: Are you testing me
2 there, Mr. Moyer?

3 MR. MOYER: No.

4 MS. HAASE: So the monthly
5 breakfast, the roast beef dinner and the open
6 house, which is fire prevention, all will be at
7 their station on their property. And it certainly
8 appears to be in line with what the board has
9 approved last year.

10 MR. HOLAHAN: I think Don's
11 referring to the spelling of beef.

12 MR. KERRICK: Did you read No.
13 10, Phyllis?

14 MR. MOYER: The roast beer --
15 MR. KERRICK: Roast beer
16 dinner.
17 MS. HAASE: I missed that one,
18 yes.
19 MR. MOYER: I was making a
20 joke, but --
21 MR. KERRICK: You did a good
22 job. So basically this is not ready to be
23 approved, 'cause there's --
24 MS. HAASE: Well --
25 MS. PICKARD: Can we approve

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1 the breakfast and the functions at the fire company
2 that do not involve alcohol?
3 MR. MOYER: Let's see where
4 we're at.
5 MS. HAASE: Which was the
6 monthly breakfast, the roast beef dinner and the
7 open house fire prevention and also the sale of the
8 products at their station.

9 MS. PICKARD: Yes.

10 MS. HAASE: Last year there was
11 discussion with regards to their festival. They
12 did provide a event license to sell beer for that
13 event. There was some discussion moving forward
14 whether that was acceptable for us to move forward
15 with in 2014 or not.

16 MR. KERRICK: I'll go on the
17 record and say it's not acceptable to me.

18 MR. MOYER: Yeah, I thought we
19 already said that.

20 MS. PICKARD: Well, I'll still
21 go through my same motion without the alcohol and
22 events that are at the fire company location.

23 MR. KERRICK: What numbers are
24 you going to be making a motion? The breakfast?

25 MR. HOLAHAN: Everything,

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1 you're going to exclude 7?

2 MR. KERRICK: We're going to
3 exclude 7.

4 MS. PICKARD: No, I'm saying
5 that if it's without -- without alcohol, I'm okay
6 with it. If it's with alcohol, that's on them and
7 it's not. Then the raffle tickets and the candy
8 and the car wash, if they're there, they're fine;
9 if they're elsewhere, we don't know and we can't
10 say.

11 So just if they're selling
12 raffle tickets and candy at the fire company or if
13 they sell it elsewhere, they can sell it wherever
14 they want, but they're not covered by workmen's
15 comp.

16 MS. HAASE: Just for --

17 MR. ARMSTRONG: This is --

18 MS. HAASE: Just for
19 clarification, the parade, in our last ordinance,
20 we said anything with inside Tobyhanna Township.
21 So this parade will be, a portion of it inside and
22 the remainder, I think, is in Coolbaugh Township.

23 MR. HOLAHAN: Let's go back to
24 this -- we're not really approving what they're
25 doing, just acknowledging.

1 MR. ARMSTRONG: You're going to
2 acknowledge --

3 MS. PICKARD: We're
4 acknowledging.

5 MR. ARMSTRONG: They've
6 submitted a list --

7 MS. PICKARD: Okay. I'm
8 acknowledging.

9 MS. HAASE: Acknowledging.

10 MR. ARMSTRONG: The fire
11 department, Pocono Summit Fire Company has
12 submitted a list to you of events that they plan on
13 holding or taking part in, in 2014. They can
14 proceed with those as they like. You can simply
15 review the list and acknowledge that you've
16 received the list and I don't know if you actively
17 need to approve them, because they don't need your
18 approval to move forward with these events. You
19 can acknowledge them with the understanding that --

20 MS. PICKARD: But the workmen's
21 comp is going to want to see --

22 MR. KERRICK: It's to be covered
23 under workmen's comp.

24 MS. PICKARD: -- that it's
25 covered in the minutes or it's not a covered

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1 activity.

2 MR. KERRICK: Isn't that what
3 we went through last year --

4 MS. PICKARD: That's what we
5 went through last year.

6 MR. KERRICK: The painless --
7 or painful --

8 MS. HAASE: Painful.

9 MS. PICKARD: We did the
10 ordinance, but we still said in the ordinance we
11 had to have the list. And we still told them so we
12 still do the same thing we've been doing all last
13 year.

14 MR. MOYER: Can I make a
15 suggestion then? Let's do the ones that'll cover
16 them up until our next meeting and let them come

17 with the list of ones that they know we're going to
18 approve.

19 MR. ARMSTRONG: If the issue is
20 an event that has the presence of alcohol -- is
21 that the issue right now?

22 MR. HOLAHAN: That is one.

23 MR. KERRICK: Yes, that's a
24 huge issue.

25 MR. ARMSTRONG: Is there

104

1 another issue?

2 MS. HAASE: The car wash, they
3 do not have a location, so it's going to be
4 off-premise. They don't know where it will be.

5 MR. ARMSTRONG: So if you
6 wanted to acknowledge except -- if you wanted to
7 acknowledge the list of these events identified on
8 the January 1, 2014 list from the Pocono Summit
9 Volunteer Fire Company, with the understanding that
10 you're acknowledging this list, you're not opposing
11 to any of their proposed events, with the

12 understanding that there will not be any alcohol
13 served, that it will be -- they will be -- they
14 will take place within Tobyhanna Township, and the
15 car wash -- I'm not exactly following the issue.

16 MR. HOLAHAN: Needs to be
17 within the township.

18 MR. ARMSTRONG: -- needs to be
19 within Tobyhanna Township as well.

20 MS. PICKARD: And obtain the
21 proper permits if necessary.

22 MR. ARMSTRONG: Right. Subject
23 to them receiving and securing the appropriate
24 permits.

25 MR. MOYER: Take a motion.

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1 MS. PICKARD: That's my motion,
2 my acknowledgement.

3 MR. HOLAHAN: That's your
4 acknowledgement.

5 You acknowledge that, Donald?

6 MR. MOYER: I acknowledge.

7 MS. HAASE: I will forward your
8 acknowledgement.

9 MR. ARMSTRONG: We're not
10 making any definitive statements as to coverage of
11 any insurance on this particular -- on this list of
12 events, you're just acknowledging it with that
13 understanding.

14 MR. HOLAHAN: Okay. Line C,
15 the certification of the Pocono Summit Volunteer
16 Fire Company Fire Police.

17 MS. HAASE: Yes, sir. When
18 that -- when the board acknowledged the fire police
19 to be sworn in, they stated it would be up until
20 the reorganizational meeting. Speaking with the
21 Bucks County Community College and also -- the name
22 escapes me -- another individual that is involved
23 with the volunteer organizations, they've
24 recommended that we only do it as -- on a year
25 basis. This way if we have an issue with a

1 specific person moving forward, we would not

2 recognize them.

3 So they are asking the board to
4 recognize and approve the following individuals be
5 sworn in: George Tallmadge, T-a-l-l-m-a-d-g-e; Bob
6 Napoli, N-a-p-o-l-i; Marvin Wade, W-a-d-e; Alvin
7 Rich, R-i-c-h; George Haab, H-a-a-b; Carol Feller,
8 F-e-l-l-e-r; Jessica Wallace, W-a-l-l-a-c-e; and
9 Pat Timothy, T-i-m-o-t-h-y. They all have
10 completed their basic fire police and I do have
11 their certifications.

12 MR. HOLAHAN: Do I have motion
13 for approval?

14 MR. KERRICK: We just confirm
15 that, is that how it works, Phyllis?

16 MS. HAASE: That is what the
17 board did last year.

18 MS. PICKARD: So moved.

19 MR. HOLAHAN: Motion. Do I
20 have a second?

21 MR. KERRICK: I'll second it.

22 MR. HOLAHAN: Motion and
23 second.

24 Discussion from the board?

25 From the public?

107

1 Call the vote. John?

2 MR. KERRICK: In favor.

3 MR. HOLAHAN: Heidi?

4 MS. PICKARD: Vote in favor.

5 MR. HOLAHAN: Donald?

6 MR. MOYER: I vote in favor.

7 MR. HOLAHAN: I vote in favor.

8 Motion carries.

9 Consider the Monroe County

10 Conservation District request for support on the

11 stream gage in Pocono Creek.

12 Did everybody get to read this?

13 MS. PICKARD: We get it every

14 year.

15 MR. MOYER: I'm not sure that I

16 read it, but --

17 MR. HOLAHAN: Well, they're

18 asking for money. And have we been doing this

19 before?

20 MS. PICKARD: No.
21 MR. HOLAHAN: Did we do this
22 last year?
23 MR. KERRICK: We never have.
24 MS. PICKARD: No.
25 MR. HOLAHAN: Are we going to

108

1 do it this year?
2 MS. PICKARD: No.
3 MR. MOYER: Are they asking us
4 to pay the whole 17?
5 MR. HOLAHAN: No, they're just
6 asking for us --
7 MS. PICKARD: No.
8 MR. MOYER: That's what they
9 need.
10 MR. HOLAHAN: Do I have a
11 motion to donate to this? Hearing no motion, we'll
12 move on.
13 Consider the acceptance of the
14 Dunham Memorial Bench.

15 MS. HAASE: I received a
16 request from a group of families in our area for
17 the board to consider allowing them to donate a
18 bench to be placed behind or between the two
19 baseball fields at the Blanche Park in memory of
20 Mary Kate Dunham. They would like you to consider
21 the plastic resin bench.

22 They did supply a picture. They
23 are acceptable to any recommendations and if the
24 board is not pleased with that, they will change it
25 to something that actually you're in more agreement

109

1 with.

2 MR. KERRICK: I make that a
3 motion.

4 MR. MOYER: I'll second it.

5 MR. HOLAHAN: We have a motion
6 and second.

7 Any further discussion from the
8 board?

9 MR. KERRICK: My motion, it

10 could be okay with -- between the two fields? I'm
11 okay with that.

12 MS. PICKARD: Yeah.

13 MR. MOYER: Yeah.

14 MS. PICKARD: Is that bench
15 you're okay with, that it matches?

16 MR. KERRICK: Yeah, but we were
17 in the process of -- yeah, it's recycled plastic
18 that matches some of the things that we have.

19 MS. PICKARD: What color is
20 that?

21 MR. KERRICK: We have brown.

22 MS. HAASE: The color is cedar
23 brown, gray and green.

24 MR. KERRICK: Is there brown?

25 MS. PICKARD: It's a cedar

110

1 brown.

2 MS. HAASE: Brown?

3 MR. KERRICK: That's what we
4 have.

5 MR. MOYER: Gray or green.

6 MR. KERRICK: We need to clean
7 the area up a little before that -- before we mount
8 it, but that could be done.

9 MR. MOYER: And between there.

10 MR. HOLAHAN: Any further
11 discussion?

12 Call the vote. John?

13 MR. KERRICK: In favor.

14 MS. HAASE: I'm sorry, who
15 second that?

16 MR. HOLAHAN: Donald.

17 MS. PICKARD: Donald? Okay.

18 MR. HOLAHAN: I'm sorry. Again,
19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: In favor.

23 MR. HOLAHAN: Donald?

24 MR. MOYER: I vote in favor.

25 MR. HOLAHAN: I vote in favor.

1 Motion carries.

2 We need to appoint a planning
3 commission member.

4 MS. HAASE: As the board is
5 aware that Mr. Baxter has moved from the area, so
6 he was no longer able to serve on the planning
7 commission. He thanked the board for allowing him
8 to serve for quite a few years.

9 We did advertise and I received
10 a letter of intent from Michelle Bisbing asking the
11 board to consider her to the planning commission.
12 She currently is a member of the NID Authority and
13 she has extensive background in economic
14 development.

15 MS. PICKARD: I'll make the
16 motion that we appoint Michelle Bisbing.

17 MR. KERRICK: Second.

18 MR. HOLAHAN: We have a motion
19 and a second.

20 Any further discussion from the
21 board?

22 From the public?

23 Call the vote. John?

24 MR. KERRICK: In favor.

25 MR. HOLAHAN: Heidi?

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1 MS. PICKARD: I'm in favor.

2 MR. HOLAHAN: Donald?

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

4 MR. HOLAHAN: I vote in favor.

5 Motion carries.

6 Resolution 2014 dash 007

7 amending Resolution 2008 dash 22 from the

8 Pennsylvania Right-To-Know Law.

9 MS. HAASE: Mr. Chairman, what

10 this is changing is in the Resolution 2008-022, it

11 specifically designated the township secretary.

12 This resolution speaks to, the township shall

13 designate an opens records officer and this will

14 keep it open at the reorganization meeting for you

15 to appoint whoever you so choose.

16 MR. HOLAHAN: Don't we have

17 Heidi to fill in this now?

18 MS. HAASE: She does, but the
19 ordinance spoke to the township secretary.

20 MR. HOLAHAN: So now we need to
21 name someone in particular?

22 MS. HAASE: We did at the
23 reorganization meeting.

24 MR. HOLAHAN: Right. So we're
25 just finishing up some paperwork?

113

1 MS. HAASE: Yes.

2 MR. KERRICK: I'll move we
3 approve Resolution 2014 dash 007.

4 MS. PICKARD: I'll second it.

5 MR. HOLAHAN: Have a motion and
6 second.

7 Further discussion of the board?

8 From the public?

9 Call the vote. John?

10 MR. KERRICK: In favor.

11 MR. HOLAHAN: Heidi?

12 MS. PICKARD: In favor.

13 MR. HOLAHAN: Donald?
14 MR. MOYER: I'm in favor.
15 MR. HOLAHAN: I vote in favor.
16 Motion carries.
17 Under H, Kalahari Resorts
18 reduction of Bond Payment No. 4 in the amount of
19 \$393,701.89.
20 Pleasure of the board?
21 MR. KERRICK: I'll make that a
22 motion if we need it.
23 MR. MOYER: I'll second if it's
24 needed.
25 MS. PICKARD: This is payments

114

1 3 and 4?
2 MR. HOLAHAN: And Bob's all
3 right -- okay. Bob's good with this?
4 MR. MOYER: Yeah.
5 MS. PICKARD: This is draw 3
6 and 4.
7 MS. HAASE: This would be draw

8 4. We had three draws; one was for 400 and change,
9 one's 789, the last one was for 1.8 million, and
10 this is combination of two amounts totaling
11 393,701.89.

12 MS. PICKARD: 'Cause we just
13 have Worksheet Draw No. 3, 257 and --

14 MS. HAASE: Right. Well, as
15 far as Kalahari, they need to change at their end
16 where there was a discrepancy with the \$6.6
17 million, when it should've been four and change.
18 That's not being looked at as a draw, but in
19 essence as per escrow agreement, I had to notify
20 the bank and the agent to reduce that. So that
21 technically is a draw, so this would be the fourth
22 draw.

23 MR. HOLAHAN: So, John, was
24 that a motion from you?

25 MR. KERRICK: Yes, motion

115

1 stands.

2 MR. HOLAHAN: And --

3 MS. PICKARD: Donny.

4 MR. HOLAHAN: Donald second?

5 Okay.

6 Any further discussion?

7 From the public?

8 Call the vote. John?

9 MR. KERRICK: In favor.

10 MR. HOLAHAN: Heidi?

11 MS. PICKARD: In favor.

12 MR. HOLAHAN: Donald?

13 MR. MOYER: I vote in favor.

14 MR. HOLAHAN: I vote in favor.

15 Motion carries.

16 Under I, consider Resolution

17 2014 dash 008, application for county aid and

18 that's referring to the Old Route 940 bridge.

19 Pat, did you want do go over

20 that again?

21 MS. HAASE: Yes, sir. In 2012

22 Heidi Pickard and Bob McHale worked on submitting

23 some paperwork for grants to help install and

24 tether a post-- or a light pole, the 423/940

25 interchange. We've since realized that it's going

1 to take an extensive -- a larger amount of money to
2 accomplish that project.

3 The board has approved in 2013
4 to have engineering work done on the Old Route 940
5 bridge. John Kerrick has worked with the county in
6 allowing us to reallocate the funds of \$18,500 that
7 they earmarked for the 940/423 project, and allow
8 us to use the funds for the engineering work or put
9 towards the engineering work of the 940 bridge.

10 I did question John and John did
11 question the county to make certain that we could
12 use the liquid fuels monies for the engineering and
13 he was told that, yes, we could. So the process
14 would be that the MS-339 application needs to be
15 sent to the county, the county approves it, and
16 then that's sent to PennDOT and then they will
17 approve and change their paperwork at their end.

18 MS. PICKARD: I make a motion
19 we approve 2014 dash 008.

20 MR. MOYER: I'll second that.

21 MR. HOLAHAN: I have a motion
22 and a second.
23 Any further discussion from the
24 board?
25 From the public?

117

1 Call the vote. John?
2 MR. KERRICK: In favor.
3 MR. HOLAHAN: Heidi?
4 MS. PICKARD: I vote in favor.
5 MR. HOLAHAN: Donald?
6 MR. MOYER: I vote in favor.
7 MR. HOLAHAN: I vote in favor.
8 Motion carries.
9 That looks like it.
10 MS. PICKARD: I did have one
11 small item just to update the board that Donna and
12 I are working feverishly on the sewer billing. And
13 I had expected to have some reports just trying to
14 tie them out to the accountant, which Maureen was
15 going to do, but she wasn't in today. So I had

16 some questions on what we were finding.

17 So I do have reports that I will
18 be forwarding out to the board and hopefully in a
19 month we will have a report on the sewer billing.
20 We're moving forward. And the other thing is that
21 the internet's been down quite a bit and this
22 program is on the internet, which made it a little
23 challenging as well.

24 MR. HOLAHAN: I think we're
25 fortunate we have electricity up here.

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1 MS. HAASE: Yes. I was --
2 decided to take a few days off and go down to
3 Philadelphia and was in Bucks County during the ice
4 storm. So I need help scheduling my vacations.

5 MR. KERRICK: You always seem
6 to go somewhere in disaster.

7 MS. PICKARD: Yeah, you're not
8 allowed to go away.

9 MS. HAASE: Last time it was
10 Hurricane Sandy.

11 MR. HOLAHAN: Anybody else have
12 anything?

13 Patrick?

14 MR. ARMSTRONG: I do have a
15 brief executive session item with respect to
16 personnel following the meeting.

17 MR. HOLAHAN: Okay.

18 Phyllis?

19 MS. HAASE: No, sir.

20 MR. HOLAHAN: Anything from the
21 public?

22 Thanks for attending. We're
23 adjourned.

24 (Meeting concluded at 8:38 p.m.)

25 ---

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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.

17

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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 10, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager
ROBERT J. McHALE, Township Engineer

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

1 MR. HOLAHAN: I'd like to be
2 able to call the regular business meeting of March
3 10 to order. First we'll start off with the pledge
4 of allegiance.

5 (Pledge of allegiance was
6 recited.)

7 MR. HOLAHAN: Welcome visitors,
8 guests, residents. Start off with some
9 announcements. Next month's meeting is April 7, at
10 seven o'clock and the main meeting is Monday, May
11 12, 9 a.m., at TEC.

12 MS. HAASE: Mr. Chairman, I'd
13 also like to announce we had execution session on
14 February 10 from 8:45 p.m. to 9:10 with regards to
15 personnel.

16 MR. HOLAHAN: Okay. So noted.
17 Like to consider the minutes of
18 January 29, special meeting and February 10,
19 regular business meeting, 2014.

20 MS. HAASE: I have two
21 corrections. January 29, Page 7, Line 15 should
22 say sewer, s-e-w-e-r; February 10's minutes, Page
23 47, Line 13 if, should state it, i-t. Those are
24 the only two corrections.

25 MS. PICKARD: I make a motion

3

1 that we approve the January 29, 2014, special
2 meeting minutes and the February 10, 2014, regular
3 business meeting minutes with the corrections as
4 indicated.

5 MS. LAMBERTON: Second.
6 MR. HOLAHAN: We have a motion
7 and a second.
8 Any further discussion from the
9 board?
10 From the public?
11 Hearing none. Call the vote.
12 John?
13 MR. KERRICK: Favor.
14 MR. HOLAHAN: Heidi?
15 MS. PICKARD: I vote in favor.
16 MR. HOLAHAN: Donald?
17 MR. MOYER: I vote in favor.
18 MR. HOLAHAN: Annie?
19 MS. LAMBERTON: I vote in
20 favor.
21 MR. HOLAHAN: I vote in favor.
22 Motion carries.
23 Consider the treasurer's report.
24 We're working with new
25 technology here with the pads and all, so we're --

4

1 it's a little cumbersome yet, but give us a chance
2 to take a look at this. Okay.
3 So we have a treasurer's report,
4 it's in the amount of 457,595.22 cents.
5 Do I have a motion?
6 MR. MOYER: So moved.
7 MS. PICKARD: I second the

8 motion.

9 MR. HOLAHAN: Okay. I have a

10 motion and second to approve the treasurer's

11 report.

12 Any further discussion from the

13 board?

14 From the public?

15 Hearing none. Call the vote.

16 John?

17 MR. KERRICK: I'm opposed

18 because we did not ratify the payments between

19 board meetings in the motion.

20 MS. PICKARD: They're in

21 that --

22 MS. HAASE: They're in --

23 MS. PICKARD: They're in that

24 --

25 MR. KERRICK: They're in there,

5

1 but did you say that in your motion?

2 MS. HAASE: It's in the bill

3 pack.

4 MR. KERRICK: Okay. I'm still

5 opposed.

6 MR. HOLAHAN: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. HOLAHAN: Donald?

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

12 MR. HOLAHAN: Annie?
13 MS. LAMBERTON: I'll abstain.
14 MR. HOLAHAN: I vote in favor.
15 Motion carries.
16 Solicitor's report.
17 Patrick?
18 MR. ARMSTRONG: Thank you, Mr.
19 Chairman. Actually the manager --
20 Did you want me to continue in
21 the order or did you have a different --
22 MR. HOLAHAN: Yeah. Do we want
23 to go with Bob first?
24 MS. HAASE: If it's acceptable
25 to the board, if we could have our township

6

1 engineer address a few agenda items because he will
2 have to leave early to attend his other meeting.
3 MR. HOLAHAN: Mr. McHale, would
4 you like to present?
5 MR. McHALE: Yes, sir. Thank
6 you.
7 The Pinecrest Phases 5 and 6 to
8 propose a narrative on a schedule for the proposed
9 development and Mr. Nate Oiler is here from RKR
10 Hess.
11 MR. NATE OILER: My client's
12 driving from New Jersey, so I was hoping we could
13 go at least at the end of -- of your list, if
14 that's possible. I expect he'll be here in about

15 15 minutes. If you have other items to discuss?
16 MR. McHALE: Okay. That'd be
17 fine. Next item would be Creek View Estates and
18 Mr. Frank Smith is here, as well as Mr. Michael
19 Berardi.
20 MR. FRANK SMITH: Just do a
21 presentation?
22 MR. McHALE: You could just --
23 a brief overview would be fine, Mr. Smith.
24 MR. FRANK SMITH: This is a lot
25 line adjustment for Pine -- or Creek View Estates

7

1 on Route 115, it's on the west side of Route 115.
2 The lot lines used to go in the opposite direction.
3 MR. HOLAHAN: Which line? The
4 dotted line?
5 MR. FRANK SMITH: Yeah, that's
6 the dotted line, that's how it used to be, but just
7 changing it around, you go -- you're at a right
8 angle --
9 THE REPORTER: Could you just
10 speak up a little. I'm sorry.
11 MR. FRANK SMITH: I'm sorry.
12 THE REPORTER: I'm having
13 trouble hearing you. Thank you.
14 MR. FRANK SMITH: I have a
15 habit of not speaking loud enough. It's a lot line
16 adjustment and on the dashed line you could see
17 quite clearly where the original line was and we're
18 just changing the lot line to go perpendicular with

19 Route 115. We have divided access as per the
20 previous subdivision and then off of 115 here, come
21 down and through access also the township property
22 to the south.

23 It's pretty straightforward.
24 Mr. McHale has reviewed it and we have addressed
25 all the comments. And I think we're pretty well

8

1 set to go with the exception of a declaration
2 covenant.

3 Pat?

4 MR. ARMSTRONG: Yeah. For
5 members of the board, the planning commission made
6 a recommendation for approval with a number of
7 conditions. There is a March 5, 2014 review letter
8 from the township engineer.

9 Is the applicant willing to
10 comply with all his comments, requirements --

11 MR. FRANK SMITH: Yes.

12 MR. ARMSTRONG: -- in the March
13 15, 2014 review letter?

14 MR. FRANK SMITH: Yes, we are.

15 MR. ARMSTRONG: In the interim
16 between the planning commission meeting and your
17 meeting this morning there have been some revisions
18 to the notes on the plan with correspondence
19 between the applicant's representative, as well as
20 myself and the township engineer.

21 And they've addressed the notes

22 needed in order to ensure the three main issues
23 that we wanted to accomplish of the notes was, one,
24 that the waivers, if this board was willing to
25 entertain a motion to approve the requested

9

1 waivers, would be a temporary conditional waiver of
2 these SALDO requirements with the understanding
3 that at the point of any future land development,
4 subdivision and/or building permit application for
5 the lots, that the applicant would comply with
6 those SALDO requirements, as long as -- or as well
7 as with respect to the access road, we needed to
8 ensure that the two lots, that are the subject of
9 this subdivision, will be maintaining that access
10 driveway if and when it is constructed at the time
11 of future land development, subdivision or building
12 permit application; as well as granting the
13 township the right to utilize that accessway --
14 that access driveway to the township property,
15 which is behind the two parcels being subdivided.

16 The applicant, my understanding,
17 submitted a revised plan this afternoon?

18 MR. McHALE: Yes.

19 MR. ARMSTRONG: They added and
20 we corrected the notes pursuant to our requests.
21 And the only outstanding item, from my perspective,
22 is the development agreement and a declaration of
23 covenants to be recorded against the property.
24 That dec -- the declaration of covenants will
25 outline the easement to be granted to the township,

1 as well as the maintenance responsibilities for
2 those -- for the accessway, as well as the
3 temporary nature of the -- of the deferred
4 improvements --

5 MR. FRANK SMITH: Yes.

6 MR. ARMSTRONG: -- we'll call
7 them.

8 MR. McHALE: There was one
9 other item. I believe you resubmitted another plan
10 to the Monroe County Planning Commission --

11 MR. FRANK SMITH: Yes.

12 MR. McHALE: -- last week.

13 There was one very similar in nature early on in
14 the project that was submitted to the planning
15 commission, they made comments and that was
16 returned. But you said that in correspondence that
17 you were anticipating that review letter to come
18 back.

19 MR. FRANK SMITH: I have that
20 in my file, yes.

21 MR. McHALE: You do have it?

22 MR. FRANK SMITH: Yes.

23 MR. McHALE: Okay. So you did
24 receive it?

25 MR. FRANK SMITH: Yes.

1 MR. McHALE: So the planning
2 commission has reviewed that current plan.

3 MR. FRANK SMITH: Umm-hmm.

4 MR. McHALE: Very good.

5 MR. ARMSTRONG: The one item I
6 guess this board should also probably decide on is,
7 the applicant, in requesting those waivers of the
8 subdivision and land development ordinance, is,
9 it's my understanding, also requesting the
10 deferment of the securities associated with the
11 access road. So the board would also need to
12 consider that request as well. And that would be
13 included in the declaration of covenants,
14 restrictions and conditions.

15 MS. LAMBERTON: Which is
16 temporary?

17 MR. ARMSTRONG: It'll be
18 temporary. What the applicant is requesting is
19 instead of posting whatever amount of money would
20 be required to build this driveway, to service not
21 only the two lots but also the township property
22 behind, they're requesting deferring the
23 requirement to post that -- that money until a time
24 of future land development, subdivision or an
25 application for building permit for one of those

12

1 lots.

2 MS. LAMBERTON: Makes sense.

3 MR. HOLAHAN: Anything from the
4 board on that?

5 MR. KERRICK: I have no
6 questions.

7 MR. HOLAHAN: So what's the
8 pleasure of the board then?

9 MS. LAMBERTON: I'll make a
10 motion to approve based on the items and the
11 waivers that Patrick had mentioned.

12 You want to make a list so we
13 cover everything?

14 MR. ARMSTRONG: If the board
15 was willing to entertain a motion to approval
16 starting, I guess, with the waivers, the temporary
17 waivers of the township's ordinances, it would be
18 a temporary waiver of Chapter 124 Storm Water
19 Management, Part 2 of the Tobyhanna Creek Watershed
20 Plan; SALDO Sections 135-15.A.15, 25 and 27; SALDO
21 Sections 135-17.L and M; SALDO Sections 135-17.U
22 and V; and SALDO Section 135-18.B.13.

23 And, again, those would be
24 temporary waivers until the time of future land
25 development, subdivision or a building permit

13

1 application.

2 MR. HOLAHAN: Annie, do you
3 make that as part of your motion?

4 MS. LAMBERTON: Yes, I do.

5 MR. HOLAHAN: I have a motion.
6 Do I have a second?

7 MR. MOYER: I'll second.

8 MR. HOLAHAN: Have a motion and
9 second.
10 Any further discussion from the
11 board?
12 MR. KERRICK: I have none.
13 MR. HOLAHAN: Questions from
14 the public?
15 MR. HOLAHAN: Call the vote.
16 John?
17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I vote in favor.
20 MR. HOLAHAN: Donald?
21 MR. MOYER: I'll vote in favor.
22 MR. HOLAHAN: Annie?
23 MS. LAMBERTON: I vote in
24 favor.
25 MR. HOLAHAN: I vote in favor.

14

1 Motion carries.
2 MR. ARMSTRONG: Okay. Now, I
3 probably didn't clarify, but that was for --
4 MR. HOLAHAN: That was just the
5 waivers, right.
6 MR. ARMSTRONG: -- the waivers.
7 MS. LAMBERTON: Yes.
8 MR. ARMSTRONG: Now, if the
9 board was willing to entertain a motion to
10 conditionally approve the plan presented by Creek
11 View Estates for the minor subdivision of the two

12 lots, it would likely be conditional upon the
13 applicant complying with the comments and
14 requirements set forth in the March 5, 2014
15 township engineer review letter; as well as the
16 applicant agreeing to a development agreement and
17 declaration of covenants, restrictions and
18 conditions and an easement in the manner
19 satisfactory to the township.

20 MS. LAMBERTON: So moved.

21 MR. HOLAHAN: Have a motion.

22 Do I have a second?

23 MR. MOYER: Second.

24 MR. HOLAHAN: Have a motion and
25 second.

15

1 Further discussion from the
2 board?

3 From the public?

4 Call the vote. John?

5 MR. KERRICK: In favor.

6 MR. HOLAHAN: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: Donald?

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

10 MR. HOLAHAN: Annie?

11 MS. LAMBERTON: I vote in
12 favor.

13 MR. HOLAHAN: I vote in favor.

14 Motion carries.

15 MR. FRANK SMITH: Thank you
16 very much.
17 I'll be in touch with you for
18 the --
19 MR. ARMSTRONG: Yes. You will
20 get a written -- you'll get a written decision in
21 the next week to 10 days. And attached to that,
22 I'll probably include the declaration of covenants,
23 as well as the (inaudible).
24 MR. FRANK SMITH: Thank you.
25 MR. ARMSTRONG: Who will I send

16

1 it to?
2 MR. FRANK SMITH: Me. I think
3 you have my email address here.
4 MR. ARMSTRONG: All right.
5 Thank you.
6 MR. HOLAHAN: Want to go down
7 to Item D, it's, consider a request of waiver land
8 development plan for the Timber Trails additions
9 and improvements.
10 MR. MICHAEL BERARDI: Thank
11 you, ladies and gentlemen.
12 MS. LAMBERTON: You're welcome.
13 Good luck with your project.
14 MR. HOLAHAN: We're going to
15 address that, Patrick, for the Timber Trails?
16 Or Mr. McHale?
17 MR. McHALE: It was a request
18 for a waiver.

19 MR. ARMSTRONG: Yeah, I have --
20 I'm looking through the packet. It appears that
21 Timber Trails is requesting a waiver of land
22 development. There is a March 4, 2014 written
23 correspondence from Terry Martin, who's standing
24 before you. So he may be more inclined to explain
25 exactly what the applicant is proposing to do and

17

1 whether or not -- or why the applicant feels that
2 this board should consider a waiver of land
3 development for this project.

4 MR. HOLAHAN: Go ahead, Terry.

5 MS. LAMBERTON: Hi, Terry.

6 MR. TERRY MARTIN: I'm here on
7 behalf of Lake Naomi Club this evening requesting a
8 variance for the required submission of land
9 development plans for two small projects, that the
10 Lake Naomi Club is looking to, hopefully, do this
11 summer in the Timber Trails Community.

12 With me is Robert Jones who is
13 the general manager and executive vice-president
14 and also we have a couple of representatives from
15 Oak Ridge Construction who will hopefully be doing
16 the construction on the project. I have a couple
17 of handouts that'll help you folks get a feel for
18 what the club is proposing. This is just a portion
19 of the layout in Timber Trails Community. I've
20 highlighted the two areas where the proposed small
21 addition projects will be constructed should they

22 move forward with the proposal.

23 The first one and I think that I
24 had submitted along with the letter requesting the
25 waiver or sketch plans -- do you folks have those

18

1 on your iPads?

2 MS. LAMBERTON: Yes.

3 MR. TERRY MARTIN: The first
4 one is a proposed addition to the existing
5 clubhouse building. I don't recall the square
6 footage, I think it was 1300 square feet.

7 MR. HOLAHAN: 1268.

8 MR. TERRY MARTIN: 1268? And
9 I'll ask Oak Ridge to maybe give you just a little
10 description of what that proposal's for. In
11 addition to the enlargement of the existing
12 building, they're proposing to add some decking on
13 the rear of the existing building as well, which
14 we've denoted on the sketch plan.

15 The second project is located at
16 the existing Golf Pro Shop. There, again, looking
17 to do a small addition, I believe it's 700 square
18 feet, on the existing building there. And in
19 addition, they would like to construct an outdoor
20 pavilion. In the past when they've had events,
21 some tournament play there and some other
22 significant gatherings there, they've had to put up
23 portable tents for those occasions.

24 And what they're looking to do
25 is to construct a small pavilion, more of a

1 permanent-type structure, that when they need it --
2 when the need arrives to use that, it exists and
3 they don't have to go through those chores of
4 directing the portable tent.

5 I'll ask Robert just to give a
6 brief talk on why we're here today and the needs as
7 he sees them.

8 MR. ROBERT JONES: Hello,
9 everyone. Thank you for your time today. I'm
10 Robert Jones, general manager of Lake Naomi Club.
11 As most of you know, the club just celebrated its
12 50 year of celebrating. And we were very excited
13 about that, but now we're planning for the future.
14 And a lot of these facilities that were built in
15 the '70s, were built very well, but it's time to
16 make some changes.

17 And like Terry said, these were
18 minimal changes that we're adding to the building.
19 I think the biggest reason we're doing these
20 changes to make them ADA requir -- acceptable to
21 the codes and make it more convenient for our
22 membership to be able to access the buildings
23 properly.

24 I'm not sure if you're familiar
25 with both facilities, but right now it's very

1 difficult to access the Golf Pro Shop for our
2 membership, so this would allow us to get the Pro
3 Shop on the lower level. And when you see the
4 plans, the majority of the extra square footage is
5 just to allow for more bag storage, so that the
6 members can keep their bags there all golf season
7 long and not have to bring them back and forth to
8 their home.

9 And for the Timber Trails
10 building, once again, this is just to have access
11 to the building. Right now we cannot get anyone on
12 the upper section that is handicapped. So we would
13 install this lift to be able to allow them to enjoy
14 the upstairs and also have the restrooms there. So
15 they're just simple additions that we think would
16 enhance the facilities and we ask you for your
17 support.

18 MR. TERRY MARTIN: These
19 additions, and I might ask Oak Ridge --

20 Don, if you'd like to describe
21 what these additions, the functions of them?

22 They're not to increase any
23 capacity at either one of these facilities. So
24 there won't be any more sewage that's generated or
25 required parking, it's just an enlargement of

21

1 existing facilities that are there. And as Robert
2 said, to bring them into compliance with current
3 ADA standards.

4 Don?

5 THE REPORTER: Can you just
6 state and spell first and last name, please?

7 MR. DON SENSENIG: Yep. I'm
8 Don Sensenig with Oak Ridge Construction. Last
9 name, S-e-n-s-e-n-i-g.

10 THE REPORTER: Thank you.

11 MR. DON SENSENIG: And Robert
12 explained pretty thoroughly the overall program and
13 intent of these improvements. I represent Oak
14 Ridge from the standpoint of helping you with any
15 technical understanding about the individual
16 programs within the facilities. You know, there's
17 -- if you're looking at the golf building itself,
18 the existing building, being that it was built in
19 the 70's is very much in need of enhancement and
20 improvement to take into the future.

21 Same -- it's the same thing for
22 the -- the Timber Trails Clubhouse. So with these
23 improvements of the vertical circulation to get the
24 handicapped accessibility requirements up to
25 standard and the bathrooms, to bring those up to

22

1 standard, anything else that would support that
2 would be just Pro Shop improvements, be some
3 storage improvements. And then the Timber Trails
4 Clubhouse, we're looking at enhancing some finishes
5 and providing some restrooms, too, for the folks on
6 the upper level.

7 MR. TERRY MARTIN: Do you have

8 the letter on your iPads?

9 MS. LAMBERTON: Yes.

10 MR. KERRICK: Yes.

11 MR. TERRY MARTIN: In there
12 you'll note that in the request that we're making
13 for waiver from the land development, the club does
14 commit to four other bullets there, that I have
15 outlined: Paying the township a fee in lieu of
16 land development in an amount that would be
17 specified by the board. No. 2, that we comply --
18 or that the club complies with any and all
19 Tobyhanna Township Zoning Ordinances, storm water
20 management ordinances, adopted building codes
21 and/or any and all applicable township, county,
22 state and/or federal regulations.

23 No. 3, the execution of a
24 professional services agreement with the township
25 in posting the requisite escrow amount to be

23

1 determined by the township. And finally, 4, prior
2 to the issuance of a building zoning permit, the
3 township zoning officer must verify that the
4 proposed improvements comply with all applicable
5 requirements for the township zoning ordinance and
6 adopted building code.

7 Now, one other thing that we'd
8 like to request along with the waiver for the
9 requirement of submitting land development plans
10 is, in addition to that as we stated in No. 4, we
11 will comply, the club will comply, with all the

12 zoning requirements.

13 The Timber Trails Community is
14 located in an R-1 Zoning District. And as a
15 development amenity, both of these projects would
16 be amenities to the development, they are subject
17 to certain sections in your zoning ordinance. And
18 you'll see in No. 2 there that Section 155 dash 100
19 in the zoning ordinance sets forth 10 conditions,
20 which development amenities must conform to. And
21 we reviewed those conditions and the Lake Naomi
22 Club has agreed that they will meet all those
23 conditions set forth in that section of your zoning
24 ordinance.

25 The condition on No. 3, the

24

1 conditional use permits are required for
2 development amenities as I stated. Applications
3 for conditional use permits are referred to the
4 board of supervisors. Section 155 dash 98 sets
5 forth conditions for permit procedure, which
6 includes the applicant having a site development
7 prepared by a competent person with a plan element
8 set forth in Section 155-79.G, Section 155-79.G,
9 plan elements are very -- very similar to plan
10 elements required in the subdivision and the land
11 development ordinance.

12 So what we would like to ask the
13 board of supervisors, we're willing to comply with
14 everything in the zoning ordinance and go through

15 the conditional use approval; however, since many
16 of those things that are required in the site
17 development plan are similar -- and I think Bob can
18 probably reenforce that -- to a land development,
19 we've asked that the board accept something in the
20 nature that we've presented to you this evening as
21 far as a sketch plan.

22 And we would be happy to sit
23 down with the zoning officer and the engineer and
24 add any elements that may be required. Just
25 hopefully that we don't have to duplicate what

25

1 would be required by a land development submission,
2 'cause then it would defeat the whole purpose of
3 asking for a waiver of that submission.

4 MR. ARMSTRONG: Just -- just so
5 it's clear, this -- this board can't waive any
6 zoning requirements --

7 MR. TERRY MARTIN: Right.

8 MR. ARMSTRONG: -- that would
9 be a matter for the zoning hearing board. And it
10 looks like, based upon what you submitted to this
11 board is, that there is a conditional use
12 requirement for this type of expansion, if that's
13 what we're calling it.

14 So what I would suggest is, as
15 -- depending upon how this board views this, is
16 that when you apply for your conditional use
17 application, perhaps you want to ask the board and
18 in turn the township engineer, what will suffice --

19 MR. TERRY MARTIN: If it is
20 required?
21 MR. ARMSTRONG: -- with respect
22 to your conditional use application.
23 MR. TERRY MARTIN: That's fair.
24 MR. ARMSTRONG: If -- obviously
25 if this board is willing to entertain your request

26

1 for a waiver of land development this evening.
2 MR. TERRY MARTIN: Okay.
3 MR. ARMSTRONG: That being
4 said, I want to make sure I understand what's being
5 proposed. It's a 1,370 square foot addition to the
6 clubhouse, correct?
7 MR. TERRY MARTIN: Yes.
8 MR. ARMSTRONG: That's one.
9 MR. TERRY MARTIN: Plus or
10 minus, again, these are just --
11 MS. LAMBERTON: Sketches.
12 MR. TERRY MARTIN: The design
13 isn't finalized, but I just -- that's the square
14 footage that I have from --
15 MR. ARMSTRONG: And then in
16 addition -- in addition to that 1,100 square foot
17 expansion of the deck?
18 MR. TERRY MARTIN: Yes.
19 MR. ARMSTRONG: And then for
20 the Golf and Pro Shop, approximately 690 square
21 feet expansion of the Pro Shop in addition to a

22 pavilion, which is 26 feet by 42 feet?

23 MR. TERRY MARTIN: Correct.

24 MR. ARMSTRONG: What's -- how

25 many square -- do you know what the square --

27

1 MS. HAASE: A thousand

2 ninety-two.

3 MR. TERRY MARTIN: That was

4 quick, Phyllis.

5 MR. ARMSTRONG: That's all --

6 I'm assuming that's all pervious?

7 MR. TERRY MARTIN: Yes.

8 MR. ARMSTRONG: No, impervious.

9 MR. TERRY MARTIN: Impervious,

10 about five percent at least.

11 MR. HOLAHAN: Any other

12 questions, Patrick?

13 MR. ARMSTRONG: Not for me at

14 this time. I'm sorry.

15 MR. HOLAHAN: What's the

16 pleasure of the board?

17 MS. LAMBERTON: I'll make a

18 motion to approve the waiver of land development

19 plan, Timber Trails addition and improvements as

20 presented by Terry Martin, Robert Jones and Don

21 Sensenig this evening, that they meet the agreed

22 terms in their letter dated March 4; along with the

23 discussion with our township engineer to meet

24 whatever notes would be needed, so they don't have

25 to duplicate land development.

1 MR. ARMSTRONG: So -- okay. So
2 my understanding is that the motion, as presented
3 to the board, would be to approve the request for a
4 waiver of land development subject to the applicant
5 following up with their conditional use
6 application, with the plans and/or notes as deemed
7 necessary by the township engineer, together with
8 the conditions actually listed on the March 4, 2014
9 letter from Terry Martin, numbered one through four
10 on the letter and read at the meeting earlier.

11 MS. LAMBERTON: That's what I
12 said.

13 MR. HOLAHAN: That's what she
14 said.

15 MR. ARMSTRONG: I guess the one
16 --

17 MS. LAMBERTON: No, I'm
18 kidding, yes, that's my motion.

19 MR. ARMSTRONG: -- the fee in
20 lieu of land development -- the amount for the fee
21 in lieu of land development, in the event that the
22 board's not able to determine what that fee would
23 be this evening, my understanding is that the
24 condition -- any conditional waiver would be
25 subject to that number being figured out between

1 staff as to, you know, what the cost would be.

2 MS. LAMBERTON: I'm fine with

3 that. That is my motion.

4 MR. KERRICK: Second.

5 MR. HOLAHAN: We have a motion

6 and a second.

7 MS. PICKARD: My other question

8 -- or my question would be, we'll have a

9 conditional use hearing, it'll still be required?

10 MR. ARMSTRONG: Yeah.

11 MS. PICKARD: So that'll be

12 next month maybe?

13 MR. TERRY MARTIN: As soon as

14 we get application, we'll get an application in.

15 MS. PICKARD: Okay. All right.

16 MR. ARMSTRONG: Yeah, there has

17 been no application for a conditional use --

18 MR. TERRY MARTIN: No.

19 MR. ARMSTRONG: -- that I'm

20 aware of. My understanding is the applicant needs

21 to get in touch with the township engineer to see

22 what would be necessary in order to, at least,

23 review it to some extent. It doesn't have to be a

24 significant hearing --

25 MS. LAMBERTON: Right.

30

1 MR. ARMSTRONG: -- but pursuant

2 to the zoning ordinance, they have to go through

3 with the conditional use application.

4 MR. TERRY MARTIN: We are

5 willing to do so.

6 MR. HOLAHAN: Any further

7 discussion from the board?

8 MR. KERRICK: I have a

9 question, John.

10 MR. HOLAHAN: Yes, sir.

11 MR. KERRICK: We've only done

12 this a few times and this in lieu of land

13 development, the fee, do we have a formula that we

14 use or does the staff work it out with --

15 MS. PICKARD: We had a flat fee

16 that we put in for the last couple that you guys

17 did for the Timber Trails and for --

18 MR. KERRICK: Would it be by

19 size --

20 MS. PICKARD: Well, it was like

21 a thousand or \$1500.

22 MR. HOLAHAN: That's as I

23 recall.

24 MR. TERRY MARTIN: A thousand,

25 I believe.

31

1 MS. HAASE: Yeah, it was a

2 thousand for the one building.

3 MR. TERRY MARTIN: Yeah.

4 MR. ARMSTRONG: Yeah, this is a

5 little bit more extensive than --

6 MS. PICKARD: Okay.

7 MR. ARMSTRONG: -- the prior

8 one that I was involved with anyway at Lake -- I
9 think it was Lake Naomi, the minor expansion that
10 they --
11 MR. TERRY MARTIN: Yes, yes.
12 MR. ARMSTRONG: -- that they
13 were dealing with. So obviously the extent of the
14 renovation of the work or the expansion --
15 MS. PICKARD: But shouldn't the
16 board approve that fee?
17 MR. ARMSTRONG: They should.
18 MS. LAMBERTON: It said it in
19 --
20 MR. ARMSTRONG: I didn't know
21 if you were in a position to --
22 MS. PICKARD: I don't know
23 whether we are or not, I just didn't know whether
24 --
25 MR. KERRICK: I didn't know --

32

1 MS. PICKARD: -- that was
2 something that we should be, the board should be
3 including, or figure it out.
4 MR. HOLAHAN: We really don't
5 know the extent --
6 MS. PICKARD: Yeah.
7 MR. HOLAHAN: -- of the
8 project, so are we going to rely on guidelines that
9 have been laid down -- that --
10 MS. PICKARD: Can that be
11 determined --

12 MR. HOLAHAN: I think Mr.
13 McHale understands.
14 MS. PICKARD: Can that be
15 determined at the time --
16 MS. LAMBERTON: Why don't we
17 let Bob and Phyllis --
18 MS. PICKARD: -- of a
19 conditional use hearing?
20 MR. HOLAHAN: I was --
21 MR. ARMSTRONG: Yeah, there's
22 nothing --
23 MS. PICKARD: By then we just
24 had a fee in lieu of.
25 MR. ARMSTRONG: If you wanted

33

1 to amend your motion, you could tie the actual
2 amount of the fee in lieu thereof to be determined
3 at the time of the conditional use hearing, 'cause
4 that's going to be before you as well.
5 MS. PICKARD: Yeah.
6 MR. ARMSTRONG: You can do
7 that. And it'll give the township staff time to
8 review the actual application and see what that fee
9 should be.
10 MS. LAMBERTON: And come up
11 with an amount. I'm fine with that. I'll amend my
12 motion.
13 MR. HOLAHAN: Who was the
14 second?

15 MR. KERRICK: Oh, I'm sorry.
16 I'll amend my second. I was asleep.
17 MR. HOLAHAN: Any further
18 discussion from the board?
19 MR. KERRICK: I have none.
20 MR. HOLAHAN: From the public?
21 Call the vote. John?
22 MR. KERRICK: In favor.
23 MR. HOLAHAN: Heidi?
24 MS. PICKARD: I'm in favor.
25 MR. HOLAHAN: Donald?

34

1 MR. MOYER: I vote in favor.
2 MR. HOLAHAN: Annie?
3 MS. LAMBERTON: I vote in
4 favor.
5 MR. HOLAHAN: I vote in favor.
6 Motion carries.
7 MR. TERRY MARTIN: Thank you.
8 MR. MOYER: You're welcome.
9 Good luck.
10 MS. LAMBERTON: Good luck with
11 your project.
12 MR. DON SENSENIG: Thank you.
13 MR. MOYER: Yep, good luck.
14 MS. PICKARD: Thank you.
15 MR. McHALE: Mr. Chairman, if I
16 could just interject one item that's not on the
17 agenda, but I did speak to the township manager
18 about.

19 MR. HOLAHAN: Certainly.

20 MR. McHALE: During

21 construction of the Dollar General, they were to
22 construct a force main that was to parallel 940 and
23 tie into an existing cross pipe, if you will, under
24 940 to the east of their project. And during
25 construction, what had occurred was, the as-built

35

1 drawings had indicated that there were two
2 commercial laterals that tied into this cross pipe
3 that went under 940.

4 And when they got under
5 construction, they actually excavated it. Those
6 lines were a little bit closer to the shoulder.
7 And what the design and the inspecting engineer,
8 which was Cornerstone Consulting Engineers and
9 Architectural Services, what they had done and the
10 contractor was -- they came up with a kind of a
11 revised scenario that they did run by the township
12 at the time.

13 So they -- what they ended up
14 building instead of the force main extension and
15 then a transition to a sloped pipe with a sweep
16 into this cross pipe, they basically took the line
17 tied into a vertical drop, that's about four to
18 five feet, and there's no affluent flow in that
19 line. So our concern was that, that there could be
20 a build-up of, you know, solids or something during
21 the course of time.

22 And it's either have them go
23 back out and rip out what they did or provide a
24 maintenance agreement that our solicitor has agreed
25 to, you know, create that would be insuring that

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1 they would have on a frequency that we would
2 determine, inspect and have operation and
3 maintenance. Instead of dedicating the line to us,
4 we would let them own and maintain the facility in
5 perpetuity.

6 So what we wanted to do tonight
7 is just to ask the board if that was acceptable to
8 move in that fashion to go toward an agreement that
9 they could sign. And also provide escrow monies,
10 should this not work as they are anticipating, they
11 would have enough monies there to actually go out
12 and correct it to the satisfaction of the township.

13 Basically that's the sketch that
14 came from the contractor and the lower left portion
15 of it shows the vertical drop and that's -- really
16 if the vertical drop -- if there was a flow in the
17 line, it would be a little easier to accept this
18 revised version of what was out there, but since
19 it's a dead-end, it's something we just kind of
20 wait and see what happens and -- but in order for
21 them to make a reduction in their financial
22 securities that they have in place and kind of wrap
23 the project up to a point where they only have one
24 agreement and a reduced escrow, we wanted to get
25 your permission to have our township solicitor move

1 forward with something like that.

2 MR. HOLAHAN: How was this
3 discovered?

4 MR. McHALE: Well, what they
5 had done is they attempted to cont -- I was out of
6 town at the time and they were -- the DPW director
7 notified them, gave them a cell phone number, said,
8 contact me at any time if you have any questions.
9 And I don't know if it was late in the afternoon or
10 whatever happened, they never did call, they never
11 did contact, they built it. And then we get this
12 email that shows the revised sketch.

13 MR. HOLAHAN: Oh, okay.

14 MR. McHALE: So it was kind of
15 an after the fact thing and we were just --

16 MR. KERRICK: This was not the
17 sketch that they submitted to us? This was not the
18 proposed --

19 MR. HOLAHAN: Right.

20 MR. KERRICK: -- method that
21 they were going to do?

22 MR. McHALE: Correct.

23 MR. HOLAHAN: This is an --

24 MR. McHALE: I have --

25 MR. HOLAHAN: -- as-built at

1 this point, correct?

2 MR. McHALE: Yeah.

3 MR. KERRICK: This is an
4 as-built at this point. And I was there that
5 morning, gave them my phone, if they had any
6 problems call and this is what we ended up with.

7 MR. McHALE: I have copies of
8 the other information if you'all wanted to look at
9 it. I didn't want to confuse the matter tonight
10 because there's a lot of details to it. But this
11 is essentially what they were supposed to have
12 done. From the force main they were supposed to
13 convert to a sloped pipe and then a sweep and bring
14 it in and that's what they did.

15 MR. HOLAHAN: Well, Mr. McHale,
16 we pretty much depend on you as our engineer to
17 give us proper guidance, so what they've submitted
18 and the -- what they're looking to do with the
19 maintenance agreement, does that sound like -- make
20 sense?

21 MR. McHALE: I think at this
22 point in time we could move forward with that and
23 also require that they put up enough financial
24 securities that in the event it does not work as
25 they anticipated, that they would have enough

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1 monies there to actually put in a revised solution.

2 MR. HOLAHAN: Okay.

3 So, Patrick, what action do we
4 need to take at this point?

5 MR. ARMSTRONG: Well, there's
6 -- there's nothing really before you to act upon.
7 They have an approved plan, they have posted
8 financial securities with the township to construct
9 that plan in accordance with what was approved.
10 Unfortunately, this aspect of it they -- they took
11 a little detour. So this is more of a, if the
12 board is agreeable to what Bob just explained with
13 respect to a maintenance agreement, additional
14 financial securities to maintain over time, as well
15 as --
16 Would there be a need for -- no
17 pump? No. Nothing additional, just the
18 maintenance agreement.
19 So long as the board is all on
20 board, if you want to do a motion, a consensus
21 would be fine, but if you want to do a motion to
22 move forward and Bob and I can -- can reach out to
23 Dollar General and make sure that --
24 MS. LAMBERTON: We would have
25 to something, I don't have a problem with that.

40

1 MR. MOYER: Yeah, I'm okay.
2 MS. PICKARD: Yeah.
3 MS. LAMBERTON: Are we able to
4 know that it's their sewer line that's causing the
5 problems with the three all tied in, in one area?
6 MR. McHALE: Yes, there'll be
7 inspection --

8 MS. LAMBERTON: I mean, I don't
9 want someone else getting blamed.
10 MR. McHALE: -- ports and
11 clean-outs that are constructed there that we'd be
12 able to --
13 MR. MOYER: Check.
14 MR. McHALE: -- they'll be able
15 to view and we're going to ask that they view those
16 on a regular basis --
17 MS. LAMBERTON: Okay.
18 MR. McHALE: -- until such time
19 when we see that it's functioning properly and it's
20 not, you know, backing and collecting solids and
21 that type of thing.
22 MR. HOLAHAN: So we can do this
23 by consensus --
24 MS. LAMBERTON: Yeah.
25 MR. HOLAHAN: -- or --

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1 MS. LAMBERTON: I'm fine with
2 that.
3 MR. HOLAHAN: Is everybody okay
4 with this?
5 MR. MOYER: I'm okay with it.
6 MS. LAMBERTON: Yeah.
7 MS. PICKARD: That's fine.
8 MS. LAMBERTON: Absolutely.
9 MR. HOLAHAN: John?
10 MS. LAMBERTON: We'll forward
11 to Patrick.

12 MR. KERRICK: Yes, I'm fine.
13 MR. HOLAHAN: Okay. By
14 consensus we'll go ahead and move forward.
15 MR. McHALE: Thank you very
16 much.
17 MR. HOLAHAN: Thank you.
18 MR. McHALE: Pinecrest Phases 5
19 and 6, Mr. Oiler?
20 MR. NATE OILER: Thank you.
21 I'm Nate Oiler with RKR Hess. We're going to have
22 Marshall Weisman --
23 Come on up, Marshall.
24 -- will explain our application.
25 Marshall would like to look into proceeding with

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1 Phases 5 and 6 of Pinecrest. As you know, the --
2 there was a project that was approved -- I think
3 back in 2006 was the latest plan. We submitted a
4 sketch plan. Do you all have that on -- on your
5 desktop?
6 MS. LAMBERTON: Umm-hmm.
7 MR. NATE OILER: Or I have
8 copies here if that's --
9 MR. HOLAHAN: We've got it.
10 MR. NATE OILER: -- you'd like
11 to see what you need to see on your screen or --
12 When the project started
13 construction, there were improvements installed,
14 there were units constructed and then basically the

15 whole project went on hold. And there was a
16 building Phase 1, which is in the orange that
17 was -- I guess the frame was put up, the building
18 was never completed. So that would be the obvious
19 place to start moving forward.

20 Then there's a Phase 2, which is
21 kind of completing the loop road, which would
22 include the units on CC there in yellow. And then
23 a Phase 3 would complete all the units and they
24 would be in blue. And I think we're here to just
25 discuss where the township is with the project and

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1 how we'd like to proceed with it.

2 Obviously it's important to him
3 to understand how the improvements come to
4 together, when he can get his occupancy permits so
5 that he knows what his business plan is. It seems
6 the first is to get that unit that is not occupied,
7 it needs to be completed and be brought up to -- so
8 it can be occupied and sold because you can't have
9 a unit that's not occupiable in the project.

10 So what we have proposed, and we
11 did a general outline, is those first five units in
12 Phase 1. The proposal would be to provide paving
13 basically back to that unit off the existing Road
14 CC. So you would have paved driveway and we would
15 put the utilities and that would be in the short
16 direction off Road CC, so that the paving
17 improvements, utility improvements would be
18 completed. And then he would be looking to get his

19 completion of his occupancy permit and sell that
20 unit. And at this point we're not asking for any
21 reduction in the existing letter of credit. We're
22 adding improvements, but we're just leaving the
23 existing letter of credit that's there.
24 We'd like to proceed into Phase
25 2 and continue down Road CC from that same

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1 direction, building units, installing all the
2 utilities and doing the base paving at the same
3 time. We might ask to just put the base paving
4 down so we could do the wearing later, we can work
5 out those details just -- so that -- as we're
6 running the construction. The equipment over
7 there, when we get done with that whole road, we
8 could top the whole wearing course and we wouldn't
9 have all the construction traffic driving on the
10 wearing course.
11 And then at the end of what we
12 saw as Phase 2, that's when we would propose to
13 kind of take all the improvements we had put,
14 review it against the money that is with the
15 township now for the improvements and either ask
16 for a reduction, you know, based on what is done to
17 make sure that there's enough to do the final
18 phase, which would be Phase 3. At that point we'd
19 either ask -- you know, ask for whatever was due to
20 us, making sure that there was enough for any of
21 the final improvements anywhere that are required

22 in the proposed development. So that's a quick
23 summary of what we're proposing.
24 Marshall, I don't know if you
25 want to say anything in particular about what's

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1 important for the project and what you're getting
2 into here and undertaking?

3 MR. MARSHALL WEISMAN: I'm
4 basically just --

5 THE REPORTER: Could you just
6 please state and spell first and last name, please?

7 MR. MARSHALL WEISMAN: Marshall
8 Weisman, M-a-r-s-h-a-double l, Weisman,
9 W-e-i-s-m-a-n.

10 THE REPORTER: Thank you.

11 MR. MARSHALL WEISMAN: We
12 contracted, you know, the -- you know the history
13 of this property a lot better than I, but the bank,
14 the way -- I deal a lot with in New Jersey -- you
15 know, we do a lot of business in South Jersey with
16 this type of development. And when I came down
17 there and looked at it what -- the first thing that
18 -- I met with probably 15 brokers here in the area
19 and they said, you know, it obviously had its
20 better day and, you know, people are optimistic
21 that, you know -- just like in South Jersey, it
22 follows the -- sort of New York and, you know,
23 things take its time.

24 So the gamble is that, you know,
25 the -- the update will come back; but what they all

1 say, the impediment right now is that you have --
2 like right when you walk into the property, there's
3 five units that are almost finished, siding and
4 unfinished. And, you know, that makes it,
5 obviously, very difficult to deal with.

6 So when I had come to meet --
7 you know, the people were investing the money in
8 this and together with myself was building it, and
9 said that what we'd like to do is make those five
10 units nice and very presentable and really sell
11 them quite inexpensively, only because we would
12 like to put like a fresh face on this property and
13 show that under new management, all occupied, no --
14 none of that vacant stuff where kids hang around or
15 all that type of stuff and breathe a fresh face on
16 it and hopefully then go through every phase.

17 And as we say, you know, we're
18 not trying to sell 50 at a time, but, you know, go
19 to the next phase, do the improvements, sell
20 another five, do those and go through. And
21 gradually over time, you know, over the next,
22 hopefully, year and a half, two years, in that
23 time, as sales go -- you know, come gradually, but
24 definitely do it in a phase because -- although
25 we're doing it because we're optimistic, that's

1 something we can't be crazy. You know, we're not
2 just gonna think that we can sell 50 in a year,
3 which I don't think is reasonable.

4 But I think it's reasonable to
5 think we could sell -- you know, once we get going
6 and people start liking and see that it's not a
7 dormant project anymore, you know, sell five and
8 then another five, another five, et cetera, and it
9 turns into a nice little completed project versus
10 something that is a pity. Looks nice now, but just
11 has a -- little warts on it, so that I think we can
12 take care of.

13 So there's a plan to try to do
14 that, you know, there's some people who are putting
15 in the money, their concept is that they'll lay out
16 the money to buy it, they'll lay out the money to
17 fix the improvements for the first phase, finish
18 that. And, you know, obviously there's a lot to
19 maintain in the project, there's common association
20 fees, the taxes, all that stuff to keep that going.
21 Then lay out the money for the second phase. If
22 you guys are happy -- again, not remove any money
23 from the bond or anything like that -- sell five
24 units, build five units, boom, et cetera.

25 And then finally when we get to

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1 Phase 3, we're finally at that point where we're
2 gonna finish up everything, we will have a
3 reckoning, so to speak, that probably at that
4 point, hopefully we'll sell 10, 12 units at that

5 point. We'll be way ahead of you with the bond and
6 then we'll be able to pull some of that, the 250
7 some odd thousand that is there, to be able to
8 complete the rest and that's the basic plan, just
9 to move everything and basically that's it.

10 MR. ARMSTRONG: Okay. What I
11 don't --

12 MS. LAMBERTON: I was going to
13 say, what are we asking?

14 MR. ARMSTRONG: I don't know if
15 there's anything really before the board to act
16 upon tonight. It looks like you're looking more
17 for direction from the board.

18 MS. LAMBERTON: What you need
19 to finish.

20 MR. MARSHALL WEISMAN: I'm
21 not, you know -- what I need, let me tell you what
22 I need, and it's completely up to you guys, you
23 know. I know normally -- 'cause I built in many
24 different townships and, you know, it's the phasing
25 feasibility, so to speak, are different in every

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1 single town, you know. I want to confirm and I
2 would love to have, I guess -- you know, you had
3 mentioned about some sort of developer's agreement.

4 I'm looking for, you know, not
5 really just direction, but some sort of a
6 commitment, I guess, that -- that the phasing plan
7 that we've laid out that you're comfortable with,

8 you know, not -- you know, I can't find out later,
9 you know -- 30 years ago I would start building
10 something and be foolish enough to find out the
11 township wasn't gonna be happy with that.

12 I'd like to know that -- it's
13 pretty black and white what we're proposing. I'd
14 like to know that you guys are comfortable with it.
15 Obviously we're not gonna put in a developer's
16 agreement this second, but if I hear you guys are
17 comfortable, I -- I'm -- I would like to move
18 forward.

19 MR. ARMSTRONG: Let's -- let's
20 -- have you purchased the development rights from
21 Pinecrest for these two phases?

22 MR. MARSHALL WEISMAN: For all
23 the phases. I'm in contract now to purchase, I'm
24 supposed to close in 21 days.

25 MR. ARMSTRONG: Okay. You're

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1 looking for -- my understanding, you're really
2 looking for direction from the board. If they be
3 more inclined to consider this phasing type --

4 MR. MARSHALL WEISMAN: Yes.

5 MR. ARMSTRONG: -- layout for
6 -- for the remainder of at least these phases of
7 Pinecrest, correct?

8 MR. MARSHALL WEISMAN: Phases 5
9 and 6.

10 MR. ARMSTRONG: With the
11 understanding that the financial securities that

12 were drawn on by the township when the -- the
13 project kind of halted --

14 MR. MARSHALL WEISMAN: Right.

15 MR. ARMSTRONG: -- years ago,
16 you won't be requesting any of those monies at
17 least until a point where the township is
18 comfortable releasing them, once some of these
19 public improvements start being completed by --

20 MR. MARSHALL WEISMAN: That's
21 correct.

22 MR. ARMSTRONG: -- you and your
23 company?

24 MR. MARSHALL WEISMAN: Exactly.

25 MR. HOLAHAN: At the end of

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1 Phase 2.

2 MR. ARMSTRONG: The end of
3 Phase 2, at the very end of the phase.

4 MR. HOLAHAN: Correct, right.

5 MR. MARSHALL WEISMAN: And
6 that, you know -- whether that's at Phase 2 or the
7 middle of Phase 3 is up -- that's -- that's, you
8 know, not -- we, you know --

9 MR. ARMSTRONG: The one thing
10 I -- and maybe I'm reading it wrong, but I'm
11 looking at something dated February 3, 2014, and I
12 want to make sure that you're clear, that you -- it
13 says occupancy permits for Units 144 to 148 to be
14 issued upon issuance of building permit. That's

15 not --

16 MR. McHALE: I think that means

17 --

18 MR. NATE OILER: That was my

19 poor wording.

20 MR. McHALE: -- subsequent --

21 MR. NATE OILER: What I meant

22 to say there is that the building permit

23 requirements have been completed. So basically

24 that -- Marshall just wants to confirm that we do

25 this -- the improvements, which were basically the

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1 base paving into the unit, have all the utilities

2 together, he complied with the requirements of the

3 building permit and the occupancy permit be issued.

4 MR. ARMSTRONG: For those four

5 shall --

6 MR. NATE OILER: For the five.

7 There's actually five, yes, I had the number there.

8 So it's for those first five so that he could

9 complete those units, sell those units and move on

10 to continue the improvements ahead until we got to

11 --

12 MR. HOLAHAN: Well, isn't there

13 a plan currently --

14 MR. MOYER: Yeah, isn't it

15 already approved?

16 MS. PICKARD: They're approved,

17 right.

18 MR. HOLAHAN: -- in place?

19 MR. ARMSTRONG: The plan -- the
20 plan is currently approved and if there's
21 structures there, chances are there's building
22 permits out there. It's -- the question is how
23 long have those building permits been pulled.
24 MR. HOLAHAN: Yeah.
25 MR. MARSHALL WEISMAN: I'm --

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1 the way I understand it, obviously there's a
2 building permit, which I think is run by a
3 consultant firm or a service in charge of that,
4 right?
5 MR. ARMSTRONG: Bureau Veritas.
6 MR. NATE OILER: The building
7 code?
8 MS. LAMBERTON: Bureau Veritas.
9 MR. MARSHALL WEISMAN: Bureau
10 Veritas, yes. So I spoke with them and I
11 understand that that's a separate track and I
12 understand it's my responsibility to deal with all
13 the building permits, electrical permits, plumbing.
14 All right? I'm not coming to you guys for that,
15 but I would imagine, as in every town, there's --
16 you know, your guys got to approve, you know, the
17 last form of -- you know, in order to get a
18 certificate of occupancy, once I finish the actual
19 building, you guys got to be happy also to finish
20 that phase.
21 So that certificate of

22 compliance or whatever the language it is over
23 here, I wanna know that I can get that from you
24 guys.

25 MR. ARMSTRONG: Aside from the

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1 phasing that you've talked about tonight -- and I'm
2 just going to -- your scheduled construction, are
3 you proposing to change anything --

4 MR. MARSHALL WEISMAN: No.

5 MR. ARMSTRONG: -- to the
6 approved PRD plan --

7 MR. MARSHALL WEISMAN: Not at
8 all.

9 MR. ARMSTRONG: -- for these
10 phases?

11 MR. MARSHALL WEISMAN: Not at
12 all.

13 MS. PICKARD: My concern would
14 be when we release the monies and how we release
15 the money because I don't think there's enough
16 money to complete the approval --

17 MR. ARMSTRONG: To the extent
18 that I wasn't clear enough, the financial
19 securities will not be released until the township
20 is in a position that they feel it's --

21 MR. MARSHALL WEISMAN: It's
22 gonna be your call --

23 MR. ARMSTRONG: -- appropriate
24 to be released.

25 MR. MARSHALL WEISMAN: I know it

1 has to be your call.

2 MR. ARMSTRONG: There are a
3 significant amount of improvements that need to be
4 done and the money that has been secured probably
5 is --

6 MR. McHALE: It may be wise to
7 revisit this at the end of each year as time
8 progresses to determine those numbers, to make sure
9 there's adequate securities in place and that they
10 are progressing ahead. So I'm just --

11 MR. HOLAHAN: So are you in due
12 diligence right now?

13 MR. MARSHALL WEISMAN: I'm due
14 diligence, yes. It would be more than due
15 diligence, yeah.

16 MR. HOLAHAN: You're past that?

17 MR. MARSHALL WEISMAN: Yeah,
18 I'm ready to go. I'm ready to go.

19 MR. ARMSTRONG: Well, here's
20 another issue, that I think you may have touched on
21 it earlier, when this PRD was done, it was with
22 Pinecrest Corp, which means any financial
23 securities which have been drawn on by now, but
24 development agreement would've been between the
25 township and Pinecrest Corp. So there will -- at

1 -- the township should enter into a development
2 agreement with your --
3 What's the name of your --
4 MR. MARSHALL WEISMAN: W
5 Developers.
6 MR. ARMSTRONG: W Developers?
7 MR. MARSHALL WEISMAN: Yes.
8 Yeah, clearly, yeah, I would very much want that,
9 that I would have our own developer's agreement,
10 sure.
11 MR. ARMSTRONG: Professional
12 services, it'll be part of that agreement.
13 MR. MARSHALL WEISMAN: No, no,
14 right.
15 MR. ARMSTRONG: So, again, I
16 don't think there's anything really for this board
17 to act on tonight. Maybe you're looking to ensure
18 that they're agreeable to what you're explaining to
19 them tonight, I think they are.
20 MS. LAMBERTON: Umm-hmm.
21 MR. ARMSTRONG: Don't let me
22 speak for the board.
23 MS. PICKARD: I think it's
24 better than the previous plan right now.
25 MR. HOLAHAN: Or the existing.

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1 MR. NATE OILER: I think in
2 general what we're saying is we will not ask for
3 release of escrow funds until you're comfortable
4 that there has been adequate --

5 MR. MARSHALL WEISMAN: That I
6 would have to put in your hands. When you guys are
7 comfortable that we're at a good stage -- 'cause I
8 don't -- I would never expect you to, you know,
9 release -- I'm not asking for money now to do what
10 I have to do. There will be a point when you guys
11 are comfortable, so whatever language that may be,
12 that's fine.

13 MS. LAMBERTON: He wants our
14 blessing. Have at it.

15 MR. ARMSTRONG: You've sat down
16 with the township engineer and explained what
17 you're proposing and --

18 MR. NATE OILER: In general
19 we've submitted this information.

20 MR. McHALE: Yeah, and we have
21 this information.

22 MR. NATE OILER: And that's --

23 MR. ARMSTRONG: Then I think
24 maybe the next step, if the board is agreeable, is
25 for maybe me to put together a development

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1 agreement to address moving at least Phases 5 and 6
2 forward.

3 MR. MARSHALL WEISMAN: Yes.

4 MR. ARMSTRONG: That's what
5 we're talking about tonight --

6 MR. MARSHALL WEISMAN: Yes.

7 MR. ARMSTRONG: -- Phases 5 and

8 6.
9 MR. MARSHALL WEISMAN: That's
10 all --
11 MR. McHALE: Phases 5 and 6 is
12 all he has.
13 MR. MARSHALL WEISMAN: That's
14 all I have. That's all I want.
15 MR. MOYER: That's all he had.
16 MR. McHALE: He's wanting to
17 schedule or phase within the phase, Phases 5 and 6;
18 5 and 6 are the final plans of the tentative plan.
19 MS. LAMBERTON: So he wants to
20 be able to build a unit, sell it and move on --
21 MR. HOLAHAN: What do you
22 think, folks?
23 MS. LAMBERTON: -- that simple.
24 I get it.
25 MR. KERRICK: I have a couple

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1 questions I've been trying to get in here. There
2 was -- there's some issues with the storm water,
3 are you guys familiar with that, with changing at
4 the post?
5 MR. NATE OILER: I'm familiar
6 that -- my understanding is that the storm water
7 basins are built for their temporary condition for
8 --
9 MR. KERRICK: Correct.
10 MR. NATE OILER: -- moving
11 sediment and that when they're finalized they will

12 have to be converted to a final sediment basin.

13 MR. KERRICK: Okay. Really --

14 and then there were some issues with the sewer. I

15 just wrote some notes down here.

16 MR. NATE OILER: Yeah --

17 MR. KERRICK: Those were my --

18 MR. NATE OILER: That letter --

19 MR. KERRICK: Just -- the only

20 issue that I really have -- I'm sorry -- is the

21 trust was in here a few years ago wanting to know

22 about the final coat of asphalt on the first phase,

23 the phases that are completed --

24 MR. NATE OILER: Right.

25 MR. KERRICK: -- because it was

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1 dete -- the base was starting to deteriorate. We

2 don't want to be -- I don't want to be in a

3 position, and I'm sure the rest of the board

4 doesn't, that we have -- there's limited amount of

5 funds there to begin with, that we end up with a

6 problem.

7 You're aware of that?

8 MR. NATE OILER: I was unaware

9 of the --

10 MR. KERRICK: Am I correct,

11 Bob?

12 MR. McHALE: Yes. They had

13 requested the wearing course fees.

14 MR. KERRICK: What you're

15 proposing now is to finish these five, but not
16 touch anything in this area that is completed and
17 occupied? The final coat is not -- of asphalt is
18 not on that section.

19 MR. NATE OILER: Correct. That
20 will need to happen at some point. And, you know,
21 you're pointing out that it may be sooner than
22 later, is that fair?

23 MR. KERRICK: Well, yeah,
24 that's what they came to us and we didn't act on it
25 at the time.

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1 MR. McHALE: Maybe that's
2 something Pat could write into the agreement that
3 should that request be formalized again and the
4 township see the need to move forward at that point
5 in time, then you'd be required to put the wearing
6 course on those finished units. But it could be
7 sculpted in a way --

8 MR. KERRICK: I think it's great
9 you're going to finish the project, I just don't
10 want to the township to end up with a --

11 MR. NATE OILER: I understand.

12 MR. KERRICK: -- that's all.

13 MR. NATE OILER: You know,
14 obviously, our understanding is if that were to
15 come to top the whole rest of the development early
16 in the project with no funds that are withheld,
17 that would put a big burden. So we'll work out
18 that detail --

19 MR. MOYER: Yeah.
20 MR. McHALE: Well, that's where
21 -- it'd have to be written in that -- some of those
22 funds --
23 MR. NATE OILER: Those are the
24 details --
25 MR. McHALE: -- could be

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1 utilized, you know, to assist in that wearing
2 course being placed because --
3 MR. NATE OILER: Right.
4 MR. McHALE: -- those monies
5 are being held might now --
6 MR. NATE OILER: Right.
7 MR. McHALE: -- before that.
8 MR. NATE OILER: That is a part
9 of --
10 MR. MARSHALL WEISMAN: I'm
11 sorry.
12 Mr. Kerrick, part of those funds
13 that you're holding is addressing what he's
14 addressing?
15 MR. KERRICK: Correct.
16 MS. PICKARD: Yeah.
17 MR. MARSHALL WEISMAN: Oh, it
18 is. All right. I understand.
19 MR. KERRICK: But if -- maybe
20 you could put in the agreement, if there was an
21 area that was bad, that we wouldn't be held

22 responsible, that they would fix that area till
23 such time that they would top it.
24 MR. ARMSTRONG: I -- I have a
25 feeling Bob is pretty aware as -- of what needs to

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1 be done and maybe the priority of the improvements
2 that need to be done in that development. And I'll
3 work that into the actual development agreement
4 that I'll be circulating to you, hopefully, not in
5 the too distant future.

6 I'll just need your comments.

7 MR. NATE OILER: What's your
8 date that you need?

9 MS. LAMBERTON: Yeah, he's got
10 21 days.

11 MR. ARMSTRONG: Oh, you got 21
12 days.

13 MR. NATE OILER: 21 days.
14 Okay.

15 MS. LAMBERTON: Yeah, we can
16 renew it.

17 MR. NATE OILER: If we could at
18 least get a -- certainly if the board wants to,
19 they'll take action. If we could get at least
20 something that we're in the meeting of the minds
21 on.

22 MR. KERRICK: When is your
23 actual date?

24 MR. MARSHALL WEISMAN: No, it's
25 --

1 MR. ARMSTRONG: You're under an
2 agreement of sale --
3 MR. MARSHALL WEISMAN: Yes.
4 MR. ARMSTRONG: -- that expires
5 in 21 days.
6 MR. MARSHALL WEISMAN: Yes, 20
7 days.
8 MR. ARMSTRONG: You have to
9 close within 21 days if you're going to close --
10 MR. MARSHALL WEISMAN: Even 20
11 days actually.
12 MR. ARMSTRONG: Do we have
13 contact information?
14 MR. McHALE: Yes.
15 MR. MARSHALL WEISMAN: Yes.
16 MR. HOLAHAN: So, board,
17 anything else? Are we in favor of them moving
18 forward?
19 MR. KERRICK: Absolutely. I
20 am.
21 MR. HOLAHAN: Okay?
22 MS. LAMBERTON: Say we try it.
23 MR. MOYER: Yeah.
24 MS. LAMBERTON: Absolute --
25 authorize Patrick to.

1 Good luck.

2 MR. ARMSTRONG: Bob, Phyllis

3 and I will be reaching out to one or both of you.

4 MR. NATE OILER: Okay. Thank

5 you.

6 MR. MARSHALL WEISMAN: Thank you

7 very much.

8 MR. HOLAHAN: You have anything

9 else, Bob?

10 MR. McHALE: No, sir, I'm good.

11 Thank you very much.

12 MR. HOLAHAN: Good evening.

13 (Mr. McHale left the meeting at

14 7:53 p.m.)

15 MR. HOLAHAN: Could we get back

16 into the sequence then?

17 MS. HAASE: Yes, sir.

18 MR. HOLAHAN: No. 6, solicitor

19 report. Public hearing for proposed ordinance

20 creating the Tobyhanna Sewer District No. 1.

21 Patrick?

22 MR. ARMSTRONG: Thank you, Mr.

23 Chairman.

24 If the board recalls, part of

25 the Kalahari Resorts land development plan and

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1 project as a whole, that Kalahari Resorts

2 development, as well as the Pocono Manor future

3 potential commercial project and property will be

4 served through a Tobyhanna Township sewer

5 collection system, which will be collected and
6 transferred down to the Brodhead Creek Regional
7 Authority Treatment to be treated.

8 Now, currently there is no sewer
9 district of Tobyhanna Township over in the Kalahari
10 and the Pocono Manor property area of the township.
11 What this ordinance is doing and we are required to
12 do it, in order to provide sewage collection
13 services in that area of the township is, it's
14 creating what has been named in the multiple
15 agreements that have been created as part of this
16 project as the Tobyhanna Sewer District No. 1.
17 And, again, this is an ordinance that has been
18 advertised for a public hearing this evening in the
19 Pocono Record.

20 It's been advertised pursuant to
21 the Second Class Township Code for a public hearing
22 in the March 4 -- or I'm sorry, the March 3, 2014
23 edition of the Pocono Record. It's been -- this
24 ordinance has been available for public inspection
25 at the township offices, as well as the Pocono

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1 Record and the Monroe County Law Library.

2 And the ordinance itself, first
3 what it does is, in article -- it creates a new
4 Article VIII in the Tobyhanna Township Code of
5 Ordinances creating the Tobyhanna Sewer District
6 No. 1 area within the township. And, again, that
7 area is on Exhibit A of the ordinance, which is the

8 Kalahari and Pocono Manor property down near the
9 intersection of 940 and 380, which is the subject
10 of the Kalahari Resorts land development plan.

11 It indicates that all of the
12 property -- all the improved property in that sewer
13 district will be serv -- or provided sewage
14 collection service from the Township of Tobyhanna
15 and thereafter transferred through the Pocono
16 Township sewage collection system and then into the
17 BCRA treatment plant for sewage treatment.

18 It incorporates the
19 intergovernmental agreements between Tobyhanna
20 Township and Pocono Township, as well as Tobyhanna
21 Township, Pocono Township and the BCRA with respect
22 to the sewer connection, collection and treatment.
23 And, again, this is -- like I said, it's adding a
24 new article to your Code of Ordinances to
25 specifically identify and create this new Tobyhanna

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1 Sewer District No. 1.

2 It also creates an Article IX,
3 which has been reserved. Article IX will be a
4 future more extensive sewage collection -- or I'm
5 sorry, sewage connection ordinance to set forth the
6 many technical requirements associated with this
7 Sewer District No. 1.

8 I will call your attention to
9 one other portion of the ordinance. If you look at
10 Article II -- or I'm sorry, Article I and Article
11 II of the proposed ordinance. Article I -- well,

12 first let me explain. Currently Chapter 113 of
13 your Code of Ordinances provides for a sewer
14 area. That sewer area is primarily in the
15 Blakeslee area, that's within your 537 Plan, that's
16 where the public sewage system is in Tobyhanna
17 Township. However, it hasn't ever really been
18 named and we didn't discuss this at your last
19 meeting.

20 The way I've handled this in
21 this ordinance, you'll see, is in the definition of
22 sewer area in Chapter 113, Article V of your
23 existing Code of Ordinances, we made clear and we
24 call out that the sewer area for purposes of that
25 aspect of your treatment -- sewage treatment area,

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1 is not part of the Tobyhanna -- Tobyhanna Sewer
2 District No. 1, it's separate and distinct. So
3 what we've done is we called that out in the
4 definition of sewer area.

5 If you look at Article II in the
6 existing Chapter 113 of the Code of Ordinances of
7 the township, we add a new subsection. Again,
8 specifically indicating that the general sewer
9 area, which, in my mind, is the Blakeslee sewer
10 area that's existing, is not applicable to the
11 Tobyhanna Sewer District No. 1, 'cause as you're
12 well aware, there are mul -- there are
13 intergovernmental agreements governing it and other
14 requirements that we have to comply with out --

15 outside of the Chapter 113, existing requirements
16 of Tobyhanna Township.

17 I just want to call that out to
18 explain why those two provisions are in there.
19 With the additional note, we're here to consider
20 this ordinance, the ordinance adopting and creating
21 the Tobyhanna Sewer District No. 1 tonight. But
22 just as an aside -- and I think the manager's going
23 to go over a little bit tonight going into the
24 future -- when we move forward with the Article IX,
25 which is the more extensive sewage connection

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1 ordinance, I anticipate including in there a little
2 bit more of a specific revision for your existing
3 sewer area, meaning, maybe you want to name it
4 the Blakeslee Sewered Area or some other sewer --
5 sewer district for Tobyhanna Township, as well as
6 attaching an actual physical depiction of what the
7 existing Blakeslee area, sewer area currently
8 looks like, 'cause I don't think there's one
9 currently in your Chapter 113.

10 I haven't done that in this
11 ordinance, but just -- I called out the issue and
12 I'm assu -- I'm anticipating including that
13 revision with the ordinance to come. But, again,
14 tonight the ordinance before you and the ordinance
15 that's been advertised for a public hearing is the
16 ordinance solely creating the Tobyhanna Sewer
17 District No. 1 pursuant to the agreements with
18 Kalahari/Pocono Manor, as well as Pocono Township

19 and the BCRA.

20 So with that, it has been
21 advertised for a public hearing. I gave a brief
22 overview of what we're dealing with. It would be
23 appropriate to open the public hearing at this
24 point and any comments that the board may have or
25 the public.

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1 MS. LAMBERTON: I have none.

2 MR. KERRICK: Can I ask you a
3 question, Pat? The Chapter 113, which we have
4 existing now, has nothing to do with that district
5 out there then, is that the way you just explained
6 that?

7 MR. ARMSTRONG: That's the
8 purpose of those -- yes, you're absolutely --

9 MR. KERRICK: Your Article I,
10 II and III in this ordinance?

11 MS. LAMBERTON: Right here.

12 MR. ARMSTRONG: Right.

13 MR. KERRICK: Okay.

14 MR. ARMSTRONG: Right. And the
15 re -- that's why I -- those minor revisions I made
16 to the definition of sewer area in your existing
17 ordinance. In that additional subsection, I wanted
18 to specifically call that out, that they're two
19 separate and distinct sewer districts.

20 MR. HOLAHAN: Glad you brought
21 that up, 'cause I think I dozed off a little bit.

22 MR. ARMSTRONG: It happens a
23 lot to me.

24 MS. LAMBERTON: Sorry. That
25 was good, John.

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1 MR. ARMSTRONG: So the public
2 hearing has been opened.

3 Are there any other comments or
4 questions from the board?

5 MS. LAMBERTON: I have no
6 questions.

7 MR. ARMSTRONG: Any comments or
8 questions from the public at this time?

9 Seeing none.

10 If the board would like to close
11 the public hearing?

12 MR. HOLAHAN: Motion to close
13 the hearing.

14 MS. LAMBERTON: So moved.

15 MS. PICKARD: Second.

16 MR. HOLAHAN: Motion and
17 second.

18 All in favor?

19 BOARD MEMBERS: Aye.

20 MR. HOLAHAN: Opposed. It's
21 closed.

22 MR. ARMSTRONG: Now, if the
23 board -- I don't know if you to entertain a motion
24 to approve the ordinance.

25 MS. PICKARD: I'll make a

1 motion that we adopt Ordinance No. 513 creating the
2 Tobyhanna Sewer District No. 1.

3 MR. KERRICK: Second.

4 MS. LAMBERTON: I'll second.

5 MR. KERRICK: Oh, I'm sorry.

6 MR. HOLAHAN: We've got a
7 motion and a second.

8 Any further discussion from the
9 board?

10 Anything from the public?

11 Hearing none. Call the vote.

12 John?

13 MR. KERRICK: In favor.

14 MR. HOLAHAN: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. HOLAHAN: Donald?

17 MR. MOYER: I vote in favor.

18 MR. HOLAHAN: Annie?

19 MS. LAMBERTON: I vote in
20 favor.

21 MR. HOLAHAN: I vote in favor.

22 Motion carries.

23 Thank you.

24 MR. ARMSTRONG: There's nothing
25 additional listed under my report. I do have some

1 comments and some probably additional discussion
2 for other items further down on the agenda, but
3 that's all for my report.

4 Thank you, Mr. Chairman.

5 MR. HOLAHAN: You're welcome,
6 Patrick.

7 Phyllis?

8 MS. HAASE: Yes, Mr. Chairman.

9 I have a few announcements. One, I just wanted the
10 board to be aware that Governor Corbett signed a
11 new act amending the Second Class Township Code,
12 which will allow us now to transmit electronically
13 to the law library any new ordinances instead of
14 having to send hard copies. So that's going to
15 help things along.

16 Also there were some questions
17 regarding the fire department and our volunteer
18 first responders, whether or not that they would be
19 counted as employees under the Affordable Health
20 Care Act mandate. And we did get clarification
21 that was released to all municipalities from PSATS,
22 that they would not be counted as employees under
23 the Affordable Health Care Act employer mandate.

24 With regards to the Old Route
25 940 bridge, RETTEW's reported that there was no

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1 wetlands within a hundred feet of the bridge.

2 MR. HOLAHAN: Great.

3 MS. HAASE: Yes. And you'll be
4 very happy to know that the bog turtle

5 investigation's been completed, there's no habitat
6 present in the area. The hydrological and
7 hydraulic studies has been completed and the
8 preliminary bridge roadway design has also been
9 completed. The erosion and sedimentation pollution
10 control plan is 95 percent completed. And they
11 anticipate submitting the application in
12 approximately 30 days. So within the 90 days after
13 that we hope we'll have a permit for the bridge.

14 An item came to my attention a
15 few weeks ago and I've had some discussion with our
16 director of public works and also Bob McHale. It
17 appears years ago that there was an agreement with
18 Pocono Mountain School District when they installed
19 the light at Panther Lane and 940. That agreement
20 was signed back in 2004. When the light was
21 installed, it came to the attention that it did not
22 pass certain requirements, ADA requirements.

23 It's my understanding the school
24 district then appealed the decision with hopes that
25 some of the restrictions would be lessened and that

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1 was denied. So we currently have an agreement with
2 the school district that's going to expire on
3 December 31, 2014. But it is my hope that between
4 our engineer and our director of public works and
5 perhaps Pat, that we can move this along to get
6 these items resolved instead of having to go into a
7 new agreement.

8 We have not taken ownership of
9 this light, but still we are the applicant and we
10 applied for the permit through PennDOT. So we'll
11 try --

12 MR. KERRICK: Can I add one
13 thing? What happened is during construction the
14 code changed, ADA requirement changed, and that's
15 what they were trying to get relief on. They were
16 already started and they felt that they didn't --
17 they should be able to finish the way it is and
18 PennDOT won't accept it that way. So that's been
19 years ago.

20 MS. PICKARD: That was approved
21 without the ADA?

22 MR. KERRICK: Correct.

23 MS. LAMBERTON: What were the
24 changes?

25 MR. MOYER: What are they

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1 missing?

2 MR. KERRICK: Excuse me?

3 MS. LAMBERTON: What are the
4 changes?

5 MR. KERRICK: Sidewalks.

6 MS. LAMBERTON: The sidewalks
7 going nowhere?

8 MS. PICKARD: Yep.

9 MR. KERRICK: Ramps, sidewalks.

10 MS. PICKARD: There was a

11 lawsuit that --

12 MS. LAMBERTON: I thought there
13 were sidewalks right at the intersection, it was
14 like a little stubbed out area.

15 MR. KERRICK: No, there isn't,
16 it's curbing, not sidewalk.

17 MS. LAMBERTON: Curbing, okay.
18 So they wanted to go from the entrance all the way
19 back to the school?

20 MR. KERRICK: No, they didn't
21 say. They just said along 940 they had to --

22 MS. LAMBERTON: Okay.

23 MR. KERRICK: -- have the ramp
24 and then their center island would have to be cut
25 out and lowered for the crosswalk. And I think

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1 they -- I know they took it as far as Harrisburg,
2 but like Phyllis said, they were not successful.

3 MS. LAMBERTON: For the heavy
4 pedestrian traffic we have there? Sorry, sorry.

5 MR. HOLAHAN: Okay.

6 MS. LAMBERTON: That was
7 sarcasm.

8 MS. HAASE: We do have a
9 meeting scheduled in Wilkes-Barre with DEP on
10 Friday with RETTEW and -- to meet with some of the
11 players down there to get some clarification on our
12 -- in establishing the actual sewered area for
13 Blakeslee. There seems to be a slight discrepancy
14 between the text that's in our 537 Plan from the

15 '90s and the docket that was approved -- the map
16 that was in the docket that was approved from DRBC.
17 So we need some clarification.
18 We're going to be meeting with
19 them to discuss establishing the sewer area and
20 what's needed to extend lines within the sewered
21 area. We're still having some discussions
22 regarding generating additional revenue with
23 wastewater treatments plant and investigating the
24 options of accepting Merchant's waste there. And
25 also we have a few more individuals that we would

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1 like to get some pricing for outsourcing the
2 operation and maintenance of the wastewater
3 treatment plant.

4 I brought up, actually two
5 months ago, RETTEW's suggestion that we would -- it
6 would benefit us to have a dehumidifier and put it
7 into the new building, 'cause we certainly don't
8 want to create the same problem we had. We're
9 looking at approximately \$1100 for the engineering
10 fees to design.

11 MS. PICKARD: Dehumidifier?

12 MS. HAASE: Umm-hmm, yeah. And
13 then the dehumidifier is going to be approximately
14 \$5500.

15 MS. PICKARD: And the electric
16 bill.

17 MS. HAASE: So it's
18 unfortunate, but it does appear that we are going

19 to have to move forward with this expense.

20 MR. HOLAHAN: Okay.

21 MS. HAASE: This is something
22 that we did not budget for.

23 MS. PICKARD: We can't -- the
24 fan? We can't have the fan, it's not working?

25 MR. HOLAHAN: That's why we

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1 need the engineering report to establish loads and
2 all the rest of the things that happen, it's --
3 just can't plug in a dehumidifier unfortunately.

4 MS. HAASE: So with that, I
5 will certainly meet with our director of finance
6 and we'll be as creative as we can be to find the
7 funding for that expenditure that we did not
8 budget.

9 MR. KERRICK: Can we see the
10 engineering report before we approve that
11 expenditure for the dehumidifier? I'm not sold on
12 it. I'm only one person.

13 MS. HAASE: Well, perhaps we
14 should discuss that --

15 MS. LAMBERTON: You don't think
16 it's needed?

17 MS. HAASE: -- because we don't
18 --

19 MR. KERRICK: I don't know.

20 MS. HAASE: -- think we should
21 expend \$1100 if it's not the plan of the board to

22 move forward with it.

23 MR. HOLAHAN: Well, weren't we
24 having issues with the place because of humidity --

25 MR. KERRICK: But it's a whole

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1 different building now.

2 MR. HOLAHAN: -- was it rusting
3 out?

4 MR. KERRICK: It's a different
5 heat system --

6 MR. HOLAHAN: So it was a
7 different structure?

8 MR. KERRICK: -- and there's a
9 fan. There's -- a lot of things are different.

10 MS. PICKARD: That's what I
11 thought, but I didn't --

12 MR. KERRICK: I have to rely on
13 the engineer, but I'm not sold on a dehumidifier
14 presently.

15 MS. LAMBERTON: What does Bob
16 think?

17 MR. HOLAHAN: Is it -- what was
18 the building before?

19 MR. KERRICK: Fiberglass.

20 MR. HOLAHAN: And so now we've
21 got cement?

22 MR. KERRICK: Block.

23 MR. HOLAHAN: It's sealed and
24 all that type of stuff as well?

25 MR. KERRICK: The heating

1 system has constant pressure pushing into the
2 building all the time. It may be needed, I don't
3 know, but it's a huge expense.

4 MR. HOLAHAN: So perhaps
5 there's a way to monitor what the humidity levels
6 are going to be, which shouldn't be anything now,
7 but certainly come summertime the humidity levels
8 spike.

9 MS. HAASE: That is -- that's
10 exactly the concern of the engineer is the summer.

11 MR. HOLAHAN: So then the
12 building's complete. This is an addition, this is
13 an add-on, it could be done at any time.

14 MS. HAASE: Yes, it could be.

15 MR. HOLAHAN: So perhaps if we
16 ask them to monitor the humidity levels in there
17 before we just bring some --

18 MR. KERRICK: The way Jim
19 explained is he wanted to have a humidistat to work
20 with the fan that's there, the dehumidifier and the
21 heat system that's there. I understand all that,
22 but I'm not sure what's going to happen this
23 summer.

24 MS. HAASE: Well, as far as
25 monitoring, that's something that we're going to

1 have to monitor, not the engineer.

2 MR. HOLAHAN: Is RETTEW --

3 MR. KERRICK: Well, what we had

4 in the past -- just let me -- one more comment.

5 MR. HOLAHAN: Go ahead, John.

6 MR. KERRICK: What we had in

7 the past was a failure of the fiberglass, the way

8 it was designed and built. It wasn't sweating

9 inside, it was in between the roof and the ceiling.

10 MR. HOLAHAN: Below those

11 trusses?

12 MR. KERRICK: Yes, and they had

13 open cell urethane sprayed in there, which

14 collected the water --

15 MR. HOLAHAN: Which is bad.

16 MR. KERRICK: -- then rotted

17 everything out.

18 MR. HOLAHAN: Right. Okay.

19 Let's not move forward with that yet.

20 MR. KERRICK: I just --

21 MR. HOLAHAN: Is that what

22 you're -- right?

23 MS. LAMBERTON: Yeah, let see

24 what happens in the summer.

25 MR. HOLAHAN: Let's talk --

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1 let's talk to the engineer again before we move

2 forward with something like that.

3 MS. HAASE: So we'll hold off

4 on having him doing any studies then?

5 MS. PICKARD: Yes.

6 MR. HOLAHAN: Yes.

7 MS. PICKARD: I'm good with
8 that.

9 MR. MOYER: Or maybe have him
10 come then next time.

11 MR. HOLAHAN: Okay. What else
12 do you have, Phyllis?

13 MS. HAASE: I just wanted to
14 make an announcement, which I thought was a pretty
15 cool thing, it kind of shows us all that just a
16 couple people can make a difference. We were
17 notified last week that this past September
18 Shoprite associates pulled together some employees
19 and within three -- six stores in multiple states,
20 they raised 1.4 million dol -- \$1,240,000 to help
21 fight hunger.

22 It was actually two associates
23 in our local neighboring Shoprite that spearheaded
24 this project. And in return Cheerios is going to
25 be issuing a special edition of a cereal box and

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1 have their photos on most of it. But just kind of
2 proves this to all of us that, you know, a group of
3 people can make a difference. So that was a pretty
4 neat story.

5 Tunkhannock Township contacted
6 me two weeks ago and they had asked, which I was
7 not aware of -- last year there was an informal

8 agreement set with Tunkhannock and Tobyhanna
9 Township to outsource our township engineer on a
10 need basis. Last year there was just minimal work
11 done for the tar and chip bid; otherwise there was
12 no other work done. But one of the supervisors,
13 Mr. Ewald, had asked if we could have a formal
14 agreement put in place on an as-needed basis to use
15 our township engineer.

16 I spoke to Pat, we do have an
17 agreement with Tunkhannock Township, an
18 intermunicipal agreement for our sewer enforcement
19 officer. I thought I could take that agreement and
20 tweak it a little bit, but I could not do that.

21 So I'm right now just need
22 direction from the board, is this something that
23 you want to move forward with? If so, we need to
24 set the rate and then authorize Pat to put an
25 agreement together.

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1 MR. MOYER: Does he have time?

2 MS. LAMBERTON: Yeah, what's
3 his backlog?

4 MS. HAASE: Well, last year
5 that -- they did not use Bob with the exception of
6 the tar and chip, but that's a concern we also have
7 to think about. We are paying his insurance and
8 it's more so, what the direction the board would
9 like to take on this. I was not aware that there
10 was an informal agreement that was put in place and
11 Mr. Ewald is asking for something written.

12 MR. KERRICK: From what I
13 understood it was only for a conflict, is that what
14 he explained to you?
15 MS. HAASE: Yeah.
16 MR. KERRICK: The only time it
17 was used was the driveway application for their
18 open space and the oil and chip. That's the only
19 time that Bob was ever needed.
20 MS. PICKARD: Right. The
21 driveway --
22 MS. HAASE: Well, the driveway
23 was dona -- the township donated the time.
24 MS. PICKARD: -- was donated.
25 MR. KERRICK: What -- you said

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1 you're worried about time, it wasn't like he was
2 used extensively in Tunkhannock Township in the
3 past.
4 MS. PICKARD: My concern would
5 be the rate that we were using too, whether we'd be
6 using his engineering rate or his DPW rate.
7 MR. KERRICK: Well, it should
8 be the engineering rate if he's doing engineering
9 work.
10 MS. PICKARD: Well, that's what
11 I didn't know.
12 MR. KERRICK: They should make
13 sure that it covers insurance, et cetera, et
14 cetera, or don't do it.

15 MS. PICKARD: And that we
16 needed to have possibly reviewed.
17 MR. HOLAHAN: Okay. So do you
18 think that -- we're okay with this, right? We just
19 need to come up with the rate, come up with the
20 understanding and the rate.
21 MS. LAMBERTON: I think also
22 too is noted you should put in if we -- if he is
23 like backlogged with work, that we should have a
24 clause that they have the opportunity to look
25 elsewhere.

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1 MR. HOLAHAN: Well, this isn't
2 compelling him to work for them, this is just --
3 MR. MOYER: If they need.
4 MR. HOLAHAN: -- if they need
5 something, right?
6 MS. LAMBERTON: If they need an
7 engineer, but I'm saying if Bob is busy --
8 MR. HOLAHAN: Right.
9 MS. LAMBERTON: -- I don't want
10 to hold them up either.
11 MR. HOLAHAN: Yes.
12 MR. ARMSTRONG: Yeah. Any
13 intergovernmental agreement would be conditional
14 upon, you know, Bob having the appropriate time.
15 Obviously we'll be -- the Tobyhanna Township
16 engineer may be engaged --
17 MS. PICKARD: Who's going to
18 pay for the cost of advertising for the

19 intergovernmental hearing and all those other
20 things?

21 MR. ARMSTRONG: That'll all be
22 on Tunkhannock. I'm assuming that it'll all be on
23 Tunkhannock.

24 MS. HAASE: That was not
25 discussed. Mr. Ewald did ask if we could move

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1 forward in the simplest form, but by pulling Mr.
2 Brogan's agreement -- by using Mr. Brogan between
3 Tunk and Toby, that was an intermunicipal agreement
4 and we had advertised that.

5 MS. PICKARD: We can't
6 piggyback off of that intergovernmental agreement
7 we already have with Tunkhannock?

8 MR. ARMSTRONG: No. That
9 intergovernmental agreement is for your SEO, your
10 sewage enforcement officer.

11 MS. PICKARD: Yeah, I know.

12 MS. HAASE: Good try though.

13 MS. PICKARD: But it was kind
14 of leasing another employee, it just seems like the
15 same thing.

16 MR. HOLAHAN: That makes it
17 sound --

18 MS. LAMBERTON: It does make it
19 seem like the same thing.

20 MR. ARMSTRONG: This one should
21 really narrow what -- what the tasks -- engineering

22 services that Bob may or may not be providing to
23 Tunk and, you know, the specifics of this -- of
24 that -- that arrangement.

25 MS. PICKARD: Are they going to

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1 then pay for some of the engineering work for
2 preparing the bids that they -- they're going to
3 share in that cost with Bob then?

4 MS. LAMBERTON: I would assume.

5 MS. HAASE: In the past they
6 have not, but I think it was appropriate that they
7 -- they did share that cost.

8 MR. KERRICK: What was asked
9 after last year that they would -- they would fund
10 it this year. We did the last two years.

11 MS. HAASE: So, and it's -- to
12 my understanding, we will use the fee that is set
13 by the board of supervisors at their
14 reorganizational meeting for our engineer.

15 MS. PICKARD: I agree with
16 that.

17 MR. HOLAHAN: Agreed?

18 MR. MOYER: Yeah, that sounds
19 good.

20 MS. PICKARD: I agree.

21 MR. HOLAHAN: Do we need to do
22 something with that? Well, you're just going to
23 come up with the MOU now, right?

24 MR. ARMSTRONG: Yeah. You're
25 -- if the board is asking me to proceed, what I'll

1 do is I'll probably talk to Bob, get the specifics,
2 get a draft agreement and float it. We'll probably
3 discuss it at some point maybe in April and if the
4 board's agreeable to it, we'll forward it on to
5 Tunk and if they're agreeable -- it'll come back
6 before you for actual approval and execution at
7 some point in time.

8 MS. PICKARD: We can't just do
9 an MOU with this for something like this? I mean,
10 we're not committing the township really to
11 anything here.

12 MR. HOLAHAN: Sounds like if
13 we're going to be charging the fees, we had to
14 advertise our fees.

15 MR. ARMSTRONG: No, it's not --
16 it's not a fee issue, it's -- when you -- when a
17 municipality enters into an intergovernmental
18 agreement with another municipality, you authorize
19 those agreements by ordinance, but that's to
20 delegate -- I'm thinking about the act right now --
21 that's to delegate a municipal function to another
22 municipality.

23 The question is, are we del --
24 are they delegating their engineering to Tobyhanna
25 Township. I can think about it if we actually need

1 an ordinance. If we can do it by an MOU and not
2 classify it as an intergovernmental agreement, I'll
3 -- obviously I'll follow up with the board.
4 I'll visit that.

5 MS. PICKARD: I mean, this is
6 so minor. I mean --

7 MR. ARMSTRONG: Yeah, I agree.

8 MS. PICKARD: -- even an SEO,
9 you know --

10 MR. ARMSTRONG: I agree. I
11 agree, but I'd like to look at the act to make sure
12 that, you know --

13 MS. LAMBERTON: Okay. Write
14 something up, Pat.

15 MS. HAASE: Okay. PennDOT and
16 DEP has asked that we announce that the Great
17 American Cleanup is April 12 to May 5 and last year
18 they generated 6.1 million pounds of litter that
19 was collected. They're asking for volunteers, so
20 anyone that is listening today and is interested in
21 volunteering or any associations that'd like to
22 contact me, I'd be more than happy to give them the
23 information.

24 We've reached out to our social
25 media site that we have now created --

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1 If you wouldn't mind passing
2 those down, Pat.

3 -- and asked for some
4 suggestions or recommendations for our summer

5 events. We're going to have one in July and one in
6 the fall, so we'll have a fall festival in October.
7 And our event in July, we've asked for some
8 suggestions on a new name.

9 So we have seven suggestions,
10 which is: Tobyhanna Township Together Day,
11 Tobyhanna Together, Tobyhanna Township Mountain
12 Fest, Fun in the Park Until Dark, Toby Town Fun
13 Fest, Tobyhanna Township Appreciation and Community
14 Celebration Day. We formed a small committee at
15 the township and we've had some help now for some
16 outside individuals that have been helping us and
17 we appreciate that; but it appears right now the
18 consensus of in-house is Community Celebration Day.

19 So we wanted to run that past
20 the board and see what your thoughts were on that
21 before we begin advertisement and form a logo.

22 MR. HOLAHAN: I've always been
23 a fan of alliterations, so No. 5, but I'm okay with
24 7.

25 MS. LAMBERTON: I like

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1 Community Celebration Day.

2 MS. PICKARD: Yeah, I do too.

3 MS. HAASE: Okay.

4 MR. MOYER: Fun in the park til
5 dark.

6 MS. HAASE: There were some
7 suggestions and Jeanine certainly has been helping

8 us on some items. One is a softball tournament
9 between our lustrous two companies, our fire
10 departments and our ambulance, as well as some of
11 the associations. And we're going to get the
12 police department involved in it, too, whether they
13 know it or not, so a softball tournament. We had
14 also talked about perhaps having a fundraiser
15 between the fire companies and we're still kind of
16 working this out. Instead of them doing hotdogs
17 and hamburgers this year, maybe a pig roast and
18 trying to generate a new feel.

19 And then also our resident
20 motorcycle momma, Miss Maureen Minnick, presented
21 with thought of possibly having a bike ride. I'm
22 not -- was not too familiar with this. In fact I
23 had some concerns about perhaps liability, so I ran
24 it past our solicitor. But what happens is there's
25 a group of bike riders that get together and they

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1 pick a fundraiser, whether it's somebody that is
2 financially in need of money or health problems or
3 a nonprofit organization. They pay X amount of
4 monies and they start in a location, they ride
5 through the community and that's where they end.

6 So that is something that they
7 have proposed, some of the members of the
8 committee. And the two organizations that was
9 discussed with, would be the food pantry and also
10 the canine unit for the police department. Pat had
11 looked at a brief waiver.

12 MR. ARMSTRONG: Yeah. There's
13 --
14 MS. HAASE: Go ahead. Go right
15 in.
16 MR. ARMSTRONG: There's a --
17 you know, typical waivers, disclosures,
18 indemnification clauses that you'd incorporate with
19 such an event. The only -- the only thing I
20 mentioned to Phyllis is, you know -- and the board
21 needs to understand this, and I was curious because
22 normally if a municipality, you know, endeavors in
23 something like this, they'll -- sometimes it's a
24 company that comes in and organizes it and holds
25 it.

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1 But from my understanding of
2 what's been at least explained to me by Phyllis and
3 explained to Phyllis by Maureen is that Tobyhanna
4 Township would actually be organizing and putting
5 this on. So I don't know if that's something the
6 board is willing to --
7 MS. LAMBERTON: We have every
8 year --
9 MR. MOYER: No, he's talking
10 about the motorcycle ride.
11 MR. HOLAHAN: We're -- you're
12 talking about the bike run, right?
13 MR. ARMSTRONG: The bike ride.
14 MS. LAMBERTON: Oh, I'm sorry.

15 MR. ARMSTRONG: I think it's
16 called the Motorcycle Run.
17 MS. LAMBERTON: Don't they do
18 them on their own?
19 MR. MOYER: Yeah, don't they
20 just pick a charity --
21 MS. LAMBERTON: I believe they
22 do.
23 MR. MOYER: -- and do a run and
24 then donate the money?
25 MS. HAASE: Well, there's

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1 multiple ways of doing it. Different clubs do this
2 and there's not a club, per se that's doing this.
3 MS. LAMBERTON: Oh, okay.
4 MS. HAASE: That's something
5 that we certainly don't have to do, but her thought
6 was, there's a lot of people that participate in
7 these type of rides and that it would be nice to
8 bring them to our area and show them what we have
9 here --
10 MS. LAMBERTON: Absolutely.
11 MS. HAASE: -- and also raise
12 some money to -- for the food pantry.
13 MR. HOLAHAN: We can ride our
14 vespas.
15 MS. LAMBERTON: Our little
16 mopeds.
17 MR. HOLAHAN: That sounds good.
18 MR. MOYER: Get the Hells

19 Angels in here.

20 MS. HAASE: I want to remind
21 the board of the COG meeting on March 31, so if you
22 could get back with me on who'd be attending.

23 Blakeslee Firehouse, Pat is
24 going to be working on transferring the ownership
25 from the volunteer fire department to the township.

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1 And also I wanted to mention to the board our UG&I
2 Utility bills at the Blakeslee Firehouse have
3 really escalated this year. And, of course, we
4 know that the winter has been brutal, but this also
5 coincides with the request that I received from
6 Company 41. And it was asked that if the township
7 purchases supplies, as far as insulation and
8 drywall, that they will get a group together and
9 install the installa -- insulation and the drywall
10 at the Blakeslee Firehouse on the second floor.

11 They currently use that for
12 training. It's my understanding that they'll have
13 volunteers that go out there, they put them through
14 a course, but it's very cold and I think this will
15 help all parties involved. So Ed was going to work
16 with the company --

17 MR. MOYER: I thought we
18 already okayed that.

19 MS. HAASE: -- they were going
20 to give me an estimate of how much it'll be for the
21 supplies and we'll pull whatever permits, if there

22 are any, that we need to pull.

23 MR. MOYER: I think we already
24 okayed doing that, didn't we?

25 MS. HAASE: We had discussed

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1 it.

2 MR. MOYER: Yeah. Okay.

3 MS. HAASE: HATT had wanted us
4 to announce that on May 12 and 13 there's going to
5 be an excursion to Arlington and Washington, D.C.
6 in honor of William Henry Christman. And, of
7 course, he was a very young gentleman who went to
8 fight in the Civil War. HATT has requested if the
9 board would be gracious enough to do a proclamation
10 to honor the Christman family. And if the board
11 does decide to do that, they would need to have it
12 by May 13. So we could accomplish those our next
13 meeting if in fact this is something you'd like
14 to move forward with.

15 MS. PICKARD: Unless we want to
16 do that at TEC with the kids.

17 MR. HOLAHAN: That's a great
18 idea.

19 MS. LAMBERTON: Yeah, have a
20 history lesson along with it, yeah.

21 MS. HAASE: That'd be
22 acceptable?

23 MS. PICKARD: He was the first
24 soldier buried in Arlington from Tobyhanna
25 Township.

1 MS. LAMBERTON: You do a report
2 and explain it to the children.

3 MS. HAASE: I just -- I have an
4 item for executive session after.

5 MR. HOLAHAN: Okay.

6 MS. HAASE: Thank you.

7 MS. PICKARD: John?

8 MR. HOLAHAN: Yes.

9 MS. PICKARD: You think maybe
10 we could jump ahead, 'cause I can see some people
11 fading, for the ambulance and for the fire company
12 on the agenda before we go through --

13 MR. HOLAHAN: Yeah, let's do --
14 go ahead. Let's do that, Heidi. So you're looking
15 at which letter here now?

16 MS. PICKARD: Well, F is the
17 volunteer fire --

18 MR. HOLAHAN: The volunteer
19 activities?

20 MS. PICKARD: And then H is a
21 redesignation of emergency services.

22 MR. HOLAHAN: Okay. Certainly.
23 If everybody's agreeable, let's
24 go to F. Okay.

25 So we're looking at the MOU,

1 whereas the fire department exists for purposes of
2 -- did everybody get to read this? Did you'all get
3 to read this?

4 MS. LAMBERTON: I did not.

5 MR. HOLAHAN: Okay.

6 MS. LAMBERTON: But that's
7 okay.

8 MR. HOLAHAN: Patrick, you want
9 to give this to us in a nutshell?

10 MR. ARMSTRONG: Sure. The
11 memorandum of understanding agreement?

12 MR. HOLAHAN: Yes, sir.

13 MR. ARMSTRONG: Sure. Probably
14 about a little over a month ago the township was
15 provided with notification from the Keystone
16 Municipal Insurance Trust. If the board recalls,
17 Keystone is the entity that provides the workers'
18 comp insurance to Tobyhanna Township, as well as --
19 well, maybe not, I shouldn't speak that. They
20 don't provide workers' comp insurance to the fire
21 department, but Keystone does provide it to
22 Tobyhanna Township.

23 And they provided notification
24 to Tobyhanna Township that there is an issue in the
25 event that Tobyhanna had a practice of allowing

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1 employees of the township to leave work during work
2 hours to perform fire fighting activities. The
3 concern from Keystone was that those individuals,
4 when fighting a fire, could be arguably considered

5 still an employee of Tobyhanna Township under the
6 Keystone Workers' Comp policy.

7 Keystone is your -- they provide
8 your workers' comp insurance and obviously you need
9 to respond. They actually were nice -- kind enough
10 to give a form memorandum of understanding and
11 employee policy that I reviewed. I tweaked a
12 little bit. I believe you talked about it in
13 February.

14 MR. HOLAHAN: Umm-hmm.

15 MR. ARMSTRONG: Everyone seems
16 to be on board with this. I'm not sure if there's
17 a response from the fire -- there's two fire
18 departments involved at this point. I'm not sure
19 if they have had a chance to review and respond,
20 but before you is the -- the revised -- I did make
21 a revision to the -- to the initial draft of the
22 memo of understanding.

23 But what it does is, it makes
24 clear that when an employee at -- of Tobyhanna
25 Township, if there's a fire or other activity in

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1 the fire department, that they leave the township
2 to participate in it, it's clear that they will not
3 be considered an employee of Tobyhanna Township
4 while performing those activities.

5 And it's clear -- it's also made
6 clear that the fire department whoever -- whichever
7 department that may be, is required to at least

8 insure that the requisite workers' compensation
9 coverage and general liability insurance coverage
10 is provided and maintained for whichever employee
11 that is at the time that that employee participates
12 in those activities.

13 MR. MOYER: He said to do it in
14 a nutshell.

15 MR. HOLAHAN: Oh, if we'd've
16 let him go.

17 MR. MOYER: I could've read
18 that thing twice.

19 MR. ARMSTRONG: Are there any
20 questions?

21 MS. PICKARD: No, but I think
22 that 41 approved this, did they not, at your
23 meeting?

24 MR. TROY COUNTERMAN: We did.
25 But just so everybody else here knows with the

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1 workmen's comp, it is required by this board under
2 the state to pass through township code to cover
3 our workmen's comp.

4 MS. HAASE: Correct.

5 MR. ARMSTRONG: To provide
6 funds and pay for, yes. No, that's understood.

7 MR. TROY COUNTERMAN: Our
8 question was with some wording in there with the --
9 'cause the original one said that we were going to
10 provide that.

11 MR. ARMSTRONG: No.

12 MR. TROY COUNTERMAN: We don't
13 have to provide that.

14 MR. ARMSTRONG: If you look at
15 -- I change -- I mean, that's probably the reason I
16 got the request for a revision. And if you read
17 it, it just says the fire department shall ensure
18 that the requ -- it changed from what it previously
19 was. We can't change the statutory language
20 requiring Tobyhanna Township to be responsible for
21 the payment.

22 MR. TROY COUNTERMAN: I agree a
23 hundred percent, but I wasn't giving you a
24 loophole.

25 MR. ARMSTRONG: No. We weren't

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1 trying to do that, we can't do that by statute.

2 MR. TROY COUNTERMAN: That's in
3 our own little interest.

4 MR. ARMSTRONG: Understood.
5 Obviously there's some blanks to insert the
6 appropriate department in the agreement, but it
7 sounds like one of the departments has reviewed and
8 approved the latest draft.

9 MR. TROY COUNTERMAN: Yeah, 41
10 did.

11 MR. HOLAHAN: Okay. So do we
12 want to move forward with adopting this MOU with
13 Station 41?

14 MS. PICKARD: So moved.

15 MR. HOLAHAN: I have a motion.
16 Do I have a second?
17 MR. KERRICK: Second.
18 MR. HOLAHAN: Motion and
19 second.
20 Further discussion from the
21 board?
22 Or from the public?
23 Hearing none. Call the vote.
24 John?
25 MR. KERRICK: Favor.

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1 MR. HOLAHAN: Heidi?
2 MS. PICKARD: I vote in favor.
3 MR. HOLAHAN: Donald?
4 MR. MOYER: I'll vote in favor.
5 MR. HOLAHAN: Heidi? I said
6 that, didn't I?
7 MS. LAMBERTON: Yes.
8 MR. KERRICK: Just Annie.
9 MS. LAMBERTON: It's okay.
10 I'll vote in favor.
11 MR. HOLAHAN: And I vote in
12 favor. Motion carries.
13 MR. ARMSTRONG: So it will need
14 to be -- I'm not sure if anyone inserted the actual
15 information.
16 MS. HAASE: Yes, we did.
17 MR. ARMSTRONG: You did?
18 MS. HAASE: I have copies here.

19 MR. ARMSTRONG: Oh, perfect.
20 Phyllis is on top of it.
21 MR. HOLAHAN: Cool.
22 Heidi, then are you asking about
23 H as well?
24 MS. PICKARD: Yes, but Phyllis
25 has --

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1 MS. HAASE: Last month, if the
2 board recalls, we briefly discussed a meeting that
3 I had attended between Thornhurst Volunteer Fire --
4 or Volunteer Fire Department and Ambulance, as well
5 as Pocono Mountain Regional EMS. I was rather
6 concerned with some of the discussions that took
7 place that day.
8 There is an act that has been
9 advertised and been in place and for all entities
10 to be aware of for four years. That act, the --
11 one of the last portions of it goes into effect
12 April 15, I believe, or April 10.
13 MR. HOLAHAN: That's the Act
14 37?
15 MS. HAASE: Yes.
16 MS. PICKARD: Denise, is that
17 April 10?
18 MS. HAASE: Of 2014.
19 MS. DENISE DOREMUS: 37.
20 MS. PICKARD: What is it?
21 MS. DENISE DOREMUS: 37.

22 MS. PICKARD: The date?
23 MS. DENISE DOREMUS: April 10,
24 sorry, yes, 2014.
25 MS. HAASE: And the players

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1 that sat at the table in front of me with the
2 exception of Pocono Mountain Regional EMS was not
3 even aware of the changes. There was some
4 discussions of financial concerns. There was
5 discussion that there are some calls that they're
6 not even responding to.
7 So with that, I'd ask the board
8 -- we placed this on the agenda and we have a
9 representative from PMR EMS here to ask -- answer
10 any questions that you may have with regarding to
11 the response time; but I think that due to the fact
12 that we're required to look out for the safety of
13 our residents, it may be something that we need to
14 seriously consider about redesignating those areas
15 that are covered by Thornhurst for basic life
16 support to PMR EMS.

17 It was really disheartening to
18 hear that they were not even aware of the
19 requirements when we met in January.

20 MS. PICKARD: And PMR EMS did
21 receive a letter from Thornhurst saying that they
22 would now be in compliance, but we were a little
23 bit concerned that they would be able to maintain
24 it as they had a time because they were volunteer
25 for, I think, at least the whole evening hours. So

1 they were having a hard time getting commitment
2 from volunteers and we don't really know whether
3 that would change significantly. And also they
4 would need two EMTs to be on the truck now.

5 MS. DENISE DOREMUS: No.

6 MS. PICKARD: No?

7 MS. DENISE DOREMUS: No, they
8 need at least an emergencer responder and one EMT,
9 they can't just have EVOC now. They have to have
10 some type of -- it's an emergencer responder and
11 they are grandfathered in if they have some type of
12 advanced li -- advanced first aid.

13 MS. PICKARD: All right.

14 'Cause the information that John Kloss sent from
15 the Eastern EMS Council said that the driver could
16 be, but then you needed two more people in the
17 ambulance as well that had an EMT or an EMR.

18 MR. HOLAHAN: Is that new as of
19 the 10th?

20 MS. PICKARD: Yes, umm-hmm.

21 MS. DENISE DOREMUS: Yeah, the,
22 10th.

23 MS. PICKARD: They also have to
24 be available 24/7, they have to be on. And Denise
25 went through --

1 MS. DENISE DOREMUS: Unless
2 they get a mutual aid contract for someone to cover
3 them in the time that they're not in service, but
4 they have to give specific times.

5 MS. PICKARD: Denise, did we
6 get -- we got some figures from control center and
7 you were looking at those, could you just let us
8 know what your concerns were looking at those?

9 MS. DENISE DOREMUS: Our
10 concerns are and the biggest concern I have, when
11 they do not respond, they -- everybody's dispatched
12 three minutes, you do get realerted. So in three
13 minutes you get realerted and then three more
14 minutes you get realerted. At six minutes then you
15 get -- then they don't -- then after six minutes,
16 they dispatch a next unit. So right there you're
17 talking about six minutes before anybody even
18 acknowledges a call.

19 And then when they dispatch us,
20 we have another three minutes. So sometimes it's
21 even nine minutes before someone's even getting out
22 of building because they're not -- they're not
23 answering their first call or their second call.
24 And that's the concerns I have. And there's some
25 times where they don't even respond and are taken

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1 out, out of service after ten minutes. Then they
2 get taken out and then the next time they're not
3 dispatching till somebody else calls them back into
4 service.

5 So which -- they might not even
6 know that they're out of service in the middle of
7 the night when they have these volunteers. And
8 then in the morning, when they hear calls go off
9 and they're not getting dispatched, that's when
10 we're like hey, we're here, so --

11 MS. PICKARD: And they did
12 explain that they -- at the meeting that they were
13 having some problems with their radios, that
14 compounded the problem with --

15 MS. HAASE: That is correct.

16 MS. PICKARD: -- no resolution
17 on that.

18 MR. KERRICK: They use that all
19 the time.

20 Mr. Chairman, didn't we discuss
21 this at length last meeting?

22 MR. HOLAHAN: We did.

23 MR. KERRICK: And we decided we
24 were going to move forward?

25 MS. PICKARD: Yeah. And I

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1 requested that we give them a little bit more time
2 and we did receive a letter saying that they were
3 going to do that, but we still don't feel that they
4 had any business plan, as Lynn Kelly from Coolbaugh
5 said, to do that. Also --

6 MR. KERRICK: Make a motion.

7 MS. PICKARD: Also Coolbaugh

8 did visit this at their last meeting and decided to
9 redesignate.

10 MR. HOLAHAN: So I have a
11 motion to redesignate, is that what you're doing,
12 John?

13 MR. KERRICK: I thought Heidi
14 was going to. I said -- I told her to make the
15 motion.

16 I'll make the motion.

17 MS. PICKARD: That would be for
18 ALS and BLS. We are currently first due for the
19 advanced life support, this would be making us also
20 first due for BLS, basic life support.

21 MR. HOLAHAN: Okay. I have a
22 motion. Do I have a second?

23 MS. PICKARD: I'll second the
24 motion.

25 MR. HOLAHAN: Motion and

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1 second.

2 Any other discussion from the
3 board?

4 Anything from the public?

5 MS. HAASE: Mr. Chairman?

6 MR. TROY COUNTERMAN: Heidi,
7 did you say that Coolbaugh was going to redesignate
8 also?

9 MS. PICKARD: They did at their
10 last meeting. There was a little bit of confusion
11 on -- on the method and the letter that they sent

12 to control center, so they may revisit it. I had a
13 conversation with Lynn Kelly.

14 MR. TROY COUNTERMAN: Okay.

15 How much farther down the line does this affect
16 fire?

17 MS. PICKARD: I can't answer
18 that question. If you have some concerns, that
19 would be obviously something that should --

20 MR. TROY COUNTERMAN: Well,
21 we're on a dual dispatch right now.

22 MS. PICKARD: You are on dual?
23 Do you have --

24 MR. TROY COUNTERMAN: So --
25 because of the whole bridge thing. And I'm

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1 assuming everything stayed the same. I don't think
2 it's ever been switched.

3 MS. PICKARD: No, I don't
4 believe so either. I think most everything,
5 especially during the day it's been --

6 MR. TROY COUNTERMAN: So we're
7 primarily basically for Coolbaugh Township also.

8 MR. ED TUTRONE: They did
9 discuss that, I was at their meeting, Coolbaugh's
10 meeting. They did discuss that this will open the
11 door to look at fire coverage also for Coolbaugh
12 Township.

13 MR. TROY COUNTERMAN: The
14 reason for my question is we cover that area now

15 with no compensation from Coolbaugh Township at
16 all. They just put a fire tax in and they're
17 splitting it with five other fire companies and we
18 get nothing.

19 MS. PICKARD: That should be --

20 MR. TROY COUNTERMAN: So we're
21 looking for some support from the supervisors that
22 if we're gonna cover that, we should be
23 compensated.

24 MR. ARMSTRONG: Is Coolbaugh
25 contributing to workers' comp at all?

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1 MR. ED TUTRONE: No.

2 MR. TROY COUNTERMAN: Nope.

3 MR. ARMSTRONG: But you're --

4 MS. PICKARD: They --

5 MR. ARMSTRONG: -- providing
6 coverage -- do you know how much of Coolbaugh? All
7 of Coolbaugh? Some of Coolbaugh?

8 MR. TROY COUNTERMAN: No.

9 MR. KERRICK: Some in Locust
10 Lake. There's some in Timber Trails, there's some
11 in Arrowhead.

12 MR. MOYER: Arrowhead.

13 MS. PICKARD: I know that, uhm
14 --

15 MR. TROY COUNTERMAN: If I had
16 to put a percent, I don't know, maybe five, ten
17 percent maybe, John.

18 MS. PICKARD: I think

19 Thornhurst billed Coolbaugh for a portion of their
20 workers' comp. That was my understanding --
21 MS. HAASE: Yes, they did.
22 MS. PICKARD: -- but you need
23 to speak to Coolbaugh.
24 MR. KERRICK: Phyllis -- excuse
25 me -- I thought we were not allowed to ask them for

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1 a share of the workmen's comp --
2 MS. PICKARD: No, we do.
3 MR. KERRICK: -- because
4 they're stationed -- or like where the station is,
5 is who has to cover it?
6 MR. ARMSTRONG: No, no.
7 Wherever the --
8 MR. KERRICK: Didn't we have
9 this discussion with Pocono Summit where they cover
10 -- we only -- I mean, they only do 17 percent of
11 the township.
12 MS. HAASE: Yes. We did have
13 the discussion of whether or not we could bill them
14 the other 83 percent, but that is not how it's
15 calculated. And Heidi had looked into that quite a
16 bit and discussed it during their budget meetings
17 that that wasn't the proper calculation.
18 MS. PICKARD: There was only
19 like 400 residents we could bill --
20 MS. HAASE: Yeah.
21 MS. PICKARD: -- pro rate out

22 of our population.

23 MR. KERRICK: I don't

24 understand what you're saying.

25 MS. PICKARD: I know it doesn't

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1 make any sense.

2 MR. KERRICK: They only --

3 MS. PICKARD: So they cover 17

4 percent.

5 MR. KERRICK: -- cover 17

6 percent, 17 percent of the township.

7 MS. PICKARD: And then they --

8 percent and they do that based on our population of

9 8500, not the population of Coolbaugh.

10 MR. KERRICK: They weren't

11 looking at population, they were looking at land

12 coverage.

13 MS. HAASE: It's not how it's

14 calculated.

15 MS. PICKARD: That's not how

16 it's calculated.

17 MR. KERRICK: That's how it was

18 calculated. I've been around this for a while,

19 that's how it was calculated.

20 MS. HAASE: No --

21 MS. PICKARD: But that's not

22 how you're allowed to bill. They take --

23 MR. KERRICK: That's my --

24 that's my question as far as billing. I thought

25 that if it -- it was -- the firehouse, which is in

1 Tobyhanna Township, we couldn't bill Coolbaugh?

2 MR. ARMSTRONG: For?

3 MR. KERRICK: Workmen's comp.

4 MR. HOLAHAN: Percentage of

5 workmen's comp.

6 MS. HAASE: It was very minimal

7 amount when Heidi looked into it.

8 MR. KERRICK: Before they had

9 regional police, Coolbaugh used to pay Tobyhanna

10 Township for coverage in Arrowhead, Locust Lake,

11 Timber Trails and --

12 MR. ARMSTRONG: It's not really

13 --

14 MR. KERRICK: -- maybe a chunk

15 of Stillwater.

16 MR. ARMSTRONG: It's not where

17 the firehouse is located, it's where they provide

18 the service. If they're providing the service to

19 Coolbaugh Township, you know, there's a way to

20 calculate, you know, the portion of the comp that

21 they're responsible for. I'm not familiar with the

22 history of the -- for the current arrangement, but

23 we can, you know --

24 MR. KERRICK: That's how the

25 arrangement was for years as far as money

1 disbursement, it was land coverage, it wasn't
2 population. I'm --
3 MS. PICKARD: It's just the way
4 --
5 MR. KERRICK: I'm confusing the
6 two, I guess.
7 MS. PICKARD: No, but workers'
8 comp is billed based on the population. So they
9 take the land coverage and multiply it by our
10 population which doesn't cover the Coolbaugh
11 population.
12 MR. KERRICK: Okay.
13 MS. PICKARD: It only covers
14 ours.
15 MR. KERRICK: So where do we go
16 from here?
17 MR. HOLAHAN: Well, Troy's
18 still looking on --
19 MR. TROY COUNTERMAN: Well, I'm
20 looking for support from you guys. I mean, if it's
21 going -- I see where this is going. All right?
22 MR. HOLAHAN: Well, tell me, I
23 don't.
24 MR. TROY COUNTERMAN:
25 Eventually Coolbaugh --

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1 MR. KERRICK: Yeah, where is it
2 going?
3 MR. TROY COUNTERMAN: -- or
4 Thornhurst is getting pushed out. I can see that

5 coming already. I don't want to see it happen
6 because they're an asset back there. But the way
7 things are going, I'm not even sure if we're gonna
8 be in existence in five or ten years. It's just a
9 -- it's a fact. You guys have to really look at
10 this plan.

11 Phyllis and I talked about it
12 with Eddie. The state's saying 10 to 15, it's not
13 happening, you're looking at 5 to 10. We went from
14 60 members, we're down to about what, 15; on a good
15 day, 6.

16 MS. HAASE: And I know we're
17 rather off the discussion of the motion that's on
18 the table, but just to feed off what Chief
19 Counterman has said, we did meet probably about six
20 weeks ago -- the chief, the assistant chief and
21 myself -- to discuss some issues that have been on
22 the table for some time with Tobyhanna Township and
23 how we're going to move forward to resolving them.

24 And also the concern -- the
25 board in 2013 had wanted us to look into possibly

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1 consolidation or regionalize of the fire
2 departments. I've had extensive conversations with
3 Rob Brady from DCED and, you know, he said, you
4 folks really need to be realistic on how we're
5 going to fund a paid fire department. His thought
6 was in 10 to 15 years realistically we are going to
7 have a fire department that we are going to have to

8 pay for the professional fire fighters.

9 Speaking with our chief and our
10 assistant chief, their concern is that we wouldn't
11 even make 10 years due to the volunteer base. And
12 that's the problem throughout the Commonwealth, is
13 the volunteer base is dwindling. So we need to
14 proactive.

15 I've reached out to Coolbaugh
16 Township, to their emergency management coordinator
17 and their supervisor that perhaps -- and also Mount
18 Pocono, that we now start having some discussions
19 on how we are going to fund this two to three
20 million dollar expenditure over the next, you know,
21 decade.

22 MR. HOLAHAN: We've got the
23 PSATS coming up and other municipalities have to be
24 dealing with this. This is something we can bring
25 up with them and maybe come back and meet with

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1 Station 41 and some of the other folks and get them
2 together.

3 MS. HAASE: Sounds good.

4 MR. HOLAHAN: Right? I mean --

5 MS. PICKARD: Yeah, I think it
6 also needs --

7 MR. HOLAHAN: Sounds
8 imperative.

9 MS. PICKARD: -- to be done
10 maybe at COG and at the county, you know, emergency
11 management.

12 MR. HOLAHAN: I would really
13 like to not talk about this at every meeting and
14 not execute anything. So I would really like to
15 come back with some kind of --

16 MR. MOYER: Yeah.

17 MR. HOLAHAN: -- strategic
18 plan. It just needs to be a basic outline,
19 something that we can -- we can act on. I think
20 often what we do is we try to take on such a big
21 project that it's difficult to figure out where to
22 begin. If we can come through something simple,
23 maybe we can do something about it, at least get
24 started.

25 Let's take care of that,

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1 Phyllis, would you reach out to them?

2 MS. HAASE: Yes, sir. I'll
3 reach out to DCED as well instead of regionalizing
4 a volunteer company to see if they have guidelines
5 of how we'd actually would form a paid company; and
6 if so, would the outside entities involve our
7 surrounding municipalities.

8 MR. TROY COUNTERMAN: The
9 problem with a regional department, we're just too
10 big, our area's too big. It's too big, you got 252
11 square miles. We already have a police department
12 that costs us \$6 million a year. Can you imagine
13 what a regional fire department's going to cost?
14 It'll be double or triple that, I'll guarantee you

15 that. Trucks aren't 30,000 anymore, they're
16 750,000 or more. The area we're looking at is a
17 million and a half. There's a problem, there's a
18 serious problem come here.

19 MS. HAASE: And DCED is well
20 aware of that as we discussed it and that's why
21 they're saying that we can't wait to start planning
22 this. And as our meeting went, this is something
23 that we need to expedite.

24 MS. PICKARD: I think we need
25 to have a meeting of the local supervisors and

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1 borough council members in the area to talk about
2 where they're at, but I -- and -- you know, and
3 have the chiefs and things there, but I think we
4 need --

5 MS. HAASE: Well, that's what
6 I'm attempting to --

7 MS. PICKARD: -- to be talking
8 more -- I mean, we have mutual aid, I think
9 everybody's going out during the day, during the
10 week when we're all short-handed, so --

11 MR. TROY COUNTERMAN: We're
12 running three departments during the day.

13 MS. PICKARD: But I think maybe
14 -- I mean, it's the responsibility I think we have
15 to make sure everybody's protected and I'm not
16 really certain who we have mutual aid agreements
17 and who's going out. And now we have dual dispatch
18 most everywhere, but you guys are kind of working

19 among yourselves and I think we need to get on the
20 same page so we know what's going on.
21 MR. HOLAHAN: Maybe there could
22 be a serious discussion at a COG meeting. I think
23 they're struggling to find --
24 MS. PICKARD: Well, we have
25 that March dinner --

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1 MR. HOLAHAN: -- common
2 interest.
3 MS. PICKARD: -- I think it
4 would be a good opportunity to get some -- to bring
5 up the topic.
6 MR. TROY COUNTERMAN: I didn't
7 mean to take away from your discussion with the
8 ambulance support, but I'm just saying, it's gonna
9 start there and it's gonna end up on the fire side,
10 too, so be aware of where it's going.
11 MR. HOLAHAN: Okay.
12 MS. PICKARD: That's what's
13 happening with Thornhurst, they're like half paid
14 and half volunteer and then it just --
15 MR. TROY COUNTERMAN: I -- I
16 take nothing from them, they're a great asset back
17 there, but I -- I see a problem coming down the
18 line.
19 MS. PICKARD: And there's more
20 and more expected from these organizations, more
21 and more regulations and more and more

22 professionalism that cost money.

23 MR. TROY COUNTERMAN: There's
24 not so much a problem on the fire side, it's on the
25 EMS side that you're having right now.

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1 MS. HAASE: Mr. --

2 MR. HOLAHAN: Well, let's take
3 -- let take care of the EMS side.

4 Thanks, Chief.

5 MS. HAASE: Mr. Chairman, just
6 to clarify that motion, ALS and BLS would be
7 designated to PMR EMS, correct?

8 MS. PICKARD: For primary
9 dispatch.

10 MR. ARMSTRONG: Can we -- can
11 we -- AL --

12 MR. HOLAHAN: Start over?

13 MR. ARMSTRONG: Can you tell me
14 what those stand for?

15 MS. HAASE: The acronyms? No.

16 MR. HOLAHAN: Do not tell him.

17 MS. HAASE: Advanced life
18 support --

19 MS. PICKARD: Advanced life
20 support and --

21 MS. HAASE: -- and basic life
22 support.

23 MS. PICKARD: -- basic life
24 support.

25 MS. HAASE: Pocono Mountain

1 Regional.

2 MS. PICKARD: I think control
3 center wanted us to designate ourselves as our
4 backup for PMR EMS 'cause we have the three
5 stations.

6 MS. DENISE DOREMUS: Primary
7 and secondary.

8 MS. PICKARD: So we would be
9 primary and secondary and then it obviously would
10 be next closest available after that.

11 MR. HOLAHAN: Okay. So is that
12 part of your motion then?

13 MS. PICKARD: Yes.

14 MR. HOLAHAN: John, do you --

15 MS. PICKARD: Or that was my
16 amended second, it was your motion.

17 MR. KERRICK: That was my
18 motion, but that's -- I'm okay with that.

19 MR. HOLAHAN: Okay.

20 MR. KERRICK: I'll amend my
21 motion.

22 MR. HOLAHAN: Got it?

23 MR. ARMSTRONG: I do have it.

24 My understanding of the motion is that your
25 redesignating the advanced life support and basic

1 life support to the PMR EMS for all of Tobyhanna
2 Township, that's my understanding of the motion.
3 MR. HOLAHAN: As primary and
4 secondary.
5 MR. ARMSTRONG: As primary and
6 secondary.
7 MR. HOLAHAN: Any further
8 discussion from the board?
9 From our solicitor?
10 Board?
11 MR. KERRICK: No.
12 MR. HOLAHAN: From the public?
13 Hearing none. Call the vote.
14 John?
15 MR. KERRICK: In favor.
16 MR. HOLAHAN: Heidi?
17 MS. PICKARD: I vote in favor.
18 MR. HOLAHAN: Donald?
19 MR. MOYER: I'll vote in favor.
20 MR. HOLAHAN: Annie?
21 MS. LAMBERTON: I vote in
22 favor.
23 MR. HOLAHAN: I vote in favor.
24 Motion carries.
25 MR. ARMSTRONG: Just very

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1 quickly to follow up. What I would suggest, so
2 that it's well documented, is maybe have Phyllis or
3 someone on staff to just prepare a resolution to
4 the effect of the motion that was made and passed

5 this evening for your consideration in April. Just
6 so you have something on the books rather than a
7 motion in the minutes.

8 MS. PICKARD: We need to send a
9 letter to control center and to Thornhurst and to
10 the ambulance to let them know what we're doing.

11 MR. HOLAHAN: That doesn't need
12 to be advertised, does it, a resolution?

13 MR. ARMSTRONG: No, resolutions
14 do not need -- it's not legislative, it doesn't
15 need to be advertised.

16 MR. HOLAHAN: Okay. Cool.
17 Committee reports.

18 Were you -- I'm sorry, Phyllis,
19 were you done.

20 MS. HAASE: Yes, sir.

21 MR. HOLAHAN: 'Cause I thought
22 you had something in the middle there.

23 MS. HAASE: No.

24 MR. HOLAHAN: Heidi, for
25 regional EMS.

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1 MS. PICKARD: No. I just
2 wanted to mention we now have a new ALS supervisor,
3 a Lee Rosato, and we're very happy and privileged
4 to have him. He was working with us for a number
5 of years and he has now stepped up into that
6 position so --

7 MR. HOLAHAN: Very good.

8 Donald, you have anything with
9 regional police?
10 MR. MOYER: No, not really.
11 MR. HOLAHAN: Phyllis?
12 MS. HAASE: No, sir.
13 MR. HOLAHAN: Heidi, open
14 space?
15 MS. PICKARD: I do want to keep
16 mentioning that June 21, I think, there's a 24 hour
17 Bio Blitz at the Blakeslee Natural Area. So
18 there's more information to come, all sorts
19 exciting things happening there.
20 MR. KERRICK: Should we attend?
21 MR. MOYER: I'm not going to
22 miss it.
23 MS. PICKARD: I think we
24 should. I want to see them electrocute the fish.
25 MR. HOLAHAN: I think we

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1 should.
2 MS. PICKARD: They take an
3 inventory of all the reptiles, bugs, mammals.
4 MR. HOLAHAN: We'll send a
5 representative.
6 MS. PICKARD: I think I'm going
7 to be away on vacation.
8 MR. HOLAHAN: Old business.
9 The Tobyhanna Township Sewer Authority, have we --
10 are you on something here with this now?
11 MR. ARMSTRONG: Yeah, you

12 know -- we talked about it at your meeting last
13 month and I thought I had put together a memo years
14 ago; turns out I didn't or at least I can't find
15 it. I did take a look at the Second Class Township
16 Code, the Municipal Authorities Act. And the pros
17 and cons that we've discussed previously, they
18 still apply.

19 I spoke a little bit with
20 Phyllis before the meeting tonight. I mean, the
21 pros -- and everyone's aware -- I'm assuming
22 everyone's aware of the history here, Tobyhanna
23 Township Sewer Authority exists. There's just --
24 it hasn't been really active for a significant
25 period of time. Some point in the history,

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1 Tobyhanna Township, the township itself, took over
2 not only the funding associated with -- to my
3 understanding, the funding associated with the
4 sewer facilities over in Blakeslee but also the
5 management and operation of it as well.

6 MR. KERRICK: It started that
7 way.

8 MR. ARMSTRONG: It did start
9 that way.

10 MR. KERRICK: It started that
11 way was never turned to the authority.

12 MR. ARMSTRONG: The -- my --
13 yeah, my --

14 MR. KERRICK: And you did do a

15 memo.

16 MR. ARMSTRONG: Yeah, I can't

17 -- I can't track it down, I'm not sure why, but,
18 you know, nothing has changed. There's been no
19 amendments to the Municipal Authorities Act or the
20 Second Class Township Code with respect to this.
21 You know, the benefits of having an authority is,
22 it's a separate and distinct body. They meet
23 separately, they focus more on sewer authority
24 issues.

25 Your ordinance right -- your

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1 Code of Ordinances with respect to collections,
2 anyway, currently and -- you know, they assume
3 there's an authority because some of the references
4 in those regulations refer to the authority and the
5 ability of the authority to enforce them. You
6 know, the authority -- I know there's history here,
7 but the authority is able to take out notes and
8 loans and bonds. For some reason when this
9 authority was formed -- a few months after it was
10 formed, the township ended up signing the note, to
11 my understanding.

12 So that necessarily wasn't a
13 benefit that we all are benefiting from at this
14 point in time anyway, but you do have an authority
15 on the books, it's just there's no sitting members.
16 One potential thing to consider is and it's -- it
17 comes up occasionally with our other municipal
18 clients.

19 If there were -- if there were
20 no Tobyhanna Township Sewer Authority, you would
21 not be able to -- and I'm not suggesting that
22 Tobyhanna Township is thinking about it, but with
23 the authority, you can actually provide sewage
24 service outside of Tobyhanna Township at some
25 point, if you would ever choose to. If you

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1 dissolve the authority and you bring it in-house on
2 paper and it's Tobyhanna Township now alone, the
3 township cannot provide service outside of
4 Tobyhanna Township, that's just something to keep
5 in mind.

6 That's one very distinct
7 difference between the two entities. I don't know
8 if you thought about that or not, hasn't been
9 discussed, but you should be aware of it before you
10 make any decisions with respect to, you know,
11 dissolving the authority.

12 You raised a question as to
13 whether or not you can appoint all five of the
14 sitting board of supervisors on the authority, you
15 can, there's nothing preventing it. I don't know
16 if I'd necessarily recommend it, but there's
17 nothing preventing it. Are there specif -- I mean,
18 I don't know if there's specific questions.

19 There's some pros and cons, like
20 I said. Probably the most -- maybe the most
21 obvious is, you'd have a separate board to focus

22 only on authority issues. And, you know, when
23 there are issues, people will come to that board
24 that's tasked with fixing and maintaining your
25 sewage facilities and they won't come to you.

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1 Something to keep --

2 MR. KERRICK: What we had
3 talked about years ago -- and there's not many of
4 those still here -- was the five sitting
5 supervisors at the time, a short term, and then
6 appoint members from the community as we went
7 forward.

8 MR. ARMSTRONG: Yep.

9 MR. KERRICK: We would get it
10 started again with the board members and then
11 appoint members from the community.

12 MR. ARMSTRONG: There's nothing
13 preventing you from you appointing --

14 MR. KERRICK: We just never
15 did.

16 MR. ARMSTRONG: Right.

17 MS. PICKARD: I had one
18 question, totally hypothetical now, if we are --
19 can't be outside of the area and we wanted to --
20 and I'll just say for the -- I don't want to get
21 anybody upset. Say we ran it down 115 into another
22 municipality or out 940 to another municipality, we
23 could not do that --

24 MR. ARMSTRONG: If it was
25 Tobyhanna Township alone --

1 MS. PICKARD: Yes.

2 MR. ARMSTRONG: No, you could
3 not, but -- an authority you can.

4 Well, when I say the Toby --
5 Tobyhanna Township, you would have to go the PUC,
6 they'd have to review your fee. It would be -- it
7 would be -- it would be a significant process. The
8 authority --

9 MS. PICKARD: We did bring this
10 up in the regional comprehensive plan about going
11 into Tunk. I know that was never --

12 MS. HAASE: And one thing I
13 will say, today actually I did receive a call from
14 a local contractor that is working on a large
15 project in a neighboring township outside of our
16 area. And they're -- had asked if we would
17 consider running a line into that township.

18 MR. MOYER: Do we even have
19 capacity to do that?

20 MR. KERRICK: No.

21 MS. HAASE: Well --

22 MR. ARMSTRONG: You would need
23 a new -- you would have to amend the 537 Plan.

24 MS. HAASE: I explained to them
25 the process and they could put something together

1 and we would present it to the board. But if we
2 had an authority, we could do that versus what we'd
3 have to go through as the board.

4 MR. KERRICK: Pat, as far as
5 the -- you said about the PUC, I thought the PUC
6 did not review if it was township owned?

7 MR. ARMSTRONG: I'm saying --

8 MR. KERRICK: If it was --

9 MR. ARMSTRONG: -- if it --
10 within Tobyhanna Township?

11 MR. KERRICK: Right.

12 MR. ARMSTRONG: Right. Within
13 Tobyhanna Township, yes. If you go outside of
14 Tobyhanna Township, that's --

15 MR. KERRICK: That's when it
16 changes?

17 MR. ARMSTRONG: Yes. And, you
18 know, on the other end, you -- there is a process
19 to dissolve the sewer authority if that's the
20 direction this board decides to take. I know
21 there's been conversations over the course of the
22 last several years about amending your 537 Plan and
23 where exactly that is at. Maybe -- and I think
24 Phyllis touched on it, you may have a meeting
25 coming up --

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1 MS. HAASE: On Friday.

2 MR. ARMSTRONG: -- to try and
3 designate exactly where your existing sewage
4 service is and which map is the accurate map with

5 respect to your 537 Plan. Maybe you want to wait
6 to make any definitive decision on -- on your sewer
7 authority and whether or not you want to dissolve
8 it at this point in time until we maybe get a
9 better bearing as to what the current 537 Plan says
10 and that's up -- it's up to the board.

11 MR. KERRICK: I wouldn't
12 dissolve it, I look forward to start and just like
13 we had planned.

14 MS. PICKARD: Yeah, I'd rather
15 --

16 MR. KERRICK: We could wait
17 till your meeting.

18 MS. PICKARD: -- till we found
19 a direction and then --

20 MR. KERRICK: I'm pretty clear
21 as far as what the 537 and the research that we
22 found -- I know DEP feels differently, but I know
23 in my mind what I feel a sewer area is. It goes to
24 the spur road, that's what was designated.

25 You're looking at me like I'm

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1 crazy.

2 MS. HAASE: I know that's what
3 you feel, that's not what was approved by DRBC. That
4 was not what was presented --

5 MR. KERRICK: I don't know
6 about DRBC, but DEP, because I've been down there
7 numerous times with meetings with some gentlemen

8 that already retired. They were (inaudible).

9 MR. ARMSTRONG: It sounds like
10 at least at this point, I'm gathering, there's not
11 really an inclination to dissolve it at this point
12 in time and maybe -- if anything, maybe leaning
13 towards figuring out if you want to appoint the
14 sitting members of the board of supervisors for a
15 temporary period of time until things get up and
16 running and then proceed in a different fashion.

17 But we don't have to do anything
18 tonight, I just wanted to report back briefly. I
19 can do a memo if the board wants. It's going to --
20 it'll be summarizing kind of what we talked about
21 this evening and last month.

22 MS. PICKARD: I think one of
23 the concerns that I had was just on the collection
24 front and there's multiple things about shutting
25 people off and I think --

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1 MR. ARMSTRONG: It's clear in
2 your --

3 MS. PICKARD: -- we need to have
4 the teeth to actually talk about that.

5 MR. ARMSTRONG: Chapter 113
6 provides the authority to shut off --

7 MS. PICKARD: And the board
8 does not have that ability.

9 MR. ARMSTRONG: -- is with the
10 authority and not the township. That's an issue
11 that we've come up -- there's another issue with

12 respect to shutting it off and it's the fact that a
13 lot of these properties aren't provided with public
14 water.

15 MS. PICKARD: Well, that's the
16 other shut -- but it seems like we're kind of a
17 little hamstrung --

18 MR. ARMSTRONG: Right.

19 MS. PICKARD: -- either way. I
20 think we could still dig it up and --

21 MR. HOLAHAN: Well, it's going
22 to be a topic for discussion --

23 MS. PICKARD: -- put a stopper
24 in it.

25 MR. HOLAHAN: -- on Friday

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1 anyway, so why don't you say we just hold off and

2 --

3 MS. PICKARD: Okay.

4 MR. HOLAHAN: -- no action. So
5 we'll talk about it for 15 minutes and then have no
6 action.

7 MS. PICKARD: So we can do that
8 again next month.

9 MS. LAMBERTON: We can do it
10 next month, yeah.

11 MR. HOLAHAN: No, it's not your
12 fault, Patrick.

13 MS. HAASE: We can do it next
14 month.

15 MR. HOLAHAN: So we've also got
16 proposed zoning ordinance.

17 MS. HAASE: As requested the
18 board was provided a copy of the proposed signage,
19 the PRD section and the specific uses related to
20 each zoning district. I don't know if -- I've not
21 received any comment or questions or concerns from
22 the board, so I don't know if you wanted to table
23 this until April's meeting?

24 MR. MOYER: Yeah.

25 MS. PICKARD: I think it would

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1 be beneficial maybe to have a separate meeting for
2 this because there was just way too much on the
3 agenda tonight to even --

4 MS. HAASE: Are you trying to
5 say I found a lot of items here to be addressed?

6 MS. PICKARD: Yeah.

7 MR. MOYER: Way too many.

8 MS. PICKARD: A little bit
9 ambitious with that --

10 MR. HOLAHAN: Do we have a
11 motion to table?

12 MS. LAMBERTON: So moved.

13 MS. PICKARD: Second.

14 MR. HOLAHAN: Tabled. Do I
15 have to call a vote on a table? I didn't think so.
16 Right?

17 MR. ARMSTRONG: You're not
18 taking action on it.

19 MR. HOLAHAN: Right. Okay.
20 MS. PICKARD: E?
21 MR. HOLAHAN: G.
22 MS. HAASE: E, Mr. Chairman.
23 MS. PICKARD: E.
24 MS. HAASE: Kalahari Resorts
25 letter of credit.

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1 MR. HOLAHAN: I'm with you. So
2 Kalahari Resorts is looking to reduce their line of
3 credit.
4 MR. KERRICK: I'll make a
5 motion to reduce -- or accept the letter of credit
6 reduction, \$15,732.75.
7 MR. HOLAHAN: I have a motion.
8 Do I have a second?
9 MR. MOYER: I'll second it.
10 MR. HOLAHAN: Have a motion and
11 second.
12 Any further discussion from the
13 board?
14 Anything from the public?
15 Hearing none. Call the vote.
16 John?
17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I vote in favor.
20 MR. HOLAHAN: Donald?
21 MR. MOYER: I'll vote in favor.

22 MR. HOLAHAN: Annie?
23 MS. LAMBERTON: I vote in
24 favor.
25 MR. HOLAHAN: I vote in favor.

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1 Motion carries.
2 We go to G? Consider resolution
3 for destruction of the public records.
4 MS. PICKARD: I make a motion
5 that we approve Resolution 2014 dash 009,
6 destruction of public records.
7 MR. KERRICK: Second.
8 MR. MOYER: Second.
9 MR. HOLAHAN: Got a motion and
10 a bunch of seconds.
11 MR. KERRICK: Been here for a
12 while, have we?
13 MR. MOYER: Yeah.
14 MR. HOLAHAN: Any further
15 discussion from the board?
16 Anything from the public?
17 Hearing none. Call the vote.
18 John?
19 MR. KERRICK: In favor.
20 MR. HOLAHAN: Heidi?
21 MS. PICKARD: I vote in favor.
22 MR. HOLAHAN: Donald?
23 MR. MOYER: I'll vote in favor.
24 MR. HOLAHAN: Annie?
25 MS. LAMBERTON: I vote in

1 favor.

2 MR. HOLAHAN: I vote in favor.

3 Motion carries.

4 Oh, hi. Anne Lamberton,

5 planning commission term expires May 2014.

6 MS. HAASE: Yes. Mr. Chairman,

7 I received a letter of interest this afternoon from

8 Miss Lamberton and she would like the board to

9 consider continuing her position on the planning

10 commission.

11 MR. HOLAHAN: You serious?

12 MS. LAMBERTON: Not by choice,

13 I was threatened.

14 MS. HAASE: Yeah.

15 MR. HOLAHAN: Under duress. So

16 do I hear a motion to appoint Anne Lamberton on the

17 planning commission?

18 MR. MOYER: So moved.

19 MR. HOLAHAN: We got a motion.

20 Do I have a second?

21 MS. PICKARD: I second the

22 motion.

23 MR. HOLAHAN: Got a motion and

24 a second.

25 Further discussion from the

1 board?
2 From the public?
3 Hearing none. Call the vote.
4 John?
5 MR. KERRICK: In favor.
6 MR. HOLAHAN: Heidi?
7 MS. PICKARD: Favor.
8 MR. HOLAHAN: Donald.
9 MR. MOYER: I'll vote in favor.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I'm opposed.
12 MR. HOLAHAN: I vote in favor.
13 MS. PICKARD: Why did you send
14 the letter then?
15 MR. HOLAHAN: It was under
16 duress.
17 MS. HAASE: Yeah.
18 MR. HOLAHAN: Under J, we have
19 to appoint a representative -- alternate
20 representative to the Monroe County Tax Collection
21 Committee.
22 MS. LAMBERTON: So you're on
23 that, right? Heidi's on -- John Kerrick.
24 MR. HOLAHAN: Heidi's on it.
25 MR. KERRICK: Any suggestions?

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1 MS. PICKARD: Phyllis and I
2 were talking about this.
3 Did you want to --
4 MS. HAASE: Yeah. As you know

5 we have a new financial specialist who soon, I
6 believe -- unless the board is comfortable tonight
7 appointing her as assistant treasurer, but we do
8 need to have an alternate on the few occasions that
9 our representative is not available, there's
10 someone else that could attend the meeting. So it
11 could be our financial specialist or it could be
12 the manager. I'm fine with either.

13 MR. HOLAHAN: Heidi, were you
14 currently --

15 MS. PICKARD: We have two or
16 three meetings a year and I'm going to miss the one
17 on Thursday and we realized we didn't have an
18 alternate. So Phyllis can make it, I don't know if
19 Janice would be willing to. Usually it's somebody
20 who --

21 MS. LAMBERTON: Is she
22 interested, Janet? Janice, Janet?

23 MR. KERRICK: Would she be
24 familiar with --

25 MR. MOYER: Everything? Is she

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1 up to speed?

2 MR. KERRICK: -- what's going
3 on?

4 MS. LAMBERTON: She should be
5 with payroll and everything.

6 MR. KERRICK: I was just
7 asking, I didn't know.

8 MS. PICKARD: She used to work
9 for the school district in finances, so she's very
10 --

11 MR. KERRICK: So recommend her,
12 why don't you make a motion?

13 MS. PICKARD: I would make a
14 recommen -- I didn't know if we needed to appoint
15 her as assistant treasurer, we did have her bonded
16 as assistant treasurer.

17 MR. HOLAHAN: Is that -- but
18 that's not something we have to do at this point
19 here. That is something we're going to have to do
20 at this meeting, is appoint an assistant treasurer?

21 MS. HAASE: That is something
22 that --

23 MR. MOYER: If she can't make
24 it, she --

25 MS. HAASE: If it pleasures the

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1 board to, you could do that this evening; otherwise
2 we will do at the April meeting.

3 MS. LAMBERTON: Let's do it
4 now.

5 MR. HOLAHAN: Okay. Let's go
6 with the first thing here of appointing the
7 alternate representative and I have a sugg -- do I
8 have a name?

9 MS. PICKARD: Janet Finnochio.

10 MS. HAASE: I'll have to give
11 you the proper spelling.

12 MR. KERRICK: Janet or Janice?
13 MS. PICKARD: Janice -- Janet
14 --
15 MS. HAASE: Janice.
16 MS. PICKARD: F-i-n-n --
17 MR. MOYER: Janice.
18 MR. HOLAHAN: Janice.
19 MS. PICKARD: -- o-c-h-i-o.
20 MS. LAMBERTON: Second.
21 MR. HOLAHAN: Motion and
22 second.
23 Any further discussion from the
24 board?
25 From the public?

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1 Call the vote. John?
2 MR. KERRICK: In favor.
3 MR. HOLAHAN: Heidi?
4 MS. PICKARD: I vote in favor.
5 MR. HOLAHAN: Donald?
6 MR. MOYER: I'll vote in favor.
7 MR. HOLAHAN: Anne?
8 MS. LAMBERTON: I vote in
9 favor.
10 MR. HOLAHAN: I vote in favor.
11 Motion carries.
12 So why don't we go right to, are
13 you interested in appointing an assistant treasurer
14 at this point, at this meeting?

15 MS. LAMBERTON: Yes.
16 MR. HOLAHAN: If you are, then
17 give me a name.
18 MS. LAMBERTON: Since you know
19 how to spell it.
20 MS. PICKARD: Well, Janice
21 Finnochio, and that was something whether we wanted
22 to discuss that with her further or whether we felt
23 that it was appropriate to --
24 MS. HAASE: That is up to the
25 board, she is bonded as assistant treasurer. So

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1 due to that fact, I think it may be prudent that we
2 do appoint her to that position.
3 MS. LAMBERTON: Since we
4 already put her on the committee.
5 MS. PICKARD: Even if it's a
6 temporary appointment.
7 MR. MOYER: So moved.
8 MS. PICKARD: I'll make that --
9 did you -- you moving that? You got the name? Can
10 you spell that?
11 MR. MOYER: Go ahead. You
12 spell it.
13 MS. LAMBERTON: It's the same
14 one as last time.
15 MR. HOLAHAN: I've got a
16 motion. Do I have a second?
17 MS. LAMBERTON: Second.
18 MR. HOLAHAN: I have a motion

19 and second.

20 Any further discussion from the
21 board?

22 From the public?

23 Hearing none.

24 MR. KERRICK: Favor.

25 MR. HOLAHAN: Heidi?

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1 MS. PICKARD: In favor.

2 MR. HOLAHAN: Donald?

3 MR. MOYER: In favor.

4 MR. HOLAHAN: Annie?

5 MS. LAMBERTON: I vote in

6 favor.

7 MR. HOLAHAN: And I vote in

8 favor. Motion carries.

9 Consider Resolution 2014 dash
10 010, amending the fee schedule.

11 MS. HAASE: Yes. Mr. Chairman,
12 what we're actually doing is amending our legal --
13 the fee for our legal services of Mr. Armstrong
14 from 175 to 180. It was referenced in our January
15 meeting; however, the fee schedule needs to reflect
16 that as well.

17 MR. ARMSTRONG: Just
18 clarification, my fees are two prong. The first is
19 the general municipal, which is charged to the
20 municipality, which is a separate figure. This
21 particular figure in your fee schedule is charged

22 to developers for the subdivision and land
23 development and real estate type matters that come
24 before the board from time to time.
25 MR. HOLAHAN: So \$5 difference,

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1 I mean, what kind of the discount are we getting
2 there, Patrick?
3 MR. KERRICK: Does this
4 increase have anything to do with the new addition
5 of the baby?
6 MR. ARMSTRONG: No.
7 MR. KERRICK: You sure?
8 MR. ARMSTRONG: Yes.
9 MR. HOLAHAN: Good point, John.
10 MS. PICKARD: So that's for our
11 real estate.
12 MR. KERRICK: I'll make a
13 motion we adopt Resolution 2014 dash 010, fee
14 schedule.
15 MS. PICKARD: I'll second.
16 MR. HOLAHAN: I have a motion
17 and a second.
18 Any further discussion from the
19 board?
20 From the public?
21 Hearing none. Call the vote.
22 John?
23 MR. KERRICK: In favor.
24 MR. HOLAHAN: Heidi?
25 MS. PICKARD: I vote in favor.

1 MR. HOLAHAN: Donald?
2 MR. MOYER: In favor.
3 MR. HOLAHAN: Anne?
4 MS. LAMBERTON: I'll vote in
5 favor.
6 MR. HOLAHAN: And I vote in
7 favor. Motion carries.
8 How about any comments from the
9 board?
10 John, do you have anything?
11 MS. HAASE: Miss Wendi, you
12 awake over there?
13 MS. WENDI FREEMAN: Yeah, I'm
14 good.
15 MR. HOLAHAN: John?
16 MR. KERRICK: I'm good. Thank
17 you.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I'm good.
20 MR. HOLAHAN: Donald?
21 MR. MOYER: I'm good.
22 MR. HOLAHAN: Annie?
23 MS. LAMBERTON: Couldn't be
24 better.
25 MR. HOLAHAN: Anybody from the

1 public?

2 Yes?

3 MR. BRAD GRAHAM: Mr. Chairman,

4 permission not to stand when asking a question.

5 MR. HOLAHAN: Certainly.

6 MR. BRAD GRAHAM: Just back on

7 the General Dollar, it was a job that wasn't

8 completed correctly?

9 MS. PICKARD: Dollar General.

10 MR. BRAD GRAHAM: Dollar

11 General, I'm sorry. And they're putting money

12 aside to pump this thing out if it doesn't work or

13 how does that work?

14 MR. ARMSTRONG: Yeah, my -- Bob

15 McHale's gone.

16 MR. BRAD GRAHAM: He's gone,

17 but I'm putting this to you.

18 MR. ARMSTRONG: But my

19 understanding is, we currently still have financial

20 securities held for purposes of that project. Mr.

21 Mc -- the township engineer realized at some point

22 in time that the sewer connection was not -- to the

23 main was not constructed --

24 MR. BRAD GRAHAM: I understand

25 how all that worked, but my question is what

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1 happens if something happens to them, change

2 ownership, sell the building, Chapter 11? Are we

3 going to get stuck with the bill to fix that?

4 MR. ARMSTRONG: No. This

5 agreement will be recorded against the property,
6 it'll go with the property. And the money, I don't
7 think the amount has been determined yet, but once
8 the township engineer comes up with a number,
9 there'll be a basis for that number as to, you
10 know, what we think it's tied to.

11 But the agreement, the
12 maintenance agreement, the responsibility to ensure
13 that it's working properly, it's not just going to
14 be with the owner of Dollar General currently, it's
15 going to be recorded against the property. So the
16 next person that purchases it, that's going to be
17 in the agreement that goes with the purchase.

18 MR. KERRICK: Just to clarify,
19 it wasn't put in wrong, it wasn't put in as
20 proposed.

21 MR. BRAD GRAHAM: As proposed.

22 MR. HOLAHAN: Okay. Anything
23 else?

24 FEMALE VOICE: I just have a
25 quick question.

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1 MR. HOLAHAN: Yes.

2 FEMALE VOICE: For your
3 treasurer's report, do you give a breakdown to the
4 public to look at? 'Cause I didn't see it this
5 meeting, I came a little bit early. Is there
6 usually a public --

7 MS. PICKARD: All the bills and

8 the invoices are here at the table.

9 FEMALE VOICE: Perfect. Okay.

10 Are they there early or before the meeting or just

11 during?

12 MR. HOLAHAN: Pretty much at

13 the meeting we'll put them there.

14 FEMALE VOICE: Okay. Thank

15 you.

16 MR. HOLAHAN: Give us a call if

17 you need to make other arrangements before the

18 meeting.

19 FEMALE VOICE: Okay.

20 MR. HOLAHAN: Anything else?

21 We stand adjourned.

22 (Meeting concluded at 9:07 p.m.)

23 ---

24

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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 TARA WILSON, C.R.

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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
Friday, March 28, 2014, beginning at 8:04 a.m.

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

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: All right. Let's
2 call the meeting to order. Start with the pledge of
3 allegiance.

4 (Pledge of Allegiance was
5 recited.)

6 MR. HOLAHAN: Good morning.

7 MR. STEVE PINE: Good morning.

8 MR. HOLAHAN: Okay. There is no
9 solicitor's report, so new business, consider the
10 third addendum to the Kalahari Resorts development
11 agreement.

12 Did you get a copy of anything on
13 that?

14 Steve, did you want to be able to
15 speak to that?

16 MR. STEVE PINE: The same as last
17 time. We had hoped that everything would be
18 complete. It is now. The offers for the bond
19 offering went out, I believe it was, either Monday
20 or Tuesday, and so it's just a timing issue. We
21 want to make sure not to -- to violate our agreement
22 in any way. It had stated that we were to have this
23 sold by March 31. It looks like it will be sometime
24 the first week in April, so we want an extension
25 till the end of April for the -- with our agreement,

3

1 to be able to accept the TIF bonds.

2 MR. HOLAHAN: Okay. So the
3 request is for an extension till the end of April.

4 Do I have a motion for that?

5 MR. KERRICK: So moved.

6 MS. PICKARD: Second.

7 MR. HOLAHAN: Motion.

8 Do you have a second?

9 Motion and second.

10 Any further discussion?

11 Hearing none, call the vote.
12 John?
13 MR. KERRICK: I vote in favor.
14 MR. HOLAHAN: Heidi?
15 MS. PICKARD: I vote in favor.
16 MR. HOLAHAN: Annie?
17 MS. LAMBERTON: I vote in favor.
18 MR. HOLAHAN: I vote in favor.
19 Motion carries. We're extending the development
20 agreement till April 30.
21 MR. STEVE PINE: Thank you.
22 MR. HOLAHAN: You're welcome.
23 Next is the Arcadia project, New
24 Ventures, PennDOT authorization resubmission permit
25 for the drainage improvements that we have in front

4

1 of us here.

2 Do you know what's up with this,
3 John?

4 MR. KERRICK: This -- they
5 applied -- basically they allowed their permit to

6 expire and they have to reapply, but for them to
7 reapply we have to approve this.

8 MS. LAMBERTON: Because we're
9 co-permitting, is that that how it works?

10 MR. KERRICK: Yes, on the
11 drainage.

12 MS. LAMBERTON: Okay.

13 MR. KERRICK: So with that, I
14 would make a motion that we approve the
15 applicant's -- or approve for the resubmission for
16 the permit of 115 drainage improvements on the
17 Arcadia project.

18 MS. PICKARD: I'll second the
19 motion.

20 MR. HOLAHAN: Got a motion and
21 second to -- for authorization for resubmission of
22 the permit for the Route 115 drainage improvements
23 for Arcadia Park.

24 Any further discussion from the
25 board?

1 Anything from the public?

2 Hearing none, call the vote.

3 John?

4 MR. KERRICK: In favor.

5 MR. HOLAHAN: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. HOLAHAN: Annie?

8 MS. LAMBERTON: I vote in favor.

9 MR. HOLAHAN: I vote in favor.

10 Motion carries.

11 Anybody have anything else?

12 MS. LAMBERTON: Public comment,

13 maybe?

14 MR. HOLAHAN: Yeah. Did you have

15 something, sir?

16 (Audience member shook his head.)

17 MR. HOLAHAN: Steve?

18 MR. STEVE PINE: I'm good, thank

19 you.

20 MS. LAMBERTON: Motion to

21 adjourn?

22 MS. PICKARD: Second.

23 MR. HOLAHAN: Motion and second.

24 We're adjourned.

25 (Meeting concluded at 8:07 a.m.)

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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.

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16 JESSICA L. HOLT, 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 7, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

2

1 MR. HOLAHAN: Good evening.
2 Welcome to the April 7 meeting, Tobyhanna Township.
3 Start off with a pledge of allegiance.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Okay. Let's
7 start with some announcements. Next month's
8 meeting is Monday, May 12, and that's going to be
9 at 9 a.m., at the TEC.

10 MS. HAASE: Mr. Chairman, I'd
11 also like to announce we had executive session on
12 March 10 from 9:20 p.m. to 9:40 to discuss
13 personnel and legal matters.

14 MR. HOLAHAN: So noted.

15 And now I'd like to consider the

16 minutes of -- what are the dates here? -- the 20 --

17 MS. HAASE: If it's acceptable,
18 we'd like to table them. We just received them, so
19 we've not had a chance to review them.

20 MR. HOLAHAN: Very good.

21 MS. PICKARD: I'll make a
22 motion to table.

23 MS. LAMBERTON: Second.

24 MR. HOLAHAN: Motion and
25 second. It's tabled.

3

1 Consider the treasurer's report.
2 Bills up front here. I'm looking for a motion to
3 approve the treasurer's report for \$411,169.58.

4 Do I have a motion?

5 MS. LAMBERTON: So moved.

6 MR. HOLAHAN: I have a motion.

7 Do I have a second?

8 MS. PICKARD: I'll second the
9 motion.

10 MR. HOLAHAN: I have a motion

11 and a second.

12 Further discussion from the
13 board?

14 From the public?

15 Hearing none.

16 I call the vote. John?

17 MR. KERRICK: Abstain.

18 MR. HOLAHAN: Heidi?

19 MS. PICKARD: Vote in favor.

20 MR. HOLAHAN: Donald?

21 MR. MOYER: I'll abstain.

22 MR. HOLAHAN: Annie?

23 MS. LAMBERTON: I vote in

24 favor.

25 MR. HOLAHAN: I'll vote in

4

1 favor. Motion carries.

2 Solicitor's report.

3 Take it away, Patrick.

4 MR. ARMSTRONG: Thank you, Mr.

5 Chairman. There's nothing under my report, but I

6 do just have a couple of status reports for a
7 couple items.

8 One, the board may recall we had
9 a special meeting with respect from Chat 'N Chew
10 Cafe a while back with respect to the grease
11 interceptor. They actually have in turn complied
12 with the ordinance. One of the -- one of the
13 conditions at your prior meetings was to include a
14 maintenance agreement. That wasn't necessarily
15 required under the ordinance, but now since they've
16 come into compliance, after discussions with Bob,
17 Phyllis and the applicant's counsel, it's been
18 determined that, that a maintenance agreement is
19 not necessary. I just wanted to bring everyone up
20 to speed on that.

21 Any questions or comments on
22 that?

23 Okay. Another one, the
24 bituminous seal coat contract. You're all aware
25 that there were some issues with respect to the

1 product that was applied. There was since a
2 resolution letter entered into with Dosch-King and
3 the township. One outstanding item is the
4 increased maintenance bond for the fiber reenforced
5 bituminous seal coat.

6 Now, the Dosch-King and/or the
7 subcontractor that they use are having some
8 problems securing that bond. I don't know if we've
9 heard anything since the last week; but they have
10 requested that we release the funds that were
11 previously approved to be released, pursuant to the
12 agreement, with the exception of securing that bond
13 at this point in time.

14 I don't necessarily have a
15 problem with it because if you recall, for that
16 portion of the contract, you're still holding onto
17 a certain amount of money until they come back and
18 inspect the product in -- actually in the next
19 month or so. So you're still going to have a good
20 portion. I think it's like a little bit over
21 \$25,000 for that portion of the project that you're
22 holding onto.

23 So if the board's inclined to

24 agree to release the other money with respect to
25 the project with the understanding that they're

6

1 holding onto that additional 25,000, and at the
2 point in time when they come back out and look at
3 it, if you think -- if John and Bob, after looking
4 at the roads, think it's okay to release or if
5 they're still going to hold back and say, no, we
6 want that extend the maintenance bond, we're not
7 releasing this money until we get it, you can do
8 that.

9 I'm not sure if the board wants
10 to consider that or not this evening. I don't know
11 if Phyllis has anything to add.

12 MS. HAASE: No. Just I did
13 receive a letter that was forwarded to me today
14 from Jerry from Midland. He has confirmed that
15 they did reach out again in an attempt to secure a
16 maintenance bond. They were unable to, due to the
17 fact the contract is not in their name.

18 MR. HOLAHAN: We're holding on

19 to enough money in the event that they don't secure
20 the bond?

21 John, are you aware?

22 MR. KERRICK: I -- to renew the
23 whole project or --

24 MR. ARMSTRONG: No, the --

25 MR. KERRICK: And what did we

7

1 --

2 MR. ARMSTRONG: We got --

3 MR. KERRICK: The maintenance
4 bond was like 25 percent, did we hold 25 percent?

5 MR. ARMSTRONG: We have --
6 yeah. Yeah, for the fiber reenforce seal coat --

7 MR. KERRICK: Correct.

8 MR. ARMSTRONG: -- portion. We
9 have the extended maintenance bond for the
10 bituminous seal coat portion of the project.

11 MR. KERRICK: Correct.

12 MR. ARMSTRONG: Yes.

13 MR. KERRICK: So I'm not

14 understanding your question.

15 MR. HOLAHAN: So what's the
16 release then? How much are they looking to
17 release? What are we holding?

18 MR. ARMSTRONG: Well, we'll be
19 holding onto 25,000 and change.

20 MR. HOLAHAN: We're still
21 holding?

22 MR. ARMSTRONG: That's 25
23 percent of the -- that portion of the contract.

24 MR. KERRICK: So on the
25 FiberMat we haven't paid anything, is that where we

8

1 -- is that with the --

2 MR. ARMSTRONG: No, we haven't
3 yeah, you're right.

4 MR. KERRICK: But I thought
5 last year we made a motion up to 75 percent, we
6 would pay up to 75 percent?

7 MR. ARMSTRONG: Umm-hmm.

8 MR. KERRICK: So is that where

9 we're at right now?

10 MR. ARMSTRONG: I'm asking if
11 the board's okay with releasing that 75 percent,
12 yes.

13 MR. KERRICK: I thought we
14 already did. I apologize.

15 MS. HAASE: There was --

16 MS. PICKARD: Yeah, I thought
17 we did too.

18 MR. ARMSTRONG: There was --
19 yeah, there was --

20 MR. KERRICK: Oh, there was a
21 condition?

22 MR. ARMSTRONG: Yeah.

23 I'm sorry.

24 There was a condition that they
25 also provide that extended maintenance bond and

9

1 they're having a problem securing that.

2 MR. KERRICK: Okay.

3 MR. ARMSTRONG: There's

4 actually a maintenance bond currently in place
5 until September of this year. We were looking for
6 it to be extended till September of 2015.

7 MR. KERRICK: For another year?

8 MR. MOYER: Is this separate
9 from the last time they were here and we --

10 MR. ARMSTRONG: This is
11 actually part of --

12 MR. KERRICK: Yes.

13 MR. ARMSTRONG: -- that motion.

14 MR. MOYER: It's still the
15 same?

16 MR. KERRICK: Yes.

17 MR. ARMSTRONG: As part of that
18 motion you made this a condition, but they're
19 having a problem securing that bond, that portion
20 of the bond.

21 MR. MOYER: I got you. All
22 right.

23 MS. PICKARD: Wouldn't it be
24 required that Dosch-King provide the bond and worry
25 about getting something from Midland?

1 MR. ARMSTRONG: Yeah.

2 MR. HOLAHAN: What's the
3 pleasure of the board? Do you want to act on this
4 now?

5 MR. KERRICK: I think they
6 should be paid.

7 MR. MOYER: Yeah, I have no
8 problem with it.

9 MR. HOLAHAN: Okay. Do I have
10 a motion?

11 MS. LAMBERTON: So moved.

12 MR. HOLAHAN: I have a motion.
13 Do I have a second?

14 MR. MOYER: I'll second.

15 MR. HOLAHAN: Second's to pay
16 up to holding 25 percent, going up to 75.

17 MR. ARMSTRONG: It'll basically
18 be to proceed with the agreement, the resolution
19 agreement with the exception of that bond at this
20 point in time, yes.

21 MS. LAMBERTON: Okay.

22 MR. HOLAHAN: Further
23 discussion from the board?
24 From the public?
25 Call the vote. John?

11

1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: I vote in favor.
4 MR. HOLAHAN: Donald?
5 MR. MOYER: I'll vote in favor.
6 MR. HOLAHAN: Annie?
7 MS. LAMBERTON: I'll vote in
8 favor.
9 MR. HOLAHAN: And I vote in
10 favor. Motion carries.
11 MR. ARMSTRONG: Thank you, Mr.
12 Chairman. I do have probably some reports on some
13 of the other items down on the agenda, but nothing
14 aside from that. So thank you.
15 MR. HOLAHAN: Phyllis,
16 manager's report.

17 MS. HAASE: Thank you, Mr.
18 Chairman. I have a few announcements. Just to
19 inform the board that we did receive our monies
20 from the Commonwealth for our liquid fuels. And we
21 received almost \$25,000 more than we budgeted in
22 2014. And those monies will be placed in our funds
23 balance after, we'll be using it for future
24 projects in 2015.

25 We received our annual request

12

1 from Retired and Senior Volunteer Programs of
2 Monroe County, the acronym is RSVP. This is a
3 group of retired individuals that volunteer their
4 time for different agencies and they help us out
5 throughout the year. So we on a regular basis put
6 a annual -- I'm sorry, a full page ad in their
7 program for their event in October at \$80. So
8 we'll be moving forward with that again.

9 The Keystone Grant, the public
10 library, Clymer Library had requested that I
11 execute a letter of intent allowing them to proceed

12 with attempting to fund an improvement for the HVAC
13 system, update their lighting and also replace the
14 roof. The total for the grant is \$119,733, it's a
15 matching grant of \$59,866. The monies would come
16 from the Clymer Library in order to proceed with
17 the grant.

18 I also wanted to announce, of
19 course, it's springtime, we're all quite happy with
20 that. And on an annual basis we have a spring and
21 a fall cleanup. The transfer station fees will
22 stay the same during that time period, so we can
23 just remind all the residents to tidy up their
24 properties and they can take it to transfer
25 station, they'll be happy to help them.

13

1 The Red Cross Run For The Red
2 will be held on May 18. And I have filled out the
3 paperwork for them to proceed with their
4 permitting. I have one other item. Last year the
5 board --

6 MS. PICKARD: Excuse me.

7 Phyllis --

8 MS. HAASE: I'm sorry?

9 MS. PICKARD: -- what was date
10 for the cleanup?

11 MS. HAASE: It is not a set
12 date. The residents can take their trash and their
13 furniture or yard furniture, whatever they so
14 choose, to the transfer station and they will help
15 them.

16 Last year the board had
17 discussed and moved forward with adding a 10
18 percent fuel surcharge to the ambulance and fire
19 and police -- I'm sorry, the police. When we did a
20 quick analysis this year, it appears that the
21 funding is covering the full cost of the fuel
22 island. Our township engineer back in 2011 took
23 the cost and expenditures at that time and came up
24 with a rough estimate of 10 percent -- or I'm
25 sorry, 10 cents per gallon.

1 It appears that this is

2 something we'll want to move forward, but on an
3 annual basis we should revisit this 10 cent -- or
4 the fuel surcharge because it is going to
5 fluctuate. So we will do an analysis this coming
6 month, our finance department, and we'll present to
7 you what the surcharge will be to help offset the
8 costs that we have.

9 We received a request from --
10 there was a request with regards to monies that was
11 paid to transfer a property in 2011. And it
12 appears that the individual that purchased the
13 property was not able to move forward with
14 obtaining ownership of the property. So they had
15 requested that the transfer tax be refunded to
16 them.

17 The state refunded the funds and
18 they sent a request to the township, which was
19 forwarded to our director of finance, requesting
20 \$1,480.91 be refunded. We've asked Pat to look
21 into this matter as to what needed to occur, it's a
22 rather unusual situation. This is something that
23 did go to court and we're not -- we weren't quite
24 certain how to proceed with this. So Pat did look

25 into it.

15

1 I don't know, Pat, if you wanted
2 to add anything?

3 MR. ARMSTRONG: Yeah, it's --
4 it's kind of an odd situation. But what had
5 happened is someone had purchased the property,
6 there were some issues with the deed. And as of
7 December 19 there was a court order -- December 19
8 of 2013, a court order finding that the conveyance
9 of the property, which was done by upset sale, was
10 to become void and -- you know, due to the fact
11 that it didn't take place. The conveyance, my
12 understanding was in 2010, I didn't realize it was
13 2011, but I believe it was in 2010.

14 The question posed to me was, do
15 you need to reimburse the transfer tax. And you
16 don't -- everything I've looked at, there's nothing
17 indicating that you need to given this particular
18 situation. Transfer tax is, it's a tax from the
19 transfer of the conveyance of the property. And

20 the fact that it had to go to court to have a court
21 find that the trans -- that the conveyance should
22 be, you know, reversed or found invalid doesn't
23 defeat the fact that the conveyance didn't take
24 place, whether or not the deed was sufficient or
25 not.

16

1 It was back in 2010, so we're
2 beyond the three-year time frame with respect to
3 certain reimbursements under the transfer tax, but
4 it's really -- it's really a decision for the
5 board. I don't know of anything sitting here
6 tonight that would require you to grant it. It
7 does look, at least by what was provided to me,
8 that the state has approved their portion of it.

9 MS. HAASE: Yes, sir.

10 MR. ARMSTRONG: If you're
11 familiar with the transfer tax, it's one percent,
12 one percent.

13 MS. PICKARD: We split it with
14 the school district and I'm unaware of how the

15 school district was handling that.

16 MR. ARMSTRONG: So are there
17 any questions from me? I don't think you need to
18 take action tonight. If you wanted to -- if you
19 wanted -- if you want to, you can. If you want to
20 approve it or --

21 MS. PICKARD: They were looking
22 for their reimbursement.

23 MR. ARMSTRONG: Right.

24 MS. PICKARD: So they were
25 calling to make sure that everything was in order

17

1 and I just wanted it brought to the board.

2 MR. HOLAHAN: Okay. What's the
3 pleasure of the board? You all want to act on
4 this?

5 MS. LAMBERTON: I'd like to
6 read about it. I don't know anything about it.

7 MR. MOYER: Yeah, I didn't see
8 anything about it either. It's new.

9 MR. HOLAHAN: We'll bring this

10 back for consideration. Can you send the documents
11 to the board, let's take a look at it?

12 MR. ARMSTRONG: What I can do,
13 it looks that there was a fax to the township from
14 Friday and then I probably sent out an email maybe
15 Friday afternoon or today. What I can do is I can
16 forward my emails on to all the board members if
17 you'd like.

18 MR. MOYER: Yeah.

19 MR. ARMSTRONG: Would you like
20 me to just -- I can forward this on to if you want?

21 MS. PICKARD: We can forward it
22 here, we have it here too. I just wanted your
23 opinion on it.

24 MS. HAASE: I have one other
25 item, but I'll bring that up during committee

18

1 reports, Mr. Chairman.

2 MR. HOLAHAN: Okay. Is that
3 it, Patrick?

4 MR. ARMSTRONG: Umm-hmm.

5 MR. HOLAHAN: Next on to
6 committee reports.

7 Pocono Mountain Regional EMS,
8 Heidi, you have anything on that?

9 MS. PICKARD: Well, we have
10 Austin here, so if Austin wants to say a couple
11 words, that's fine.

12 MS. HAASE: While Austin is
13 getting his paperwork together, I just wanted to
14 let everyone know we have a meeting tomorrow with
15 PMR EMS, Thornhurst Ambulance, two supervisors and
16 myself and that's scheduled for tomorrow morning.

17 MS. PICKARD: I think our call
18 volume was up in March a bit. It seemed to be down
19 the last couple of months, but we've had a couple
20 busy days even this month.

21 THE REPORTER: Could you just
22 state and spell first and last name, please?

23 MR. AUSTIN GRAMMES: First
24 name's Austin, A-u-s-t-i-n, last name's Grammes,
25 G-r-a-m-m-e-s.

1 THE REPORTER: Thank you.

2 MR. AUSTIN GRAMMES: You're
3 welcome.

4 Okay. For Tobyhanna Township
5 this -- well, for March, we had 85 calls;
6 year-to-date, 225. We're up 14.2 percent this year
7 for Tobyhanna. Total calls for the PMR is 419 this
8 month; year-to-date, 1137. We're just down one
9 percent. Okay?

10 What else do we need?

11 MS. PICKARD: Not too much.
12 And I think we did get concurrence from the police
13 to donate their vehicle when they get their new
14 vehicle.

15 MR. AUSTIN GRAMMES: Yeah, I
16 requested a donation of a car from the police
17 department and hopefully the board approved it.

18 MR. MOYER: It was.

19 MR. AUSTIN GRAMMES: Thank you.
20 Greatly appreciate it.

21 MR. HOLAHAN: Okay.

22 How about from Pocono Mountain

23 Regional Police, Donald, do you have anything?

24 MR. MOYER: Nothing, nope.

25 MR. HOLAHAN: Phyllis?

20

1 MS. HAASE: I do. I had
2 distributed the annual report to the board for your
3 review. We've had a pretty busy first quarter at
4 the police commission. We've moved forward with
5 some contracts and we have approved our bylaws.
6 One of the conditions in the bylaws was a
7 background check.

8 In the past, while there was no
9 bylaws to the existence of PMR Police Commission
10 over the 20 years, we did approve that last month.
11 One of the conditions would be background checks to
12 anyone that was going to be appointed to the police
13 commission. The -- it was a request from Mount
14 Pocono that the background checks will be conducted
15 by the governing bodies, by each municipality.

16 So how it was written in our
17 bylaws was that each municipality, prior to

18 appointing a representative for that year, will
19 make certain that a background check is done on
20 that individual. That individual then, once they
21 passed the background check, a copy of it then will
22 be forwarded to PMR Police Commission to be kept on
23 file.

24 If in fact the governing body
25 does not do a background check, then the bylaws

21

1 then require the police commission to do that. So
2 it was the stance that each municipality would make
3 a motion requiring a background check for the
4 appointment of the individuals in January. And
5 then the current seated commissioners would submit
6 to a background check, which we have all agreed to
7 do that.

8 So I have the bylaws in front of
9 me that actually calls out what will be required if
10 in fact the municipality does not run the
11 background check. The police commission then
12 therefore can either go through the State Police

13 and/or the FBI. What we're proposing is that we go
14 through the State Police as we do for our township
15 employees. This is something we all felt very
16 strongly -- the majority of the commission felt
17 very strongly on, that we require are employees to
18 have background checks and it certainly would be
19 prudent for anyone that's helping make decisions
20 for the safety of our community in setting policies
21 that we make certain that there's no issues there
22 as well.

23 So we can work together some
24 type of a policy or it could be a simple motion,
25 that prior to seating an appointed commissioner for

22

1 -- in January that a background check is conducted.
2 I can certainly put together a brief policy if you
3 would like to have something more official, that's
4 certainly up to the board.

5 There was also some questions
6 from our residents pertaining to drug testing.
7 That is not called out in our bylaws. So if that's

8 something that the governing body so chooses to
9 require, certainly the representatives that are
10 currently seated from Tobyhanna Township, we're not
11 opposed to that either, but that's going to be up
12 to the governing body.

13 MS. LAMBERTON: I'm not opposed
14 to either-or.

15 MR. KERRICK: Question, could
16 we just follow what we do for the employee? Could
17 you draft a policy mirroring that background check?

18 MS. HAASE: We don't have a
19 policy.

20 MS. PICKARD: We don't require
21 a drug test for employment.

22 MS. HAASE: Yeah, we don't
23 require drug testing.

24 MR. KERRICK: I know we don't.
25 We talked about, drug testing for all the

23

1 employees. The CDL employees get drug tested. At
2 one time we talked about doing the whole staff.

3 MS. HAASE: We did. When I
4 looked into it further, there was some items that I
5 was not aware of with the EEOC.

6 MR. ARMSTRONG: With respect to
7 certain types of random drug testing, there are
8 certain limitations that you need to abide by.
9 CDL -- there's a statute on CDL drivers, so that's
10 a little different; but otherwise you have to
11 follow certain, you know, requirements. You don't
12 want to go --

13 MS. PICKARD: Well, right now
14 the police just was talking about the background,
15 they didn't bring up the drug testing, so --

16 MS. HAASE: They did not. It
17 was a request from --

18 MS. PICKARD: If you were
19 looking for a motion, I'll make a motion to support
20 the criminal background checks for the appointees
21 to the Pocono Mountain Regional Police Commission.

22 MR. HOLAHAN: So support or
23 require that our appointees --

24 MS. PICKARD: Support and/or
25 require.

1 MR. HOLAHAN: Okay.

2 MR. ARMSTRONG: Going forward.

3 MR. HOLAHAN: Going forward.

4 MS. PICKARD: Going forward.

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: I'll second

7 that.

8 MR. KERRICK: Can I ask a
9 question? That would be, our municipality would
10 handle that then?

11 MS. PICKARD: Yes.

12 MS. HAASE: Each municipality
13 would be required to handle it. If they did not,
14 then the police commission would.

15 MS. PICKARD: That's
16 ridiculous, it should be done here.

17 MS. LAMBERTON: I agree.

18 MS. HAASE: I agree.

19 MR. HOLAHAN: Okay. I have a
20 motion and I have a second.

21 Further discussion from the
22 board?
23 From the public?
24 MS. RACHEL SCHICKLING: I do.
25 MR. HOLAHAN: Yes.

25

1 MS. RACHEL SCHICKLING: My
2 name's Rachel Schickling, R-a-c-h-e-l
3 S-c-h-i-c-k-l-i-n-g.
4 About the drug testing, Mount
5 Pocono did agree to that.
6 MR. HOLAHAN: Okay.
7 MS. RACHEL SCHICKLING: To the
8 drug testing. Are we -- are you going ahead and
9 not motioning it or are you gonna motion the drug
10 testing?
11 MR. HOLAHAN: The motion is
12 that we require drug testing --
13 MS. RACHEL SCHICKLING: It is,
14 okay.
15 MS. PICKARD: No.

16 MR. HOLAHAN: -- going forward.
17 MR. MOYER: No.
18 MS. RACHEL SCHICKLING: No. I
19 thought --
20 MR. HOLAHAN: Oh, not drug
21 testing. I'm sorry.
22 MS. RACHEL SCHICKLING: Right.
23 MR. HOLAHAN: The background
24 check.
25 MS. RACHEL SCHICKLING: So are

26

1 you gonna motion a drug testing?
2 MR. HOLAHAN: I don't know.
3 MS. PICKARD: It wasn't brought
4 up at the police commission at this time --
5 MS. HAASE: It was brought --
6 MS. RACHEL SCHICKLING: Mount
7 Pocono did agree to that.
8 MS. PICKARD: -- was my
9 understanding.
10 MS. RACHEL SCHICKLING: It was

11 brought up.

12 MS. PICKARD: But it wasn't --

13 MR. MOYER: Wait a minute,

14 yeah.

15 MS. LAMBERTON: Is it part of

16 the bylaws?

17 MS. PICKARD: It's not part of

18 the bylaws and it hasn't been --

19 MS. LAMBERTON: We're looking

20 to go with the bylaws.

21 MS. PICKARD: -- as a body.

22 MR. HOLAHAN: Well, let's take

23 --

24 MS. PICKARD: When it comes up

25 with the rest of them.

27

1 MR. HOLAHAN: Let's take these

2 separately. So let's speak about this motion right

3 now.

4 So I have a motion and a second.

5 Further discussion from the

6 public?

7 Hearing none.

8 John?

9 MR. KERRICK: In favor.

10 MR. HOLAHAN: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. HOLAHAN: Donald?

13 MR. MOYER: I vote in favor.

14 MR. HOLAHAN: Annie?

15 MS. LAMBERTON: I vote in

16 favor.

17 MR. HOLAHAN: And I vote in

18 favor. Motion carries.

19 Anything else?

20 MR. ARMSTRONG: Just for

21 clarification that motion was to, going forward to

22 require appointing commission members from

23 Tobyhanna Township to undergo criminal background

24 checks?

25 MR. HOLAHAN: That is correct,

1 State Police.

2 MR. ARMSTRONG: Through the
3 State Police.

4 MR. HOLAHAN: Yes.

5 MS. HAASE: And the current
6 seated commissioners will also submit.

7 MR. HOLAHAN: We've agreed to
8 do that?

9 MS. HAASE: Yes, sir.

10 MR. HOLAHAN: Yes. Okay.

11 Heidi, anything from open space?

12 MS. PICKARD: No, not at this
13 time.

14 MR. HOLAHAN: Okay. Let's move
15 on to old business. Township -- Tobyhanna Township
16 Sewer Authority.

17 MS. PICKARD: I just had some
18 numbers. We did get the first quarter billing out
19 in-house for the first time, which went relatively
20 well. We didn't get our folding stuffing machine,
21 but six of us sat down and punched them out about
22 an hour. But there were just a couple things that
23 I wanted to -- I'm working through the reports and

24 Donna's away on vacation this week, but I just
25 wanted to let you know that we billed a hundred and

29

1 thirty thousand for residential sewer accounts,
2 thirty-three nine seventy-one for commercial
3 accounts, for a total of a hundred and sixty-five
4 thousand and change.

5 I was just pulling up some
6 numbers 'cause all -- you know, the money's coming
7 in quite quickly. Donna's not here to post them,
8 but we did get over \$40,000 so far in the first
9 week of collections. The bills are not due till
10 the end of the month, so that seems to be going,
11 you know, rarely -- you know, fairly well.

12 MR. MOYER: Is this on the --

13 MS. PICKARD: The sewer
14 billing.

15 MR. MOYER: Yeah, is it on the
16 website at the township or --

17 MS. PICKARD: No, no. No, I've
18 just been looking at some of the reports where we

19 can actually get numbers from, for the first time;
20 so we don't have any reports there. But I have a
21 total outstanding of \$723,000, which includes the
22 200,000 of those liened accounts for assessment
23 liens. And, you know, that's including the hundred
24 and sixty-five we just billed out.

25 But I have some past due reports

30

1 too. And out of the past due that we have,
2 337,000, it's these 83 liened accounts that we
3 have, that have these really high balances. And we
4 continue to be picking them off at some sheriff's
5 sales and foreclosures and some transfers of
6 property. And I think having the real estate
7 market start to come back a little bit, I see a
8 little bit of a light at the end of the tunnel.
9 We're getting more calls for folks being able to
10 sell their property.

11 So that's looking good so -- but
12 I think all in all everything is moving right
13 along. And hopefully we'll get something mailed

14 down and get some regular reporting, but it's not
15 quite doing what we want it to do at this point,
16 so --

17 MR. HOLAHAN: Okay.

18 MS. LAMBERTON: If we could,
19 could we get -- since we have a baseline now, could
20 we get like monthly reports to compare that back
21 and forth?

22 MS. PICKARD: Yeah.

23 MS. LAMBERTON: Thank you.

24 MS. PICKARD: Basically all the
25 money's going to come in --

31

1 MS. LAMBERTON: Quarterly.

2 MS. PICKARD: -- this month.

3 MS. LAMBERTON: And then, you
4 know, quarterly reports would be great.

5 MS. PICKARD: Yeah.

6 MS. LAMBERTON: Just so we --
7 okay. Thank you.

8 MR. HOLAHAN: Okay.

9 MS. HAASE: Miss Lamberton,
10 moving forward, I think once we get through one
11 cycle of billing --
12 MS. LAMBERTON: Yeah, that's
13 true.
14 MS. HAASE: -- I think that
15 we're going to have some reports --
16 MS. LAMBERTON: It would be
17 nice to see, absolutely.
18 MS. HAASE: -- to prepare for
19 you, absolutely.
20 MS. LAMBERTON: Thank you.
21 MS. PICKARD: We've been taking
22 a tremendous amount of phone calls and it's really
23 kind of nice, people have been stopping in and
24 talking to us. And it's a lot nicer to have a
25 little bit of a connection and know what's going

32

1 on. And I think, you know, some people are still
2 confused, it did say on their Aqua bill, we'd be
3 billing, but they're still a little startled by

4 that, not sure what they're even paying for.

5 We've had a couple people think
6 that they have water, 'cause it was from Aqua. So
7 it's been -- I think it feels a little bit better.
8 The other thing we just started was credit card
9 payments just started going online. They charge a
10 convenience fee --

11 MS. LAMBERTON: What do they
12 charge, like three percent?

13 MS. PICKARD: No, no, it's two
14 forty-nine for a regular bill, a flat fee.

15 MS. LAMBERTON: Oh, okay.

16 MS. PICKARD: But if it's over
17 a certain amount then there's an extra .6 percent
18 tacked onto that. But they can go right online to
19 do that. Also the first quarter they have the
20 opportunity to pay by the end of the month and get
21 a five percent discount, so it would be seven sixty
22 for the year. So we have quite a few people that
23 take advantage of that as well.

24 MR. HOLAHAN: Okay. Thanks,
25 Heidi.

1 Proposed zoning ordinance. What
2 do we have on that?

3 MS. HAASE: We still had the
4 zoning ordinance that we've worked on, it's still
5 pending.

6 MR. HOLAHAN: And we still have
7 that as old business.

8 MS. HAASE: Yes, sir.

9 MS. PICKARD: I would like to
10 have a --

11 MR. HOLAHAN: It's going to --

12 MS. PICKARD: -- separate
13 meeting for that, I just -- it doesn't --

14 MR. HOLAHAN: Agreed.

15 MS. PICKARD: -- seem like we
16 can -- I think maybe an afternoon work session on
17 that.

18 MS. HAASE: Mr. Chairman, if
19 it's acceptable, I'd like to keep those two items
20 on as old --

21 MS. LAMBERTON: Yeah.

22 MS. HAASE: -- business.
23 MR. HOLAHAN: Please.
24 MS. HAASE: So we can address
25 them moving forward on whether we -- what we so

34

1 choose to do with the sewer authority and then also
2 moving forward with the zoning ordinances.

3 MR. HOLAHAN: It would be nice
4 to at each meeting be able to update on this as
5 well. Let's --

6 MR. ARMSTRONG: Would the board
7 -- does the board -- the zoning ordinance, do you
8 all still have them? Do they still have the latest
9 and greatest from that zoning --

10 MS. PICKARD: It was sent out
11 again.

12 MS. HAASE: I --

13 MR. HOLAHAN: Which --

14 MS. HAASE: I'm sorry. The
15 signage and the PRD sections were distributed to
16 the board last month for review. So I thought

17 instead of overwhelming everyone, we would take two
18 chapters or a few topics each time, give it to the
19 board. And once I get a resolution or any comments
20 or questions, concerns, we can amend those and then
21 move on to the next one.

22 MR. HOLAHAN: You know the
23 problem with that is, folks, is that we don't think
24 about it until it's like -- until our homework is
25 due.

35

1 MS. LAMBERTON: Right.

2 MR. HOLAHAN: Perhaps you could
3 send something out to us?

4 MS. HAASE: Send a reminder?

5 MR. HOLAHAN: Yes.

6 Let's go on to new business.

7 First thing is the Historical
8 Association of Tobyhanna Township, Christman Family
9 Declaration.

10 Is anybody here from HATT?

11 MS. HAASE: Mr. Chairman, Mr.

12 Bodenschatz is out of the state and he sent his
13 apologies. He appreciated the board recognizing
14 the family and I did tell him that we will send a
15 copy to Miss Barbara Christman Page and also HATT
16 would get a copy as well.

17 MR. HOLAHAN: Okay. So we need
18 to make this in a form of a formal declaration at
19 this point, correct?

20 MS. HAASE: Yes, sir. There's
21 a proclamation that was distributed to the board.

22 MR. HOLAHAN: We're looking at
23 the proclamation of the Township of Tobyhanna Board
24 of Supervisors. On the 7th day of April 2014,
25 Township of Tobyhanna Board of Supervisors hereby

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1 passes the following proclamation:

2 Whereas the township -- the
3 Tobyhanna Township Board of Supervisors
4 acknowledges and honors the Christman Family of
5 Pocono Lake for their contributions and service to
6 our community and also for their service to the

7 entire nation. And, whereas in 1864, at age 20,
8 William Henry Christman left his family and the
9 community of Tobyhanna Township to fight for his
10 country in the Civil War. He died in service on
11 May 11 and was the first soldier to be buried in
12 Arlington National Cemetery, May 13, 1864.

13 And, whereas Barnabus Christman,
14 the older brother of William, enlisted in June 1861
15 was killed in action in a fierce seven-day battle
16 in Virginia on June 30, 1862. And, whereas
17 Barnabus and William's father, Jonas Christman, was
18 a Tobyhanna Township Supervisor and Justice of the
19 Peace. And, whereas Elwood Christman, grandson of
20 Jonas Christman, also served as Justice of the
21 Peace and was a township supervisor in the 1960's.

22 Christman homestead is still
23 standing is located on 94 -- Route 940 in Pocono
24 Lake. And, whereas Barbara Christman Page, the
25 great-granddaughter of Jonas Christman and daughter

1 of Elwood Christman, retired in 2012 after 30 plus

2 years as a school nurse at the Tobyhanna Elementary
3 Center in Pocono Pines.

4 Now, therefore, the Township of
5 the Tobyhanna Board of Supervisors recognizes the
6 contributions of the Christman Family to our
7 community and the nation, commemorates the 150th
8 year, 1864 till 2014, of the Arlington National
9 Cemetery. And that's that.

10 MS. PICKARD: Do you need a
11 motion to approve the Christman Proclamation?

12 MR. HOLAHAN: May I have one,
13 please?

14 MS. PICKARD: I move that we
15 approve the Proclamation of the Christman Family.

16 MS. LAMBERTON: Second.

17 MR. HOLAHAN: I have a motion
18 and I have a second.

19 Further discussion from the
20 board?

21 MS. PICKARD: I would like to
22 thank Rick Bodenschatz and HATT for all their hard
23 work on this. And also just mention that there
24 will be a service at Arlington Cemetery for that

25 anniversary and HATT is taking a bus trip down,

38

1 leaving that day before, on the 12th.

2 MR. HOLAHAN: That is going to
3 be when?

4 MS. PICKARD: May 12, May 13;
5 the actual ceremony is on May 13, the 150th
6 anniversary. And Mr. Christman was the first
7 soldier buried in that cemetery, which is pretty
8 amazing.

9 MS. LAMBERTON: That is
10 amazing.

11 MR. HOLAHAN: I have a motion
12 and a second.

13 Further discussion from the
14 board?

15 From the public?

16 Hearing none.

17 I'll call the vote. John?

18 MR. KERRICK: In favor.

19 MR. HOLAHAN: Heidi?

20 MS. PICKARD: I vote in favor.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: I'll vote in favor.
23 MR. HOLAHAN: Heidi?
24 I'm sorry. Annie?
25 I did that to you before as

39

1 well, didn't I?
2 MS. LAMBERTON: I vote in
3 favor.
4 (Ms. Haase exited the room.)
5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.
7 Wastewater treatment plant, the
8 Route 940 sewer extension.
9 (Ms. Haase reentered the room.)
10 MR. HOLAHAN: Listen up, folks,
11 this is going to be exciting.
12 MR. MOYER: This is where the
13 party gets started.
14 MR. JAMES HENDRICKS: My name's

15 Jim Hendricks, J-a-m-e-s H-e-n-d-r-i-c-k-s.

16 MR. HOLAHAN: Jim, did you want
17 to sit? It's okay.

18 MS. LAMBERTON: Yeah, you don't
19 have to --

20 MR. JAMES HENDRICKS: No, I'm
21 better standing. If I lost my balance and I was
22 sitting in the chair, it'd be very embarrassing.

23 Chairman and board, thank you
24 for giving me the opportunity to be here. I'm with
25 RETTEW Associates. I wanted to take this

40

1 opportunity to introduce our vice-president of the
2 engineering -- I'm sorry, of the energy and
3 environmental services, Yves Pollart.

4 MR. YVES POLLART: Good
5 evening. I'm Yves Pollart with RETTEW and I
6 just -- Jim invited me to attend tonight's meeting.
7 So thank you for allowing me to be here tonight.
8 And I also wanted to thank you for allowing us to
9 be of service to you. Thank you very much.

10 MS. LAMBERTON: Thank you.

11 MR. MOYER: Thanks for coming.

12 MR. KERRICK: Thank you.

13 MR. JAMES HENDRICKS: I'll also

14 very quickly introduce Chris Foreman who will be

15 speaking with you here in a little about the audit

16 of the treatment plant.

17 MS. CHRIS FOREMAN: Gentlemen,

18 ladies, thank you.

19 MS. LAMBERTON: Thank you.

20 MR. MOYER: Thank you.

21 MR. JAMES HENDRICKS: Real

22 briefly about the Tobyhanna Township Wastewater

23 Treatment Plant. We've been doing a construction

24 project there to replace the sand filter building.

25 Some of the punch list work was put off until

41

1 spring, which seems to never get here, but that

2 work will be completed within the next two weeks.

3 Part of the punch list items is

4 painting, repainting of the joists and the roof,

5 deck and walls on the inside. There is a one year
6 warranty that you'll automatically get because of
7 that construction contract that we have. It may be
8 that the board wants to visit with their solicitor
9 and discuss the possibility of taking a extended
10 warranty on that, because I do have some concerns
11 about their ability to prepare that correctly and
12 apply the paint and have it adhere as it should.

13 So if that's something that we
14 can look into, we'll certainly do that.

15 MR. ARMSTRONG: This is for the
16 sand filter building that's already been
17 constructed? You're talking about the painting on
18 the inside or the outside?

19 MR. JAMES HENDRICKS: The
20 inside.

21 MR. ARMSTRONG: The inside, it
22 hasn't been done yet or it has?

23 MR. JAMES HENDRICKS: It was
24 painted and it was very poor conditions for
25 painting, the temperature was high, the atmosphere

1 was very humid. The paint didn't adhere well. So
2 we are having the contractor repaint the inside of
3 the building.

4 MR. ARMSTRONG: When does that
5 current warranty run, a year from the --

6 MR. JAMES HENDRICKS: Well, if
7 he finishes painting say the 21st, then it would --

8 MR. ARMSTRONG: A year warranty.

9 MR. JAMES HENDRICKS: -- that
10 warranty would run a year from there.

11 MR. ARMSTRONG: Have you talked
12 to John and Bob about this?

13 MR. KERRICK: I think it'd be a
14 good idea personally.

15 MR. HOLAHAN: What, the
16 extended warranty, John?

17 MR. KERRICK: Yes. Another
18 year if possible, that's something that Pat would
19 have to answer.

20 MS. LAMBERTON: Do we know how
21 much it costs?

22 MR. ARMSTRONG: Yeah, I haven't

23 looked at it. Is there --

24 MR. JAMES HENDRICKS: Right. I

25 would need to visit with your solicitor about that.

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1 MS. LAMBERTON: Okay.

2 MR. JAMES HENDRICKS: How we

3 would go about that.

4 MS. LAMBERTON: I'm fine with

5 that.

6 MR. HOLAHAN: Perhaps we can

7 bring that back for the --

8 MR. MOYER: Yeah.

9 MR. HOLAHAN: -- next meeting?

10 MR. MOYER: Yeah.

11 MR. HOLAHAN: All right.

12 Thanks, Jim.

13 MR. JAMES HENDRICKS: Okay. So

14 I'll talk about the 940 sewer extension, a little

15 bit of history. The township asked us to ask

16 RETTEW Associates to look into what would be

17 required to extend their sewer collection system

18 along Route 940 and some other areas. There was
19 some disagreement with -- or, I guess, there was
20 not agreement about whether or not this section of
21 the collection system had been included in the
22 original Act 537 Plan.

23 And so right now the system ends
24 about where Camelot hits Route 940. But we met
25 with DEP a couple weeks back and they did concede

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1 with the information they had gathered and we had
2 gathered, that this area along Route 940, the
3 corridor to Locust Ridge Road was indeed included
4 in this original Act 537 Plan.

5 What this allows the township to
6 do is to extend a sewer line in that area without
7 having to go through the very difficult process of
8 a full antidig analysis and antidegradation
9 analysis, and looking at all the alternatives for
10 land application, which would almost make it
11 impossible in today's environment to do.

12 So we are preparing a proposal

13 to do the design and the permitting for that and
14 there will be a phase in their for construction.
15 We would prepare design plans, permit applications
16 and -- and the construction contract and bidding.
17 I don't have that with me tonight.

18 We're probably looking at a
19 period of up to a year to get the design and the
20 permitting approved through DEP. They have asked
21 us to examine some -- examine some funding
22 alternatives. There's a couple different ways to
23 fund this with grants and/or low interest loans.
24 Once we have done that, DEP would like to meet with
25 the township and RETTEW again and then nail down

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1 the precise requirements that they're going to have
2 on the submission of this application.

3 There are a couple of small
4 subdivisions that were also included within the
5 boundaries of that Act 537 Plan. Now, when we met
6 with DEP, we focused solely on the 940 Route
7 corridor, the commercial areas. If the board

8 desires, when we go back to DEP, we can also
9 discuss including those small subdivision areas
10 that were included within the borders of that.
11 That would be my recommendation. So we need to
12 know that going forward.

13 And then another item that we
14 need to know from the board is, we have discussed
15 putting low pressure sewer systems in there because
16 of the problems that Tobyhanna Township has had
17 with their gravity sewer mains. Would you like us
18 to also consider alternatives, gravity where it
19 could be, or just strictly stick with the low
20 pressure sewer? And that's not something you need
21 to answer tonight.

22 If you have any questions, I'll
23 try to answer them, but you're low pressure sewer
24 is going to be probably maintenance free -- not
25 maintenance free, but less maintenance and less

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1 problems in the gravity system in trying to make it
2 work up at this end of the township.

3 MR. MOYER: How long do you
4 think the construction phase would be or guess,
5 just for the corridor?

6 MR. JAMES HENDRICKS: I would
7 guess nine months.

8 MR. MOYER: Okay.

9 MR. JAMES HENDRICKS: The
10 permitting is an issue because getting access to
11 PennDOT right-of-way. We have a few streams to
12 cross that are gonna require general permits. We
13 were fortunate on the bridge, which I'll discuss
14 here in a few minutes, but --

15 MR. MOYER: Okay.

16 MS. PICKARD: Is there some
17 cost analysis and some proposals or what is the
18 cost of your doing the design and permitting now?
19 And where are we getting that money from?

20 MS. HAASE: He's going to be
21 putting a proposal together.

22 MR. JAMES HENDRICKS: Yes, we
23 are.

24 MS. PICKARD: We're getting a
25 proposal for that, okay.

1 MR. JAMES HENDRICKS: We're
2 working on a proposal.

3 MS. PICKARD: And the same
4 thing's going to be with the cost of the -- the low
5 pressure versus the gravity or where we're getting
6 the funding for this, but --

7 MS. HAASE: Well, there are --

8 MS. PICKARD: Do we know how
9 many EDUs we're talking about?

10 MS. HAASE: It has to be below
11 250, correct?

12 MR. JAMES HENDRICKS: Yes.

13 MS. HAASE: It has to be below
14 250 and we have to -- I believe in moving forward,
15 I thought we're going to move forward with the low
16 pressure. If there's any change -- it was an
17 excess of 250 or outside of that area, then
18 everything is off the table and we have to go
19 through the permitting process. If we stay within
20 those boundaries, stay below the 250 and we don't

21 add any lift stations, we do not even have to
22 proceed with the Part 2 permit.

23 MR. MOYER: That 250 including
24 the subdivisions or is that -- was that just to --

25 MS. LAMBERTON: We'll have to

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1 figure that out.

2 MR. MOYER: Yeah.

3 MS. HAASE: Michelle, who is an
4 associate of Jim, I believe, that she presented
5 there was 201 or 202 EDUs off of her estimate. So
6 that extra 40 and change will allow us to give
7 additional EDUs required for the motel, for any
8 restaurants, anything else that we need additional
9 EDUs.

10 One thing I will say is, I was
11 very impressed, Jim, with both you and Michelle of
12 how you were persistent with DEP that it was going
13 to be the way it needed to be, so, and certainly
14 the help of Mr. Daryl Fritz, he was really pleased
15 when we left that meeting in Wilkes-Barre. So I do

16 appreciate that.

17 MR. JAMES HENDRICKS: Thank
18 you.

19 MS. PICKARD: How far was that
20 corridor running up now, is that up through --

21 MS. HAASE: The spur.

22 MS. PICKARD: To the spur?

23 MS. HAASE: Umm-hmm.

24 MR. KERRICK: To Locust Ridge.

25 MS. PICKARD: To Locust -- so,

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1 on both sides of the spur. I'm just trying to --

2 MR. HOLAHAN: Umm-hmm.

3 MS. LAMBERTON: Umm-hmm.

4 MS. HAASE: Yes.

5 MS. LAMBERTON: Good news.

6 MS. HAASE: Trying to think if

7 there's anything else. Certainly there was

8 different funding that was discussed. There was a

9 PENNVEST and also there was USDA. And we did talk

10 about a rate study for funding.

11 And now, is that something that
12 when we get further along you would recommend?

20 MR. MOYER: We'll take it,
21 yeah.

1 projects actually funded by both organizations.
2 Plus some of those organizations will help fund the
3 design as well. So there might be a way to fund
4 the design as one package, so --

6 else, Jim?

7 MR. JAMES HENDRICKS: No, sir.

8 MR. HOLAHAN: Okay.

9 MR. JAMES HENDRICKS: Thank

10 you.

11 MS. LAMBERTON: Thank you.

12 MR. HOLAHAN: Then is it,

13 Chris?

14 MR. CHRIS FOREMAN: Yes. Did

15 you want to say anything?

16 MR. JAMES HENDRICKS: Well,

17 we've been asked to look at an audit of the

18 wastewater treatment plant and Chris Foreman is our

19 lead in RETTEW. So I'll let him give that

20 presentation.

21 MR. CHRIS FOREMAN: Thank you.

22 Hi, ladies and gentlemen.

23 MS. LAMBERTON: Hi.

24 MR. CHRIS FOREMAN: We did

25 prepare a proposal for an audit of the wastewater

1 treatment facility. An audit is just that, it's a
2 very intense look at everything associated with it.
3 As you'll see in front of you, we broke it down
4 into two sections: reviewing, basically,
5 operational data and historical data initially; and
6 then coming back and reviewing any equipment on
7 file to give the operational costs and everything.
8 I'm sorry, not operational cost, but the life --
9 operational longevity, excuse me.

10 That is basically, essentially,
11 what we have as our normal audit. I would
12 recommend something a little different, to be
13 honest. From what I've done from the past, I have
14 about 24 years experience doing these for several
15 municipalities. I started out as a contract
16 operator to start my career with. So I'm used to
17 running water and wastewater facilities. I don't
18 need -- don't think you need a complete audit at
19 this time.

20 What I would suggest is, is
21 allowing us to come up for a day to review the
22 facilities, to look at everything that's out there,
23 that way we can fine-tune what we actually need to

24 get in the proposal to you, into a memo based on
25 that, so that everything is basically fine-tuning

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1 down from there. Best estimate would be, it is
2 around \$3200 to do just the day visit with the memo
3 attached rather than going to this full blown audit
4 right away. I'm not sure how the board feels about
5 that.

6 MR. HOLAHAN: Much better.

7 MS. LAMBERTON: I turned to
8 Page 3 too and I feel much better about that. No
9 offense.

10 MR. CHRIS FOREMAN: I don't
11 think that we're gonna need to do a lot of
12 historical reviews and everything that's associated
13 with it. With the experience that I have, I can
14 see most everything that we're going to need to do.
15 I don't need to go ahead and get into the in-depth
16 stuff. I don't even know if we have record
17 drawings, to be honest with you.

18 So that's one of the things I

19 wanted to come up, talk to the operator, do the
20 facility border itself, even do the lift station
21 border as part of it, that way I can do an
22 evaluation on everything all at one time. Prepare
23 a memo then giving recommendations on what we think
24 would be the best way to proceed from there then.
25 So it'll narrow it down a lot farther than what

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1 this is.

2 MS. PICKARD: Are you going to
3 do another proposal of what the 3200 will include?

4 MR. CHRIS FOREMAN: I can -- we
5 can definitely do that, yes, ma'am. We were asked
6 for the audit.

7 MS. PICKARD: Yeah.

8 MR. CHRIS FOREMAN: This is a
9 true audit.

10 MS. HAASE: My concern is when
11 I met with Jim and his associate, we've done some
12 quick figures on the operation of the plant. When
13 I -- when I put down what we're paying the company

14 versus some of the employee time, I have concerns
15 on the monies being spent appropriately. I don't
16 know if we're spending too much for the plant. So
17 there needs to be some type of a comparison for me
18 so I'm comfortable with presenting it to the board.
19 And right now if you asked me, I can't say that I
20 am.

21 MS. LAMBERTON: I respect that.
22 I agree.

23 MS. HAASE: So, Chris, just so
24 I understand the 3200, that would be to go into the
25 plant, to look at what we have existing in the

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1 plant, also visit our lift stations?

2 MR. CHRIS FOREMAN: Yes, ma'am.

3 MS. HAASE: Do a very quick
4 analysis off of that -- off that day period?

5 MR. CHRIS FOREMAN: Yes.

6 MS. HAASE: And then present a
7 memo to myself and to the governing body --

8 MR. CHRIS FOREMAN: Correct.

9 MS. HAASE: -- of your

10 interpretation at that particular point?

11 MR. CHRIS FOREMAN: Yes. So

12 any recommendations where you might want to

13 continue to look at thereof, so to help fine-tune

14 everything, or no recommendations. I mean, it

15 really doesn't -- I've never been there, it could

16 be in pristine condition. So generally that's not

17 the case, you know, generally there's five or six

18 recommendations of things you might want to

19 consider looking at. Of those we try to help

20 prioritize, break them down, so that you -- you

21 know, you can continue to look if you want and dig

22 into it or we can go ahead and just allow the board

23 itself to continue the analysis based on those

24 recommendations.

25 MR. HOLAHAN: John?

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1 MR. KERRICK: Yes.

2 MR. HOLAHAN: You're most

3 familiar with this, what's your feeling on Chris'

4 proposal here?

5 MR. KERRICK: I like the number
6 better than Page 3. I think it would be a good
7 opportunity for him to come to the plant and take
8 the day visit and give us some recommendations.

9 MR. HOLAHAN: Okay.

10 MR. KERRICK: I think that
11 would be -- my recommendation would be that I would
12 do that before I would do the full blown audit.

13 MR. HOLAHAN: Consensus of the
14 board?

15 MS. LAMBERTON: Yes, I agree.

16 MS. PICKARD: I just wanted to
17 check where we're getting these funds from. Is
18 this just coming out of our maintenance? 'Cause we
19 really, you know, are pretty tight, which is the
20 whole point of this exercise.

21 MS. HAASE: Exactly, and I --
22 certainly that's a concern of mine as well. I know
23 that we should -- I'm comfortable that we're going
24 to have some excess in what we've budgeted for our
25 electric. So with that being said --

1 MS. PICKARD: For what? For
2 electric?

3 MS. HAASE: Electric. With
4 that being said, I still would like to take this
5 perhaps out of professional fees that we have
6 budgeted and then reappropriate monies. It's my
7 feeling, as I've discussed with our director of
8 finance, that our budget will -- certainly we'll be
9 within the budget that was approved from the board,
10 but there may be certain line items that we are out
11 of whack.

12 It's been -- what we've noticed
13 in the past there may have been certain
14 expenditures taken out of line items that our
15 director and myself would feel that we would not --
16 was not appropriate. So I would like to still take
17 this monies out of professional services in the
18 sewer plant and then move correctly monies towards
19 that.

20 MR. HOLAHAN: Okay. So you
21 feel we do have the money for this, you just have

22 to figure out --

23 MS. HAASE: I have to be very
24 creative.

25 MR. HOLAHAN: -- where you're

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1 going to pull it from?

2 MS. HAASE: Yes.

3 MR. KERRICK: I have one
4 comment, if you will, that we're in the process of
5 an extensive cleaning and televising project and I
6 don't know what that's going to turn up.

7 MS. PICKARD: It's a crappy
8 business.

9 MR. KERRICK: You may want to
10 wait a month so I can give you a full report?

11 MR. HOLAHAN: Before we
12 proceed? When will you be done with the --

13 MR. KERRICK: Hopefully by the
14 end of the week or the middle of next week. I
15 mean, Phyllis has got her eye on the budget, so I
16 don't want to step on --

17 MS. HAASE: And I understand
18 what you're saying. I know we do -- John has found
19 some problems in a couple manholes, couple areas
20 that we know we have problems at. But I still feel
21 that sometimes you have to spend money to save
22 money. I think we're in a situation right now with
23 the sewer plant that we need to be confident on how
24 it's being operated and the expenditures out there.

25 MR. JAMES HENDRICKS: If the

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1 board wanted to authorize that based upon the
2 proposal coming in, we would honor that \$3200 to
3 prepare that proposal as such. And you can save a
4 month on the time with us spending the proposal,
5 reviewing it and getting it approved by the board.

6 MR. HOLAHAN: Understood. So
7 if there was a motion that not to exceed \$3200 and
8 to move forward with this audit, we'll entertain
9 that motion.

10 MS. LAMBERTON: So moved.

11 MR. HOLAHAN: I have a motion.

12 Do I have a second?

13 MR. MOYER: I'll second.

14 MR. HOLAHAN: I have a motion

15 and a second.

16 Further discussion from the

17 board?

18 From the public?

19 Call the vote. John?

20 MR. KERRICK: I personally

21 can't support it at this time until we decide what

22 we have for other things. I do support the

23 project, but I can't vote in favor of it at this

24 time.

25 MR. HOLAHAN: Understood.

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1 Heidi?

2 MS. PICKARD: I'll vote in

3 favor reluctantly.

4 MR. HOLAHAN: I'm going to

5 accept that anyway.

6 Donald?

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

8 We have to get it done, right?

9 MR. HOLAHAN: Annie?

10 MS. LAMBERTON: I vote in
11 favor.

12 MR. HOLAHAN: And I vote in
13 favor. Motion carries.

14 MR. CHRIS FOREMAN: Thank you.

15 MR. HOLAHAN: Okay. Thanks,
16 Chris.

17 The next thing on the agenda is
18 the Old Route 940 bridge rehab project proceeding
19 with final designs, Phases 7 and 8.

20 MS. HAASE: Yes, Mr. Chairman,
21 the board last year approved moving forward with
22 Phases 1 through 6, which we have now completed,
23 and the GP-11 permit was submitted March 31 for the
24 bridge. So we're now ready to move forward with
25 Phases 7 and 8. Phase 7 was the bridge engineering

1 at 18,000 and Phase 8 was a highway engineering and

2 approvals at 5800.

3 If you recall, there was monies
4 allocated through the county aid project for the
5 423 and 940 signals. The county -- the request was
6 sent in to the county commissioners to consider
7 moving the monies to the Old Route 940 project for
8 engineering costs. The county commissioners
9 approved our request in February and moved to
10 PennDOT for approval, which we did get notice that
11 that was approved.

12 So we had 18,500 to put towards
13 Phases 7, 8, which is going to leave \$5300 for us
14 to fund. We did submit for an LSA Grant, which it
15 looks promising for us that we will receive some
16 monies. And in the grant we also requested funding
17 towards the engineering fees of Phases 7 and 8 and
18 9; but at this particular time we're only
19 requesting to move forward with Phase 7 and 8.

20 MS. PICKARD: Just we did
21 receive two -- we will receive 217,500, which was
22 half of the cost for the LSA Fund.

23 MR. HOLAHAN: Okay. What's the
24 pleasure of the board? Do you want to move forward

25 with Phases 7 and 8?

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1 MS. PICKARD: So moved.

2 MR. HOLAHAN: I have a motion.

3 Do I have a second?

4 MS. LAMBERTON: I'll second.

5 MR. HOLAHAN: I have a motion

6 and a second to proceed with the final design for

7 Phases 7 and 8.

8 Further discussion from the

9 board?

10 Anything from the public?

11 Hearing none.

12 I call the vote. John?

13 MR. KERRICK: In favor.

14 MR. HOLAHAN: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. HOLAHAN: Donald?

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

18 MR. HOLAHAN: Annie?

19 MS. LAMBERTON: I vote in

20 favor.

21 MR. HOLAHAN: And I vote in
22 favor. Motion carries.

23 Next is the
24 Tobyhanna/Tunkhannock engineering services
25 agreement.

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1 MS. HAASE: If you recall last
2 month we had discussed a request from Tunkhannock
3 Township. Last year there was an informal
4 agreement allowing Tunkhannock Township to utilize
5 the Tobyhanna Township engineer for any work that
6 they needed. There was a draft agreement put
7 together. We were hoping that we were able to
8 present it to the board this evening.

9 It is a basic agreement that Pat
10 has put together, as basic as can be for --

11 MS. LAMBERTON: Patrick?

12 MS. HAASE: -- our solicitor.
13 Our engineer has looked at it and also has put in
14 his comments. Pat still has a couple questions and

15 still needs some direction from Bob; however,
16 Tunkhannock Township did approach me this past
17 Monday. They were hoping to have this for their
18 meeting this month.

19 So I don't know -- the board has
20 not had the opportunity to look at this at all, so
21 it's difficult for me to ask you to approve this.
22 So what we can do is distribute it, send it out to
23 the board and then act on it next month.

24 MR. HOLAHAN: Okay. Good
25 enough.

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1 Next is consider Kalahari
2 Resorts change of the 60-day notification
3 requirement to start the sewer construction.

4 MS. HAASE: Mr. Chairman, the
5 Board of Supervisors for Pocono Township and Pocono
6 (sic) Township went into an agreement,
7 intermunicipal sewage collection disposal service
8 agreement, it was dated September 30 of 2013. In
9 the agreement it specifically states that Tobyhanna

10 Township shall provide Pocono with a work schedule
11 at least 60 days in advance of the commencement of
12 construction of the Tobyhanna Township collection
13 system.

14 Kalahari Resorts attorney, Mr.
15 Bruce Harms, sent me an email yesterday requesting
16 the board to consider reducing the 60-day time
17 line. They were under the assumption that we were
18 granting it to them, which in essence that is not
19 the case. It's what we have to present to Pocono
20 Township. So if the board would like me to
21 approach Pocono Township requesting them to
22 consider reducing the 60 days, that's something
23 that I could proceed with; but it's not something
24 that we could grant Kalahari's request to reduce
25 the 60-day indemnification because we have to abide

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1 by that at this particular agreement.

2 MR. HOLAHAN: Was it Kalahari
3 asking for the 60 days initially? This wasn't a
4 requirement of Pocono, was it?

5 MS. HAASE: It's in the
6 intermunicipal agreement.

7 MR. ARMSTRONG: It was a -- the
8 agreement between Toby and Pocono, Pocono required
9 the 60-day notification prior to proceeding with
10 the construction of the sewer line. And as that's
11 part of the condition between Pocono and Toby, we
12 incorporated that into our agreement with Kalahari.
13 So Kalahari needs to provide us the 60-day
14 notification, we in turn need to provide Pocono
15 Township. So you can't waive that requirement
16 without knowing that Pocono Township's agreeing to
17 waive it as well.

18 MS. LAMBERTON: Why do we
19 require 60 days after everything's been approved?

20 MR. ARMSTRONG: That was a
21 requirement put in there by Pocono Township.

22 MR. HOLAHAN: They may have
23 just picked a number out not knowing what it's
24 going to be.

25 MS. PICKARD: What is the

1 reasoning for the notification? That's what I
2 don't understand. By the time we talk about this,
3 it'll be 60 days.

4 MR. HOLAHAN: It was in
5 preparation, some engineering inspections.

6 MS. LAMBERTON: Why don't we let
7 Phyllis reach out to Pocono and see --

8 MR. ARMSTRONG: When I -- when
9 does Pocono meet?

10 MS. HAASE: I can't -- do you
11 happen to know what their new schedule --

12 MS. LAMBERTON: I'm sorry, I
13 don't, we could check it online.

14 MS. HAASE: I don't know their
15 new schedule, Pat.

16 MS. LAMBERTON: Probably next
17 Monday.

18 MR. ARMSTRONG: Well,
19 potentially what --

20 MS. LAMBERTON: First week,
21 first and third maybe, or is that sewer?

22 MR. ARMSTRONG: Probably what

23 should happen --

24 MS. PICKARD: This says the
25 first.

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1 MR. ARMSTRONG: -- is first a
2 phone call to Pocono Township.

3 MS. LAMBERTON: Yes,
4 absolutely.

5 MR. ARMSTRONG: Then follow it
6 up by a written request maybe by Toby, as well as
7 Kalahari. And then maybe a representative of
8 Kalahari and Tobyhanna could go to their next
9 meeting to ensure that is gets before the board and
10 they, you know, consider it.

11 MS. HAASE: I'm assuming this
12 is going to have to go in front of their authority
13 and to the board of supervisors, I would assume.

14 MR. ARMSTRONG: No, this will
15 go before the board of supervisors.

16 MS. HAASE: Just the board? So
17 it doesn't have to go to the authority.

18 MR. ARMSTRONG: No, the
19 authority would be --

20 MS. PICKARD: Doesn't the
21 authority need to have some notice or not for the
22 construction?

23 MR. ARMSTRONG: The requirement
24 in the agreement is from Pocono Township not the
25 authority.

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1 MS. PICKARD: But this is for
2 construction in our township or is this
3 construction -- like why do they have to --

4 MS. HAASE: It's for our line.

5 MR. MOYER: The line, yeah.

6 MS. HAASE: It's for our line.

7 MR. ARMSTRONG: It's for the
8 collection line that will be servicing Kalahari,
9 which we will in essence own at some point in time.
10 But we have an agreement with Pocono Township and
11 we're required to provide that notification to them
12 unless, of course, they agree to waive.

13 MS. PICKARD: Are they saying
14 that they want to get started before --
15 MS. HAASE: Yes.
16 MS. PICKARD: -- 60 days?
17 MS. LAMBERTON: They must want
18 to.
19 MR. HOLAHAN: Do we need a
20 motion by consensus? Can we just have --
21 MR. ARMSTRONG: What I -- what
22 I would -- if --
23 MS. PICKARD: It's going to
24 take us another month to get this voted on.
25 MR. ARMSTRONG: What I would

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1 suggest, if this board -- if this board is okay
2 waiving that 60-day notification, so long as
3 obviously Bob and the sewer enforcement officer,
4 and those who need to review the construction plans
5 before they proceed, have copies of the plans and
6 are okay with the plans before they proceed with
7 the construction, perhaps what this board what --

3 and a second.

4 MR. MOYER: Good job, Pat.

5 MR. HOLAHAN: And you'll just
6 draft the -- what we just agreed to?

7 MR. ARMSTRONG: Phyllis and I
8 will get together. Phyllis will probably call over
9 Pocono, we'll put a letter together to Pocono,
10 we'll make sure Kalahari's on the same page and
11 we'll figure out how to proceed from there.

12 MR. HOLAHAN: Further
13 discussion from the board?

14 Anything from the public?

15 Call the vote. John?

16 MR. KERRICK: In favor.

17 MR. HOLAHAN: Heidi?

18 MS. PICKARD: I vote in favor.

19 MR. HOLAHAN: Donald?

20 MR. MOYER: I vote in favor.

21 MR. HOLAHAN: Annie?

22 MS. LAMBERTON: I vote in
23 favor.

24 MR. HOLAHAN: I vote in favor.

25 Motion carries.

1 MR. ARMSTRONG: Before you move
2 on from the Kalahari sewer, I'm not sure what the
3 status -- I'm thinking of it as I'm sitting here --
4 the inspection. Now that they're going to probably
5 be proceeding with the construction of that sewer
6 line in the not too distant future -- I know back
7 in 2013 there were discussions about sharing the
8 inspection company between Pocono Township and Toby
9 to look at those lines.

10 MR. MOYER: I thought that was
11 a no-go.

12 MR. ARMSTRONG: Yeah, I don't
13 know -- I don't know where that's at, but I just
14 want to bring it up to the board's attention.

15 MS. PICKARD: We don't have
16 one.

17 MS. HAASE: Pocono Township,
18 their board of supervisors at the time agreed that
19 we would share an inspector between Pocono, as a
20 Second Class Township, and Tobyhanna Township.

21 BCRA, we also asked if they would participate in
22 this inspection process and they said that they
23 would not. So it's basically between Pocono and
24 Toby.

25 MS. PICKARD: So this has been

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1 discussed with their new board?

2 MS. HAASE: It has not been
3 discussed with their commissioners.

4 MS. LAMBERTON: Well, while
5 you're down there, Phyllis --

6 MS. PICKARD: That's what I was
7 going to say.

8 MS. LAMBERTON: -- if you could
9 kindly just, you know, approach the conversation.

10 MR. ARMSTRONG: What I really
11 wanted the board to -- if they're going to proceed
12 with construction soon, you need to make, Tobyhanna
13 Township needs to make sure someone's there. It's
14 going to be your line and you want to make sure
15 that they put it in right.

16 MS. LAMBERTON: Absolutely.
17 MS. PICKARD: Do we need to do
18 some RFPs for this?
19 MS. HAASE: No. We -- the way
20 it was presented was, that the company that both
21 the municipalities were comfortable with, and as
22 also Kalahari. Kalahari has engaged in the service
23 of Pennoni Associates for the inspections.
24 MR. ARMSTRONG: It could be by
25 RFP if you wanted to, but it is a professional

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1 service so you don't have to bid it out. It's
2 going to -- you know, you did -- it'll be similar
3 to when you did the pedestrian path bridge over at
4 --

5 MR. MOYER: Lake Naomi.

6 MR. ARMSTRONG: -- Lake Naomi.
7 I think you used Keystone as the consulting
8 engineer.

9 MS. PICKARD: Do we need to
10 have an intermunicipal agreement to figure out how

11 we're going to share the --

12 MS. LAMBERTON: Oh, dear Lord,

13 no. I think it is --

14 MS. PICKARD: -- engineering,

15 how is that clause going to be --

16 MR. ARMSTRONG: The bill -- the

17 bill will be on Kalahari.

18 MS. PICKARD: Okay. So

19 everything --

20 MS. LAMBERTON: It's not up to

21 us to pay.

22 MR. ARMSTRONG: Kalahari will

23 be paying for the inspection company, yes.

24 MR. HOLAHAN: Okay. All set?

25 MS. LAMBERTON: Yes, sir.

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1 MR. HOLAHAN: Pocono's -- their

2 commission meetings are the first and third Mondays

3 of every month at seven. So we can get to them

4 before their next one.

5 MS. LAMBERTON: Yes.

6 MS. PICKARD: This was the
7 first, so --

8 MR. HOLAHAN: Next is G,
9 there's an application from Locust Lake Village POA
10 for fireworks on August 31.

11 MS. HAASE: Mr. Chairman, this
12 submittal was completed. I asked the board if --
13 when they approve this, that it be conditional upon
14 approval from our building code official and
15 weather conditions.

16 MR. HOLAHAN: Phyllis, do we
17 need to approve this?

18 MS. HAASE: Yes, sir.

19 MR. HOLAHAN: So I'm looking
20 for a motion to approve.

21 MR. KERRICK: So moved.

22 MR. HOLAHAN: Got a motion.

23 MS. PICKARD: I'll second.

24 MR. HOLAHAN: I've got a motion
25 and second.

1 Further discussion from the
2 board?
3 Anything from the public?
4 Call the vote. John?
5 MR. KERRICK: In favor.
6 MR. HOLAHAN: Heidi?
7 MS. PICKARD: I vote in favor.
8 MR. HOLAHAN: Donald?
9 MR. MOYER: I vote in favor.
10 MR. HOLAHAN: Annie?
11 MS. LAMBERTON: I vote in
12 favor.
13 MR. HOLAHAN: And I vote in
14 favor. Motion carries.
15 Do I have anything else from the
16 board?
17 John?
18 MR. KERRICK: I have none.
19 MR. HOLAHAN: Heidi?
20 MS. PICKARD: None.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: Zero.
23 MR. HOLAHAN: Annie?

24 MS. LAMBERTON: No, sir.

25 MR. HOLAHAN: Anything from the

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1 public?

2 MS. RACHEL SCHICKLING: Yeah.

3 I want to revisit this whole drug testing thing. I

4 don't think it's very much in clarity of how I

5 feel. When I was at the meeting and listened to

6 it, the bylaws, it stated -- they had stated in the

7 bylaws it was gonna be left up to the township, am

8 I right?

9 MS. HAASE: Not for drug

10 testing.

11 MS. RACHEL SCHICKLING: The

12 bylaws, it was -- the testing was gonna be brought

13 back to the township.

14 MS. HAASE: Not drug testing.

15 Not for drug testing. When you had brought that

16 up, Rachel, Mr. -- I'm sorry, the mayor from Mount

17 Pocono said --

18 MR. HOLAHAN: Courtright.

19 MS. HAASE: Thank you.

20 -- Mr. Courtright said at this
21 time it wasn't included, that would be up to the
22 municipalities.

23 MS. RACHEL SCHICKLING: Right.
24 That's what I just stated.

25 MS. HAASE: Correct, that's not

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1 in the bylaws.

2 MS. RACHEL SCHICKLING: Right.
3 I under -- but it's in the bylaws to leave
4 everything up to the municipalities, right?

5 MS. HAASE: For background
6 checks.

7 MS. RACHEL SCHICKLING: For
8 background checks?

9 MS. HAASE: Yes.

10 MS. RACHEL SCHICKLING: Because
11 of the fact that those bylaws were approved before
12 any public -- any public comment could be made, is
13 that not right?

14 MR. MOYER: No.

15 MS. HAASE: You were at the

16 meeting when we discussed --

17 MS. RACHEL SCHICKLING: I was at

18 the meeting.

19 MS. HAASE: -- and approved.

20 MS. RACHEL SCHICKLING: Right,

21 but you're not allowed to make public comment until

22 after everything is approved. Everything is

23 approved by the board. Nobody says, is there any

24 public comment between those areas, am I correct?

25 MR. ARMSTRONG: Wait, wait.

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1 Are we talking about Tobyhanna Township or are we

2 talking about --

3 MS. RACHEL SCHICKLING: Right

4 now I'm talking about the police commission.

5 MR. ARMSTRONG: The Pocono

6 Mountain Regional Police Commission?

7 MS. RACHEL SCHICKLING: Yes.

8 MR. ARMSTRONG: I don't think

9 this board should be -- I don't know if we know how
10 they proceed with public meetings. I'm assuming
11 they accept public comment at the appropriate
12 times.

13 MS. RACHEL SCHICKLING: You had
14 stated, am I right, Phyllis, that you also stated
15 that you had no problem with doing a drug test?

16 MS. HAASE: I do not. I'm not
17 a vot --

18 MR. RACHEL SCHICKLING: And you
19 said that your commission was not opposed to doing
20 drug testing. Why are you -- why are we not
21 proceeding with it, is there a reason why?

22 MS. HAASE: I am not a voting
23 member here.

24 MS. RACHEL SCHICKLING: Is
25 there a reason why we cannot state or is there a

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1 reason why we cannot visit the drug testing?

2 MR. HOLAHAN: No, there isn't.

3 MS. RACHEL SCHICKLING: Do we

4 have a problem --

5 MS. HOLAHAN: Excuse me a
6 second. Mr. Kerrick had suggested that we take a
7 look at drafting a policy for the employees of the
8 township and for the commission members as well.
9 We're just looking to bring something together that
10 would encompass all of that in one -- in one
11 policy.

12 MS. RACHEL SCHICKLING: That
13 would be revisited at another meeting?

14 MR. HOLAHAN: Yep, but
15 certainly --

16 John, you're in favor of the
17 drug policy?

18 MR. KERRICK: Yes, but I wasn't
19 in fa -- I didn't -- I wasn't aware of what Pat had
20 said with the CDL versus the -- there's a lot more
21 to it than --

22 MR. HOLAHAN: There's more to
23 it.

24 MR. ARMSTRONG: That comment
25 had to do with random drug testing for employees at

1 any -- any given time. This issue, I believe, is
2 for commission -- Pocono Mountain Regional Police,
3 Regional commission members, prior to or at the
4 same time of them being appointed, submit -- have
5 them submit to a drug test.

6 That's -- you're not talking
7 about random drug testing throughout the course of
8 the --

9 MS. RACHEL SCHICKLING: Well,
10 wouldn't it be a random drug test to -- for their
11 employment? I think --

12 MR. ARMSTRONG: That's --
13 that's a separate and distinct item, yes. That's
14 different from what I was answering with --

15 MS. RACHEL SCHICKLING: Okay.

16 MR. ARMSTRONG: -- board member
17 Kerrick.

18 MS. PICKARD: I personally
19 would just prefer that it come up from the police
20 commission. I don't want to be dictating down to
21 the police commission. If the police commission

22 does that, I have no problem supporting it; but I
23 don't see the point until police commission gets
24 and sends it back, and then I'm at that point.

25 MS. HAASE: The police

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1 commission is leaving all of that up to the
2 municipalities.

3 MS. RACHEL SCHICKLING: Yes,
4 correct.

5 MS. PICKARD: Well, is it in
6 the bylaws or --

7 MS. HAASE: It is not in the
8 bylaws.

9 MR. HOLAHAN: Doesn't matter,
10 we vote --

11 MS. PICKARD: And I'm not sure
12 if it makes any difference if we do and the rest of
13 the commission doesn't, that seems kind of silly.

14 MR. HOLAHAN: I don't believe
15 that we need to follow the lead of the rest of the
16 police commission. I think that as the township

17 board of supervisors, if we decide this is
18 something that we want our commission members --
19 commission representatives to do, then we can
20 require that. And if that's the decision of this
21 board, I'd like to entertain a motion.

22 But do we need to worry about
23 anything else, Patrick, with EEOC or is that just
24 for employees?

25 MR. ARMSTRONG: No, this is a

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1 preappointment to the commission drug test. I'm
2 sitting here tonight, I think you'd be okay, you're
3 not doing any kind of random -- it's before they
4 sit on the commission you'd be requiring a drug
5 test.

6 MR. HOLAHAN: So prior to
7 appointment to the police commission,
8 representatives would have to agree to a drug
9 policy.

10 MR. ARMSTRONG: Would you be
11 agreeable to conditioning that upon in the event I

12 find anything to the contrary in the next two
13 days --

14 MS. LAMBERTON: Absolutely.

15 MR. ARMSTRONG: -- since I
16 haven't --

17 MS. PICKARD: Could we just
18 have you find that out and take this up next month?

19 MR. ARMSTRONG: That's up to
20 board.

21 MS. PICKARD: I'd rather know
22 what we're doing. I don't want to undo something
23 that we had. I'd rather do our homework first and
24 then --

25 MR. HOLAHAN: I'm all right

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1 with that. That would be at the Tobyhanna Township
2 -- at the Tobyhanna Elementary School.

3 MR. MOYER: Next month.

4 MS. LAMBERTON: Be a good
5 lesson for those kids.

6 MS. PICKARD: I agree.

7 MS. LAMBERTON: Right?

8 Exactly, I think that'd be a good topic to have at
9 the elementary school.

10 MR. HOLAHAN: Did you have
11 something, John?

12 MR. KERRICK: Well, what my --
13 what I was getting at would be preemployment,
14 that's where I was going with that, 'cause that's
15 something we talked about for years and we never
16 did.

17 MR. ARMSTRONG: You can do
18 that.

19 MR. KERRICK: But as long as
20 you're doing the policy, do the policy for the
21 whole thing.

22 MS. PICKARD: Yeah.

23 MS. LAMBERTON: Yeah.

24 MR. KERRICK: That's where I
25 was coming from.

1 MR. HOLAHAN: I'm all right

2 with that.

3 MS. LAMBERTON: Yeah, I am too.

4 MR. HOLAHAN: Patrick, if you

5 could --

6 MR. MOYER: Look into that.

7 MS. LAMBERTON: My company has

8 preemployment.

9 MR. HOLAHAN: -- look into that

10 and let us know so that we can do something at our

11 next meeting?

12 MR. ARMSTRONG: So no action

13 this evening. You want me to take a look at it,

14 follow up with you and consider it at your next

15 meeting?

16 MR. MOYER: Yep.

17 MS. LAMBERTON: Yes.

18 MR. HOLAHAN: Okay, Rachel?

19 MS. RACHEL SCHICKLING: That's

20 okay. Thank you.

21 MR. HOLAHAN: You're welcome.

22 A whole bunch of people here,

23 anything else? That's it?

24 MS. PICKARD: Motion to

25 adjourn.

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1 MR. HOLAHAN: Got a motion to

2 adjourn.

3 Do I have a second?

4 MS. LAMBERTON: Second.

5 MR. HOLAHAN: All in favor,

6 aye?

7 BOARD MEMBERS: Aye.

8 MR. HOLAHAN: Opposed?

9 We're adjourned.

10 (Meeting concluded at 8:15 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

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of the same.

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TARA WILSON, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
and
THE POCONO TOWNSHIP COMMISSIONERS

In Re: Special Joint Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, April 17, 2014 beginning at 6:00 p.m.

PRESENT: JOHN J. HOLAHAN, Chairperson
(TOBYHANNA) ANNE LAMBERTON, Vice-Chairperson
DONALD MOYER, Board Member
HEIDI PICKARD, Board Member

PATRICK M. ARMSTRONG, ESQUIRE,
Solicitor

PRESENT: GERALD LASTOWSKI, Vice-President
(POCONO) BRADLEY WISE, Commissioner

LEO V. DEVITO, ESQUIRE, Commissioner
Solicitor

TIMOTHY McMANUS, ESQUIRE,
Sewer Solicitor

ALSO PRESENT: PHYLLIS HAASE, Tobyhanna Township
Manager
ROBERT J. McHALE, Tobyhanna Township
Engineer

MARK AMBROSE, Pocono Township
Principal Engineer, T&M Associates
TIMOTHY EDINGER, Pocono Township
Unit Supervisor/Office Manager
T&M Associates

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

2

1 MR. HOLAHAN: I'd like to the
2 call the Tobyhanna Township meeting to order.

3 MR. LASTOWSKI: Call Pocono
4 Township meeting to order.

5 MR. HOLAHAN: Start with a
6 pledge of allegiance.

7 (Pledge of allegiance was
8 recited.)

9 MR. HOLAHAN: I'd like to
10 welcome our Pocono Township brethren to the
11 meeting. Nice to see you all again.

12 So the new business that we have
13 is considering the amendment to the sewer
14 agreement.

15 Patrick?

16 MR. ARMSTRONG: Sure. I guess
17 -- I guess I can start off. And I'm not sure if
18 it's necessarily an amendment to the sewer
19 agreement, it's more along the lines of maybe
20 getting on the same page. Obviously, Pocono
21 Commissioners, you're all new to the -- this fun
22 game that we've been playing for about a year now.
23 I'm not sure how much Tim has brought you up to
24 speed on the project itself.
25 Clearly, this sewer line is

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1 going to go in to service Kalahari, as well as
2 Pocono Manor at some point in time in the future.
3 And those lines that will be going in, both in
4 Tobyhanna Township and in Pocono Township, will be
5 owned by Tobyhanna Township at some point in time
6 as well when they're dedicated over to Tobyhanna
7 Township. However, they will be transferred down
8 through -- into the Pocono Township distrib -- or
9 conveyance system and into the BCRA treatment
10 plant. That is where Pocono Township kind of fits

11 into the equation.

12 What has come up is, Kalahari,
13 the developer, has contacted the township, probably
14 two or three weeks ago, and they have a time frame
15 in their head when they want to proceed with
16 construction of the sewer line. As you're probably
17 aware, they've already started the land development
18 aspect of their project, they haven't started their
19 sewer construction yet.

20 The agreement that Tobyhanna and
21 Pocono Township has entered into, there is a time
22 period before that construction can take place as
23 set forth in the agreement. There's a 60-day time
24 frame in that agreement that Tobyhanna and, in
25 turn, Kalahari needs to provide their sewer

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1 construction plans to Pocono Township and Pocono
2 Township's professional consultants to review and
3 approve before any construction takes place.

4 At Tobyhanna Township's last
5 meeting, Kalahari requested that Tobyhanna Township

6 consider waiving that 60-day requirement. The
7 Board of Supervisors of Tobyhanna Township was
8 amenable to that. They conditionally approved it
9 with two very big conditions. One is that Pocono
10 Township as well will need to waive that technical
11 60-day time frame, as well as the time that is
12 needed for Pocono and Tobyhanna Township. Staff,
13 professional consultants need to review and approve
14 the submitted sewer construction plans, will still
15 need to be in place, whether it's 60 days, whether
16 it's 45, whatever that is.

17 I believe -- Bob McHale's here,
18 Tobyhanna Township engineer. I believe they --
19 that Kalahari has submitted revised sewer
20 construction plans in the last week or two. And I
21 believe those plans have been or should have been
22 forwarded on to Pocono Township.

23 They have not? I'm getting --
24 my understanding was Pennoni was going to forward
25 them on.

1 MR. McHALE: I had spoken to
2 Mark prior to the meeting, Mark Ambrose, engineer
3 for Pocono. And I had an email from Pennoni
4 Associates indicating on April 10 that they were
5 getting in contact with him to forward said
6 documents to them. And obviously that hasn't
7 happened yet.

8 MR. AMBROSE: Also I've been
9 working in the Pocono office.

10 MR. ARMSTRONG: For Tobyhanna
11 -- before we move on, Tobyhanna Township does
12 something pretty unique at their meetings. They
13 actually have a court stenographer taking down what
14 everyone says and it's incorporated into the
15 minutes. So if she doesn't know you, just identify
16 yourself before you proceed.

17 MR. AMBROSE: Mark Ambrose. I
18 actually have been working out of the office, I've
19 been up in the township a lot in the last week. So
20 I don't know if they were submitted and delivered
21 to our office or not yet. I hadn't gotten anything
22 and I could check.

23 I don't know, is Chris in

24 tomorrow, Tim?

25 MR. EDINGER: Yeah, she's in.

6

1 MR. AMBROSE: All right. I'll
2 check, but I'm not in tomorrow. I'll let -- if she
3 can get back to me, I can notify you if I got them,
4 Bob.

5 MR. McHALE: Okay.

6 MR. EDINGER: Yeah, I would've
7 seen them come in though. That would've been a big
8 roll of plans coming in --

9 MR. AMBROSE: She probably
10 would've notified me and I haven't seen anything.

11 MR. ARMSTRONG: Well, there is
12 someone here from Kalahari, Steve Pine, in the
13 audience. You can --

14 MR. STEVE PINE: We were told
15 by Pennoni that they were going to be delivered to
16 Mr. Ambrose's office.

17 MR. ARMSTRONG: Have the Pocono
18 Commissioners had the opportunity to meet Steve

19 Pine?

20 MR. STEVE PINE: I was at their
21 meeting not this last one, but the one before. I
22 did get the opportunity to introduce myself.

23 MR. ARMSTRONG: So I guess we
24 can get into more detail on that in a little bit.
25 The other two items that I believe we're here to

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1 discuss is potentially a joint inspection engineer
2 for both the townships to consider.

3 It's my understanding that
4 Pocono has had some conversations with Tobyhanna
5 Township manager with respect to having T&M do --
6 T&M Engineering do all of the inspections for
7 Pocono. And I believe Tobyhanna Township will be
8 discussing tonight whether or not Tobyhanna
9 Township is okay kind of going in on -- considering
10 using T&M as well. Just so it's -- it's one
11 inspection company, everything's consistent going
12 forward.

13 And the one additional item, I

14 believe we indicated in the beginning, it's not on
15 the agenda, but it's probably a good idea to maybe
16 -- before any headaches come down the pike, to try
17 and smooth the waters. If there's anything in the
18 agreements that we think may be land mines waiting
19 to happen with respect to this sewer construction
20 project, it's probably a good idea to get it out on
21 the table now and try to work our way through it
22 from the beginning.

23 So with that being said, maybe
24 we can start with the first. I think I've already
25 indicated how Tobyhanna Township has responded to

8

1 the developer's request with respect to the 60-day
2 time frame. I don't know if the board, Tobyhanna,
3 has anything to add with respect to that one
4 particular item.

5 MR. HOLAHAN: Does anybody have
6 any questions on that?

7 MR. MOYER: I do not.

8 MS. LAMBERTON: Bob, did you

9 have any concerns or any items that you'd like to
10 discuss?

11 MR. McHALE: They've addressed
12 most of our concerns. We do want to get with them
13 early next week to go over refining some of the --
14 the details in the plans that were provided.

15 MR. HOLAHAN: Okay. So, no,
16 we're where we stood before on -- we're okay with
17 --

18 MS. PICKARD: So that would be
19 --

20 MR. McHALE: Pocono still needs
21 to review that entire set as well.

22 MR. ARMSTRONG: Right. It
23 sounds like Pocono doesn't even have the plans yet,
24 which is probably a -- just going to postpone, you
25 know, the final approval or decision on those

9

1 plans.

2 MR. AMBROSE: Along with -- I'm
3 sorry. Mark Ambrose. Along with the plans, we

4 need all the contract documents, the permit
5 applications. So with the request, we should get
6 all of that at the same shot to help out.

7 MR. McHALE: Copies of the
8 agree --

9 MR. AMBROSE: Also.

10 MR. McHALE: -- all the
11 agreements, because it does indicate specifically
12 certifications, the inspections, written reports.
13 All those type of things are all identified in the
14 agreements. And if T&M is going to be considered
15 as taking that responsibility of inspecting,
16 they'll be certifying as well, so -- but as they
17 certify, they would be certifying, I guess, to the
18 townsh -- Pocono Township Commissioners then.

19 So there's some things that,
20 Pat, as you mentioned, we're going to have to
21 discuss and get into more details in these
22 agreements. But they should get copies to read
23 through them first.

24 MR. AMBROSE: We would like to
25 get -- if we could get everything on a CD, that

1 helps us with reproduction. The township gets it
2 on their -- or our township server. That way the
3 commissioners can look at it when they're in the
4 office. They don't all have access to print out
5 plans on a large scale, but they can definitely
6 open it up on a computer and take a look at it. So
7 that was -- that was something else that could help
8 speed it up.

9 I think, Brad, that was -- was
10 there anything else that you would like to see come
11 in?

12 MR. WISE: Just everything that
13 we need in order to review the project.

14 MR. EDINGER: Well, we saw the
15 construction schedule.

16 Brad shared with us just now the
17 construction schedule, so we'll need to get a copy
18 of that. Probably meet with the -- the contractors
19 and discuss, like we've talked about, are they
20 going to have one crew, two crews? Are they going
21 to be working sequentially or concurrently in

22 various parts of the project and move the project
23 along in a timely fashion? That's going to dictate
24 to -- either to Bob or us how many inspectors we
25 have to have out there doing multiple sites, et

11

1 cetera, et cetera, et cetera. There's a lot of
2 logistics involved with a project like this.

3 MS. LAMBERTON: Maybe we should
4 coordinate Pennoni with both you and our engineer
5 right here at the building and get everybody at the
6 same table.

7 MR. WISE: Sure.

8 MS. LAMBERTON: Discuss the
9 same information and, Brad, that -- if you have any
10 input on that, that would be helpful.

11 MR. WISE: I totally agree with
12 that.

13 MS. LAMBERTON: Yeah. And the
14 good thing, Tim, you've seen all the agreements. I
15 think there was only one or two pages.

16 MR. McMANUS: I have gotten a

17 copy of the Kalahari/Toby agreement, I guess, but
18 -- I assume that was entered into. We should
19 probably just get a copy of that for the township
20 record, so they have that.

21 Did you guys adopt the various
22 ordinances and rules and regs yet or did you not
23 get there?

24 MR. ARMSTRONG: What we've done
25 is, they've adopted the ordinance creating this

12

1 district, this sewer district. And in that
2 adopting ordinance, we've reserved a chapter for
3 the sewer, the sewer code connection ordinance,
4 which is coming. But what we've done in the interm
5 is, in that district ordinance that we've adopted,
6 we've incorporated the one, two, three -- the
7 multiple agreements that were entered into.

8 The agreement -- mainly the
9 agreement between Tobyhanna and Pocono Township.
10 So the purpose of that is, in the event that, for
11 some unknown reason, they would complete their

12 sewage -- or their sewer construction before we've
13 adopted the next more extensive agreement or
14 ordinance, it's clear that the agreement would
15 govern. And the agreement ties us down to Pocono's
16 ordinances.

17 But the idea is -- you had sent
18 me the Pocono Township Ordinance months back. And
19 what we're in the process of doing is tweaking that
20 one and just basically using the nuts and bolts of
21 that one for Tobyhanna Township because the
22 requirements are going to be the same, regardless
23 of how you look at it.

24 MR. McMANUS: You just need to
25 have those in place prior to connection, but that's

13

1 --

2 MR. ARMSTRONG: Right.

3 MR. McMANUS: That's why I was
4 just asking if you had them now, I was going to say
5 you wanted to ship copies to Pocono, that'd be
6 great. But as you get those done and if you could

7 -- if there is a copy of the Kalahari -- agreement
8 with Kalahari and Pocono Manor --

9 MR. ARMSTRONG: What I can do,
10 Tim, is I can send you the Sewer District
11 Ordinance, which incorporates all of those
12 agreements. And then when we're at a time to
13 advertise and hold the public hearing for the next
14 bigger -- I call it the big sewer ordinance, I'll
15 keep you in loop on that one if you'd like.

16 Leo, you want to be copied on
17 those at well?

18 MR. DEVITO: Please. I would
19 like that. Getting back to this 60-day issue, I
20 apologize, we're not going to be -- we couldn't
21 take any action tonight. It isn't -- there's a
22 meeting, but we don't have a quorum, we only have
23 two out of five commissioners here. So we would
24 not be able to take any action one way or the
25 other, that's the bad news for the Kalahari people.

1 The good news is we meet on May 5 at a regularly

2 scheduled public meeting. I've made a note of
3 this, but I think in order to be able to assess
4 that -- I mean, I'm sorry, the 21, April 21, this
5 next -- this coming Monday.

6 To make it meaningful, I think,
7 we're going to need the engineering information so
8 that the engineers get a better handle on what's
9 going to be required before we -- I mean, I
10 understand the conditions that you put on that, you
11 know, the engineering review condition, but I think
12 this board is probably going to want to make sure
13 that, you know, we have enough time, we're not
14 cutting ourselves short because of the magnitude of
15 this project.

16 So, you know, the sooner we can
17 get that engineering information, I think the
18 better off, you know, both Toby, Pocono and
19 certainly Kalahari will be. So if you could
20 perhaps follow up with your engineer.

21 MR. ARMSTRONG: Steve --

22 MR. STEVE PINE: I already
23 have, I sent him an email already.

24 MR. ARMSTRONG: If there's one

25 thing you can take away thus far, Steve, is get

15

1 Pennoni to get those plans over to Pocono Township.

2 MR. STEVE PINE: Well, they
3 flat out told us they were (inaudible) that was
4 like the 10th or 11th of April, at least a week
5 ago, so --

6 MR. WISE: I don't know if it's
7 been delivered to our municipal building yet.

8 MR. DEVITO: So as far as that
9 goes, we're mindful of the 60 days with that --

10 MR. STEVE PINE: I would say
11 it's probably there because it was my und -- their
12 understanding that they were supposed to go right
13 to T&M, so -- thank you.

14 MR. EDINGER: Just make sure
15 they sent them to the Bethlehem office. It
16 wouldn't be the first time they sent them to a
17 different office.

18 MR. STEVE PINE: To which
19 office?

20 MR. EDINGER: To the Bethlehem
21 office.

22 MR. STEVE PINE: Oh, you think
23 it might've gone to -- oh, okay.

24 MR. EDINGER: We have 12
25 offices and Pennoni has more offices, they might've

16

1 shipped them to the wrong office.

2 MR. STEVE PINE: Okay. I'll
3 find out. Thank you.

4 MR. DEVITO: So, you know,
5 we'll certainly address that and let -- I'll let
6 you know, Patrick, either through me or through Tim
7 actually what our position is on that.

8 MR. ARMSTRONG: Just so it's
9 clear, it's Tobyhanna's position that the
10 construction won't take place until Pocono
11 Township's on board. I mean, we've contracted with
12 Pocono Township and we all understand that. So our
13 conditional relief that we've granted them from
14 that technical 60-day requirement is those two big

15 conditions, like I said. Tobyhanna staff and
16 engineering need to be able to have ample time to
17 review and give their approval of the plans, as
18 well as Pocono Township has to similarly approve
19 that request, so -- okay. It looks like --

20 MR. McMANUS: Let me just echo
21 to Pat's opening comment, I think -- and I think
22 Leo would be in agreement with me that we probably
23 want to do this by some means other than amending
24 this agreement at this point.

25 MR. DEVITO: Yeah.

17

1 MR. McMANUS: It would take us
2 -- it would probably take us 60 days or longer just
3 to amend it for a minor thing. We'd have to all
4 adopt ordinances and go through -- and I -- we all
5 have had enough fun with this agreement over the
6 last year or so. So I think if we can find a
7 workaround around that, that's preferable for
8 everyone.

9 MR. ARMSTRONG: Yeah, I'm not

10 sure where the 60-day time frame came from, but I
11 mean, the way we handled it -- Pocono, you can
12 handle it as you like. When and if that request is
13 made formally before your commissioners, you can do
14 it however you like. We did it by conditional
15 motion that so long as those two big conditions are
16 met and everyone's happy from Pocono and Tobyhanna
17 Township, my board is okay with it.

18 MR. EDINGER: Question I have
19 for Kalahari, 60 days for construction, but are you
20 looking to order materials before then or is that
21 the start of the 60 days of ordering materials?

22 MR. STEVE PINE: As soon as
23 they get the approv -- they get the approval from
24 your engineer and Tobyhanna's and BCRA's -- 'cause
25 that's been with the BCRA as well for the water

18

1 park, 'cause they're gonna -- it's one contract to
2 do the water and sewer simultaneously with the same
3 company. Excuse me.

4 We just want to be able to start

5 the work as soon as we receive the approval instead
6 of this sort of 60-day -- I don't even know why it
7 was in there, I don't even recall seeing it.

8 Patrick Armstrong reminded me of it a few weeks ago
9 that it was even in there. I thought once we got
10 the approval, we could just move ahead. I didn't
11 -- I don't recall what the reason for it really is
12 or who asked for it, whether it was Pocono or
13 Tobyhanna.

14 MR. ARMSTRONG: Yeah, I
15 actually -- I think it's in -- it's specifically in
16 the agreement between Pocono and Toby, but the --

17 MR. McMANUS: Our provision is
18 that we're just supposed to get a work schedule 60
19 days in advance.

20 And that was the idea that I
21 think was built in initially, Steve, just so the
22 township wouldn't get caught off-guard since it
23 would only have 60 days to react if somebody said
24 we're going to get going and they -- if they got it
25 the day before, then everybody would be in a mad

1 scramble. So I think that was just a date pretty
2 much pulled out of the air just to give it a
3 two-month window, but it wasn't -- I don't think
4 there was any other magic to it than that.

5 MR. ARMSTRONG: And then --

6 MR. STEVE PINE: I couldn't
7 remember what it was, so --

8 MR. ARMSTRONG: Because it was
9 in that agreement, Steve, the agreement that Toby
10 entered into with Kalahari, all of those
11 obligations to Pocono carried on and were assigned
12 to Kalahari.

13 MR. STEVE PINE: Right. I just
14 don't -- I couldn't remember the purpose of it or,
15 you know -- my philosophy is if we have everybody's
16 approval, let's move ahead. We certainly have to
17 provide you with a work schedule which the company
18 that we're contracted with is in the process of
19 preparing one of those for us and -- but all of a
20 sudden with this 60 day, they didn't know what that
21 did to their schedule. We were trying to get all
22 this work done for obvious reasons during warm

23 weather and not to have to go into the winter.

24 MR. ARMSTRONG: So there is a
25 work schedule out there now, right, Bob?

20

1 MR. McHALE: Yes. I've seen two
2 from the two different contractors, but whomever
3 they have --

4 MR. ARMSTRONG: Were they
5 consistent?

6 MR. McHALE: Well, who --
7 whomever they've decided to go with, they should
8 provide that schedule as soon as possible.

9 MR. ARMSTRONG: So we don't
10 have a final work schedule?

11 MR. McHALE: We have the one
12 that was sent to us about two weeks ago, Steve.

13 MR. STEVE PINE: Yeah.

14 MR. ARMSTRONG: That's the
15 final one?

16 MR. McHALE: They may want to
17 forward that on --

18 MS. LAMBERTON: Yeah.
19 MR. McHALE: -- right now to --
20 MR. STEVE PINE: It will
21 probably be -- who knows, probably be updated
22 depending on the decision of what Pocono Township
23 does on Monday.
24 MR. ARMSTRONG: Steve, I'm
25 going to say this, I may have said it in email, but

21

1 it makes sense going forward, at least from the way
2 I'm looking at it, when Kalahari submits plans,
3 anything to do with the sewer, as a matter of
4 course you should probably copy Pocono Township
5 rather than send it to us and then us get tripped
6 up a couple weeks to get it out to Pocono. It just
7 makes sense when you submit something, just copy
8 Pocono Township. I don't know if you want to copy
9 Pocono's manager and their engineer, but it makes
10 sense -- the way the agreement --

11 MR. STEVE PINE: As long as
12 Tobyhanna doesn't have -- we were under the

13 impression that our only -- our only commitment was
14 between us and Tobyhanna and any commitment beyond
15 that was between Tobyhanna and Pocono. So we --

16 MS. LAMBERTON: Maybe we could
17 have our manager forward it once we get it.

18 MR. STEVE PINE: -- were told
19 -- we were told only to --

20 MR. ARMSTRONG: You could --

21 MR. STEVE PINE: -- do things
22 through Tobyhanna.

23 MR. ARMSTRONG: I'm saying
24 logistically, Steve, it makes more sense for you.
25 It's going to save you time.

22

1 MR. STEVE PINE: If your board
2 doesn't have an issue with it, it's fine. But I
3 would -- I've got the message that --

4 MS. LAMBERTON: I don't have a
5 problem with that at all.

6 MR. STEVE PINE: I got the
7 message that --

8 MS. LAMBERTON: It's all one
9 agreement.

10 MR. STEVE PINE: -- our
11 agreement was with Tobyhanna and Tobyhanna's
12 agreement was with Pocono and we weren't supposed
13 to be going between.

14 MR. ARMSTRONG: It is, Steve.

15 MR. STEVE PINE: Okay.

16 MR. ARMSTRONG: What I'm saying
17 is logistically timing, if you -- if you're
18 pushing, pushing, pushing to get all this done,
19 rather than send something to us and know that we
20 have to then look at it, forward it on to Pocono,
21 it makes sense for you to send it to both --

22 MR. STEVE PINE: We're happy to
23 as long as we're not violating our agreement with
24 you guys.

25 MR. ARMSTRONG: No, no, you're

23

1 not violating --

2 MS. PICKARD: Patrick --

3 MR. HOLAHAN: Would the board
4 -- we okay with this?

5 MS. PICKARD: Yes.

6 MR. MOYER: Yeah, I'm okay with
7 it.

8 MS. PICKARD: I was just
9 mentioning to Bob, we have a portal for our auditor
10 which works out really nice. If we could figure
11 out how to do that and then Steve can just upload
12 things to the portal and everybody could have
13 access that needs to have access to that. So it
14 was all put in one place and everybody could go
15 through that.

16 MR. ARMSTRONG: If it works. I
17 mean, I wouldn't --

18 MS. LAMBERTON: Are the files
19 too big?

20 MR. ARMSTRONG: I wouldn't know
21 how to do it, but if it would work, that sounds
22 good.

23 MR. HOLAHAN: Who's going to
24 upload it?

25 MS. PICKARD: Steve or us, you

1 know. I mean, if we work together, I don't think
2 it's very difficult. It's not from our end.

3 MS. HAASE: But I think, Mark,
4 you probably want some hard copies of the plans --

5 MS. PICKARD: Yeah.

6 MS. HAASE: You can send him
7 the hard copies, so --

8 MS. PICKARD: Yes.

9 MR. AMBROSE: There's one
10 other -- as far as a request for a hard copy. As
11 far as the commissioners, we're looking for an
12 engineer's report documenting the flows that are
13 associated with each phase. I understand it's --
14 the project's being completed in Phases 1 and 2 and
15 then Phase 3 may be implemented after Phase 2. I
16 guess there's a decision out there, if it's going
17 to be implemented or not.

18 But all I have as far as the
19 flows that are generated -- or proposed, I should
20 say, indicate that they're estimated by reviewing

21 records of operation from existing properties. So
22 the word estimated scares us a little bit in that,
23 you know, is there a design, engineer's report that
24 the flows are documented and how -- how they were
25 derived.

25

1 MR. STEVE PINE: We actually
2 did metering, we did household metering at our site
3 that's closest to this. And this will be a
4 percentage larger from it and they took that
5 percentage up too.

6 MR. AMBROSE: If we can get a
7 copy of how that was derived --

8 MR. STEVE PINE: Pennoni has
9 all of that.

10 MR. AMBROSE: Okay. That'd be
11 the design engineer report. So I -- we're going to
12 be looking for something with that.

13 MR. ARMSTRONG: Maybe the way
14 to go is, maybe a conference call, at least between
15 Bob, Pennoni and T&M, to get everyone's --

16 Have you had any contact with
17 Pennoni?
18 MR. AMBROSE: Yes, but on other
19 projects. I haven't spoken to anybody directly --
20 MR. ARMSTRONG: I'm talking
21 this project.
22 MR. AMBROSE: -- on this
23 project, no.
24 MS. HAASE: I'm thinking
25 perhaps to make it prudent for -- we bring Joe in,

26

1 Bob, Mark and, I don't know, Tim, if you want to
2 attend and we just all sit at the table and start
3 hashing out some of these. In fairness to you,
4 you're just getting brought up-to-date on this.
5 MR. MOYER: Just so they get all
6 the papers that they need.
7 MR. AMBROSE: That'll help
8 expedite.
9 MR. STEVE PINE: All the times
10 (inaudible) we'll go to RK Hess. So I mean, that's

11 somewhere in Pocono Township.

12 MS. HAASE: Right.

13 MR. STEVE PINE: But --

14 MS. HAASE: Certainly we can
15 meet whichever more convenient, we could use the
16 township building, that's kind of, I think,
17 centralized between Wilkes-Barre and your office.
18 I don't think anybody would oppose going to yours
19 or Wilkes-Barre, so we probably could pick a
20 meeting place.

21 MR. AMBROSE: Even in the
22 Pocono Township Municipal Building.

23 MS. HAASE: We could do that as
24 well.

25 MR. AMBROSE: I think Brad --

27

1 Brad would definitely like to attend because -- and
2 I don't know if I'm jumping the gun or stepping out
3 of line here, as far as the amount of flows and how
4 they're coming into our system, there was some talk
5 about pretreatment, there was talk about

6 equalization. All that stuff is going to have to
7 be obviously worked out up front before we even get
8 through --

9 MR. MOYER: Well --

10 MR. STEVE PINE: That was all
11 worked out in this agreement.

12 MR. MOYER: -- that's already
13 done.

14 MS. LAMBERTON: Yeah.

15 MS. PICKARD: That's already
16 done.

17 MR. McHALE: It's all in those
18 agreements, which he doesn't have a copy of.

19 MR. AMBROSE: We don't have --

20 MR. ARMSTRONG: Oh, okay.

21 MR. AMBROSE: That's what I'm
22 saying, we don't have proof of any of that. So I'm
23 just pointing it out that, you know, the more you
24 can provide us with, that we could make part of our
25 review, I'm sure the quicker we can move forward.

1 MR. ARMSTRONG: Yeah, there was
2 a lot of discussion about pretreatment and flows.

3 MR. McMANUS: One of the big
4 concerns that I've talked to Mark somewhat is, is,
5 you know -- you may recall, Pat, is a concern about
6 the equalization, if there is a need for
7 equalization depending on flows, the timing when
8 the flow would be coming into that part of the
9 Pocono system. That's kind of the smallest part of
10 our system and I --

11 Mark had brought that up to me,
12 I guess, last week or earlier this week. And that
13 was still an open item, I guess, how that was going
14 to be addressed, aside from the pretreatment when
15 it -- when the timing of the flows would work out,
16 what time of day, we know -- we can try to match
17 that when Sanofi's coming in and some other flows
18 are coming in, to see if equalization will be
19 necessary or not. So I think the engineers just
20 have to kind of work that out.

21 MR. ARMSTRONG: Yeah.

22 MR. McMANUS: 'Cause that'll be
23 a -- that'd be a real problem if all the flows were

24 at the exact same time.

25 MS. HAASE: If I'm not

29

1 mistaken, Tim, I thought there was discussion
2 already on that.

3 MR. ARMSTRONG: There was
4 definitely a provision with respect to
5 pretreatment.

6 MR. McMANUS: Pretreatment --

7 MS. LAMBERTON: I think you
8 guys just need to go over all of that.

9 MR. ARMSTRONG: There is a bond
10 that will be posted at some point.

11 MR. AMBROSE: Yeah, that's on
12 the inquiry.

13 MS. LAMBERTON: Yep.

14 MR. ARMSTRONG: Yeah.

15 MR. McMANUS: Well,
16 pretreatment --

17 THE REPORTER: One at a time.

18 MR. McMANUS: -- equalization

19 was.

20 MR. AMBROSE: Equalization's
21 not and that's a key aspect here, is the
22 equalization.

23 MR. ARMSTRONG: I'd have to
24 look. I know pretreatment, I don't know
25 specifically --

30

1 MR. McMANUS: It may be needed,
2 it may not especially in the first phase.

3 Is that only going, Steve, Phase
4 1 right now?

5 MR. STEVE PINE: Yes.

6 MR. McMANUS: And then Phase 2
7 will be --

8 MR. STEVE PINE: Following --

9 MR. McMANUS: -- worked on
10 after Phase 1. So you're still at about 70,000,
11 you're thinking, on Phase 1?

12 MR. STEVE PINE: Yes. To
13 answer most of your questions, Mark, those were all

14 required of us to be turned into RK Hess and the
15 township before that agreement was signed. So all
16 of that information that's sitting down there, it's
17 a shame that you don't have it.

18 MR. AMBROSE: I think I can
19 tell you --

20 MS. LAMBERTON: He needs a
21 crash course. Yeah, that's why you need Pennoni to
22 sit down with you guys.

23 THE REPORTER: Excuse me. I'm
24 sorry, but there's too many people talking at one
25 time.

31

1 MS. HAASE: Steve, would you be
2 more comfortable sitting here --

3 MR. STEVE PINE: Oh, I'm fine.
4 I'm done.

5 MS. HAASE: -- and be part of
6 the conversation?

7 MR. STEVE PINE: I just wanted
8 to let him know that that info was there.

9 MR. ARMSTRONG: Just out of cur
10 -- can we --
11 We can go off the record for a
12 second.
13 (Discussion off the record.)
14 MR. ARMSTRONG: We can go back
15 on the record.
16 Steve, I think what you need to
17 do is to tell Joe Mullen from Pennoni to assume
18 that T&M is starting from scratch, that they don't
19 have any information.
20 MR. STEVE PINE: I just did get
21 a response from Joe already. He said they were
22 sent over a week ago to T&M.
23 MR. ARMSTRONG: Maybe it's the
24 wrong office.
25 MR. STEVE PINE: I just wrote

32

1 that back and so he said he's checking.
2 MS. HAASE: Tim, are you going
3 to be able to provide all the agreements that's

4 already been executed?

5 MR. McMANUS: Yes. The
6 township -- the township does have those and I
7 think everything's there. If it's missing, I
8 certainly have digital copies of them.

9 MS. HAASE: Okay. So, Mark,
10 you had requested agreements, are you going -- you
11 want another copy from us or you're going to obtain
12 them from Pocono?

13 MR. AMBROSE: I believe I have
14 all the agreements, Tim has sent them to me.

15 MS. HAASE: So I can take
16 agreements off the list?

17 MR. AMBROSE: I'm not sure what
18 --

19 MR. McMANUS: Yeah, the only
20 agreements -- the only agreements that really exist
21 between Tobyhanna/Pocono is the intermunicipal
22 agreement. There was a second agreement that also
23 includes BCRA to extend their service area for
24 treatment. The agreements that -- that -- the only
25 other agreement that we don't have would be a copy

1 of the agreement that Kalahari and Pocono Manor
2 entered into with Tobyhanna. And that's more for
3 our informational purposes to make sure we -- that
4 we got all of it --

5 'Cause, Tim, you don't have
6 that.

7 MR. EDINGER: Pardon me?

8 MR. AMBROSE: Do you have a
9 copy of that one?

10 MR. McMANUS: No, no.

11 MR. AMBROSE: Okay. So that's
12 --

13 MR. McMANUS: That's what I was
14 mentioning --

15 MR. DEVITO: That's the
16 agreement that we need, the rest of them we have.

17 MR. ARMSTRONG: What I'll do is
18 I can forward --

19 MR. McHALE: The intermunicipal
20 agreement though, Pat, as you recall -- I'm sorry,
21 but it spells out so much in that agreement, that

22 just reading through that I think will get them up
23 to speed very quickly.

24 MR. ARMSTRONG: Yeah, yeah. I
25 will forward the agreement between Kalahari/Pocono

34

1 Manor and Toby to both of you, as well as the Sewer
2 District Ordinance that was adopted which
3 incorporates the multiple agreements that were
4 entered into. Aside from that, it sounds like you
5 have -- you everything, right, agreementwise?

6 MR. McMANUS: Yes, yes.

7 MR. ARMSTRONG: Okay. Okay.

8 MR. DEVITO: And have read
9 them. I mean, I know that they've already been
10 read. I mean, once we get it, we digest it as
11 quickly as we can, which is why Mark's able to come
12 up with some more specific questions than just a
13 generic generalized conversation.

14 I mean, if Mark is saying he
15 wants -- you know, needs information or would like
16 to confirm flows, you know, that's because he's

17 already looked at these and made memos and bullet
18 points and everything else. I mean, we're working
19 -- and, again, I will -- I say this at every
20 meeting, the commissioners are just putting in an
21 absolutely extraordinary amount of time, but the
22 good news is they're putting in that time.

23 So it's not like we were doing
24 every two weeks where -- Brad is probably up at the
25 municipal building daily, at least. And I know

35

1 Gerry spends an inordinate amount of time there
2 also, as do the other commissioners. So, you know,
3 we're not -- again, I mean, our object is to make
4 this as seamless as possible which is why we're
5 keeping in certain consultants as we're doing it.

6 MR. HOLAHAN: Well, we can
7 sympathize with what Pocono Township has had to
8 deal with there. So it sounds like our action
9 items here are to get the plans over, the other
10 agreement that you're still looking for.

11 Once you've got that, Mark,

12 you'll be able to take a look -- it may answer a
13 lot of things that you're already questioning. And
14 then perhaps at that point set up an agreement on
15 meeting time that you could come in and say these
16 are things that maybe you're unclear.

17 MR. AMBROSE: Yeah. If we get
18 the plans, give us a little bit of time to just at
19 least get a cursory review of the plans and we may
20 have some comments on what we see. So, you know,
21 maybe two weeks, three weeks after -- two weeks,
22 what do you think, Tim?

23 Just a quick review and then
24 have a meeting to bring out some initial concerns.

25 MR. EDINGER: Well, we need to

36

1 sit down and talk with our staff and schedule the
2 -- it's a 112 plans.

3 MR. HOLAHAN: It's easy
4 reading.

5 MS. LAMBERTON: We had to read
6 them all too.

7 MR. EDINGER: I did, however,
8 read the intermunicipal agreement. I did have one
9 big question that maybe somebody can give me some
10 guidance on. And that was the -- the imposition of
11 rates and charges and the fact that the 440,000
12 gallons has not been necessarily allocated and
13 given to Tobyhanna Township; but that that
14 capacity, if and when it's available, would be
15 purchased on an as-needed basis.

16 And the question I had is, they
17 have a attachment Exhibit C regarding the
18 reservation. In that, I guess, Kalahari to
19 Tobyhanna Township can pay for reservation rights
20 for a certain amount of sewage. The issue that
21 comes up, as you've probably heard about, the
22 construction defect that we're working around right
23 now, we have a limited amount of capacity in line.

24 And we have Sanofi coming with
25 water, we had Great Wolf come with water, we have

1 community college come to board. We've had plans

2 in the hopper right now for Coppleson, we have
3 plans for Desaki Hotel. We have a couple other
4 plans coming out. We have some coming out of the
5 woods regarding the one Ceasar Resort down here
6 that may come on the table quickly.

7 The issue comes down to is how
8 much capacity are we going to have left versus what
9 Kalahari needs. Since it's not buying that
10 capacity up front --

11 MR. STEVE PINE: Yes, we are.
12 That's what -- that's always been our
13 understanding. We plan on, you know, when we enter
14 the system, purchasing 602 EDUs.

15 MR. EDINGER: You're going to
16 do that when, once the system is constructed?

17 MR. STEVE PINE: As soon as we
18 need to.

19 MR. EDINGER: Okay.

20 MR. McMANUS: It's in -- it's
21 pretty much within Kalahari's control as to when
22 they want to come in. I mean, if they --
23 initially, if there was concern, they could've,
24 since they had the Phase 1 approval -- I mean, you

25 have to have some kind of a project out there

38

1 that's approved. They had the Phase 1 approval,
2 oh, I don't know how many months ago, from
3 Tobyhanna, that they in theory could've come in
4 then and started reserving capacity, but it's in
5 their control.

6 I mean, they're aware of it, as
7 of yet we're just getting people online so they --
8 they're not stupid business people so they knew
9 they didn't have to reserve it right up front, but
10 I'm sure they're keeping their eye on that and to
11 make sure they -- but it's up to them, that's
12 right. If they would -- if they would totally drop
13 the ball and didn't do it --

14 MR. STEVE PINE: I make regular
15 monthly calls to Frank to find out what was going
16 for --

17 MR. McMANUS: And the 440 --
18 the 440 would be the total build-out. I think
19 Kalahari, if it did all three phases, I believe it

20 was 2 -- 200 and some odd thousand gallons.

21 MR. EDINGER: 230,000 I think
22 it was roughly.

23 MR. McMANUS: The remaining
24 capacity there was if Pocono Manor, if and when
25 they -- working on their project. So it will

39

1 probably, I'm guessing it will -- if anything
2 becomes more of an issue, it may become more of an
3 issue for Pocono Manor depending on their timing
4 when they do it than it will be for Kalahari.

5 So I think the immediate need
6 would be, you're probably looking at, at least
7 70,000 coming in with another -- let's say up to a
8 125 or 150,000 total with Phase 2 within the next
9 two years?

10 MR. STEVE PINE: I don't
11 remember the gallonage, I only remember the EDUs
12 that we're going to need.

13 MR. McMANUS: Probably 2015
14 would be Phase 1 going, you're hoping?

15 MR. STEVE PINE: That's
16 correct.
17 MR. McMANUS: And Phase 2
18 you're guessing now, '16 or '17; 2016?
19 MR. STEVE PINE: Yeah, probably
20 '16.
21 MR. McMANUS: So that's what I
22 think -- that's kind of our target, we should plan
23 it. You know, we're going to probably have at
24 least that much capacity used up in that period.
25 MR. STEVE PINE: It's always

40

1 been our intent to purchase those EDUs up front
2 when we -- when we get going all at one time, so we
3 don't have to worry about capacity issues on second
4 phase and -- or have to, you know, follow the --
5 each -- each and every person who hooks up. So
6 that's -- that's our intent. I mean, that's --
7 that's in our budget, we put that money aside.

8 MR. ARMSTRONG: Tim, the
9 agreement, it's between Pocono and Toby, but Toby's

10 agreement is between Kalahari and Pocono Manor. So
11 the reservation, I think, trying to recall --

12 MR. McMANUS: Would be Toby to
13 Pocono would actually make it -- they would make a
14 reservation for you, I'm assuming, at your
15 collection system, then you would make a
16 reservation in our collection system.

17 MR. ARMSTRONG: Right. But
18 actually that exhibit, they could -- they could
19 still make the reservation directly to Pocono if
20 they so choose. I think there's a provision in
21 there. I think there is.

22 MS. LAMBERTON: Exactly, so we
23 don't have --

24 MR. ARMSTRONG: I think there
25 is, but --

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1 MR. McMANUS: So they have to
2 make it directly with us?

3 MR. AMBROSE: Yes.

4 MR. ARMSTRONG: They can make

5 the payment directly.

6 MR. McMANUS: Oh, they can make
7 the payment.

8 MR. ARMSTRONG: Yes.

9 MR. McMANUS: I'm sorry. Yeah,
10 they'd have to reserve it through you to us and
11 they could --

12 MR. ARMSTRONG: Key part in
13 that, yes.

14 MR. STEVE PINE: That is right.

15 MR. ARMSTRONG: If I recall the
16 conversations correctly, it might not be spelled
17 out in the agreement because it's not really an
18 agreement issue. The reservation is probably more
19 for the Pocono Manor Investors.

20 MR. JAMES CAHILL: Jim Cahill
21 from Pocono Manor. We have always said we're about
22 two years behind Kalahari. So we are actually, you
23 know, starting our initial planning now. So we're
24 hoping by the end of the year to have some plans in
25 front of Tobyhanna, so that's kind our timing.

1 We'd probably go to construction
2 sometime in late '15 for our first phase, so that's
3 a rough time schedule for now, so --

4 MR. EDINGER: Well, again, the
5 reason I'm asking that is because of the flux in
6 development that appears to be coming down the
7 road. These gentlemen obviously were here first,
8 like to get an idea when they're going to be
9 reserving capacity to the extent we have capacity
10 to sell. Okay? So that's -- that's the concern.

11 MR. STEVE PINE: I was told by
12 Frank, unless I was misinformed, just a month ago
13 that 602 EDUs is not an issue right now and
14 wouldn't be at least through the end of the year.
15 I think it's our intent to try and reserve those
16 before the end of the year.

17 MR. AMBROSE: If I may, I think
18 you're looking at 150,000 gallons a day at the end
19 of Phase 2 and we use 247 gallons a day per EDU.
20 And my calculations tell me that's roughly 567 EDUs
21 attributed to that 150,000 gallons. Now, if that
22 --

23 MR. STEVE PINE: I think where
24 that 602 came up, Mark, as we get all three phases
25 done.

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1 MR. AMBROSE: I'm sorry, 607.
2 Yeah, I have 607.

3 MR. STEVE PINE: 607, is it?

4 MR. AMBROSE: Yeah, 607. And
5 then for Pocono Manor, I have Pocono Manor coming
6 in under Phase 2. So there's actually two phases
7 for Pocono Manor. So I have -- you guys are going
8 to be looking at roughly 567, I'm sorry. So --

9 MR. JAMES CAHILL: Yes, but we
10 don't know exactly what our first phase is going to
11 be yet, so we're still in the planning process.

12 MR. ARMSTRONG: So I guess --
13 so we've tried -- I think we managed, I think, to
14 get the first issue of the timing of the
15 construction. Pocono, you need to get the plans
16 and the sufficient information to make that
17 determination.

18 Steve, I put it out there, but I
19 guess I should ask Pocono to make sure it's okay.
20 If Kalahari does copy you on
21 things, is that suf -- if there's an issue with
22 whatever you receive, contact Tobyhanna Township
23 and we'll get it, but as to any missing
24 information, will that be sufficient? You're not
25 looking for Tobyhanna Township to then, again,

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1 submit the same thing over? I mean, that's --
2 everyone's on the same page?

3 MR. DEVITO: Yes.

4 MR. ARMSTRONG: I mean,
5 obviously if there's something missing, contact us
6 and we'll get whatever's missing; but if you're
7 copied on future submissions from Kalahari, that
8 should suffice the requirements at least for
9 Tobyhanna submitting whatever plans to Pocono.

10 MR. DEVITO: Yeah, so long as
11 -- so long as the loop is complete.

12 MR. ARMSTRONG: Perfect.

13 MR. DEVITO: You know, I mean
14 if it's a review plan, but we don't have the
15 comments that are being addressed, I mean, it
16 wouldn't make sense so --

17 MR. ARMSTRONG: Right.

18 MR. DEVITO: So long as, you
19 know, just add us to your email list and as things
20 come in and go out, you know, or as Steve send
21 things, you know, send them both directions; both
22 Pocono and Tobyhanna.

23 MR. STEVE PINE: Who do I send
24 it to now, 'cause I don't know who Frank's --

25 MR. AMBROSE: Well, that's what

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1 I just going to tell you. I think -- I think back
2 of the agreement there's contact information that's
3 no longer adequate. So I think that information
4 needs to updated so that the right people at the
5 township get copied. And I think it should be
6 Brad, as far as the commissioners, but I don't know
7 -- he normally circulates amongst the other

8 commissioners. Some of the commissioners do have
9 full-time jobs.

10 Unless, Brad, you want it to go
11 to all of the commissioners or would it just come
12 into you and you send it out?

13 MR. WISE: I think that's the
14 easiest --

15 MR. AMBROSE: So on Page 33
16 there all that information really should -- and
17 it's the wrong address for -- it's been updated to
18 the 911 system for the Brodhead Creek Regional
19 Authority and I'm not sure who the correct email is
20 there. I know who I deal with at the Brodhead
21 Creek Authority, that's Ken Brown.

22 MS. HAASE: That's Ken Brown.

23 MR. WISE: That is Ken's email
24 on there.

25 MR. ARMSTRONG: So, Bradley,

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1 what is your email at the township?

2 MR. WISE: At Pocono, it's

3 pwise@poconopa.gov.

4 MR. ARMSTRONG: Thank you.

5 MR. AMBROSE: And it's the
6 board of commissioners now.

7 MR. STEVE PINE: So is that --
8 is that the route that I'm supposed to take?

9 'Cause at -- in Tobyhanna I only send everything to
10 Phyllis and she takes it to the commissioners and
11 to Bob McHale and -- so we're only -- so to stay
12 away from confusion, I only communicate those kind
13 of things with one person and she does the
14 distributing internally, but that's going to be
15 with the commissioners too?

16 MR. ARMSTRONG: No. I would
17 suggest to have those submissions, at least the
18 plans and the engineering, maybe include Brad, but
19 also include T&M. Bob McHale is an -- Bob McHale
20 is a township -- he's the township engineer, but
21 he's also in-house engineer, T&M is an outside
22 consulting firm.

23 MR. DEVITO: Our Phyllis is in
24 transition right now. We don't have a Phyllis.

25 MS. LAMBERTON: Our Phyllis is

1 in transition.

2 MR. HOLAHAN: You're missing

3 out.

4 MS. LAMBERTON: Yeah, she's

5 great.

6 MR. DEVITO: Hopefully by June 1

7 we'll have our Phyllis.

8 MR. ARMSTRONG: Actually that

9 might be a good transition to the next issue, is

10 the inspection. Once construction starts taking

11 place, the inspection of the actual construction

12 for purposes of Pocono and as well as Tobyhanna.

13 My under -- my board is probably better inclined to

14 speak to this, but my understanding is towards the

15 end of last year when all of these agreements were

16 wrapping up, I believe there was a discussion about

17 Pocono and Toby sharing an inspection company. I

18 don't know if it was going to be RKR Hess or some

19 outside third party; but that -- it was my

20 understanding that that was the mutual

21 understanding between the boards at that time.

22 Obviously, commissioners, you're
23 new, you may have a different feeling, but I don't
24 think -- I think going forward, my board would like
25 to know, especially knowing that construction's

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1 just around the corner, that the two townships are
2 on the same page with respect to not only the fact
3 that they're going to be sharing an inspection
4 company or inspection -- engineering firm going to
5 conduct the inspections, but also that they're on
6 the same page with who that firm is going to be.

7 MS. HAASE: Just to follow up
8 on that, the intent of that was instead of having
9 Kalahari, Tobyhanna Township and Pocono all paying
10 for engineers inspecting this, that the thought was
11 that we would agree upon one inspector or one
12 company. And that's where we reached out to Pocono
13 last year and had this discussion and agreed upon
14 we would only use one individual -- or one
15 inspection service.

16 So I think at this particular
17 point, if the board is comfortable using T&M, what
18 the fee structure is going to be. I think those
19 are some types of discussions that would need to
20 take place because, of course, the end result is
21 the developer's going to be paying the cost and of
22 course Tobyhanna is, I'm certain Pocono is, we're
23 very prodevelopment. And we'd also like to take
24 care of the project and make certain that the cost
25 is retained in tact. So that was the intent of why

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1 this was discussed last year with the Pocono
2 supervisors.

3 MR. HOLAHAN: Plus the
4 advantages of having one taking a look and --

5 MR. McHALE: Phyllis, just to
6 dovetail on that a little bit is that the -- that's
7 for the force main pump station.

8 MS. HAASE: That is correct.

9 MR. McHALE: The BCRA on the
10 water system is going to have their own engineers

11 as I understand.

12 MR. HOLAHAN: Yes.

13 MR. STEVE PINE: Correct, yes.

14 MR. ARMSTRONG: Yeah,
15 everything we're talking about is sewer. Water --

16 MR. STEVE PINE: The BCRA is
17 going to own their water after it's done, so they
18 could have their own engineers look at it, whoever
19 they decide on.

20 MR. ARMSTRONG: So I guess the
21 question maybe to the two commissioners that are
22 here today, maybe the solicitors: number one,
23 would you be amenable to using the same inspection
24 firm; and number two, did you already discuss who
25 -- is it -- will -- are your intentions to use T&M

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1 with respect to the inspections?

2 MR. LASTOWSKI: I wouldn't have
3 a problem with that.

4 MR. WISE: That was -- that's
5 what I was thinking of doing --

6 MR. ARMSTRONG: Using T&M?

7 MR. GERRY: -- the

8 recommendations from other commissioners that we

9 use T&M.

10 MR. HOLAHAN: Good. Then

11 that's settled.

12 MS. LAMBERTON: I feel better

13 'cause you have someone in your house that's going

14 to be inspecting the line that we, you know, we're

15 both going to be involved with. So I don't have a

16 problem with that either.

17 MR. LASTOWSKI: They're

18 involved in --

19 MS. LAMBERTON: I feel more

20 comfortable having someone that's --

21 MR. LASTOWSKI: We feel like

22 they're involved, we're involved --

23 MS. LAMBERTON: -- working

24 directly one of us.

25 MR. LASTOWSKI: -- with the

1 whole project --

2 MR. MOYER: Right.

3 MS. LAMBERTON: Absolutely.

4 MR. LASTOWSKI: This would just
5 be extension of it.

6 MS. LAMBERTON: Yep. I'm fine
7 with that.

8 MR. ARMSTRONG: Are you also
9 agreeable to allow -- Tobyhanna Township would then
10 in turn look to T&M as well for purposes of
11 inspection of the construction?

12 MR. EDINGER: Yeah. Oh, yeah,
13 that would be all right with us. In fact, what we
14 would be doing, because the payment requests of the
15 contractor's would be coming through either us or
16 Bob -- I don't know how you want to do that, but
17 you're going to have to confirm the inspection and
18 we're going to have to say, yes, this is going in.
19 Whatever they put in, they're incapable for release
20 on the securities, et cetera, et cetera. I don't
21 know how -- we can talk about how we're going to
22 handle that.

23 MR. McHALE: That's fine.

24 We'll get into more specifics, but the
25 intermunicipal agreement, again, addresses many of

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1 those items, written reports that need to be
2 completed by the inspecting engineer, so that's --
3 we'll --

4 MR. EDINGER: Yeah, we're
5 familiar with completing that. The nice thing
6 about T&M we can put the horsepower depending on
7 what your schedule is and how many crews you're
8 going to have developed.

9 MR. STEVE PINE: We're planning
10 on starting the day after tomorrow.

11 MR. LAMBERTON: Be ready at
12 nine, Monday at nine, Monday at nine.

13 MR. EDINGER: I'll make a phone
14 call.

15 MR. HOLAHAN: All right. What
16 do we have next?

17 MR. ARMSTRONG: Steve, did you
18 hear that? It sounds like for both municipalities

19 we'll be utilizing T&M for purposes

20 of construction.

21 MR. STEVE PINE: Yes.

22 MR. DEVITO: Pat, would you --

23 would you like to get an engagement letter then

24 from T&M since T&M will be inspecting on behalf of

25 Tobyhanna also?

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1 MR. HOLAHAN: Agreement of fees

2 and things.

3 MR. ARMSTRONG: Logistically,

4 yeah, probably I think you and I maybe can think --

5 or whoever --

6 MR. DEVITO: And Tim, yeah.

7 MR. ARMSTRONG: -- kind of

8 think through it to see --

9 MR. DEVITO: It was actually

10 what -- T&M raised it to say, if they're working

11 for, you know, Pocono, they have their engagement,

12 they're approved. Just for your recordkeeping and

13 your fee schedules, et cetera, you may want

14 something from T&M.

15 MR. ARMSTRONG: Just so long as
16 there's no double-billing municipalities.

17 MR. EDINGER: No, we document
18 our bills.

19 MR. ARMSTRONG: I know. I
20 know. I'm familiar with T&M, you guys are a good
21 outfit.

22 MS. PICKARD: Do we need a
23 motion to do this?

24 MS. LAMBERTON: I don't know.

25 MR. ARMSTRONG: Just so Steve

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1 --

2 MS. LAMBERTON: Do we need a
3 motion to accept that?

4 MS. PICKARD: To appoint them?

5 MR. ARMSTRONG: Eventually -- I
6 think maybe we'd want to wait until we get whatever
7 engagement letter. Just so you have something to
8 act upon. I mean, you can, by consensus tonight,

9 if you're okay in moving forward in that direction,
10 you can do that. But there's nothing for you to
11 act upon until -- if they are going to send us a
12 limited engagement letter for purposes of
13 inspecting this project.

14 MS. LAMBERTON: We'll approve
15 the fee schedule.

16 MR. MOYER: Yeah.

17 MR. ARMSTRONG: Then in turn
18 that'll be forwarded on to Kalahari because you
19 will be writing the checks for the most part.

20 MR. STEVE PINE: What?

21 MS. LAMBERTON: Monday at nine,
22 Steve.

23 MR. STEVE PINE: Actually the
24 IDA will be the one writing the checks.

25 MS. LAMBERTON: For the TIF

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1 monies.

2 MR. ARMSTRONG: I misspoke.

3 MR. STEVE PINE: We want to be

4 involved in -- we have to be involved, of course,
5 so --

6 MR. HOLAHAN: Anything else?

7 MR. ARMSTRONG: There's nothing
8 else on the agenda. If there were any -- I believe
9 if there's any issues that, Tim, you may feel that
10 are coming around the bend or --

11 MR. McMANUS: No, it was just
12 -- the commissioners have had a lot to try to get
13 up to speed on. Trying to, like they've already
14 mentioned, trying to handle the other issues in the
15 township and this was one thing I had suggested to
16 them, I thought it would be a good idea to at least
17 have a meeting with Tobyhanna.

18 And then, Pat, you and I kind of
19 had the same idea at the same time.

20 So everybody knows the players
21 and the timing issue, I think, was a big concern,
22 so they have an idea as to when timing of all this
23 is going to occur. As they said, we're just
24 starting our process right now of really trying to
25 get people connected to a system. And they're just

1 trying to do a lot of planning around this and
2 getting hit with all this in a period of about four
3 months is pretty much of an instrumental task, but
4 they're trying to get their hands around this whole
5 thing.

6 So I don't know if the
7 commission has any other questions. Unfortunately
8 I know a lot about this, I could probably talk to
9 you for hours about it; but you wouldn't want to
10 hear everything I know, I'm sure.

11 MR. HOLAHAN: Oh, you don't
12 want to hear it, really.

13 MR. AMBROSE: I have one more
14 question. Have all the easements been worked out
15 as far as the layout of the piping and all the land
16 acquisitions?

17 MR. McMANUS: That I do not
18 know. The only thing we do have in our agreement,
19 if Tobyhanna did need to exercise power of eminent
20 domain to get across any private property -- I
21 don't even know if there is any private property on

22 that line now -- Pocono Township had agreed to
23 adopt the appropriate resolution to allow them to
24 get that property within Pocono. That is provided
25 for in the township code that you can do that, that

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1 they just couldn't go in and do it without your
2 permission.

3 I don't know where the line is
4 going now, is there anything -- are they going over
5 private property or --

6 MR. ARMSTRONG: No, there was
7 --

8 MR. STEVE PINE: There's some
9 over Jim's private property there. We're literally
10 hopefully at the tail end of this. We were having
11 issues with one property owner, but we believe,
12 just in the past 24 hours, we figured out a way to
13 not have to deal with property --

14 MR. McMANUS: That's the one
15 all the way down by Pocono sewer line?

16 MR. STEVE PINE: -- and stay in

17 the right-of-way -- and be able to stay in the
18 right-of-way. Part of the reason that we had to do
19 that, as Patrick pointed out to us a few weeks ago,
20 that the area that we were looking at making it a
21 little easier for us to get across was on private
22 property and outside of the NID that was created
23 for this TIF, so we weren't able to use it that
24 way.

25 But we were just talking to our

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1 construction people that we're gonna be -- that we
2 have a contract with and they found a way to do it
3 without having to go outside of the roadway
4 right-of-way, so, but it just needs like two nods
5 from BCRA at the same time, you know --

6 MR. McMANUS: So hopefully that
7 will be a nonissue, certainly Pocono Manor
8 indicated it's not a problem, that you guys will
9 work that out yourselves --

10 MR. STEVE PINE: That's
11 correct.

12 MR. JAMES CAHILL: All of the
13 -- all of the construction, once you leave the
14 Route 314, is land owned by us. We've already
15 drafted easements, we've given them to Kalahari,
16 but they -- if something pops up where we need to
17 move it during construction, we've agreed to amend
18 the easement.

19 MR. ARMSTRONG: Probably more
20 importantly than you granting the easements to
21 Kalahari is those easements would need to be
22 granted to Tobyhanna Township not to, you know --
23 we're not going to accept them until the project is
24 complete and that sewer line is in, but those
25 easements should be, you know, in our hands at some

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1 point.

2 MR. JAMES CAHILL: I did send
3 Bob copies. When I emailed them, I said, Bob,
4 what's the sense of reviewing them now because
5 they're -- they could change?

6 MR. ARMSTRONG: You sent him

7 the legal descriptions?

8 MR. JAMES CAHILL: The legal
9 descriptions, yeah.

10 MR. STEVE PINE: I have a
11 question for Brad.

12 MR. WISE: Sure.

13 MR. STEVE PINE: I heard it
14 discussed earlier, then it got reshuffled, are you
15 going to talk about what we're talking about here
16 tonight at your Monday night meeting? And if so,
17 should I be there? I'm here in the area, I live
18 here now.

19 MS. LAMBERTON: Wouldn't hurt.

20 MR. DEVITO: I mean, I could
21 probably -- we're not going to be able to know
22 about the 60-day waiver, Steve, until the engineer
23 gets their arms around the plans.

24 MR. STEVE PINE: I hear he's
25 gonna work all weekend and have it done.

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1 MR. DEVITO: He's going from

2 here right back to his office.

3 MR. WISE: Steve, we will
4 discuss -- we will note that we had this meeting,
5 what we discussed here.

6 MR. STEVE PINE: I'll be there
7 then. That's fine.

8 MR. WISE: But, you know, if
9 it's anything like our last meeting, we went, what
10 was it, almost five hours. We've got a tremendous
11 amount on this agenda too.

12 MR. STEVE PINE: So I should
13 bring my coffee thermos?

14 MR. WISE: Oh, absolutely. You
15 want to bring your sleeping bag.

16 MR. McHALE: Steve, there's one
17 more document that you may want to ask Pennoni to
18 forward to Mark, to T&M, is the -- the Part 2
19 permit application document. It's got a lot of
20 very useful information in it that would help Mark
21 and his folks.

22 MR. STEVE PINE: Okay. Thanks.

23 MR. WISE: Mark, is there any
24 need for us to see a copy of the NPDES construction

25 permit?

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1 MR. AMBROSE: Who's going to be
2 doing the inspection on that? It's Toby -- in
3 other words, the storm water controls --

4 MR. EDINGER: That's all part
5 of the contract agreement within the sewer lines.
6 So we would be doing the inspection on the NPDES as
7 well. We'll work out with Bob payment requests,
8 shop drawing reviews, if he wants to take that
9 role. We do the inspection, report back to Bob as
10 to what's installed so he can get the payment
11 request approved through Tobyhanna.

12 MR. HOLAHAN: That sounds good.

13 MR. WISE: So we should have a
14 copy of that also.

15 MS. HAASE: Well, would that go
16 through Tobyhanna or directly to the IDA? I think
17 it's -- was not the inspection reports going right
18 --

19 MS. LAMBERTON: I think we have

20 to approve the amount.

21 MS. HAASE: -- to the IDA?

22 MR. ARMSTRONG: Well, the IDA
23 is going to have their own -- I believe the county
24 IDA is going to have their own inspection for --

25 MR. McHALE: We were to receive

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1 written -- the inspection reports from the engineer
2 that we had doing it on behalf of the township,
3 which now jointly would be T&M.

4 MR. McMANUS: Is the IDA engaged
5 in the contract or is Kalahari/Pocono Manor?

6 MR. JAMES CAHILL: Technically
7 the IDA is engaging the contractor and -- but they
8 just, through another agreement, passed all the
9 responsibility on to Kalahari and Pocono Manor.
10 They're going to administer the contract and pay
11 the bills because they're going to hold the funds
12 from the TIF, but the responsibility for the
13 construction is ours.

14 MR. McMANUS: So as a practical

15 matter, probably any construction issues should be
16 a joint notification, I would think, to IDA and
17 whoever the designated person is for
18 Kalahari/Pocono Manor. If it's going to go through
19 you, you may as well know about it early on rather
20 than just waiting, just to streamline it.

21 MR. EDINGER: So IDA is paying
22 the bills?

23 MR. McMANUS: Pardon me?

24 MR. EDINGER: IDA is paying the
25 --

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1 MR. MOYER: There's a TIF.

2 MR. ARMSTRONG: Are you
3 familiar with the whole history? There's a TIF, a
4 Tax Increment Financing District, and the
5 Neighborhood Improvement District through the TIF.
6 The Monroe County IDA is issuing bond -- TIF bonds
7 to finance the public improvements; the sewer, the
8 access road, certain improvements for PennDOT, as
9 well as the water line. That's what the TIF funds

10 are going towards. But before those funds are
11 obviously released, the IDA is going to, you know,
12 require that --

13 MR. LASTOWSKI: Patrick, I'm
14 sorry, I'm pretty new at this. Tell me what the
15 IDA is.

16 MR. ARMSTRONG: The Monroe
17 County Industrial Development Authority.

18 MS. LAMBERTON: Chuck Leonard.

19 MR. McMANUS: They're really a
20 major financing vehicle that used to be used a lot
21 more than they are today. I mean, IDAs are not
22 used all that often.

23 MR. EDINGER: So they're going
24 to have their own inspectors review the inspection
25 for payment request and take care of it?

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1 MR. ARMSTRONG: I'll have to
2 look at that development -- there's a development
3 agreement between Kalahari and the Monroe County
4 IDA. I'll have to look at -- we're not a part of

5 that agreement, but I'd have to look at that.

6 MR. McMANUS: I can tell you
7 when we did -- and they may be running it
8 differently now -- when we did the TIF for the
9 Pocono Mountain School District, that basically all
10 they would do is ask for a certification from
11 Pocono's engineer along with a request for payment.
12 And once they had that, I don't know if -- I don't
13 know for sure, but I don't think they ever sent
14 anybody out or did anything further than that.
15 They just wanted to know that whoever the
16 responsible engineer, township engineer was, they
17 said it was okay. They would get a request from
18 the township to pay the bill and then they would
19 take care of it.

20 MS. LAMBERTON: I thought that
21 that's how I remembered it as well. Bob would
22 approve it and send it over to Michelle at the IDA
23 and then they would release the funds.

24 MR. ARMSTRONG: Right. Well,
25 the way -- the way our account -- we're an account

1 beneficiary to that TIF development agreement. And
2 the way that reads is we have a consulting
3 engineer, which was going to be Bob, now it will be
4 likely T&M to perform our inspections and get the
5 stamps of approval with respect to the -- the
6 secured accounts for the sewer and the access road.
7 Now, actually, the sewer releases will be based
8 upon T&M's inspection.

9 The access road, Bob, will still
10 be coming from you.

11 So I'll have to find a way, if
12 there's any issues that come up with that, without
13 thinking through, but --

14 MR. McHALE: Pat, there's also
15 in the sewer development agreement, just so that
16 T&M's aware, there's a 15-day request for
17 turnaround on payments also. And that the township
18 would have special meetings, if necessary, but
19 again, that's why they should get all copies of
20 those agreements to read through.

21 MR. ARMSTRONG: Right, right.

22 MR. McMANUS: Now, that is the

23 development agreement with IDA?

24 MR. McHALE: No this is with
25 Pocono Manor/Kalahari and Tobyhanna.

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

2 MR. McMANUS: Yeah, that's
3 important, yes.

4 MR. ARMSTRONG: T&M, what he's
5 referring to is, Kalahari had come in and requested
6 the board to consider a 15-day turnaround time for
7 when they -- when they request inspections and
8 approvals for the financial securities be released.
9 And the board agreed upon that with a condition
10 that in the event that the engineer feels that more
11 time is necessary, that that time be granted.

12 So it's a 15 day unless for some
13 reason, T&M -- for the sewer, now -- isn't able to
14 meet that 15-day turnaround time.

15 MR. EDINGER: Well, the
16 inspection's not going to be a problem if we're out
17 there inspecting it. We just have to confirm --

18 MR. ARMSTRONG: You're going to
19 be out there --

20 MR. EDINGER: The question is,
21 who does the payment request go to? Does it go
22 through Bob and then back to the board? Because
23 that 15 days got to coincide with the public
24 meeting.

25 MR. McMANUS: Payment request

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1 from who? I mean, are you talking about a T&M bill
2 or are you talking about the --

3 MR. EDINGER: No, no, no, about
4 the contractor. They're going want to get paid,
5 they're going to submit a payment request. We're
6 going to review it to make sure what they're asking
7 for was actually put in the ground and made
8 acceptable.

9 MR. ARMSTRONG: They're going
10 to -- Kalahari will submit a request to Tobyhanna
11 Township and we, in turn, will forward it on to
12 now, for the sewer -- T&M. And T&M will say yes,

13 this can be released and then we will forward that
14 on to the Monroe County IDA.

15 MR. EDINGER: Okay.

16 MR. ARMSTRONG: Kalahari cannot
17 request a release of money from the Monroe County
18 IDA from those TIF funds until they get Tobyhanna
19 Township's stamp of approval.

20 MR. EDINGER: So it doesn't
21 have to go through a public meeting that --

22 MS. HAASE: We will call
23 special meetings if -- the chairman will authorize
24 a special meeting if need be.

25 MR. HOLAHAN: Anything else?

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1 MS. LAMBERTON: We've just
2 begun.

3 MR. EDINGER: I see he has --
4 Bob has a lot of agreements in this.

5 MS. LAMBERTON: And they're
6 going to be all yours very shortly.

7 MR. McMANUS: I think a lot of

8 magic here is trying to find out --

9 MS. PICKARD: With the little
10 tabs on them too.

11 MR. McMANUS: -- how much
12 information they have, what you still need, what
13 you need explanations, that's the of real treasure
14 trove here.

15 MR. AMBROSE: All the permits
16 that are secured, you know, when they expire, you
17 know, because I -- you're -- I don't know how old
18 they are, how -- 'cause they only generally last
19 for so many years. And we want to make sure that
20 their permits are going to be coinciding with the
21 project.

22 MR. JAMES CAHILL: I don't
23 think there's any permits more than six month old.

24 MR. MOYER: This went quick.

25 MR. ARMSTRONG: Believe it or

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1 not, this project went quicker than the norm.

2 Somehow things were greased, I don't know.

3 MR. STEVE PINE: So are you
4 working this weekend, Mark, or what?

5 MR. HOLAHAN: Do we have
6 anything else then?

7 MS. HAASE: Mr. Chairman, as
8 far as the Toby's meeting, if we could keep that
9 open. I don't know if Gerry wants to close the
10 Pocono, but I do have a few items to discuss with
11 Toby.

12 MR. WISE: Can we get a copy of
13 the minutes then?

14 MR. DEVITO: Yeah, I was going
15 to give her my card then.

16 MS. HAASE: Yes.

17 MR. DEVITO: Up until this
18 point when we close our aspect of this, can we get
19 a copy of the transcript?

20 MS. HAASE: Once our minutes
21 are approved, we -- they're uploaded on our
22 website, all of our minutes as well. So if you
23 want to go back and look at any discussions with
24 regards to some of these agreements.

25 MR. WISE: Oh, prior to this

1 meeting. Oh I understand.

2 MR. DEVITO: We didn't bring a

3 recording secretary --

4 MS. HAASE: No, that's fine.

5 MR. DEVITO: -- so we need to

6 create minutes from the transcript.

7 MS. HAASE: Understood.

8 MR. DEVITO: Okay. Thanks.

9 MR. ARMSTRONG: Before Pocono

10 leaves, if you're going to leave, I want to make

11 sure that Bob, T&M and Steve, everyone has their

12 contact. So at least the engineers can circle and

13 get together and figure out, from their standpoint,

14 at least the plans. I'll get the agreements out to

15 Tim and Leo, the two that we've talked about

16 earlier.

17 MR. STEVE PINE: I don't have

18 Mr. --

19 MR. ARMSTRONG: Steve, for

20 purposes of plugging everyone into Pennoni, because

21 Pennoni's the missing piece tonight.

22 MR. HOLAHAN: We have them,

23 Steve, we have all the contact information.

24 MR. STEVE PINE: Okay.

25 MR. McMANUS: Joe Mullen is

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1 still with Pennoni, rep on the project?

2 MS. HAASE: Yes.

3 MS. LAMBERTON: I believe, yes.

4 MR. ARMSTRONG: Who was at that
5 meeting?

6 MS. LAMBERTON: Dave Thorton.

7 MR. McMANUS: I -- somebody
8 said Dave Horton was getting involved in it, I
9 didn't know if he did or not.

10 MR. STEVE PINE: He is, but Joe
11 is still the lead.

12 MR. McMANUS: He is getting
13 involved?

14 MR. STEVE PINE: Yes, he is,
15 but Joe is still the lead.

16 MR. McMANUS: Joe's still the
17 lead. Okay.

18 MS. LAMBERTON: Brad, we have
19 all of your emails up here.

20 MR. WISE: Oh, you do? Okay.
21 Very good.

22 MS. HAASE: I'd be more than
23 happy to distribute a list to everyone tomorrow;
24 and if I missed anyone, we certainly can add
25 additional contacts and perhaps you should start a

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1 distribution list.

2 MR. WISE: Is that Steven?

3 MS. LAMBERTON: Yes. We'll
4 take care of it for you.

5 Thank you.

6 MS. LAMBERTON: You're welcome

7 MR. DEVITO: You want to
8 adjourn it, Gerry. Move to adjourn?

9 MR. LASTOWSKI: Move to
10 adjourn, Brad?

11 MR. WISE: I move.
12 MR. LASTOWSKI: So moved.
13 MS. LAMBERTON: Thanks for
14 coming up.
15 MR. MOYER: Thanks.
16 (Special joint meeting concluded
17 at 7:05 p.m.)
18 (Ms. Pickard was not in
19 attendance for the remainder of the meeting.)
20 MR. ARMSTRONG: You all
21 received an email from me this afternoon, the --
22 there's some NIDMA agreements --
23 MR. STEVE PINE: Excuse me. Am
24 I part of the rest of your discussion or no? I
25 mean, does it involve Kalahari?

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1 MR. ARMSTRONG: There's some
2 NIDMA agreements, but --
3 MS. LAMBERTON: Yeah.
4 Absolutely bring a chair up, bring a chair up.
5 MR. ARMSTRONG: As the board

6 members are aware, I sent out an email this
7 afternoon. The TIF bonds are heading towards
8 closing. There's a preclosing, I think, set for
9 next Wednesday or Thursday with a closing the week
10 thereafter, which means all of the agreements that
11 Tobyhanna Township has conditionally approved with
12 respect to the NID and the TIF are now ready for
13 execution.

14 You conditionally approved all
15 of these agreements. They are the TIF cooperation
16 agreement, the account beneficiary supplement, the
17 development agreement, the management and
18 administration agreement, the pledge and security
19 agreement. Those agreements, again, are related to
20 the TIF and the NID.

21 Specifically the cooperation
22 agreement is the agreement between Tobyhanna
23 Township, the school district, the county and the
24 county IDA agreeing to the TIF, the tax increment
25 financing district, and the different obligations

1 and responsibilities associated therewith. You've
2 actually approved this by ordinance. Both the TIF
3 ordinance and an ordinance with respect to the
4 intergovernmental agreement.

5 MR. HOLAHAN: Is there further
6 action that we need other than perhaps authorizing
7 the execution of the agreements?

8 MR. ARMSTRONG: You've actually
9 already --

10 MR. MOYER: Just you have to
11 sign, right?

12 MR. ARMSTRONG: You have
13 already authorized them to be executed. It was a
14 conditional authorization because we all knew that
15 there were some minor tweaks given the dates.
16 Those changes have been made, so it's really just
17 for you to sign tonight.

18 MS. LAMBERTON: Oh, wonderful.

19 MR. ARMSTRONG: Similar, with
20 all of these agreements, you've already
21 conditionally approved them for signature and
22 authorized them to be signed.

23 The other one is the account

24 beneficiary supplement to the development
25 agreement. This is the supplement to the

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1 development agreement between the Kalahari and
2 Monroe County IDA. You're an account beneficiary
3 because the -- some of the TIF bonds are being held
4 for security for the sewer and the access road.

5 The pledge and security
6 agreement is the agreement you've already
7 conditionally approved and authorized to be signed.
8 That is the agreement where you are indicating that
9 you're pledging the special assessments in the NID
10 to be used in the event that they are needed if the
11 tax increments are not enough to cover the cost of
12 the TIF bonds.

13 MR. HOLAHAN: I recall.

14 MR. ARMSTRONG: And then the
15 final agreement that you have already conditionally
16 approved and authorized to be signed is the
17 management and administration agreement, in
18 association with the TIF and the TIF plan. And,

19 again, this is the management agreement with the
20 Tobyhanna Township Neighborhood Improvement
21 District Authority granting and delegating certain
22 management and administration tasks to the NIDMA,
23 as we call it, for purposes of administrating -- or
24 administering the NID District.

25 So those are the agreements for

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1 the board of supervisors to execute tonight.
2 You've already approved them and authorized them to
3 be signed. I just wanted to get that on the
4 minutes. There are also the similar agreements
5 we'll talk about after this meeting is closed for
6 the NIDMA to execute as well.

7 MR. MOYER: Is that -- we only
8 need their two signatures or is that the whole
9 board signature?

10 MR. ARMSTRONG: No. The
11 signatures is either the chairman or the
12 vice-chairman or the secretary. I think these are
13 all for the vice-chair or chair, both of which we

14 have here tonight.

15 MS. LAMBERTON: Very good.

16 MS. HAASE: I just have one
17 item that we can -- I just have to inform the
18 board, we can do that on record if you so choose.

19 MR. HOLAHAN: Certainly.

20 MR. ARMSTRONG: I forgot
21 something.

22 MS. HAASE: Go ahead, Mr.
23 Solicitor.

24 MR. ARMSTRONG: I have one more
25 quick -- this came up, the land development

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1 agreement between Tobyhanna Township and Kalahari
2 requires them to provide a certain letter of credit
3 for certain improvements aside from the sewer and
4 access road. Pocono Manor Investors provided the
5 letter of credit. The problem is whenever we have
6 a letter of credit it always refers to if they
7 default on the development agreement, we can draw
8 on the money. We don't have a development

9 agreement with Pocono Manor Investors.

10 I talked to Ralph Matergia, he
11 put together, and I reviewed and made some changes
12 this afternoon, to a partial assignment to
13 Tobyhanna Township's development agreement.
14 Basically all it's doing is saying, acknowledging
15 the fact that Kalahari entered into the development
16 agreement with Tobyhanna Township. Kalahari was
17 responsible to post the letter of credit and that
18 Kalahari and Pocono Manor Investors agree that
19 Pocono Manor would agree to accept the assignment
20 of posting that letter of credit for the purposes
21 required. And we're acknowledging the fact that
22 we're accepting that letter of credit from Pocono
23 Manor Township -- or Pocono Manor Investors.

24 MR. STEVE PINE: The reason --
25 the only reason that was done is because the letter

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1 of credit, it's my understanding, I'm not attorney,
2 so -- but it's my understanding that that letter of
3 credit had to come from a Pennsylvania bank. We

4 have -- we don't have any associations whereas
5 Pocono Manor Investors do. And that was a deal
6 that was made between Pocono Manor Investors and
7 Kalahari Resorts.

8 MR. ARMSTRONG: Right. So I
9 got this late this afternoon from Ralph Matergia.
10 I made some changes and I sent it back to him. I
11 haven't heard back yet. What you can do is you can
12 -- you haven't approved this yet. I'd be looking
13 for a motion to conditionally approve and authorize
14 the execution of this. I'll have you sign this
15 version tonight in the event that he has problems
16 with those changes. We can handle that as we move
17 on. I don't think he's going to have a problem.
18 They're really just clarifying certain things,
19 that's all.

20 MR. HOLAHAN: So we're looking
21 for a motion to approve -- conditionally approve
22 the agreement as written?

23 MR. ARMSTRONG: Yes.

24 MS. LAMBERTON: So moved.

25 MR. MOYER: Second.

1 MR. HOLAHAN: Motion and
2 second.

3 Further discussion from the
4 board?

5 From the public?

6 Hearing none.

7 Call the vote. Donny?

8 MR. MOYER: I vote in favor.

9 MR. HOLAHAN: Annie?

10 MS. LAMBERTON: I vote in
11 favor.

12 MR. HOLAHAN: And I vote in
13 favor. Motion carries.

14 MR. ARMSTRONG: That's all I
15 have.

16 MS. LAMBERTON: Are you sure?

17 MR. STEVE PINE: I don't know,
18 he looks he's got one more left in him.

19 MR. ARMSTRONG: My voice is
20 about done.

21 MS. LAMBERTON: Yeah, we can

22 hear that. Holy moly.

23 MR. HOLAHAN: Phyllis?

24 MS. HAASE: Yes, sir. I just

25 -- more so I just wanted to inform the board,

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1 because I did receive a letter that was addressed
2 to the board and we certainly will always keep the
3 communication open amongst us.

4 There was a gentleman that
5 approached the township and actually spoke to
6 Margie Argot with regards to the Blakeslee Natural
7 Area. And the Fishing Club wanted to use the
8 pavilion and sell tickets between 10 to \$15 per
9 ticket for a barbecue, bring in vendors, some as an
10 educational -- to educate individuals and also as a
11 fund-raiser. I -- Margie did explain to him with
12 the natural areas, we're not allowed to have
13 something like that there, as per our agreement.

14 In return, the gentleman did
15 send a letter to the board and I did reach out to
16 him and speak to him personally and explained to

17 them with our agreement and it being purchased
18 through monies for the county, we cannot just
19 strictly allow this type of an event. So what he
20 made -- then he said, well, maybe I won't charge,
21 but we'll advertise and accept donations. Again,
22 that's still something that is out of the allowable
23 use for that.

24 So I will reach out to him again
25 and certainly offer the use of the park. They can

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1 use the pavilion, it's a first come first serve
2 basis; but as far as advertising or selling tickets
3 or accepting donations for barbecues, that's just
4 not something that we can do unfortunately up
5 there. But I just wanted to bring the board up to
6 speed on that.

7 MS. LAMBERTON: That's a shame.

8 MS. HAASE: I did mention that
9 we have the --

10 MS. LAMBERTON: That'd be
11 perfect for it.

12 MS. HAASE: -- Blakeslee -- or
13 the Blanche Price Park, that certainly if it's
14 something that they want to rent the building and
15 maybe have some type of fund-raiser and some type
16 of event that something could be done. I also will
17 suggest that perhaps they want to be part of our
18 festivities in July and maybe in the fall as well.

19 MR. MOYER: Could they presell
20 the tickets somewhere else?

21 MS. HAASE: Well, no, because
22 then --

23 MR. MOYER: Not on the property?

24 MS. HAASE: -- it's being
25 restricted to those individuals and that has to be

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1 open to the general public.

2 MS. LAMBERTON: What if we tell
3 them they can't restrict it to the public, that
4 they can utilize the building for what they need,
5 but the rest of the general public still has
6 access.

7 MS. HAASE: For which? Where
8 are we at now?

9 MR. HOLAHAN: For the barbecue.

10 MS. LAMBERTON: I'm back --
11 yeah. It's just not in our agreement the way the
12 monies were used to purchase the property. I get
13 that.

14 MS. HAASE: It's the
15 advertisement and the selling of the tickets.

16 MR. HOLAHAN: I think it just
17 starts setting --

18 MR. MOYER: Opens up the door.

19 MR. HOLAHAN: -- a precedent on
20 something like that. As much as we --

21 MS. LAMBERTON: That's a shame,
22 'cause it'd be perfect for them to --

23 MR. HOLAHAN: Well, as much as
24 we might want to support something like that, we
25 might not be so --

1 MS. LAMBERTON: Can we put a

2 stream in at our park?

3 MR. HOLAHAN: -- excited about
4 something else and you got to treat everybody
5 fairly.

6 MS. LAMBERTON: That would
7 solve the problem, Patrick.

8 MS. HAASE: But that's why I
9 wanted to bring that forward to the board.

10 MR. HOLAHAN: Duly noted.
11 Thank you.

12 MS. LAMBERTON: Thank you.

13 MR. MOYER: Thank you.

14 MS. LAMBERTON: Tell him we're
15 sorry we can't accommodate.

16 MS. HAASE: Yes. I certainly
17 understand and hopefully they can find an area that
18 they'll be able to accommodate their fund-raiser.
19 But, as I said, I will also extend the invitation
20 to Community Day for them as well.

21 MR. HOLAHAN: Perfect.

22 MS. LAMBERTON: Perfect.

23 MR. HOLAHAN: Anything else
24 from the board?

25

Donald?

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MR. MOYER: No.

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MR. HOLAHAN: Annie?

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MS. LAMBERTON: No, sir.

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MR. HOLAHAN: Motion to

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adjourn.

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MS. LAMBERTON: So moved.

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MR. MOYER: Second.

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MR. HOLAHAN: Motion and

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second. We're adjourned.

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MS. LAMBERTON: Thank you.

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(Meeting concluded at 7:18 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

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of the same.

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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 Elementary Center
398 Old Route 940
Pocono Pines, Pennsylvania 18350
Monday, May 12, 2014, beginning at 9:15 a.m.

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

Patrick Armstrong, ESQUIRE,
Solicitor

ALSO PRESENT: Phyllis Haase, Township Manager
Maureen Minnick, Assistant Zoning
Officer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: Good morning.
2 THE AUDIENCE: Good morning.
3 MR. HOLAHAN: We, the board of
4 supervisors, want to thank you, the students, and
5 the faculty of TEC, for hosting this meeting.
6 It's an important meeting that we're having this
7 morning, and if you bear with us on some of the

8 stuff that's going to be maybe not so
9 interesting, we've got some stuff that's very
10 interesting at the end. So bear with us, okay?
11 I call the meeting to order,
12 May 10 (sic), 2014, board of supervisors. We
13 start with the Pledge of Allegiance.
14 Please stand.
15 (Pledge of Allegiance was
16 recited.)
17 MR. HOLAHAN: Okay.
18 Phyllis, I'd like to start with
19 announcements, please.
20 MS. HAASE: Yes, Mr. Chairman.
21 I just want to announce that the Memorial Day
22 Parade will be May 26. Pocono Summit volunteer
23 fire company's festival and parade will be June
24 27 and 28, and our exciting Township Community
25 Celebration Day is going to be held on Saturday,

3

1 July 12, which we hope we see all of our friendly
2 faces there.
3 MR. HOLAHAN: Thank you,
4 Phyllis.
5 Now I'd like to consider the
6 minutes of the March 10, 2014 regular business
7 meeting.
8 MS. HAASE: Mr. Chairman, I
9 have one correction for March 10, Page 109, Line
10 8 and Line 10, spelling of emergency.
11 That's the only correction I
12 have.
13 MR. HOLAHAN: Do I have a
14 motion to accept the minutes?
15 MS. LAMBERTON: I'll make a
16 motion to approve the minutes of March 10, 2014
17 regular business meeting.
18 MR. HOLAHAN: I have a motion.

19 Do I have a second?
20 MS. PICKARD: I'll second the
21 motion.
22 MR. HOLAHAN: I have a motion
23 and a second.
24 Further discussion from the
25 board?

4

1 From the public?
2 Hearing none, call the vote.
3 John?
4 MR. KERRICK: Favor.
5 MR. HOLAHAN: Heidi?
6 MS. PICKARD: I vote in favor.
7 MR. HOLAHAN: Anne?
8 MS. LAMBERTON: I vote in
9 favor.
10 MR. HOLAHAN: And I vote in
11 favor. Motion carries.
12 Consider approval of the
13 minutes from the March 28 special meeting.
14 MS. LAMBERTON: I'll make a
15 motion to approve the minutes from March 28, 2014
16 special meeting.
17 MS. PICKARD: Second the
18 motion.
19 MR. HOLAHAN: I have a motion
20 and a second.
21 Further discussion from the
22 board?
23 From the public?
24 Call the vote.
25 John?

5

1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi.
3 MS. PICKARD: I vote in favor.
4 MR. HOLAHAN: Anne?
5 MS. LAMBERTON: I vote in
6 favor.
7 MR. HOLAHAN: And I vote in
8 favor. Motion carries.
9 And finally, consider the
10 minutes from the April 7 regular business
11 meeting.
12 MS. LAMBERTON: I'll make a
13 motion to approve the minutes of the April 7,
14 2014 regular business meeting.
15 MS. PICKARD: I'll second the
16 motion.
17 MR. HOLAHAN: I have a motion
18 and a second.
19 Any further discussion from the
20 board?
21 From the public?
22 Hearing none, call the vote.
23 John?
24 MR. KERRICK: In favor.
25 MR. HOLAHAN: Heidi?

6

1 MS. PICKARD: I vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: I vote in
4 favor.
5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.
7 Next we'll consider the
8 treasurer's report, the treasurer's report in the
9 amount of \$520,113.29.
10 Do I have a motion to approve?
11 MS. LAMBERTON: I'll make a

12 motion to approve the treasurer's report of
13 \$520,113.29.
14 MS. PICKARD: I'll second the
15 motion.
16 MR. HOLAHAN: I have a motion
17 and a second.
18 Further discussion from the
19 board?
20 From the public? We're
21 spending over half a million dollars right now.
22 Hearing none --
23 MS. LAMBERTON: That's scary.
24 MR. HOLAHAN: -- call the vote.
25 John?

7

1 MR. KERRICK: Abstain.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: I vote in favor.
4 MR. HOLAHAN: Anne?
5 MS. LAMBERTON: I'll vote in
6 favor.
7 MR. HOLAHAN: And I vote in
8 favor. Motion carries.
9 MS. HAASE: Mr. Chairman?
10 MR. HOLAHAN: Yes?
11 MS. HAASE: I did want to
12 announce that the township was able to secure a
13 CD for \$998,944 at the rate of .53. So we did
14 secure that, and that is for --
15 That is for a year, Heidi?
16 MS. PICKARD: Um-hmm.
17 MR. HOLAHAN: Is that one year?
18 MS. PICKARD: Yeah.
19 MS. LAMBERTON: One year, yes.
20 MR. HOLAHAN: Very good. Thank
21 you.

22 MS. LAMBERTON: Yes.
23 MR. HOLAHAN: Next we're going
24 to go to solicitor's report, to our solicitor,
25 Patrick Armstrong.

8

1 MR. ARMSTRONG: Thank you,
2 Mr. Chairman.
3 The first item under my report
4 is listed as the Park Rules Ordinance draft. I
5 was notified by the township manager that there
6 may be a need for a potential ordinance
7 establishing rules and regulations for the
8 township parks.
9 If you look at the draft, you
10 know, the definition of park or parks are
11 obviously those owned and operated by Tobyhanna
12 Township. Some of the -- you know, you can page
13 through and look through the general rules and
14 regulations for those parks. Some of the more
15 common ones that you see are provided within; no
16 alcohol, no tobacco. The hours of operation are
17 set for -- from dusk till dawn.
18 I don't know if you -- if you
19 wanted to have some time to look over this or if
20 you wanted to consider authorizing it to be
21 advertised for adoption at your next meeting. I
22 was just notified that there may be a need
23 for such an ordinance for the Township of
24 Tobyhanna.
25 MS. HAASE: Speaking with Pat,

9

1 we've tried to keep this as simple and basic as
2 possible to cover a few issues that have recently
3 come to our attention. I think Pat did a very
4 good job of making this as simplistic as possible

5 and still giving Pocono Mountain Regional Police
6 Department and myself the ability to enforce some
7 regulations.

8 MR. ARMSTRONG: And the idea
9 behind this is, if there are individuals at the
10 Tobyhanna Township park system that conduct
11 themselves in a manner that is inappropriate for
12 the parks, this gives the regional police
13 commission -- or the regional police department
14 the ability to enforce these rules and issue
15 citations in the event that the need exists.

16 MR. HOLAHAN: So what we're
17 talking about is some of the parks that we have,
18 if there are people that are behaving badly --
19 and I'm -- very badly, not just talking loud or
20 making goofy faces or something like that, but
21 doing things that are wrong, we want to make sure
22 that you're safe out there and your family is
23 safe in those parks.

24 So what we're discussing is, do
25 we want to enact some rules that we can have the

10

1 police go say something to those people? And if
2 they don't behave properly, maybe they get
3 warned, maybe get fined. So that's what we're
4 discussing right now.

5 MS. LAMBERTON: I'll make a
6 motion to approve advertising for the ordinance,
7 for the Park Rule Ordinance draft.

8 MR. HOLAHAN: I've got a
9 motion. Do I have a second?

10 MR. KERRICK: I'll second it.

11 MR. HOLAHAN: Is that a second,
12 John?

13 MR. KERRICK: I second it,
14 John.

15 MR. HOLAHAN: I have a motion
16 and a second.
17 Further discussion from the
18 board?
19 Do any of you all have any
20 questions about this? You kind of understand
21 what we're talking about yet? Right now we're
22 not going to pass the rules, we just have to
23 advertise this. That gives people a chance to
24 read these rules so that when we have our next
25 meeting, we can vote on this. And you can come

11

1 in and say, I have some questions on Page 3,
2 Chapter D, or something like that.
3 No questions?
4 Call the vote.
5 John?
6 MR. KERRICK: In favor.
7 MR. HOLAHAN: Heidi?
8 MS. PICKARD: I vote in favor.
9 MR. HOLAHAN: Anne?
10 MS. LAMBERTON: I vote in
11 favor.
12 MR. HOLAHAN: And I vote in
13 favor. Motion carries.
14 MR. ARMSTRONG: Thank you,
15 Mr. Chairman.
16 The next item under my report
17 is the Pocono Mountain Regional Police Commission
18 appointees, the drug testing.
19 As you may recall at your
20 meeting last month, there was a significant
21 amount of discussion with respect to requiring
22 appointees to the regional police commission to
23 submit to a criminal background check. And
24 further down on your agenda, and in your packets,
25 there is a resolution for you to consider with

1 respect to the requirement for the background
2 checks, criminal background checks, that is.

3 There was also some discussion
4 with respect to including drug testing for those
5 appointees. In reviewing my notes, I was not
6 clear as to whether or not the board wanted to
7 require those at this time. What I did, I looked
8 at a little bit with respect to the law of drug
9 testing, as I brought up at the last meeting,
10 requiring drug testing for certain individuals of
11 employees. It's -- it's -- you need to follow a
12 certain protocol. You can't just require random
13 drug testing based on the law in Pennsylvania at
14 this time.

15 For appointees, I have not
16 found anything that is -- that would prohibit it;
17 however, with the understanding that I wasn't
18 sure which way this board was going to go at this
19 time, I just wanted to bring to your attention,
20 obviously there would be an additional cost
21 associated with this. Every year you appoint
22 someone to the regional police commission, there
23 is a cost to these drug tests; as well as -- now,
24 the criminal background -- you know, the criminal
25 background test or search, there's more of a

1 clear connection between a member of the regional
2 police commission and the appointee.

3 As for the drug testing,
4 normally when you see drug testing for employees,
5 it's directly related to their job tasks and if
6 they're operating vehicles for the municipality.
7 And I wasn't sure if the board wanted to further

8 consider not only the cost but whether or not the
9 need for, or the intent or the purpose behind
10 requiring such drug tests for an appointee prior
11 to a regional police commission member taking
12 office.

13 So the resolution before you
14 today is only for the appointees to submit to a
15 criminal background check. It is not for a drug
16 test. If you wanted to continue to discuss the
17 potential need for a drug test for appointees to
18 the regional police commission and/or if you had
19 further questions, or if the board is okay and
20 they still want to proceed requiring this drug
21 test, you can -- you can do that. I just -- I
22 wanted to get direction from the board before
23 including that in the actual written resolution.

24 MR. HOLAHAN: So where's our --
25 we're not able to act on that today, but to give

14

1 you some direction to pursue that. Because
2 they're not employees, do we not have to worry
3 about the DEOCC employment for drug testing?
4 This -- because this stuff wouldn't be random
5 drug testing.

6 MR. ARMSTRONG: This wouldn't
7 be random. My understanding is, the discussion
8 was to, prior to an appointee taking office,
9 meaning if you would decide to appoint someone,
10 it would be conditional upon them taking and
11 passing a preappointment drug test.

12 MS. LAMBERTON: I think we had
13 some members of the public that brought it to our
14 attention, and I think to satisfy that, we should
15 highly consider this. That would take that
16 questionable doubt off the table. That's how I
17 feel about it.

18 MR. HOLAHAN: Heidi, anything

19 on the matter?
20 John?
21 MR. KERRICK: Well, I feel,
22 like I spoke the last time, that anybody that
23 drives a township vehicle -- I know it's a little
24 different -- they should be subject to the -- the
25 drug test, same as the CDL.

15

1 MS. LAMBERTON: Which the
2 employees are --
3 MS. PICKARD: But that's not --
4 MS. LAMBERTON: -- tested.
5 MR. KERRICK: No --
6 MS. PICKARD: Yeah. No.
7 MR. KERRICK: -- just the --
8 MS. LAMBERTON: Oh, CDL guys.
9 MR. KERRICK: -- CDL drivers.
10 MS. LAMBERTON: Oh, okay.
11 MS. PICKARD: Yeah, but that's
12 not what we're talking about.
13 MR. KERRICK: I know that's not
14 what we're talking about.
15 MS. LAMBERTON: How do you feel
16 about the appointees for Pocono Mountain Regional
17 Police Department?
18 MR. KERRICK: I'm -- I'm okay
19 with pursuing this --
20 MS. PICKARD: I don't have a
21 problem with it, but I think that whether or not
22 it's enforceable is another issue.
23 MR. HOLAHAN: Well, I think
24 that's what we're talking about, is whether we
25 can enforce something.

16

1 MS. PICKARD: Yeah.
2 MR. HOLAHAN: But it sounds
3 like I'm hearing from the board --
4 MS. PICKARD: -- but I have a
5 problem, I think --
6 MR. HOLAHAN: -- that you want
7 to pursue.
8 MS. LAMBERTON: Yes.
9 MR. HOLAHAN: Have our
10 solicitor pursue that?
11 MS. LAMBERTON: I'm fine with
12 that.
13 MR. HOLAHAN: Patrick, would
14 you, please?
15 MR. ARMSTRONG: Yes,
16 absolutely. What we can do then is, if you
17 wanted to still adopt the resolution as written
18 today, the way we can do it for your next month's
19 meeting is simply amend the resolution that
20 you'll adopt today with the additional paragraph
21 requirement of the drug testing.
22 MR. HOLAHAN: I do want to
23 address that resolution today.
24 MS. LAMBERTON: Yes.
25 MR. HOLAHAN: Okay.

17

1 MR. ARMSTRONG: And that
2 resolution is further down on your agenda, so I
3 will let you consider its adoption when you get
4 to it. There is --
5 MS. LAMBERTON: Do it now?
6 MR. HOLAHAN: Now that we're
7 talking about it --
8 MR. ARMSTRONG: You can do it
9 now if you like.
10 MR. HOLAHAN: Sure.
11 MS. LAMBERTON: I'll make a

12 motion to consider Resolution No. 2014 dash 011,
13 criminal background check for Pocono Mountain
14 Regional Police Commission appointees.
15 MS. PICKARD: I'll second the
16 motion.
17 MR. HOLAHAN: Okay. I have a
18 motion and a second to consider Resolution 2014
19 dash 011 authorizing criminal background checks
20 for the Pocono Mountain Regional Police
21 Commission appointees.
22 Any further discussion from the
23 board?
24 MS. LAMBERTON: No, thank you.
25 MR. HOLAHAN: Anything from the

18

1 public?
2 Hearing none, call the vote.
3 John?
4 MR. KERRICK: I vote in favor.
5 MR. HOLAHAN: Heidi?
6 MS. PICKARD: I vote in favor.
7 MR. HOLAHAN: Anne?
8 MS. LAMBERTON: I vote in
9 favor.
10 MR. HOLAHAN: And I vote in
11 favor. Motion carries.
12 MR. ARMSTRONG: Mr. Chairman,
13 there's nothing else under my agenda item;
14 however, there is one -- it's in my packet tab,
15 as well, I believe, yours. There is a carryover
16 from your last month's meeting. There was a
17 request for a refund from the township realty
18 transfer tax. If you recall, this particular
19 conveyance, it was conveyed; however, there were
20 some issues between the seller and the buyer, as
21 well as the tax claim bureau. And there was a

22 recent consent order indicating that the deed
23 that was conveyed is now null and void.
24 My understanding from the
25 township manager is that the school district is

19

1 considering refunding the transfer tax. There is
2 nothing that I am aware of requiring you to
3 refund the transfer tax.

4 MS. LAMBERTON: But they don't
5 own it.

6 MR. ARMSTRONG: They don't own
7 it. According to this order, the deed that was
8 intended to be conveyed, or the property that was
9 intended to be conveyed, the deed is no longer
10 valid and it went back to the seller at this
11 point in time.

12 MR. HOLAHAN: Okay. What's the
13 pleasure of the board? We give these folks their
14 money back? They're looking for --

15 MS. LAMBERTON: \$1,480.91.

16 MS. PICKARD: Is that a motion?

17 MS. LAMBERTON: I'll make a
18 motion for the request of tax refund for 110 Lite
19 Foot Trail, Tax Map No. 19 slash 7B slash 1 slash
20 112 in the amount of \$1,480.91.

21 MS. PICKARD: I second the
22 motion.

23 MR. HOLAHAN: I have a motion
24 and a second.

25 Further discussion from the

20

1 board?

2 Questions from the public?

3 Hearing none, I call the vote.

4 John?

5 MR. KERRICK: Favor.
6 MR. HOLAHAN: Heidi?
7 MS. PICKARD: I vote in favor.
8 MR. HOLAHAN: Anne?
9 MS. LAMBERTON: I vote in
10 favor.
11 MR. HOLAHAN: And I vote in
12 favor. Motion carries.
13 Do I want to do this with
14 manager reports? Yes, let's do that.
15 MS. HAASE: Did you want me to
16 introduce them?
17 MR. HOLAHAN: Would you,
18 please? Yes.
19 MR. ARMSTRONG: That's all I
20 have for my report, Mr. Chairman. Thank you.
21 MR. HOLAHAN: Thank you,
22 Patrick.
23 Next, on to the manager's
24 report.
25 Ms. Haase?

21

1 MS. HAASE: Mr. Chairman, I
2 just have a few items. Wildlands Conservancy is
3 seeking approval to monitor a section of the
4 Tobyhanna Creek at the Blakeslee Natural Area.
5 Moravian College will be conducting the fish
6 survey and Lehigh University will be monitoring
7 the water chemistry. The monitoring is going to
8 be twice a week for 10 weeks. And they would
9 like to begin beginning of June, if it's
10 acceptable to the township.
11 MS. LAMBERTON: They're just
12 looking for permission?
13 MS. HAASE: Yes.
14 MS. LAMBERTON: I'm fine with

15 that.
16 You need a motion?
17 MR. HOLAHAN: Yeah. Let's take
18 my motion.
19 MS. LAMBERTON: I will make a
20 motion to approve the monitoring of the stream by
21 whom? I'm sorry? Moravian -- who is it?
22 MS. HAASE: Moravian College --
23 MS. LAMBERTON: Moravian
24 College.
25 MS. HAASE: -- and Lehigh

22

1 University --
2 MS. LAMBERTON: And Lehigh
3 University.
4 MS. HAASE: -- under Wildland
5 Conservancy's direction.
6 MS. LAMBERTON: That is my
7 motion.
8 MS. PICKARD: I'll second that
9 motion.
10 MR. HOLAHAN: I have a motion
11 and a second.
12 What we're going to do is,
13 we're going to survey fish. We're going to go
14 down to the stream with little clipboards, and
15 they'll stop each fish and ask them a couple of
16 questions. Simple stuff --
17 MS. LAMBERTON: Oh, yay.
18 MR. HOLAHAN: -- you know,
19 but --
20 MS. HAASE: But important
21 stuff.
22 MR. HOLAHAN: Further
23 discussion from the board?
24 MR. KERRICK: Just --
25 MS. PICKARD: One --

1 MR. KERRICK: I'm sorry, go
2 ahead.
3 MS. PICKARD: I just wanted to
4 mention that we have applied to the Fish and Boat
5 to have that area of the stream stocked with
6 trout. And they are considering that for next
7 year, so I think this would only help that cause.
8 MS. LAMBERTON: Agreed.
9 MR. HOLAHAN: Okay. Good.
10 MS. LAMBERTON: Good.
11 MR. HOLAHAN: They're looking
12 to put more fish in there. It would be easier
13 to --
14 MS. LAMBERTON: Ask questions.
15 MR. HOLAHAN: -- for better
16 fishing, right?
17 MS. PICKARD: We'll have more
18 on that later.
19 MR. HOLAHAN: And more fish to
20 ask questions.
21 Anything else, John?
22 MR. KERRICK: I just -- this
23 was the entire area of our open space, of the
24 stream?
25 MS. LAMBERTON: No. It looks

1 like a section of it.
2 MR. KERRICK: Just a section?
3 MS. LAMBERTON: I understand
4 it's a section of it.
5 MR. KERRICK: I can't hear down
6 here.
7 MS. HAASE: Yeah, it's in the

8 Blakeslee Natural Area.

9 MS. LAMBERTON: The Blakeslee

10 Natural Area, John.

11 MR. KERRICK: Just a section in

12 the Blakeslee Natural Area?

13 MS. LAMBERTON: The entire? He

14 cannot hear, Phyllis, I'm sorry.

15 MS. HAASE: I don't know the

16 whole segment.

17 MR. KERRICK: Okay. That's

18 fine.

19 MS. HAASE: It just stated

20 behind the Blakeslee Natural Area.

21 MR. KERRICK: Okay. Thank you.

22 MR. HOLAHAN: Further

23 discussion from the board?

24 From the public?

25 Hearing none, call the vote.

25

1 John?

2 MR. KERRICK: In favor.

3 MR. HOLAHAN: Heidi?

4 MS. PICKARD: I vote in favor.

5 MR. HOLAHAN: Anne?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. HOLAHAN: And I vote in

9 favor. Motion carries.

10 MS. HAASE: I also wanted to

11 remind the board of supervisors, and also the

12 residents that are in attendance, that on June 21

13 the Bio Blitz will be taking place at the

14 Blakeslee Natural Area on June 21 from nine to

15 four. Participants will be observing and

16 counting a variety of species at the natural

17 area.

18 The other item I have is --

19 MS. PICKARD: Just on that
20 note, Phyllis, on the fish issue, they do count
21 all the insects, birds, flora, fauna. They will
22 be stunning the fish.
23 MR. HOLAHAN: Excuse me a
24 second, Heidi.
25 Can you hear Heidi? You okay?

26

1 Yeah? You can just nod your heads. Thank you.
2 MS. PICKARD: They will be
3 counting the fish in the stream and they stun
4 them, and then they go in and count them before
5 they swim away.
6 MR. HOLAHAN: Right.
7 MS. PICKARD: So it's very
8 interesting. You should mark that on your
9 calendar.
10 MS. LAMBERTON: What's the
11 date?
12 MR. HOLAHAN: I know it's
13 online.
14 MS. PICKARD: June 21.
15 MS. LAMBERTON: June 21.
16 You'll be out of school. It'll
17 be a fun thing to do.
18 MR. HOLAHAN: That's the summer
19 solstice.
20 MS. HAASE: I've also completed
21 the storm water consistency letters that's
22 required by PA DEP under the Chapter 105. We've
23 been notified that PennDOT rapid bridge
24 replacement projects are scouting out three
25 bridges that they plan on repairing in early

27

1 2015, and it's over Trout Creek and then the two
2 sections of 940 over Davey Run and also Pocono
3 Lake. So that's going to be, again, early 2015.

4 More of a general announcement,
5 possibly for our students and our residents in
6 place, the township supervisors, our solicitor
7 and myself, we're constantly taking courses and
8 training. And it's really important that we are
9 kept in front of the new laws and regulations.
10 And certainly our solicitor does an excellent job
11 of informing us, but we also need to know
12 regulations and also maybe new ways of conducting
13 business in the township to help the residents,
14 your parents, the teachers. So we attended a
15 conference on April 13 through the 16th. It was
16 pretty intense and lengthy, but it was quite
17 informative.

18 So it just proves to you folks
19 that you're always going to be learning. At our
20 stage, and here at local government management,
21 we must do that to have a better service for you
22 folks.

23 And I also want to introduce
24 Lieutenant Laverty from Pocono Mountain Police
25 Department, and he's going to speak briefly about

28

1 his department and also drug testing.

2 Lieutenant?

3 LIEUTENANT WILLIAM LAVERTY:

4 You put me on the spot there.

5 Well, you know what, first off,
6 I'll just introduce myself. I'm Lieutenant
7 Laverty from Pocono Mountain Regional Police. I
8 have been there for 20 years.

9 I would like to just -- you
10 know, just start by saying, it's great to be here
11 back in TEC again. Some of the teachers here

12 remember me when I was the DARE officer, and I
13 did that for about five years. And it was such a
14 great opportunity to be able to be in this school
15 and come and teach the fifth grade about drugs
16 and responsibility and decision making.

17 And what I'd like to talk to
18 you guys about right now real briefly is, you
19 know, you all know what a police officer does,
20 you guys are in kindergarten, you probably
21 understand my job. You don't really understand
22 how much fun it can be, but you still have a --
23 have a grasp.

24 But what I'd just like to talk
25 about is opportunities. And what I see here in

29

1 front of me is just a whole room full of
2 opportunities. Everybody in here has an
3 opportunity to be whatever it is they want to be,
4 whether it be a teacher, a lawyer, a doctor. I
5 mean, if you look up the front here and you see a
6 panel of people that come from all different
7 walks of life, talk about their education.

8 When I talk about opportunity,
9 I like to talk about some students that I taught
10 here at TEC probably about -- boy, I don't even
11 know how long ago, maybe 18 years ago.

12 MS. LAMBERTON: Excuse me,
13 Will?

14 LIEUTENANT WILLIAM LAVERTY:
15 Some of these names --

16 MS. LAMBERTON: You want to
17 come over here and use this?

18 LIEUTENANT WILLIAM LAVERTY:
19 I'm sure they can hear me.

20 Everybody can hear me, right?

21 MS. LAMBERTON: Can you?

22 THE AUDIENCE: Yes.
23 MS. LAMBERTON: Okay.
24 LIEUTENANT WILLIAM LAVERTY: I
25 have this loud voice that, you know what, I

30

1 even --
2 MS. HAASE: Just checking.
3 LIEUTENANT WILLIAM LAVERTY: --
4 had this guy -- sometimes I'll call somebody on
5 the phone and pretend to be somebody else and
6 they never fall for it because everybody knows my
7 voice. I just -- I can't really hide it.
8 But here's some opportunities.
9 This is what I'd like to talk about. And some of
10 these names will be familiar.
11 Unfortunately, when we hear
12 about students outside of school, so often it's
13 about some of the bad things they have done, some
14 of the trouble that they have gotten into,
15 because you know what, that's just what makes the
16 news. That's just what becomes important to some
17 people.
18 What became important to me is
19 what some of the students from TEC are doing now,
20 so here's some names, here's what they're doing.
21 Not one of them is going to say he's in jail, not
22 one of them is going to say that he's in trouble
23 with the law, not one of them saying any of that.
24 So here's the names.
25 Stephanie Bloss, you guys

31

1 probably remember Stephanie. She's a dentist
2 now. Amanda Moyer, you guys probably know that
3 name, doctor. Mike Olintis, you might know his
4 dad, he's a dentist. Michael is a marine

5 biologist.

6 This is Van Gilder's favorite

7 one. Tyler Franks, you remember Tyler? How many

8 people in here have ever played golf before?

9 Okay. How many people in here

10 have ever heard of the Masters before? The

11 Masters is the big one where you get to wear that

12 jacket if you win, and everybody's very jealous,

13 and they look at you like holy mackerel. Tyler

14 Franks, he works at Augusta National Golf Course

15 where the Masters is.

16 Lindsey Mitchell, teacher. All

17 right? This is just a small list, but these are

18 all students that went to TEC that had the same

19 opportunities that you have, the very same.

20 Every one of you can do what they're doing.

21 Every one of you can someday grow up to be a

22 restaurant owner, all right, a fireman, a

23 reporter, a lawyer, a landscaper, a police

24 officer. Remember, you have your choices, you

25 have your opportunities, okay?

32

1 We talked today about drug

2 testing, and what it all comes down to is this,

3 people here have an opportunity, all right? Miss

4 Lamberton, she could have an opportunity, all

5 right? Miss Haase, an opportunity. But in order

6 for them to be able to get to where they want to

7 be, they have to take this drug test, all right?

8 And what happens with that is, if you get

9 yourself involved with things that you shouldn't

10 be doing, whether it be drugs, you know, doing

11 things out there that you shouldn't be doing,

12 this will prevent you from obtaining the goal

13 that you want.

14 So the bottom line is, guess

15 what, guys, every single one of you right here is
16 at this level. Every single one of you has that
17 opportunity. Take the opportunity that is handed
18 to you and do the best that you can with what
19 you've got, all right?

20 Some day, hopefully if I'm
21 still working here, we'll know -- I'm starting to
22 get up there a little bit, I'll be calling out
23 some of your names on this piece of paper and say
24 a doctor, lawyer, nurse, golf pro, restaurant
25 owner, fireman, policeman, council member,

33

1 whatever it may be. Take the opportunity and run
2 with it.

3 But remember something. One
4 thing I always say to my guys, you know, whether
5 it be my son, my students that I taught, don't
6 forget to have fun along the way. Every single
7 person sitting here some day will get in trouble
8 for something. Just make sure that trouble is
9 something that you could overcome, all right?

10 Remember, opportunity, and have
11 fun.

12 Thank you so much.

13 MS. LAMBERTON: Thank you,
14 Lieutenant.

15 (Applause.)

16 MS. HAASE: That's all I have,
17 Mr. Chairman. I would request the board to
18 consider going to executive session after the
19 meeting to discuss a legal matter.

20 MR. HOLAHAN: Very good. Thank
21 you.

22 Go on to committee reports.
23 Pocono Mountain Regional EMS,
24 Heidi?

25 MS. PICKARD: Okay. PMR EMS

1 has their monthly meeting this Thursday.
2 MR. HOLAHAN: Hold on a second,
3 please.
4 We're talking about the
5 ambulance that runs in the area, okay?
6 MS. PICKARD: Okay. Thank you.
7 MR. HOLAHAN: You're welcome.
8 MS. PICKARD: That's Pocono
9 Mountain Regional EMS, and we have a meeting this
10 Thursday after our special meeting. And I did
11 send out the statistics, and I didn't bring them
12 with me; but there were about 450 calls this
13 month for the region, and probably about 80 for
14 -- for the township. There's about a thousand
15 calls that are in Tobyhanna Township on a year.
16 So I also just want to mention
17 that John Holahan and I had a meeting with the
18 EMS counsel and our control center, and
19 Thornhurst ambulance regarding the designation,
20 so we will be meeting with them again and
21 hopefully we'll have some more information to
22 report back to you.
23 MR. HOLAHAN: Great. Thank
24 you.
25 Any questions for Heidi?

1 Sure. What do you have?
2 Go ahead.
3 A STUDENT: Some people are --
4 some --
5 MR. HOLAHAN: I need you to
6 speak up a little bit, please.
7 MS. LAMBERTON: Have her stand

8 up.

9 A STUDENT: Some people are

10 mean and some people are nice, and some people

11 are getting loopy.

12 MS. LAMBERTON: Some people are

13 mean, some people are nice --

14 MS. HAASE: There's all

15 different types of people in the world.

16 MR. HOLAHAN: Absolutely.

17 MS. LAMBERTON: Yes, you're

18 right, honey.

19 MR. HOLAHAN: You're absolutely

20 right. Thank you for that.

21 Okay. Next one, regional

22 police.

23 MS. HAASE: Chairman, just a

24 few items. We have agreed to move forward with

25 correcting some issues with inside the building.

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1 There's some old issues that we're moving forward

2 with, and they're in the process of rectifying

3 those problems. This past month there was an RP

4 that was sent out with regard to managing our

5 pension. I believe that there was 10 RPs that

6 were sent in. They were reviewed and it was the

7 decision of the commission to keep the current

8 management group. They've been quite successful.

9 The fees are low and the return has been quite

10 high for the pension plan.

11 MR. HOLAHAN: Great. Thank

12 you.

13 MS. HAASE: And that's all I

14 have at this point.

15 MR. HOLAHAN: Miss Haase is a

16 representative from Tobyhanna Township on our

17 police commission.

18 So there's 10 on the

19 commission?

20 MS. HAASE: Yes.

21 MR. HOLAHAN: There is
22 appointees from different townships and they get
23 together and they meet on figuring out how the
24 police department is being managed. The chief of
25 police runs the department, but these people are

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1 helping in figuring out who's going to handle
2 their pensions.

3 So when the police officers,
4 it's time for them to retire, have we set up the
5 best plan for them, and that's what Miss Haase
6 was just speaking of now. Thank you.

7 Let's go into old business.

8 MS. LAMBERTON: Open space
9 report.

10 MR. HOLAHAN: Oh, I missed one.
11 Open space.

12 Anything on open space?

13 MS. PICKARD: Thank you,
14 Mr. Chairman.

15 Just want to remind everybody
16 about the Bio Blitz on June 21, and there will be
17 folks from the conservation district and a lot of
18 other conservation groups just counting all of
19 the animals that -- and birds and fish and
20 insects in the park for about 24 hours. So there
21 will be a lot of people there and a lot of
22 different groups that you can get a lot of
23 different information about the fish and the
24 wildlife at our park; so it's going to be a
25 really great day and I hope that everybody gets a

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1 chance to get out there.

2 MR. HOLAHAN: Thank you.

3 All right, now on to old

4 business, the Tobyhanna Township Sewer Authority.

5 You have anything on that,

6 Phyllis?

7 MS. HAASE: No, sir, I don't at

8 this point.

9 MR. HOLAHAN: Do we have any

10 proposed zoning ordinances?

11 MS. HAASE: Well, we still have

12 the -- the pending ordinances, and what I believe

13 that I'm going to do is place this on the website

14 under the board of supervisors portal. We'll try

15 to break it down by chapter.

16 And what I think I will do also

17 for the next meeting is, I will send out the

18 section that speaks to the PRDs. It's a very

19 small section. That is one that you have not

20 reviewed at this point. If you could peruse

21 that, send me over any questions or concerns and

22 then I can mark them off of our list.

23 We do have the section of

24 signage where it is the intent to establish a

25 resort district overlay, and we're still waiting

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1 on a draft of that. Once I do receive that, I

2 will circulate that with the board. We'd like to

3 move forward with that perhaps in the next two

4 months.

5 MS. PICKARD: Great.

6 MS. LAMBERTON: Very good.

7 MR. HOLAHAN: Ms. Haase has

8 just given us homework. She's just given us an

9 assignment and we have to read a rule book that's

10 about this thick. And we'll break it down into

11 pieces, maybe about this thick, so that we can

12 decide what we're going to pass and not for what
13 kind of buildings are allowed to be placed on the
14 roads and where buildings and houses could be,
15 and how big signs could be, and can they be big
16 lit up glitzy signs or can you put up just little
17 signs somewhere? We have to figure that out so
18 that it doesn't look like chaos all over the
19 roads. That's our homework assignment.

20 MS. HAASE: Mr. Chairman, if I
21 can add, our governing body is very important.
22 And what they do is, they will look at and they
23 will help create laws of the land, which we call
24 ordinances. Our supervisors -- the supervisors
25 will adopt them. It's most likely something that

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1 has been drafted by our solicitor, our attorney.
2 And the lady to the left -- to the right of me is
3 our zoning officer, and it's her
4 responsibility -- she polices the land. It's her
5 responsibility to enforce the regulations that
6 our governing body adopted.

7 So there's a lot of reading
8 that takes place that our supervisors must do to
9 make certain they're properly informed, attend
10 conferences and conventions, like I had discussed
11 earlier, so they know that they're making the
12 proper decision for the land and the requirements
13 of the land, that this lady, this officer will
14 have to enforce.

15 So that's why there's some
16 times that I'll suggest, or our solicitor will
17 suggest to the board, if you could read these
18 items and this information, and that will help us
19 make a decision.

20 MR. HOLAHAN: You're going to
21 see shortly a result of some of these meetings

22 and some of this reading and homework that we've
23 had to do, but you're going to see what it really
24 means and how it's affected you. And we're going
25 to show that. Just hang in there a little bit

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1 longer, just a little bit longer. I know, it's
2 getting a little antsy. I'm get a little antsy,
3 so let's move on.

4 Going to new business. We've
5 already done A. Oh, I've got -- I got the vice
6 chair making sure that I'm following my agenda
7 here.

8 MS. LAMBERTON: Sorry.

9 MR. HOLAHAN: So we -- no,
10 that's okay.

11 Under old business, we have
12 Tobyhanna/Tunk engineering services agreement we
13 have to address.

14 MS. HAASE: Mr. Armstrong's
15 been working with Bob McHale pertaining to this
16 agreement. This agreement is to have an
17 agreement between Tunkhannock Township and
18 Tobyhanna Township that if in the event that
19 Tunkhannock Township needs an engineer to come
20 in, if their engineer is not available, this will
21 allow Tunkhannock Township to use Toby's
22 services.

23 There seemed to be some
24 confusion. This morning I had the opportunity to
25 speak to one of the supervisors at Tunkhannock

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1 Township just to verify the type of work that
2 they were proposing. There seemed to be some
3 confusion that perhaps this was related to
4 reviewing of plans, land development plans,

5 possible zoning ordinances, and quite extensive.
6 And Supervisor Ewald did confirm today that he's
7 basically looking at the services of our engineer
8 strictly to review proposals and bids. So we can
9 neck down the scope of the work that Mr. McHale
10 thought that he was going to be required to do.
11 So unfortunately, we do not
12 have a final draft for the board. This will have
13 to get changed somewhat and then we'll circulate
14 it to the board once again. Thanks.
15 MR. HOLAHAN: Very well. Thank
16 you.
17 MS. LAMBERTON: You're good.
18 MR. HOLAHAN: Am I cool?
19 MS. LAMBERTON: You're good.
20 MR. HOLAHAN: All right.
21 New business, appoint assistant
22 open records officer.
23 MS. HAASE: Mr. Chairman, when
24 we attended the conference, our open records
25 officer and I attended one that specifically

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1 spoke to this to topic, and it was brought to our
2 attention that we need to have an assistant
3 officer in place if and when Miss Pickard is out
4 of town, on vacation or perhaps ill. The clock
5 keeps ticking, so we can't wait until the
6 vacation would end.
7 MR. HOLAHAN: Yes.
8 MS. HAASE: So we have to have
9 an assistant in place.
10 MR. HOLAHAN: Do you have
11 somebody in mind for that?
12 MS. LAMBERTON: I do.
13 MS. HAASE: I think it would be
14 prudent if I was appointed to that.

15 MS. LAMBERTON: I'll make a
16 motion to appoint Phyllis Haase as the assistant
17 open records officer.
18 MS. PICKARD: I'll second that
19 motion.
20 MR. HOLAHAN: I have a motion
21 and second.
22 Further discussion from the
23 board?
24 From the public?
25 Hearing none, call the vote.

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1 John?
2 MR. KERRICK: In favor.
3 MR. HOLAHAN: Heidi?
4 MS. PICKARD: I vote in favor.
5 MR. HOLAHAN: Anne?
6 MS. LAMBERTON: I vote in
7 favor.
8 MR. HOLAHAN: And I vote in
9 favor. Motion carries.
10 Okay. Next, the consideration
11 of the Tobyhanna Township Community Celebration
12 Day fireworks display permit.
13 MS. HAASE: Yes, Mr. Chairman.
14 As the board is well aware of, when ordinances
15 are adopted by the governing body, the township
16 itself has to follow those ordinances. And we're
17 very fortunate this year that a local development
18 and also Company 41 are sponsoring a fireworks
19 display. The ordinance that was adopted requires
20 a permit in order to display the fireworks, so
21 that is what is on your agenda, a request that
22 you approve the permit for the display of
23 fireworks on July 12.
24 MS. PICKARD: I'll make a
25 motion that we approve the fireworks display

1 permit.

2 MS. LAMBERTON: Second.

3 MR. HOLAHAN: I've got a motion

4 and second.

5 Any discussion from the board?

6 From the public?

7 Call the vote.

8 John?

9 MR. KERRICK: In favor.

10 MR. HOLAHAN: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. HOLAHAN: Anne?

13 MS. LAMBERTON: I vote in

14 favor.

15 MR. HOLAHAN: I vote in favor.

16 Motion carries. We're going to have some

17 fireworks.

18 Then we have Pocono Summit

19 Volunteer Fire Company request for waiver of

20 festival fee.

21 MS. PICKARD: I move that we

22 waive the Pocono Summit Volunteer Fire Company

23 festival fee.

24 MS. LAMBERTON: Second.

25 MR. HOLAHAN: I've got a motion

1 and second to waive the fee.

2 Further discussion from the

3 board?

4 From the public?

5 Hearing none, call the vote.

6 John?

7 MR. KERRICK: Favor.

8 MR. HOLAHAN: Heidi?
9 MS. PICKARD: I vote in favor.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I vote in
12 favor.
13 MR. HOLAHAN: And I vote in
14 favor. Motion carries.
15 And our final, I hold in my
16 hand the last item. We've still got something
17 else yet, so hold on. Yeah, I know, you're
18 getting excited.
19 The agricultural security area.
20 MS. HAASE: Mr. Chairman,
21 Officer Minnick has been working with some
22 landowners, and I'm going to allow her to speak
23 upon their request.
24 MS. MINNICK: Thank you.
25 Stephen and Barbara Slutter,

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1 and John and Elizabeth -- John and Elizabeth
2 Straukas own and farm a property located on 143
3 Kerrick Road. They would like to preserve the
4 property and farm into the agriculture --
5 agricultural security area. They farm
6 approximately 24 acres of hay and it's home to
7 five beef cattle. The ASA is administered at the
8 township level. It provides protection from
9 nuisance ordinances and local ordinances
10 affecting farming activities.
11 In order for the department
12 owners to join an ASA, the property must be
13 located in an ASA district, in which Tobyhanna
14 Township does not have; but our local neighboring
15 township does, Tunkhannock Township. They
16 submitted an application to Monroe County
17 Agricultural Land Preservation Board. They're
18 requesting that their farm be forever farmed and

19 wish to join the Tunkhannock Township
20 agricultural security area.
21 Do you wish to add anything,
22 Mr. Slutter?
23 MR. STEPHEN SLUTTER: It's just
24 that it's been within the family for over 125
25 years, so we'd just like to continue farming it

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1 so that it doesn't become another development.
2 MS. LAMBERTON: Is there
3 anything precluding them from doing that? Are
4 there any --
5 MR. ARMSTRONG: The only --
6 MS. MINNICK: They just have
7 to -- the only thing is, Tobyhanna Township is
8 required to have like 250 acres, which we don't
9 have, of farming activity to the township.
10 MS. LAMBERTON: So that would
11 give it to us?
12 MS. MINNICK: Tunkhannock does.
13 MS. LAMBERTON: A portion?
14 Tunk does. Okay.
15 MS. MINNICK: Yeah, so they'd
16 like to join Tunk's --
17 MS. LAMBERTON: I'm fine with
18 that.
19 MS. MINNICK: -- ASA.
20 MR. ARMSTRONG: Yeah. The only
21 thing I would add is, I've seen these before,
22 these ASAs, and it's always a good idea. I've
23 never seen it done from a piece of property in
24 one township into another township's ASA. It's
25 always been the property that's farmed that wants

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1 to go into the ASA, is included in the ASA in the
2 township where it lies. I'm not saying you can't
3 do it. I think you -- I think there's an example
4 in here given --
5 MS. LAMBERTON: Yeah.
6 MR. ARMSTRONG: -- by Pocono
7 Township that's done it.
8 MS. MINNICK: Correct.
9 MR. ARMSTRONG: It looks like
10 it has been done in the past. I have never been
11 involved in such a designation, but, like I said,
12 I don't know if there's anything in the act
13 specifically preventing it.
14 MS. LAMBERTON: Yeah, if you
15 look at Pocono's Resolution 485, it explains it.
16 I am not opposed at all.
17 MS. PICKARD: Yeah, I'm not
18 either, but we don't have a resolution?
19 MS. LAMBERTON: Do we need --
20 what are you looking for today?
21 MS. HAASE: The step was to get
22 the consensus of the board that this is something
23 you'd like to move forward with.
24 MS. PICKARD: Yeah.
25 MS. LAMBERTON: Absolutely,

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1 yes.
2 MS. HAASE: If this is
3 something you would like to move forward with,
4 then we can put a resolution together, if it's
5 acceptable to the board, and then present it to
6 you at your next meeting. If we do have a
7 special meeting in the next few weeks --
8 MS. LAMBERTON: Yeah.
9 MS. HAASE: -- then perhaps we
10 could add that --
11 MS. LAMBERTON: We do have one

12 coming. That would be perfect timing. I'm fine
13 with it.

14 MS. PICKARD: On Thursday or --

15 MR. HOLAHAN: Well, it depends
16 on how long it's going to take to get the
17 resolution together, right? Or is this by
18 ordinance?

19 MR. ARMSTRONG: No. This --

20 MS. PICKARD: The resolution.

21 MS. LAMBERTON: Can you have it
22 done for Thursday, Pat?

23 MR. ARMSTRONG: Sure.

24 MS. LAMBERTON: All right. We
25 have a special meeting on Thursday. We could

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1 provide the resolution and adopt it at that time.

2 I'm fine with it. You need a --

3 MS. PICKARD: You okay?

4 MR. KERRICK: (Mr. Kerrick
5 nodded his head.)

6 MR. HOLAHAN: Okay. So by
7 consensus, we'll ask the solicitor to proceed.

8 MR. ARMSTRONG: What I'll do
9 when I prepare it, I'll also take a peek at the
10 act to ensure that there is nothing preventing it
11 from one township --

12 MS. LAMBERTON: Okay.

13 Mr. ARMSTRONG: -- to another.

14 I don't think there is, but I'll check.

15 MR. HOLAHAN: Okay. Good.

16 Heidi, did you want to do
17 something with this?

18 MS. PICKARD: Sure.

19 MR. HOLAHAN: Okay.

20 MS. PICKARD: Sure. What we
21 were talking about was, there's been a movement

22 to read and videotape the Gettysburg Address. So
23 we were looking to see if we could get our board
24 to do that and get that videotaped so we could
25 post that on the website. And we'll forward that

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1 information if anybody's interested in looking at
2 it, but it has everybody, all the presidents and
3 everybody reading the Gettysburg Address.

4 And one of the reasons that
5 they did that, because it was the 150th
6 anniversary of Gettysburg. So along those lines,
7 I think we'll all read that and get Maureen to
8 videotape it.

9 But what was on my mind is, I'm
10 leaving here and going to Washington D.C. because
11 it's also the 150th anniversary of Arlington
12 National Cemetery, and we really are special here
13 at Tobyhanna Township because the first soldier
14 from the civil war that was buried in Arlington
15 National Cemetery in Washington D.C. is a
16 Mr. Christman, who is from Tobyhanna Township, so
17 that's really exciting.

18 So our historical association
19 that researched this is down there. They took a
20 busload of people and I'm going to be heading
21 there because there will be a ceremony tomorrow
22 morning at like 9, 9:30 at Arlington National
23 Cemetery. So -- and Mr. William Christman has
24 been mentioned by almost every president in the
25 last -- in this last century, anyway, when they

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1 do talk about Arlington, so he's a very famous
2 person. When I went there a few months ago and
3 asked that, everybody knows exactly where his
4 grave is.

5 So I will be going down there,
6 like I said, for the ceremony tomorrow. And then
7 if we would all just read a couple of lines and
8 go across, and Maureen will videotape it, then
9 we'll put it on.

10 I'd like to have all of you
11 join us, but then we thought there would be an
12 issue about videotaping; so we're just going to
13 do it amongst ourselves.

14 And if you want to start by
15 reading the first line, we could maybe go down
16 through.

17 MR. KERRICK: Sure.

18 Fourscore and seven years ago,
19 our fathers brought forth to this continent a new
20 nation conceived in liberty and dedicated to the
21 proposition that all men are created equal.

22 MS. PICKARD: Now we are
23 engaged in a great civil war, testing whether the
24 nation, or any nation, so conceived and so
25 dedicated, can long endure. We are on a great

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1 battlefield of that war.

2 MS. LAMBERTON: We have come to
3 dedicate a portion of that field as a final
4 resting place for those who here gave their lives
5 that that nation might live. It is altogether
6 fitting and proper that we should do this.

7 MR. HOLAHAN: But it is in a
8 larger sense, we cannot dedicate, we cannot
9 consecrate, we cannot hallow this ground. The
10 brave men, living and dead, who struggled here
11 and have consecrated it far above our poor power
12 to add or detract.

13 Patrick?

14 MR. ARMSTRONG: The world will

15 little note, nor long remember, what we say here;
16 but it can never forget what they did here. It
17 is for us, the living, rather, to be dedicated
18 here to the unfinished work which they, who
19 fought here, have thus far so nobly advanced.
20 MS. HAASE: It is rather for us
21 to be here dedicated to the great task that
22 remain before us, that from these honored dead we
23 take increased devotion to the cause for which
24 they gave their last measure of devotion, that we
25 here highly resolve that these dead shall not

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1 have died in vain; that this nation, under God,
2 shall have a new birth of freedom; and that
3 government of the people, by the people, for the
4 people, shall not perish from this earth.
5 MS. PICKARD: Thank you.
6 MR. HOLAHAN: You're welcome.
7 MS. PICKARD: And that was from
8 President Lincoln's address, November 19 of 1863.
9 MS. LAMBERTON: 1863. Okay.
10 MR. HOLAHAN: So we've got a
11 couple of other things going. We're done with
12 the original part -- or the official part of the
13 meeting here so far --
14 But, Bill, did you want to
15 speak to us?
16 MR. BILL VAN GILDER: Yes. I
17 think the members of the board have some
18 paperwork --
19 MR. HOLAHAN: Bill, you have to
20 identify yourself for the meeting.
21 MR. BILL VAN GILDER: I'm
22 sorry. Bill Van Gilder, manager of the Jubilee
23 Restaurant, Pocono Pines.
24 I believe the board has some
25 paperwork in front of them identifying a request

1 to waive the land development requirement for the
 2 structures in excess of 200 square feet for
 3 commercial buildings in the Township of
 4 Tobyhanna. It's kind of an interpretation of the
 5 municipal code, particularly a pergola versus any
 6 other structure that would create a little bit
 7 more water runoff than a deck, a shed or any type
 8 of roof; whereas a pergola, and to summarize it,
 9 is generally rafters. So although the borders of
 10 the space consume approximately 675 square feet
 11 of space, the actual surface space that it
 12 consumes is only 175 square feet.

13 So I'm asking the board or the
 14 township to consider waiving the requirement for
 15 a land development plan to build the structure.
 16 What's not -- the only thing that's not noted
 17 there is, it will not be and is not attached to
 18 the building. It will be a structure in and of
 19 itself.

20 MR. HOLAHAN: Mr. Van Gilder,
 21 this is covering an existing deck?

22 MR. BILL VAN GILDER: It will
 23 be beyond an existing deck, correct. The
 24 existing deck would be razed. We'll be removing
 25 that and be covering a new patio that does not

1 require a township -- any -- any type of permit.

2 MR. HOLAHAN: What's the patio
 3 going to be constructed of?

4 MR. BILL VAN GILDER: Generally
 5 pavers, but not traditional ones. They're a
 6 little bit more --

7 MR. HOLAHAN: So they're more

8 permeable or --
9 MR. BILL VAN GILDER: Yeah,
10 exactly.
11 MR. HOLAHAN: Okay.
12 MS. LAMBERTON: It's perfect.
13 I'll make a motion to approve the request to
14 waive the required land development plan for the
15 pergola that would encompass approximately 675
16 square feet of space --
17 MR. HOLAHAN: I've got a
18 motion.
19 MS. LAMBERTON: -- however --
20 I'm sorry -- however, the actual space it
21 consumes would only be 175 feet.
22 MR. BILL VAN GILDER: Correct.
23 MR. HOLAHAN: I have a motion.
24 Do I have a second?
25 MR. KERRICK: Second.

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1 MR. HOLAHAN: I have a motion
2 and second.
3 Further discussion from the --
4 MS. HAASE: Mr. Chairman, there
5 is one item I want to bring up. Mr. Van Gilder
6 and I had a discussion about this previously, and
7 he is in agreement. There is somewhat of a
8 parking constraint in that area, and Mr. Van
9 Gilder's agreed that the tables -- and correct me
10 if I'm stating this incorrectly -- the additional
11 tables that they'll be placing on the patio, that
12 seating will be removed from inside the
13 restaurant and that will help the parking issue.
14 MS. LAMBERTON: Okay.
15 MS. HAASE: Am I correct?
16 MR. BILL VAN GILDER: Any
17 addition -- to summarize, any additional seating
18 that would be added to the exterior would remain

19 vacant while it's open, so --
20 MR. HOLAHAN: Understood.
21 Okay.
22 MS. LAMBERTON: I maintain my
23 motion.
24 MR. HOLAHAN: John, you still
25 good?

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1 MR. KERRICK: Yes, I maintain
2 my second.
3 MR. HOLAHAN: Okay.
4 Further discussion?
5 MS. PICKARD: Is that an
6 amendment to the motion?
7 MR. HOLAHAN: Amendment --
8 that's an amendment to the motion.
9 MS. PICKARD: Okay.
10 MR. HOLAHAN: Further
11 discussion?
12 MS. LAMBERTON: I'm good.
13 MR. HOLAHAN: Okay. Call the
14 vote.
15 John?
16 MR. KERRICK: In favor.
17 MR. HOLAHAN: Heidi?
18 MS. PICKARD: I'm in favor.
19 MR. HOLAHAN: Anne?
20 MS. LAMBERTON: I vote in
21 favor.
22 MR. HOLAHAN: And I vote in
23 favor. Motion carries.
24 MR. BILL VAN GILDER: Thank
25 you.

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1 MR. HOLAHAN: You're welcome,
2 sir.

3 Yes, Patrick?

4 MR. ARMSTRONG: Thank you,
5 Mr. Chairman.

6 Sitting here thinking of
7 Kalahari, as you're all aware, we did adopt the
8 Sewer District No. 1 Ordinance a few months ago.
9 As you're all probably still aware, there is
10 still a more extensive sewer connection ordinance
11 that we need to finalize and adopt. I'm kind of
12 in the process of finalizing right now. What I
13 plan on doing is forwarding it to the township
14 engineer to take a look at.

15 And given his review and
16 approval, I guess what I'm asking is, would you
17 like me to send it to you and discuss it at next
18 month's meeting, or in the event -- if it's ready
19 to be advertised in time for next month's
20 meeting, would you feel comfortable authorizing
21 it to be advertised for that next month's
22 meeting?

23 MS. LAMBERTON: I'm fine with
24 that.

25 MR. HOLAHAN: By consensus,

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1 we're ready for advertising.

2 MR. ARMSTRONG: Okay. And for
3 the record, it's going to be very similar, if not
4 very close to identical as the Pocono Township
5 Sewer Connection Ordinance, given the agreements
6 between the two municipalities.

7 MS. LAMBERTON: Sounds good.

8 MR. ARMSTRONG: Thank you.

9 MS. LAMBERTON: Thank you.

10 MR. HOLAHAN: I'm starting to
11 lose them here, Patrick.

12 MR. ARMSTRONG: I'm done.
13 Thank you.
14 MR. HOLAHAN: A lot of yawning
15 going on here. Hang in there. Hang in just a
16 little bit.
17 Laura, did you have something
18 that you wanted to bring up?
19 Laura is our librarian for the
20 Clymer Library.
21 MS. LAURA LASPEE: Good
22 morning.
23 MR. HOLAHAN: And she has with
24 her --
25 MS. LAURA LASPEE: Frank

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1 Cacchione.
2 MR. HOLAHAN: Okay.
3 MR. FRANK CACCHIONE: Thank
4 you.
5 This will be important to you
6 all. How many of you have been over to the
7 Clymer Library up the street?
8 MR. HOLAHAN: Yeah.
9 MR. FRANK CACCHIONE: How many
10 of you have library cards to take out books?
11 Right. This is very, very important. You should
12 know that half of -- almost half of the money
13 that we get to run that library comes from a tax
14 through these supervisors here. So we like to
15 come over here every once in a while to tell them
16 how we're using the money at the library. So I'm
17 going to talk to them, but also talk to you
18 because this is, I think, important to you all.
19 First and foremost, how's the
20 library doing? Well, through Laura's community
21 outreach program, in the first quarter of this

22 year, first three months of this year, we've
23 increased library patrons by six percent; so it's
24 really working. And what really works is
25 bringing you over to the library once in a

63

1 while -- I think Mrs. Campbell does that; I don't
2 know about the rest of you -- bringing them over
3 to the library once in a while and making sure
4 you check out your books and everything. That's
5 very important.

6 In terms of our finances and
7 how we're doing, you should also know that very
8 generously, that beautiful building that we have,
9 the supervisors sold to us for \$1 last year, and
10 that was really neat because now we're doing some
11 things to fix it up and make the library work
12 better for us, so -- as we go forward. So that
13 library now, we run all by ourselves, but we
14 still like to tell them how we're doing.

15 So from a financial standpoint,
16 we're doing pretty good. Thanks to the money
17 that we're getting from you, we're right on
18 budget, everything is working well. So you know,
19 it takes \$300,000 this year just to keep that
20 library running and fix it up. It's kind of old,
21 so we have to paint it, and that's what we've
22 been doing lately, and the like, and maintaining
23 it through that. And like I said, almost half of
24 that money comes through taxes that are paid by
25 most of your parents, I would guess, that they

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1 give to us.

2 So we've grown, and from a
3 financial standpoint, the board should also know
4 after the conveyance, we renegotiated our

5 mortgage and have very favorable terms from the
6 bank. It's a 10 year mortgage and we plan to pay
7 it off in five years, if we can, so that we can
8 continue to work.

9 The next big thing is
10 fundraising. As you know -- and we just got your
11 approval -- we've really launched some fairly
12 aggressive grant writing effort with a
13 professional who hopefully can get us some nice
14 grants for money; but the other thing we want to
15 mention to you is, we will be kicking off our
16 major fundraiser this Memorial Day Weekend. That
17 fundraiser is -- we can afford to paint and
18 everything, but we can't afford to build things
19 like a brand new children's area that Laura wants
20 to build, and also for the first time a dedicated
21 teen area because our growth in teens has grown.

22 So we're going to have this
23 fundraiser. All those pavers that we put in at
24 the library now, we're having people make a
25 donation and get an inscription on a paver. Over

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1 the next couple of years we'll be doing that.
2 We're starting Memorial Day Weekend. We're going
3 to have the American Legion come over and we're
4 going to dedicate our first paver to our good
5 friends at Post 413 of the American Legion. So
6 anybody who wants to come over Labor (sic) Day
7 weekend, that Saturday, and see the paver that
8 we're putting in for the American Legion, you're
9 welcome to come. And they'll be kicking off the
10 campaign and we'll be back to you for more help
11 and more support of our programs.

12 So any questions, anybody?

13 MR. HOLAHAN: No candy sales or
14 anything, right?

15 MR. FRANK CACCHIONE: No candy
16 sales.

17 MR. HOLAHAN: We just don't do
18 candy sales. How about a broccoli sale? Nobody
19 interested? Sell broccoli as a fundraiser? Like
20 kale or something? No? All right.

21 Broccoli? Broccoli. Broccoli.
22 Okay.

23 MR. FRANK CACCHIONE: Good
24 idea. Thank you very much.

25 MR. HOLAHAN: You're welcome,

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1 sir.

2 MS. LAMBERTON: Thank you.

3 MR. HOLAHAN: Okay. You've
4 been very patient. Thank you very much. We have
5 somebody that's going to run the AV for us?

6 So now all this boring stuff
7 that we've been talking about up here, if you're
8 wondering what we're talking about, leads to
9 zoning, these rules and regulations that we're
10 debating and figuring out how to structure it,
11 led to this project here, so pay attention.

12 (Kalahari video is played for
13 the audience.)

14 MR. HOLAHAN: You know, that's
15 the project that's being built just up the road
16 here on 940, up by Pocono Manor. That's what
17 they're building, is that Kalahari. And it took
18 a lot of work from us and engineers and
19 designers, and even other townships, to try to
20 figure out how we're going to get all that
21 together. But they plan on being open this
22 time --

23 MS. LAMBERTON: Next year,
24 yeah.

25 MR. HOLAHAN: This time next

1 year, first phase, and other things are coming
 2 along. But -- but it takes a lot of planning,
 3 and that's -- that's what we do here.

4 So the boring things that we
 5 went through when we made motions and seconds and
 6 passed and all that kind of stuff, it actually
 7 leads to some things that are fairly, fairly
 8 interesting. This is going to be very cool,
 9 though, really cool.

10 I'll take some questions if you
 11 have anything.

12 MS. PICKARD: Can we -- should
 13 we adjourn the meeting and let the
 14 stenographer --

15 MR. HOLAHAN: Let the court
 16 reporter go?

17 Yeah, we'll adjourn the meeting
 18 then. So --

19 MS. PICKARD: I'll make a
 20 motion that we adjourn.

21 MR. HOLAHAN: I have a motion
 22 to adjourn. Do I have a second?

23 MS. LAMBERTON: Second.

24 MR. HOLAHAN: Second.

25 All in favor?

1 THE BOARD: Aye.

2 MR. HOLAHAN: Opposed?

3 We're adjourned.

4 (Meeting concluded at 10:21
 5 a.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.

JESSICA L. HOLT, C.R.

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Board of Supervisors
Special Meeting
May 15, 2014

Meeting Called to Order 5:32 PM by Chairman John Holahan

Present- John Holahan, Chairman
Anne Lamberton, Vice-Chair
Heidi Pickard, Board Member

Also Present- State Representative Mario Scavello
Melissa Maupin, PennDOT District 5-0
Tom Walters, PennDOT District 5-0
Robert McHale, Township Engineer
Phyllis Haase, Township Manager

New Business- A. Resolution 2014-012 Agricultural Security Area
Motion: Lamberton/Pickard to approve Resolution 2014-012 adding
TM# 19/21/1/8 to the Agricultural Security Area of Tunkhannock Township
3/0 Motion Carried

B. Present proposed improvements to SR 940 and Long Pond Road Intersection

Earl Armitage, Pennoni Engineer presented a conceptual plan which would realign Long Pond Road with the existing Interstate 380 ramp. Mr. Armitage stated most of the traffic on Long Pond makes a right turn onto SR 940 in the AM and weekends. The entrance to Stillwater Estates would be right in and out allowing for a left turn into the Development from SR 940. Improvements being proposed to the existing emergency entrance would allow full movement access.

State Representative Scavello discussed the unsafe visibility in the area and to address the traffic backing up onto Interstate 380. Mr. Scavello will be attending the Stillwater Estates Property Owners Board of Directors meeting on June 7, 2014 to further discuss the project.

Melissa Maupin, PennDOT District 5-0 explained she has visited the area numerous times and the proposed improvements seem to be the best solution to improving the safety needs for the area. There was further discussion with Emergency Service Representatives from PMREMS, PMRPD and Station 41 regarding the improvements. The general consensus was the improvements would not impede on emergency response time.

Chairman Holahan opened the discussion up to public comment. Discussion took place related to funding of the improvement and alternate designs. Stillwater residents expressed their concern if the improvements were warranted.

Adjourned - 7:18 PM

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
Wednesday, June 11, 2014, beginning at 8:02 a.m.

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

PATRICK ARMSTRONG, ESQUIRE,
Solicitor

ALSO

PRESENT: Phyllis Haase, Township Manager

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: Okay. We'll call
2 the meeting to order of -- what is it -- June 11.
3 Start with the Pledge of Allegiance.

4 (Pledge of Allegiance was
5 recited.)

6 MR. HOLAHAN: Good morning and
7 welcome. How are you all doing today? All
8 right?

9 Great. Let's start with
10 announcements. We've got the Tobyhanna Township
11 Community Celebration Day on July 12. It looks
12 to be a great time.

13 Do we -- we have handouts in
14 the front as well, correct?

15 MS. HAASE: We do.

16 MR. HOLAHAN. Okay.
17 MS. HAASE: We do.
18 MR. HOLAHAN: So the library's
19 going to be there?
20 MR. FRANK CACCHIONE: Oh, yeah.
21 MR. HOLAHAN: Cool.
22 MS. LAMBERTON: Oh, good.
23 MR. HOLAHAN: Van Gilder?
24 MR. BILL VAN GILDER: We will
25 be.

3

1 MS. HAASE: And the police
2 department and The Journal.
3 MS. LAMBERTON: I was gonna
4 say, we have everybody.
5 MS. HAASE: We know Brad's
6 going to be there, so it's just Riley & Company
7 we need to worry about attending.
8 MR. HOLAHAN: Bring friends.
9 Okay. Next, I'd like to
10 consider the minutes.

11 MS. PICKARD: One other thing,

12 I just want to mention the Bio Blitz on --

13 MR. HOLAHAN: Oh, okay.

14 MS. PICKARD: -- June 21 at

15 Austin T. Blakeslee, starting Friday afternoon

16 and going 24 hours, we'll be doing an inventory

17 of every bird, fish, tree, leaf, insect. It will

18 be a good time, a lot of people there.

19 MR. HOLAHAN: Thank you, Heidi.

20 MS. PICKARD: Yep.

21 MR. HOLAHAN: Okay. Next I'd

22 like to consider the minutes of the -- and let's

23 take them all, April 17 joint meeting with Pocono

24 Township, the May 12 regular business meeting and

25 the May 15 special meeting.

4

1 Do I have a motion?

2 MS. LAMBERTON: So moved.

3 MR. KERRICK: Second.

4 MR. HOLAHAN: I have a motion

5 and a second.

6 Further discussion from the
7 board?
8 From the public?
9 Hearing none, call the vote.
10 John?
11 MR. KERRICK: Favor.
12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: I vote in favor.
14 MR. HOLAHAN: Annie?
15 MS. LAMBERTON: I vote in
16 favor.
17 MR. HOLAHAN: And I vote in
18 favor. Motion carries.
19 Next we'll consider the
20 treasurer's report. We've got a treasurer's
21 report in the amount of \$539,967.18.
22 MS. LAMBERTON: I'll make a
23 motion to approve the treasurer's report for
24 \$539,967.18.
25 MS. PICKARD: I'll second the

1 motion.

2 MR. HOLAHAN: I've got a motion

3 and second.

4 Further discussion from the

5 board?

6 From the public?

7 Hearing none, call the vote.

8 John?

9 MR. KERRICK: I vote in favor

10 with the exception of any line items for Papillon

11 & Moyer or Sharp Energy.

12 MR. HOLAHAN: So noted.

13 MS. LAMBERTON: Sharp -- only

14 one for Sharp?

15 MR. KERRICK: I know, but I

16 just wanted to say it -- state it. Thank you.

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I vote in

19 favor.

20 MR. HOLAHAN: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. HOLAHAN: And I vote in

23 favor. Motion carries.

24 Solicitor's report?

25 MS. HAASE: Mr. Chairman, I

6

1 just wanted to announce it's slightly higher --

2 MS. LAMBERTON: Yeah, what was

3 the --

4 MS. HAASE: -- than normal, but

5 we did take possession of our new vehicle, the

6 monies were disbursed for that, so that was

7 55,000. That was encumbered from the 2013

8 budget.

9 MR. HOLAHAN: Right.

10 MS. HAASE: It was paid out

11 just recently.

12 MR. HOLAHAN: Very good. Thank

13 you.

14 Okay. Mr. Armstrong?

15 MR. ARMSTRONG: Thank you,

16 Mr. Chairman. As the board's aware, this

17 meeting -- the meeting that was scheduled for

18 Monday, was cancelled and it was rescheduled for

19 this morning. You previously had advertised for
20 a public hearing, the Timber Trails conditional
21 use application, as well as the park regs
22 ordinance advertisement for a public hearing on
23 Monday night.

24 Given the fact that we
25 cancelled that meeting and rescheduled it for

7

1 this morning, there wasn't enough time to
2 advertise those two public hearings for action
3 for the board this morning, so they have now,
4 it's my understanding, been advertised for public
5 hearings on the July 14 board of supervisors
6 meeting.

7 MR. HOLAHAN: Okay.

8 MR. ARMSTRONG: There are some
9 additional items down on the agenda that I'll
10 probably have some comments on, but other than
11 that status, I don't believe there's anything
12 else for me at this time, with the exception of,
13 just as an FYI, the planning commission, at their

14 May meeting, did conditionally approve the Evans
15 subdivision. My understanding is, we're still
16 waiting for the applicant to submit some revised
17 plans prior to the board's action on that, maybe
18 by July.

19 And in July you will also have
20 the Dollar General land development plan before
21 you for potential action that was recently
22 conditionally recommended for approval by the
23 planning commission last week.

24 Thank you.

25 MR. HOLAHAN: Okay. Thank you,

8

1 Mr. Armstrong.

2 Manager's report?

3 MS. HAASE: Yes, sir, I have a
4 few items, but most importantly, I just wanted to
5 announce that our director of public works,
6 Mr. John Kerrick, has moved on to some new
7 challenges and some -- trying to pursue some
8 dreams that he has, so he submitted his letter of

9 resignation; so I just wanted to thank him for
10 his service.

11 The next item, MetroCast has
12 informed me that they're going to be charging
13 \$1.50 extra fee to their subscribers, and that's
14 going to help defray the cost of the
15 retransmission fees that's been placed upon them.

16 I'm proud to announce that
17 we've received a rebate of \$20,003.64 from PP&L
18 for all of the improvements that we've done this
19 past year with our lighting, so that was quite
20 positive.

21 Lake Naomi has requested that
22 the township grant them permission to install a
23 guide rail along Woodland contiguous to Judge's
24 Pond. John, I think, has gone out there, as
25 well --

9

1 MR. KERRICK: Correct.

2 MS. HAASE: -- Bob McHale had
3 went out. We just wanted to make certain they're

4 warranted a guide rail.

5 With discussions from Lake
6 Naomi, Lake Naomi would pay for the wooden guide
7 rail. They would prefer a wooden over the metal,
8 so they're going to pay for the cost of the
9 installation of that.

10 I also want to inform the board
11 that we need to repair our boiler. That's going
12 to be approximately \$10,000 and that should begin
13 this month.

14 Our IT support, Mr. Bob Wirts,
15 is going to be retiring, so we have solicited for
16 a new firm. And ARGIS Technology, which does
17 services for the county, the police and other
18 municipalities, they're going to be coming on
19 board at the -- actually the same rate as
20 Mr. Wirts. The positive point to the township is
21 there's going to be no travel time and there'll
22 be no additional charge for weekend or night
23 service.

24 We're going to be meeting next
25 week with PA DEP to discussion the eastern --

1 potential eastern extension of the sewer lines,
2 so we will give you an update next month.

3 In front of you, you will find
4 a copy of the proposal that was distributed a few
5 weeks ago to the board. Yesterday I had a
6 lengthy discussion with one of the engineers from
7 RETTEW, and they wanted to bring to our attention
8 that they had a grant available to the end of
9 July, that will -- it's a 50-50 grant, matching
10 grant, that will help fund the Act 537 special
11 study.

12 Now, the decision, where this
13 is going to make a difference, if we're just
14 looking into extending the current line that we
15 have in Blakeslee, the estimate for the study is
16 \$16,900. In order to have all the paperwork and
17 the studies done to submit for the grant, RETTEW
18 is stating that it's \$6,000. So if it's a
19 matching grant, we're only going to benefit about
20 \$2,000, by the time we pay the 50 percent for the
21 study and RETTEW's fees, we're not really gaining

22 that much.

23 Where this would come into play
24 is if we're going to be moving forward with the
25 eastern extension. That's going to be a costly

11

1 study. So I think that's kind of the determining
2 factor if the board wants to proceed with this
3 grant. If it's just for the extension of what we
4 currently have, we could do it, but I don't think
5 it's that imperative that we move forward with
6 it.

7 So that's a decision that the
8 board will need to consider, but if you do decide
9 that you want to move forward with it, RETTEW
10 will need to know as soon as possible so they can
11 begin the paperwork for the grant.

12 Lake Naomi has reached out to
13 me, as they have brought the concerns over the
14 past few years to the township of the speeding --
15 the problems they have in -- within their road
16 systems with individuals that are speeding.

17 There is a program, and it is Drive Like Your
18 Kids Live Here. And I also passed out to the --
19 to the board a copy of the signs that they're
20 proposing. This program, Lake Naomi is willing
21 to purchase the signs. It would be attached to
22 our speed limit signs.

23 I've asked our engineer to
24 investigate that. He did go into the MUTCD to
25 see if there was any issues, which he has found

12

1 none; in fact it does allow for such posting. We
2 do just want to verify with PennDOT that there's
3 no issues, but we don't feel there would be.

4 What Bob did come back with, in
5 the MUTCD, it does speak to allowing supplemental
6 plaques, and it also speaks to, the township may
7 wish to consider adopting an ordinance and adding
8 signs in areas where children are present.

9 If a motorist violates a speed
10 limit in a roadway zone posted accordingly and
11 children are present, then the fine is doubled or

12 increased according to the ordinance. So this
13 may be a way to help Lake Naomi with the problems
14 they're facing, or we could just post the signs
15 and not adopt that by ordinance, as far as
16 increasing speed limit.

17 At this particular point, Lake
18 Naomi's asking for permission to purchase the
19 signs and place them, if it's -- if there's not
20 an issue with PennDOT. And if the board is in
21 favor of that, we can allow that to occur; and
22 then if you so choose to move forward with the
23 ordinance increasing the speed limit, then that's
24 something that Pat could handle.

25 MR. HOLAHAN: Okay. Why don't

13

1 we address that right now then?

2 MS. LAMBERTON: I have no issue
3 with the sign.

4 MR. HOLAHAN: Let's -- without
5 doing the ordinance yet, would the board be in
6 favor of granting Lake Naomi permission to place

7 those placards, as long as it's fine with

8 PennDOT?

9 MS. PICKARD: I make a motion.

10 MS. LAMBERTON: I'll second.

11 MR. HOLAHAN: I've got a motion

12 and second.

13 Further discussion from the

14 board?

15 MR. KERRICK: Who takes care of

16 them after that? Will they always have to

17 take --

18 MS. HAASE: Lake Naomi will.

19 MR. KERRICK: Pardon me?

20 MS. HAASE: Lake Naomi will.

21 MR. KERRICK: Okay.

22 MR. HOLAHAN: Okay. So they'll

23 take care of the maintenance?

24 MS. HAASE: Yes, sir.

25 MR. HOLAHAN: Fine.

1 MS. HAASE: Thank you.

2 MR. HOLAHAN: Further

3 discussion from the board?

4 From the public?

5 Hearing none, I'll call the
6 vote.

7 John?

8 MR. KERRICK: In favor.

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. HOLAHAN: Anne?

12 MS. LAMBERTON: I vote in
13 favor.

14 MR. HOLAHAN: And I vote in
15 favor. Motion carries.

16 MS. HAASE: I will contact Lake
17 Naomi and mention that to them.

18 Your vehicle report --

19 MS. PICKARD: I just have one
20 question --

21 MS. HAASE: I'm sorry?

22 MS. PICKARD: -- I'm sorry,
23 about the ordinance, and we're just taking up the
24 one; but would there be any indication on the

25 sign that the fines are doubled then? Would that

15

1 change the signs if we do it?

2 MR. ARMSTRONG: There would
3 have to be.

4 MS. LAMBERTON: You'd have to
5 be.

6 MS. PICKARD: Okay. That's
7 all.

8 MR. ARMSTRONG: Yeah.

9 MS. PICKARD: Okay. But we're
10 not --

11 MR. ARMSTRONG: If that's the
12 direction the board eventually goes, yes.

13 MS. PICKARD: But we're not
14 talking about that today?

15 MS. HAASE: No.

16 MS. PICKARD: Okay.

17 MS. HAASE: No.

18 MR. HOLAHAN: So then if it has
19 to be posted on a sign, perhaps Lake Naomi can

20 take a look at, if they want to order those
21 placards right now, can they put on a pendant or
22 something that might be just underneath of it?
23 Does it get attached or are they limited to the
24 size of the signs?

25 MS. HAASE: I can't answer

16

1 that. We can look into that if the board would
2 like to --

3 MR. HOLAHAN: Okay.

4 MS. HAASE: -- to move forward
5 with the ordinance.

6 MR. HOLAHAN: I'd hate to see
7 them buy signs and have to rebuy them again.
8 That's all.

9 MS. HAASE: What was -- what
10 was displayed on their website, Drive Like Your
11 Children Live Here, I did not see that --

12 MR. HOLAHAN: Okay.

13 MS. HAASE: -- so I believe
14 that would have to be an additional posting.

15 As I had mentioned a few
16 minutes ago, the township did take possession of
17 our new vehicle, which is going to be replacing
18 Vehicle No. 1, which is a 2002 Ford F-450. We
19 currently have 106,543 miles on that vehicle. We
20 are going to be looking to put that up for sale,
21 as well as a rototiller that we have in the
22 storage in the lodge, which hasn't been used for
23 many years.

24 MR. HOLAHAN: Do you see how
25 many more pages she has there, Patrick?

17

1 MS. HAASE: I topped Pat today.

2 As the chair has announced,
3 that our community day is going to be July 12,
4 it's go going to be two to dusk. We're going to
5 have some inflatable rides and also some games
6 for the children, which will be three to seven,
7 as well as a hot dog eating contest, dunk tank --
8 and this is where the fun begins. We're
9 proposing to have a dunk tank and to donate the

10 funds to the food pantry, and I know many people
11 would like to personally dunk me, so I will be
12 going in the dunk tank to help raise funds for
13 the food pantry. And we're taking any
14 participants that would like to join us, because
15 I think it will be a fun day for everyone.

16 We are going to -- we've had
17 contact with the county treasurer with regarding
18 a bingo license for the day. We've had some
19 requests from residents, so we have looked into
20 that. It's a nominal fee, and I believe it was
21 15 or \$25. We will be able to give the half back
22 to the players. HATT will be doing a
23 presentation, and we're also going to have a
24 horseshoe contest with a tournament.

25 Representative Scavello reached

18

1 out to the township yesterday and he would like
2 to continue with his legislative breakfast that
3 he's been doing out through last year and into
4 this year, and he would like to come to Tobyhanna

5 Township either in August or September. It would
6 be from 8:30 to 10:30 on one of the Saturdays, so
7 I just wanted to make certain that was acceptable
8 with the board.

9 MR. HOLAHAN: Okay.

10 MS. PICKARD: I'm fine with it.
11 I think that's great.

12 MS. HAASE: And you'd be
13 pleased to know that's the end of my report at
14 this moment.

15 MR. HOLAHAN: This time it's
16 longer than Patrick's.

17 Okay. Thank you, Manager
18 Haase.

19 Let's go on to committee
20 reports, Pocono Mountain Regional EMS.

21 Heidi, do you have something on
22 that?

23 MS. PICKARD: I don't have
24 anything to report. I'll be sending out the
25 statistics to the board.

1 MR. HOLAHAN: Okay. How about
2 Pocono Mountain Regional Police?

3 Phyllis?

4 MS. HAASE: Yes, sir. We met
5 last evening. Coolbaugh Township had submitted
6 their concerns last month to the commission and
7 we've taken them quite seriously. Yesterday at
8 the open meeting we addressed every single
9 concern. A letter will be submitted to Coolbaugh
10 Township with our response for these -- the
11 supervisors that were not in attendance, and we
12 are going to request, once they review them and
13 submit their questions back to us, a response
14 back to us, we're going to ask for a special
15 meeting so we have all the parties together and
16 we try to resolve this. The concerns that were
17 presented to us, we don't feel is difficult to
18 accomplish. The majority of them either are
19 being done or we can do them or personally it's
20 not needed at the time.

21 There was also some discussion
22 with regards to additional -- we had some

23 residents in attendance, more so with other
24 communities than Tobyhanna Township, they had a
25 concern that there wasn't enough police hours

20

1 being purchased. I think it really, again,
2 pertains more to Coolbaugh with the excess calls;
3 however, if it's something we all are aware of,
4 that there is a shortage with our police
5 officers.

6 So this is something we'll be
7 approaching again with the board to see what
8 you're proposing to submit to Pocono Mountain
9 Regional Police Department. When they put
10 together their budget for 2015, we'll have to
11 give them figures. But as we all are well aware,
12 there's going to be officers that we're short of
13 from what it was years past.

14 MS. PICKARD: I just wanted to
15 mention, after attending the meeting, that I had
16 some concerns with the schedule about them doing
17 up a budget by August to give to the townships

18 when they don't know whether or not we're going
19 to purchase hours. And the reality is, you know,
20 it's like chasing your tail, because we don't
21 know how much they're going to cost, and
22 municipalities aren't going to make that decision
23 until their budget time.

24 MS. HAASE: And you're correct,
25 and we recognize that. Unfortunately, in the

21

1 agreement that was put together in 1994, it
2 stipulates that Pocono Mountain Regional must
3 submit their budget to the municipalities by
4 August 31 of that year. It's really impossible
5 to have your final budget completed in the time,
6 so we're trying to make the best that we can out
7 of poor timing that is in the agreement; but it's
8 been in there for so many years, I don't think
9 there's really been an issue in the past.

10 But what you've stated is
11 correct, Heidi, it's very difficult to accomplish
12 that when we don't have the figures.

13 MS. PICKARD: And the price per
14 hour would probably decline if we had more hours
15 divided by, but you don't know that, you know. I
16 think that, you know, we're pretty good, is what
17 I feel right now. And we can certainly look at
18 that, but we should be talking about that this
19 summer. And I just wanted to state, because
20 people made comments at the meeting, but I think
21 it's odd that we have half the population of
22 another municipality that only has 10 percent
23 more hours than we do. It obviously seems to be
24 that maybe that's a big part of the problem.
25 MR. HOLAHAN: Well, I think

22

1 that with the PEVs that are involved and perhaps
2 some of the other municipalities, where they've
3 got their own security, that the police force is
4 not necessarily called in for that, so, it
5 doesn't seem like there would be that much of a
6 demand. But the police commission, the budget
7 constraints for, you know, what -- their timing,

8 is that out of their bylaws?

9 MS. HAASE: That is actually in
10 the agreement, which I think the agreement would
11 supersede the bylaws.

12 MR. HOLAHAN: Could the
13 agreement be amended?

14 MS. HAASE: The agreement could
15 be amended. It's my understanding, last year --

16 John, you could probably speak
17 to it more than I can. It's my understanding
18 that you presented a revised agreement to the
19 municipalities. I think I have a copy of that.

20 MR. KERRICK: Yes.

21 MS. HAASE: And Coolbaugh was
22 not in favor of moving forward with that.

23 MR. KERRICK: Correct.

24 MS. HAASE: So, yes, that could
25 be accomplished, but everybody needs to be

23

1 cooperative.

2 MR. HOLAHAN: Okay. Anything

3 else?

4 MS. HAASE: No, sir.

5 MR. HOLAHAN: Thank you very
6 much.

7 Open space. Anything on open
8 space?

9 MS. PICKARD: We have the Bio
10 Blitz going on and we've been meaning to do some
11 more cleanup days. Anybody who's interested can
12 let me know. We're going to be doing some
13 mulching and some cleanup before next Tuesday
14 afternoon, as a matter of fact, if anyone is not
15 busy.

16 MR. HOLAHAN: That's the park?

17 MS. PICKARD: At the park --

18 MR. HOLAHAN: Okay.

19 MS. PICKARD: -- Blakeslee
20 Natural Area, to clean things up and get ready.
21 And we have some other things, and tearing down
22 the building and things we're working on, but
23 obviously that's not going to be accomplished
24 before --

25 MR. HOLAHAN: Okay. Thanks,

1 Heidi.

2 MS. PICKARD: -- this month.

3 MR. HOLAHAN: Old business, the
4 township sewer authority.

5 Patrick, you're doing a lot of
6 speed reading here.

7 MR. ARMSTRONG: Yes. I was --
8 I kind of walked into a conversation last week,
9 and it's my understanding that the board of
10 supervisors may be inclined to consider
11 appointing members onto the sewer authority. As
12 this board may be aware, the sewer authority, the
13 Tobyhanna Township Authority, has not regularly
14 met, or met at all, since -- I was just looking
15 at the minutes book, since about 2004.

16 So the question is whether or
17 not there is any actual active sitting members.
18 Given the fact that the length of the term was a
19 five year term, there's no active sitting members
20 at this point in time. What I was looking for,

21 through the articles of incorporation, bylaws and
22 adopting ordinance, was if there was an actual
23 procedure with respect to appointing members onto
24 the authority.

25 Clearly, the authority is a

25

1 separate and distinct board from this board, and
2 when there's -- they elect their officers at the
3 reorg meeting, they are able to appoint, when
4 there's a vacancy, someone to sit in. But right
5 now, there's no one sitting on the board of the
6 authority that I'm aware of, based upon the
7 minutes and the records before me.

8 So, I guess my question, has
9 the board -- are you thinking of appointing
10 people to the board -- to the Tobyhanna Township
11 Authority today? Or, I mean, what was the -- I
12 don't know if we really discussed this at last
13 month's meeting.

14 MR. HOLAHAN: Let's quickly
15 discuss it.

16 MS. PICKARD: I thought --
17 MR. HOLAHAN: I --
18 MS. PICKARD: -- we talked
19 about appointing the board --
20 MR. HOLAHAN: Yes. That's --
21 MS. PICKARD: -- temporarily,
22 at least, until -- to get rolling?
23 MR. HOLAHAN: That's my intent.
24 MS. PICKARD: Okay.
25 MR. HOLAHAN: How's the rest of

26

1 you feel?
2 MS. LAMBERTON: I'm fine with
3 that.
4 MS. PICKARD: I'm fine with
5 that.
6 MR. ARMSTRONG: Now, I was
7 looking at the articles of incorporation. The
8 first board that was appointed by the board of
9 supervisors when they incorporated was a seven
10 member board. And that's how -- it was

11 incorporated as a seven member board, so you
12 should stick with the seven member board.

13 MS. LAMBERTON: Could we have
14 our manager and engineer join us?

15 MS. PICKARD: I was just going
16 to say, do they have to be residents of the
17 municipality?

18 MR. ARMSTRONG: I would
19 actually have to look at the Municipal
20 Authorities Act. I don't think there's anything
21 prohibiting that.

22 MS. LAMBERTON: They'd just be
23 the most informative.

24 MS. PICKARD: Is it in our
25 articles at all?

27

1 MR. ARMSTRONG: It wouldn't be
2 in the articles of incorporation. It would be in
3 the Pennsylvania Municipalities --

4 MS. PICKARD: Okay.

5 MR. ARMSTRONG: -- Authorities

6 Act.

7 MS. PICKARD: We don't have
8 bylaws or anything that --

9 MR. ARMSTRONG: There are
10 bylaws. I was hoping that they would be a little
11 more instructive with respect to appointments,
12 but they're not. They go into depth as to
13 electing the officers, meaning the chairman, vice
14 chairman, treasurer, assistant treasurer,
15 assistant secretary and secretary; but they don't
16 really give me any direction with respect to
17 appointments onto the board itself.

18 MS. PICKARD: I think it would
19 make sense to have Phyllis and Bob, if that would
20 be permissible.

21 MR. HOLAHAN: Is that in the
22 form of a motion, Heidi?

23 MS. PICKARD: Sure.

24 MR. ARMSTRONG: Well, well --
25 wait.

1 MS. PICKARD: Ask Pat.

2 MR. HOLAHAN: If I have a
3 second, then we can have some discussion.

4 MS. LAMBERTON: Second.

5 MR. ARMSTRONG: Let's --

6 MR. HOLAHAN: I have a second.
7 Okay. Discussion.

8 MR. ARMSTRONG: And just so I
9 understand the motion, is the motion to appoint
10 the five sitting members of the board of
11 supervisors, as well as Phyllis Haase, the
12 township manager, and Bob McHale, the township
13 engineer, onto the Tobyhanna Township Authority
14 Board?

15 MS. LAMBERTON: Yes.

16 MS. PICKARD: Municipal Sewer?

17 MR. HOLAHAN: That's my
18 understanding.

19 MR. ARMSTRONG: Municipal Sewer
20 Authority, yes.

21 MS. PICKARD: Yes, that is my
22 motion.

23 MR. ARMSTRONG: Okay.

24 MS. LAMBERTON: That is my
25 second.

29

1 MR. ARMSTRONG: What I would
2 suggest is, if you could, make that conditional
3 upon me confirming that there's -- number one,
4 there's no restriction from having the township
5 manager and/or township engineer serve on the
6 board due to potential residency restrictions, as
7 well as confirming that there's nothing more
8 formal needed from this board in order to make
9 that appointment, given the fact that there's
10 such a period of time of its nonexistence, so to
11 speak. It exists on paper, it's just they've
12 haven't met and there's no one currently sitting
13 on the board.

14 MR. HOLAHAN: Okay. As
15 amended?

16 MS. PICKARD: Yes.

17 MS. LAMBERTON: Same.

18 MR. HOLAHAN: Okay.

19 MS. LAMBERTON: I amend my
20 second.

21 MR. HOLAHAN: Further
22 discussion from the board?

23 MR. KERRICK: I have a
24 question. How would our term limit expire, with
25 our supervisor term?

30

1 MR. ARMSTRONG: Yeah. Well,
2 no. Well, no, no.

3 MR. KERRICK: You wouldn't want
4 the whole board to -- if you appoint in five
5 years --

6 MR. ARMSTRONG: If you're
7 considering an additional amendment to that
8 motion, what I would suggest, in order -- this is
9 going to complicate the motion, and this is maybe
10 why we maybe want to come up with a resolution
11 for your next meeting, kind of putting this down,
12 but if you would stagger it in the way it was
13 initially incorporated -- as I said, there were

14 seven members. First member, five years; second
15 member, four years; three years; two years; two
16 years; and then one year, one year. So it was
17 staggered significantly. I don't know if we're
18 in a position today to stagger those terms. If
19 you are, let's make it part of the motion.

20 MR. HOLAHAN: Then come up with
21 the rules and then come up with the ordinance, so
22 we can do this motion and then come up with the
23 ordinance?

24 MR. ARMSTRONG: I think it --
25 you probably won't need an ordinance. You

31

1 already have it in that, you enacted an ordinance
2 creating this authority.

3 MR. HOLAHAN: Okay.

4 MR. ARMSTRONG: It's just a
5 matter of, it sat dormant for so long, you want
6 to make sure that you're -- it's not as easy as
7 if it was an active authority, someone went off
8 the board and you appointed someone in January.

9 This is -- you're almost -- you're not starting
10 from scratch, because it does exist. What I
11 think you may need is a resolution come next
12 month.

13 MR. HOLAHAN: Okay.

14 MS. LAMBERTON: Okay.

15 MR. HOLAHAN: So why don't we
16 take a look at --

17 MS. PICKARD: I think it would
18 make sense to wait till next month, but we could
19 stagger them based on our terms.

20 MR. HOLAHAN: On our terms,
21 right, at this point.

22 MS. PICKARD: At this point.

23 MR. HOLAHAN: And then come up
24 with it.

25 MS. PICKARD: Yeah.

32

1 MR. ARMSTRONG: So the
2 direction I'm getting from the board, I believe,
3 is, same members as you initially made the

4 motion. The sitting members of the board of
5 supervisors kind of stagger the terms based on
6 your current term in office for the board of
7 supervisors.

8 And what about for the township
9 manager and township engineer?

10 MR. HOLAHAN: One year and one
11 year?

12 MS. PICKARD: They would fill
13 in the gaps, maybe?

14 MR. ARMSTRONG: Have them the
15 one year/one year?

16 MR. HOLAHAN: Um-hmm.

17 MR. ARMSTRONG: Okay.

18 MS. PICKARD: But we're going
19 to put the positions, not the -- would it be the
20 positions of township manager --

21 MR. ARMSTRONG: No. They'd be
22 identified by name.

23 MS. PICKARD: Okay.

24 MR. HOLAHAN: I think it's
25 important to take care of this now --

1 MS. PICKARD: Yes.

2 MR. HOLAHAN: -- and kind of
3 work out the --

4 MS. PICKARD: Yes.

5 MR. HOLAHAN: -- details where
6 we won't be discussing this for the next three
7 months.

8 MS. PICKARD: Exactly. Well,
9 we've already been -- it's been about three
10 years.

11 MR. HOLAHAN: There we go.
12 I've got a motion and second.

13 Does everybody understand what
14 the motion is?

15 MR. KERRICK: I have another
16 question, if I can?

17 MR. HOLAHAN: Please.

18 MR. KERRICK: If you want to
19 wait. Is this just going to be a paper
20 authority? Are we going to -- I mean, is there a
21 point to this? Are we going to transfer -- that

22 they would have the money to operate it?

23 MR. ARMSTRONG: I would --

24 MR. KERRICK: What's the point

25 here?

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1 MR. ARMSTRONG: I don't think

2 this is going to be a paper authority. I

3 don't --

4 MS. LAMBERTON: No.

5 MR. KERRICK: Right now there's

6 no funding for the authority to operate.

7 MS. HAASE: The issues -- we

8 certainly have been looking into different

9 options in the water treatment plan. This gives

10 us some additional powers, separates it from the

11 board of supervisors liability versus the

12 authority. There's certain regulations the

13 authority can fall under where the board cannot.

14 So as we're investigating the

15 wastewater treatment plant and what direction

16 we're going to go to improve the service in the

17 Blakeslee area, potentially down to the eastern
18 quadrant, this gives us additional leverage with
19 financing and a different ability that the
20 authority has over the board of supervisors.

21 MR. KERRICK: Thank you.

22 MR. HOLAHAN: And even -- I'm
23 really not interested in serving on another
24 authority, so we'll probably be reaching out to
25 residents within the community to perhaps make

35

1 appointments --

2 MS. LAMBERTON: Down the road.

3 MR. HOLAHAN: -- changing
4 people out down the road, so -- but we've got to
5 get this started now.

6 MS. PICKARD: And I just wanted
7 to comment on some of the collection procedures
8 that are in the ordinance that need to be handled
9 by an authority, and we never had the authority
10 to deal with that, so that's another issue that
11 we had.

12 MR. ARMSTRONG: Not to further
13 complicate it, but if that's -- if the thought is
14 to try and get this up and running again, would
15 you want to reconsider the terms and maybe have
16 it up until the end of 2014 so maybe it will be
17 in -- never mind.

18 MR. HOLAHAN: Okay. Never
19 mind.

20 MR. ARMSTRONG: We're good.
21 We're good the way we've done it.

22 MR. HOLAHAN: Further
23 discussion from the board?

24 MS. PICKARD: I'd be willing to
25 resign at some point to have my seat taken by

36

1 somebody.

2 MR. HOLAHAN: Perfect.

3 MS. LAMBERTON: Yes, I'm fine
4 with that as well.

5 MR. HOLAHAN: Further
6 discussion from the board?

7 MS. LAMBERTON: No, sir.

8 MR. HOLAHAN: Anything from the
9 public?

10 Hearing none, I'll call --

11 MS. DEBBIE BORGER: I'd like to
12 offer something to you?

13 MR. HOLAHAN: I'm sorry?

14 MS. DEBBIE BORGER: I'd like to
15 offer something to you guys --

16 MR. HOLAHAN: Please.

17 MS. DEBBIE BORGER: -- to
18 consider in relation to this? If you're creating
19 the authority, and the authority is going to be
20 no more -- is going to be more than just on
21 paper, as John said, you need to keep in mind
22 that that's another entity that you will need to
23 maintain books for and the organization will need
24 to undergo an audit and you will need to follow
25 through on those things.

1 You may want to consider, if

2 it's possible, starting the authority or starting
3 those operations at the beginning of a calendar
4 year so you don't end up with part of it being
5 under the township for part of the year and then
6 under the authority for another part of the year.

7 MR. ARMSTRONG: The authority
8 actually already exists. It was incorporated
9 back in 1991. It's just, for some reason or
10 another, there has been no sitting members or no
11 regular meetings for a significant portion of
12 time. My understanding, because there hasn't
13 been a lot of business for the authority to
14 transact.

15 But, yeah, if -- clearly, if
16 the authority, separate entity, will need to have
17 the appropriate audit as well.

18 MR. HOLAHAN: Thank you.

19 Anything else? I'll call the
20 vote.

21 John?

22 MR. KERRICK: Favor.

23 MR. HOLAHAN: Heidi?

24 MS. PICKARD: I vote in favor.

25

MR. HOLAHAN: Anne?

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1

MS. LAMBERTON: I vote in

2

favor.

3

MR. HOLAHAN: And I vote in

4

favor. Motion carries.

5

You've got that written down,

6

right?

7

Zoning ordinances. So we've

8

got the zoning ordinances up and we're starting

9

to work on those. I would like to -- the regular

10

township meetings are a difficult venue to

11

discuss all the intricacies of the zoning

12

ordinances, so I'd like to take them a little bit

13

at a time, at some special meetings, of course

14

they'd be open to the public, and see if we can

15

move forward with getting this off of our agenda

16

by passing a current zoning ordinance.

17

Any discussion from the board?

18

MS. LAMBERTON: Agreed.

19

MS. PICKARD: I agree with

20 that.

21 MR. HOLAHAN: Okay, good.

22 MS. PICKARD: We were going to
23 talk about the PRD ordinance, but we're not going
24 to do that today? Is that what our home work was
25 or --

39

1 MR. HOLAHAN: Right.

2 Do you have something on that?

3 MS. PICKARD: No, I just didn't
4 know. I was prepared, but --

5 MS. HAASE: Well, in fairness,
6 because I don't like to give hall passes here,
7 but in fairness to the board, we just got that on
8 the board's portal on Friday. We had some issues
9 separating the different articles. We thought it
10 would be easier for the board to be able to zoom
11 on a specific article instead of scrolling
12 through everything.

13 So we'll give you a pass this
14 month.

15 MS. PICKARD: I was falling a
16 sleep a little bit last night when I was driving.

17 MS. HAASE: As far as the PRD
18 that we are -- that's currently being proposed,
19 there's not -- there's very few changes from our
20 current regulations.

21 MS. PICKARD: Yeah.

22 MS. HAASE: Mr. Chairman, did
23 you want to set a date for a meeting to review
24 these, or how did you want to handle that?

25 MR. HOLAHAN: Do we -- no, I

40

1 don't want to set a date at this point.

2 MS. HAASE: Okay.

3 MR. HOLAHAN: Can we reach
4 out and --

5 MS. HAASE: Absolutely.

6 MR. HOLAHAN: -- get a
7 consensus from everybody? Thank you.

8 We should do these more earlier
9 in the day, right? Maybe we'll get some things

10 done now, right?

11 MS. PICKARD: Would it make
12 sense, though, to try to do it in later
13 afternoon --

14 MR. HOLAHAN: I think so.

15 MS. PICKARD: -- so if Bob
16 needed to be there or --

17 MR. HOLAHAN: Yes, I would
18 agree.

19 Okay. Let's go on to
20 Tobyhanna/Tunk engineering services agreement.

21 MS. HAASE: Yes. Pat put the
22 draft together. I have forwarded that to
23 Mr. Ewald, supervisor from Tunkhannock Township.
24 I have not received any comments from him as of
25 today. I'll reach out to him to see if he has

41

1 any questions or concerns with what we presented
2 to them.

3 MR. HOLAHAN: Okay.

4 On to new business. Riley &

5 Company. Please.

6 MS. DEBBIE BORGER: Our turn?

7 Okay.

8 MR. HOLAHAN: Your turn.

9 MS. DEBBIE BORGER: Good

10 morning. Nice to be here with you, board of

11 supervisors and audience. My name is Debbie

12 Borger, and my associate here is Jay Grobelny,

13 and we're here representing Riley & Company. We

14 performed the audit for the township for 2013.

15 All the supervisors have a

16 final copy of the audit, along with the required

17 letters that we have to provide to you. I wanted

18 to just give you, really, a quick summary of the

19 picture that we got from performing the audit.

20 Looking at the financial statements and the

21 financial information, 2013 was a much better

22 year for the township as compared to 2012.

23 When we performed our audit,

24 according -- in your financial statement packet,

25 you'll see that about three pages or four pages

1 in is the independent auditor's report. That's
2 in the green packet. The independent auditor's
3 report says to the reader of the financial
4 statements that identifies management's
5 responsibilities in relation to the financial
6 statements, that management's responsible for the
7 information in the financials, and then it
8 identifies the auditor's responsibility, which is
9 to audit the financial statements and provide an
10 opinion as to the material accuracy of the
11 statements.

12 On the next -- second page of
13 the auditor's report, you will find the opinion
14 paragraph, which says that we have given the
15 financial statements an unqualified opinion,
16 which means that they are materially accurate and
17 that we performed our audit procedures on
18 statements. So that is exactly what you guys
19 want to see from your administration and what you
20 as taxpayers want to see from your township
21 government.

22 My associate Jay will go

23 through briefly, give you highlights of the
24 statements, and then we'll answer whatever
25 questions anybody has.

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1 MR. HOLAHAN: All right.

2 Go ahead, Jay.

3 MR. JAY GROBELNY: Okay. I'll
4 start with Exhibit A. Exhibit A is a statement
5 of net positions on a modified cash basis. We
6 have two columns, the governmental activities and
7 the business-type activities. The governmental
8 activities for the township, that would include
9 the general fund, the fire fund, the capital
10 construction and capital reserve funds, and also
11 the liquid fuels funds. The business-type
12 activities is obviously the sewer fund.

13 The statement itself is pretty
14 self-explanatory, just a couple things to note.
15 You'll notice under governmental activities,
16 there are certain cash and cash equivalents that
17 are noted as restricted. Those consist of, on

18 the general fund, some escrow cash that the
19 township holds, and that also includes the fire
20 fund cash and the liquid fuels fund cash, since
21 those monies are set aside restricted for
22 specific purposes.

23 Down below then, after we have
24 our total assets, less our total liabilities, we
25 have our net position categories. We have

44

1 restricted, under the governmental activities.
2 Again, those consist of the liquid fuels fund and
3 fire funds, because they're restricted for
4 specific purposes. The net investment and
5 capital assets, those are the total property and
6 equipment, less stipulated long-term debt. And
7 then the unrestricted net position is everything
8 that's left after those two.

9 So you'll see at the end of the
10 year, at the end of 2013, in the governmental
11 activities there was total net position of close
12 to 11 million dollars, a lot of which is in net

13 investing -- net investment and capital assets.
14 And under the business-type activities, there's
15 total net position of about 1.6 million. Again,
16 about 1.3 million of that is net investment and
17 capital assets.

18 Next thing then is Exhibit B.
19 It's a statement of activities. This might be a
20 statement that's a little less familiar based on
21 the way it's set up. Under -- we have our
22 governmental activities all the way on the left.
23 So we have -- really there's four major -- four
24 major categories in 2013. The first is the
25 general government. That consists of a lot of

45

1 the administrative expenses, a lot of the office
2 personnel. There's some engineering expenses in
3 there as well, and also just the general building
4 expenses. So the expenses were close to
5 \$700,000.

6 When we move over to our next
7 column, we have our fees, fines and charges for

8 services. So the general government was close to
9 550,000. That consists of mainly the cable TV
10 franchise fee that's collected, and there's also
11 some zoning and permitting fees in there. Then
12 there's a little bit of operating grants and
13 contributions but not much.

14 Let's see. Our next category
15 down, there's the biggest one there, our public
16 safety. Obviously that's where we have our
17 police and fire expenses. About 2.5 million
18 dollars in 2013. Fees, fines and charges for
19 services, just over 100,000. There's some public
20 safety fines in there and also the foreign fire
21 monies that the township receives or -- excuse
22 me, the foreign fire is located in the next
23 column over, under operating grants and
24 contributions, close to 230,000.

25 The next category down, we have

1 our public works. That's the highways and
2 streets, expenses of about 1.3 million. Moving

3 over, under the operating grants and
4 contributions you'll see 238,000. Those are the
5 liquid fuels funds that the township receives.
6 And then the capital grants and contributions of
7 76,000, they consist of mostly FEMA and PEMA
8 reimbursements that the township received in
9 2013.

10 Under our cultural -- culture
11 and recreation, expenses of about \$950,000, which
12 probably seems high. A lot of that, close to
13 750,000, is due to the township selling the
14 library in 2013, so the loss on that sale is
15 recorded there. I'll go over that in the capital
16 asset notes, it's a little more clear; but that
17 is where that's recorded on this financial
18 statement.

19 After our total governmental
20 activities, we have the business-type activity,
21 which is the wastewater sewage expenses of
22 680,000. And then the charges for services,
23 obviously, the sewer fees of 655,000.

24 So all totaled, what it ends up
25 having, like for governmental activities, there's

1 a net expense of 4.3 million dollars, and then
2 what covers that are the general revenues which,
3 of course, for the township, the main general
4 revenue are your taxes. So after you consider
5 the general revenue, the change in net position
6 of the governmental activities, there was a net
7 decrease of about 170,000; but, again, a large
8 portion of that is due to the sale of the
9 library. The business-type activities, there's a
10 net decrease in net position of about \$25,000.

11 Are there any questions on
12 Exhibit B?

13 MR. HOLAHAN: No.

14 MR. JAY GROBELNY: Okay.

15 The next few statements are
16 really pretty self-explanatory. The balance
17 sheet, Exhibit C, for the governmental fund
18 types, just two things to note here. The special
19 revenue funds that you see there, that consists
20 of the fire and the liquid fuels.

21 And then under fund balances
22 for the capital projects, you'll see that we have
23 that as an assigned fund balance. It's not --
24 it's not technically restricted for capital
25 projects. It's not restricted by any outside

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1 source, but the township has that money set aside
2 for those specific purposes, so that's considered
3 to be an assigned fund balance.

4 Exhibit D reconciles the
5 balance sheet statement of net position. And the
6 two adjustments that are made there are for the
7 capital assets and the long-term debt.

8 Exhibit E then is our revenue
9 expenditures and changes in fund balance on the
10 governmental fund types. Again, pretty
11 self-explanatory. We have our major revenue
12 there for the general fund, is the taxes. So
13 that consists of real estate, EIT transfer and
14 LST taxes. You'll also see under special
15 revenue, we have tax revenue, that's obviously

16 the fire portion of the real estate taxes.

17 Going down, we have
18 intergovernmental revenue, 355,000, that consists
19 of the pension, state aid, and also the for --
20 fire funding on the general fund. Obviously,
21 under the special revenue funds, that's your
22 liquid fuels funding of 2013.

23 So total revenues on the
24 governmental funds for 2013 was 5,387,000. If
25 you compare that to 2012, 2012 revenues were

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1 5,046,000. So it's up close to 340,000 compared
2 to 2012.

3 Under our expenditures,
4 obviously the major expenditure in the general
5 funds is the public safety again, which is the
6 fire and police, public works, highways and
7 streets. Under our special revenue fund, you'll
8 see the public safety, which are the monies that
9 were paid over to the various volunteer fire
10 companies. And also the highways and streets

11 then are the liquid fuels fund expenditures. So
12 all total for the governmental funds, the
13 expenditures for 2013 were 4,480,000. Again,
14 compared to 2012, 2012 the expenses were
15 5,028,000. So expenses decreased close to
16 \$600,000 compared to 2012.

17 Last page, the second page of
18 that on Exhibit E, Page 2 then, just includes our
19 other financing sources, the transfers in and out
20 of various funds and also the refund of the prior
21 year expenditures. So over all, with our
22 governmental funds, there was a net increase and
23 fund balance of 955,000. And in 2012, the net
24 increase was 46,000.

25 MS. HAASE: You want to repeat

50

1 that one again?

2 MS. LAMBERTON: That's a feel
3 good number.

4 MR. JAY GROBELNY: All right.

5 Any questions on the funds statements?

6 All right. The next statement
7 that I'd just bring your attention to would be
8 Exhibit H. That's kind of a better breakdown of
9 the sewer operations in 2013. Exhibit G would
10 give you the same information that's on the
11 statement, the net position, but Exhibit H breaks
12 down the sewer information a little bit more. So
13 there you can see the operating revenues of
14 655,000, the expenses, which includes
15 depreciation of close to 300,000, and then the
16 nonoperating expense, interest expense on the
17 debt; so that's how we get to our decrease in net
18 position of \$25,000. Compare that to 2012, in
19 2012 there was a decrease in fund balance of
20 \$103,000. So, again, moving in the right
21 direction.

22 And the next two statements are
23 the nonuniform pension fund statements, I think
24 they're pretty self-explanatory. So after that,
25 we have the notes to the financial statements. I

1 just want to bring your attention to a couple
2 notes. Note 1 is a summary of significant
3 accounting policies. That's pretty -- pretty
4 lengthy. It does have a lot of important
5 information in there. It would be similar to
6 what you would have seen in last year's
7 statements. We haven't made significant changes
8 there.

9 But if you flip to Note 5,
10 which is on Page 15 in the notes, again, I just
11 want to point out what I mentioned there about
12 the library. You'll notice under buildings and
13 improvements there was a disposal of 1.2 million
14 dollars. A lot of that was the library. There
15 also were items -- we went through the -- the
16 fixed asset list with Heidi and Phyllis and with
17 the public works department, and we took off some
18 of -- some of the items that were older, that
19 were no longer in service.

20 But there is a little paragraph
21 there regarding the sale of the Clymer Library,
22 so you can see that the cost -- the cost at the
23 time of the sale was about 1.2 million dollars.

24 There was accumulated depreciation of just over
25 500,000. So the net result from a book

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1 standard -- or from a book purpose, from
2 accounting purposes, was a net loss of \$713,000.
3 So that, again, is what's reflected on that
4 statement of activity, which really drives up
5 those culture and recreation expenses.

6 That was really the only
7 significant thing -- significant change that I
8 had to point out in the notes. The other note
9 that might be of interest to you would be the
10 long-term debt note, which is Note 6, and that
11 starts on Page 16. For the governmental
12 activities, there was no additions to debt in
13 2013. There were repayments of \$26,000. So at
14 the end of the year, total long-term debt was
15 280,000 and due within one year was 25,000.

16 On the sewer fund, there was
17 additions of 123,000 for the 2013 general
18 obligation note. Also it had repayments of about

19 180,000, so the total debt on the sewer fund at
20 your end is about 4.6, 4.7 million dollars.

21 After the notes then there is
22 some supplementary information. We have a budget
23 to actual on the cash basis for the general fund,
24 so we have four columns there. We have the
25 original budget, the revised budget, the actual

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1 results, and then a variance when compared to
2 budget. Those go into some pretty decent detail.
3 I would just like to point out on page 2, total
4 revenues, the total that was budgeted for
5 revenues on the general fund was 4.5 million, and
6 the actual was just over 5,000,000. So revenues
7 came in at about \$500,000 over budget, which is
8 good.

9 And then on -- on Page 3, total
10 expenses that were budgeted were about 4.4
11 million, and the total actual -- or the total
12 actual expenditures were about 4.1 million, so
13 expenditures came in about \$300,000 under budget.

14 All right. That's all I really
15 have. If there's any questions, I'd be happy to
16 address them.

17 MR. HOLAHAN: Questions from
18 the board?

19 Public?

20 I'll make this available so
21 that you can read this. This is much more
22 exciting looking at the pages than listening to
23 it. Next time we'll have a power point
24 presentation or something like that. They won't
25 be snoring.

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1 MS. DEBBIE BORGER: Just one
2 more thing before you go on. There are two
3 letters at the supervisors desks. Those are
4 required letters that we, the auditors, need to
5 provide to the governing board.

6 There -- the first one, which
7 I'll point out to you is one that has like two
8 pages, okay? That's the easiest way to identify

9 it. That's an internal control report having to
10 say that the items that we identified in last
11 year's audit were addressed. So there's one
12 remaining item that's identified on here, and I
13 believe that the ladies are working on that at
14 this time.

15 MR. HOLAHAN: Okay.

16 MS. DEBBIE BORGER: Then there
17 is the other letter is a little bit longer. It's
18 an information letter to inform the board about
19 various aspects of the accounting for the
20 township in relation to accounting practices; if
21 there were any difficulties in performing the
22 audit, which there were not; any adjustments that
23 were made during the audit; management
24 representations. We request a letter that
25 management needs to sign and they provided it to

1 us. At the end of the letter there are three
2 management points, just recommendations for
3 things that could be done, and I believe that

4 they're also working on those.

5 You know, we're pleased to say
6 that the administration has been very responsive
7 in trying to address the issues that were
8 identified in the audit, and we've been able to
9 work well with Heidi and Janice and Phyllis,
10 everybody here has been very helpful to us.

11 MS. PICKARD: I just had one
12 comment too that we've discussed also is that
13 maybe next year we could have the prior year's
14 information along the side. So we were planning
15 on --

16 MS. DEBBIE BORGER: As in like
17 a total column?

18 MS. PICKARD: Yeah.

19 MS. DEBBIE BORGER: Yep. We'll
20 do that.

21 MS. PICKARD: Thank you.

22 MR. HOLAHAN: Thank you. And I
23 think it's obvious -- well, it's obvious to us
24 because we can see the numbers, but with the
25 change in fund balances and things like that,

1 excess revenues over the expenses, that you've
2 been doing a great job.

3 MS. PICKARD: Thank you.

4 MR. HOLAHAN: Both of you, and
5 the whole staff as well, so thank you very much.

6 Concludes your report?

7 MS. DEBBIE BORGER: That's it
8 for us. Thank you very much.

9 MR. HOLAHAN: Thank you.

10 Okay. Here's something really
11 exciting. We're going to go on to Van Gilder's
12 Jubilee Restaurant.

13 MS. HAASE: Yes, Mr. Chairman.

14 In front of you, you have a conceptual drawing
15 that was proposed to the supervisors last month
16 by the owner of the establishment, which is
17 certainly aesthetically a very nice addition to
18 the community, where I asked Mr. Van Gilder to
19 come in. And after speaking with our chairman
20 about putting this on the agenda, there seemed to
21 be some confusion with the motion off of

22 information that was provided to the board.

23 It -- the information that was
24 provided to the board spoke to -- the actual
25 space would only consume 175 feet. It also

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1 stated that the pergola would encompass
2 approximately 675 feet. So when our solicitor
3 put together the conditional waiver of land
4 development, there was some confusion of exactly
5 what was waived.

6 Mr. Van Gilder came in and
7 presented the plans to our zoning officer; and
8 unbeknownst to him, his architect changed the
9 dimensions as well, so it was just under 900
10 square feet. So we had multiple different
11 figures that were being proposed. Mr. Van Gilder
12 has since gone back to the architect, they have
13 amended plans. It's just slightly over, I think,
14 650. I think it's 653 that's being proposed.

15 But our solicitor needed some
16 clarification, as well as we did, the township,

17 as to what the zoning officer was authorized to
18 issue. So that's why it's back in front of you,
19 just for clarification, and perhaps we could
20 amend the motion, if the board so chooses to.

21 MR. HOLAHAN: Okay.

22 MS. HAASE: And Mr. Van Gilder
23 is here, if there's any questions for him.

24 MR. ARMSTRONG: Yeah. If
25 you -- I just need clarifi -- if you remember at

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1 your meeting, you conditionally waived the
2 requirement for land development. And if you
3 look at the photo -- this is my understanding --
4 correct me if I'm wrong -- after discussions with
5 Phyllis and Maureen, this -- yeah, I don't know.

6 MR. BILL VAN GILDER: This --

7 MR. ARMSTRONG: This is the
8 pergola, right?

9 MR. BILL VAN GILDER: Correct.

10 MR. ARMSTRONG: And the square
11 footage, the 650 square feet is actually

12 beyond -- it's all the paver -- pavers?

13 MR. BILL VAN GILDER: No, it

14 would be the boundaries of the wooden structure

15 that needs to be --

16 MR. ARMSTRONG: Okay.

17 MR. BILL VAN GILDER: -- zoning

18 approved.

19 MR. ARMSTRONG: So this would

20 be the 650 square feet. The 175 square feet

21 was -- and correct me if I'm wrong -- literally

22 the square footage, if you took the tops of

23 the -- of the wood --

24 MR. BILL VAN GILDER: So,

25 the -- yeah. The argument or the discussion went

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1 to the requirement for a land development plan.

2 And I looked at the actual surface space, is the

3 way I explained it, that the wood -- if the rain

4 would fall, where would it land? Where the sun

5 would shine, where would it cast a shadow? And

6 that was 175 square feet. So I think that's

7 where the confusion was, but it sounds as if it
8 needs to be written.

9 MR. ARMSTRONG: Yeah.

10 MR. BILL VAN GILDER: But just
11 based on the boundaries, period --

12 MR. ARMSTRONG: The structure.

13 MR. BILL VAN GILDER: --
14 period.

15 MR. ARMSTRONG: The
16 structure --

17 MR. BILL VAN GILDER: I
18 understand that completely.

19 MR. ARMSTRONG: The structure
20 is 650 square feet. And we need to make sure
21 that the board understands that and the board is
22 still inclined to grant that conditional waiver
23 of land development --

24 MS. HAASE: If I can just
25 interrupt everybody, our building is now going to

1 be pressure-washed, so if you hear something in

2 back of you, so you're not frightened, okay?

3 MS. PICKARD: Are the windows
4 shut?

5 MR. BILL VAN GILDER: Send them
6 to the Jubilee next. I need that to be done too.
7 That's on my list. Sorry.

8 MR. HOLAHAN: Okay. So --

9 MR. ARMSTRONG: And since that
10 conceptual plan, I do have the copies, if you
11 need to see them, of the plans that were
12 submitted to the township and corrected yesterday
13 to the appropriate square footage, which is just
14 below 675 square feet, as discussed at the last
15 supervisors meeting.

16 MS. HAASE: And one other item
17 I just wanted to mention to the board, there
18 was -- in our zoning ordinance, there has to be
19 an eight foot separation between the building and
20 the accessory structure if they're not connected.
21 And there's also a requirement in the
22 International Fire Code.

23 Since then, Mr. Van Gilder's
24 gone back, and this will be attached to the

25 structure, so that will alleviate the

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1 requirement, if it's too close to go to zoning

2 hearing board or go into the rules of the IFC.

3 So the pergola will be attached to the structure,

4 so that takes that issue out of the equation.

5 MS. PICKARD: I just wanted the

6 clarification that was brought up about the

7 tables and the parking issue.

8 MS. HAASE: Right. And I think

9 that needs to be cleared up as well. We --

10 Mr. Van Gilder and I spoke about this a few years

11 back, where he wanted to improve his property and

12 the establishment and felt having some type of an

13 outdoor seating would help. He at that point

14 submitted an application to my office, which I

15 approved for a deck. At that time, we had

16 discussion that whatever was outside would be

17 removed from inside, which we are asking that to

18 occur for this expansion.

19 And we are -- in the minutes, I

20 stated being removed and Mr. Van Gilder came back
21 and said they wouldn't be used. And I think,
22 just in fairness to everyone, perhaps if we could
23 just store those tables just for that short time
24 period in the summertime, I think it would be
25 very difficult to patrol and police whether

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1 somebody does sit there or they don't sit there.
2 MR. BILL VAN GILDER: Okay. So
3 currently right now there's 16 seats on the deck
4 that we use, and we were looking to add possibly
5 14 more. So if that's going to be a requirement
6 to remove 14 seats inside, we can -- we can do so
7 and earmark them, and see if there'll be a
8 combination from the pub side of the dining
9 and -- and the main dining. I wasn't really
10 looking at that as a plan as much as quarantining
11 off the dining room, because days like today,
12 when it's raining, we wouldn't be able to use
13 that space.

14 MS. HAASE: And that's a valid

15 point.

16 MR. BILL VAN GILDER: So
17 therefore our seating would be reduced versus us
18 saying when it's opened, these are closed. And
19 I'd be happy to show you any type of table tents
20 that I would like to use in lieu of physically
21 putting tables and chairs in the attic, if you
22 will.

23 MR. ARMSTRONG: Perhaps what
24 the board wants to entertain is, I'm assuming
25 you're going to do an amended motion

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1 conditionally approving the land development, if
2 that's the direction the board's going today.
3 But in that, one of the conditions would maybe
4 be -- I mean, you're saying 14 -- I don't think
5 we really know sitting here -- maybe in a manner
6 acceptable to the township zoning officer, have
7 the zoning officer go out there, meet with
8 Mr. Van Gilder and figure out a system that works
9 for the township and the applicant.

10 MR. BILL VAN GILDER: And I
11 could agree that it's not worth policing. I
12 don't think you guys want to get involved in that
13 as much as I do. And I want, by all means, to
14 support all --

15 MS. HAASE: Certainly. And I
16 think you bring up a valid point, inclement
17 weather. You still should be able to use your
18 facility. Our concern is more of a safety
19 concern to the areas with the parking situation
20 and the traffic. That's what our concern is.
21 It's very nice to go back there and see the
22 parking lot full, because that means we have an
23 establishment in our community that's successful,
24 and we like to see that. We just need to make
25 certain of safety concerns.

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1 MR. BILL VAN GILDER: Yeah,
2 over the years it's never been an issue until
3 the -- literally the popularity of wing night
4 where both spaces are at capacity, where that

5 didn't happen before, one or the other was full.
6 And now we're seeing -- and takeout, which has
7 increased on those specific evenings, the nights
8 in question or the days in question we're talking
9 about.

10 MS. PICKARD: Maybe you need
11 some shuttle service and get --

12 MR. BILL VAN GILDER: I'd love
13 to. Absolutely.

14 MS. PICKARD: -- some extra
15 parking and --

16 MR. BILL VAN GILDER: I think
17 Camelback's doing that now with their --

18 MS. HAASE: Satellite --

19 MR. BILL VAN GILDER: -- lost
20 park -- they park them at park there. I'm
21 looking into discussing with some neighbors about
22 some potential parking for our employees as well,
23 to alleviate at least those numbers of vehicles
24 that would be on site throughout any day or night
25 shift, which could be a good alternative as well.

1 I mean, we've even gone to the
2 length that the business across the street, which
3 we used to operate a -- outdoor furniture store,
4 we've remained vacant due to the fact that we
5 need that parking for the restaurant. I mean, if
6 we go back in time, there was a motel there, and
7 we took that down for the popularity of the
8 restaurant as well.

9 MS. PICKARD: That's great. I
10 had one other comment, and I don't want to pick
11 on --

12 MR. BILL VAN GILDER: That's
13 okay.

14 MS. PICKARD: -- Mr. Van Gilder
15 at all. Just in the future, I would like to have
16 these things not thrown on the agenda at the last
17 minute. And one of the issues that I had is, we
18 generally charge a fee in lieu of land
19 development, and we did not do that for Mr. Van
20 Gilder; so I don't want to make it look like we
21 do for some and not for others, because we do
22 charge usually a fee in lieu of. And my question

23 then is -- and I know you've said that there's no
24 land development, so we don't have professional
25 services, but we had that fee for Lake Naomi for

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1 their things, in case there were charges, we had
2 \$1,000 --

3 MR. ARMSTRONG: What I would
4 suggest to the board is, if you'd like, I believe
5 maybe one of the reasons you didn't do a fee in
6 lieu of last month is because you thought it was
7 175 square feet, a very minimal addition. Now
8 that it's 650 feet, at least everyone's on the
9 same page now, it's 650 square feet. If the
10 board was inclined to maybe make that a
11 condition, whatever the (inaudible) of you were
12 thinking of, you could probably do that at this
13 point in time.

14 MS. PICKARD: I just wanted to
15 be consistent. I don't want to go back and retry
16 this, but --

17 MR. HOLAHAN: Here's where I'm

18 confused, one of the places I'm confused is, you
19 calculated a surface area of 175 of the timbers
20 that you're going to use for the pergola.

21 MR. BILL VAN GILDER: Correct.

22 MR. HOLAHAN: So the 600 some
23 square feet is not in addition? That's existing?

24 MR. BILL VAN GILDER: The
25 600 -- it would be -- right now what is existing

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1 is approximately 320 square feet of deck space;
2 so let's just say there'd be 300 additional
3 square feet. And it's just based on those
4 borders. That does not exist at all. That
5 pergola does not exist.

6 MR. HOLAHAN: I understand
7 that, and that's what I didn't have an issue
8 with, was the pergola. I was under the
9 impression that the pergola was going to cover
10 existing space.

11 MR. BILL VAN GILDER: It is
12 covering existing -- it's --

13 MR. HOLAHAN: But there's going
14 to be additional space on top of that as well.

15 MR. BILL VAN GILDER: There
16 is a -- if there is going to be a Pennsylvania
17 flagstone patio that is going to be installed,
18 that does not require zoning by this township.

19 MR. HOLAHAN: Okay.
20 Understood. And I think we addressed that
21 because I was speaking to -- concerned about
22 storm water.

23 MR. BILL VAN GILDER: Correct.

24 MR. HOLAHAN: And those
25 flagstones were permeable --

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1 MR. BILL VAN GILDER: Correct.

2 MR. HOLAHAN: Okay.

3 MR. BILL VAN GILDER: As
4 defined by the township zoning, yes.

5 MR. HOLAHAN: Okay. And what's
6 there now? Is there asphalt? Is there grass?

7 MR. BILL VAN GILDER: It's all

8 grass, which is licensed by the Pennsylvania
9 Liquor Control Board, as well as space we can use
10 to serve on.

11 MR. HOLAHAN: We're not going
12 to push that.

13 MR. BILL VAN GILDER: I'm just
14 saying that's already licensed space that's
15 recognized by the state in different matters
16 that --

17 MR. HOLAHAN: You've obviously
18 done your homework. Okay.

19 MR. BILL VAN GILDER: And, you
20 know, and the big scheme of things is, I'm not
21 looking to be busier at our busiest nights, if
22 that's what the question -- I'm looking to be
23 steadier at our slower times, a more desirable
24 location to have lunch, a late afternoon dinner
25 or maybe even a brunch on weekends and stuff like

1 that. Can I be -- can we do more business when
2 we're slower? I don't want to do -- we're at max

3 capacity --

4 MR. HOLAHAN: Understood.

5 MR. BILL VAN GILDER: -- those
6 other times, so that's --

7 MR. HOLAHAN: Because you'd be
8 coming back to us about increasing the size of
9 the kitchen.

10 Yes. Okay. To Heidi's
11 comment, though, we're learning a new word, de
12 minimis. So anyway, so -- it just doesn't sound
13 like a lot, the 175, it just really doesn't add
14 anything; but the fee in lieu of, what do we want
15 to do with that?

16 MR. ARMSTRONG: That's up to
17 the board. Your fees -- I don't recall what
18 they've been in the past for similar projects.

19 MS. HAASE: They've generally
20 been a thousand for Lake Naomi and Arrowhead and
21 some establishments, is that --

22 MS. PICKARD: Has that been the
23 same for when we've done pavilions? I mean,
24 because this seems like an addition is an
25 addition, a pavilion or a pergola seems less

1 than.

2 MR. HOLAHAN: Right. And you
3 can certainly put the flagstone down without
4 coming to us on it.

5 MS. HAASE: That is correct, so
6 we're strictly dealing with the 650 square foot,
7 the pergola, and that's really what we're
8 addressing. The flagstone, as long as it's flush
9 to the ground or below six inches.

10 The one thing that I will
11 state, on the picture -- and I don't think I --
12 if you notice on the picture, it shows that
13 there's -- it's steps going up. It's my
14 understanding you are not doing that?

15 MR. BILL VAN GILDER: There are
16 no steps.

17 MS. HAASE: Right.

18 MR. BILL VAN GILDER:

19 Everything will be --

20 MS. HAASE: So that's --

21 MR. BILL VAN GILDER: -- not
22 even a ramp, more of a slope.

23 MS. HAASE: That area would not
24 be included because it's not razed.

25 MS. PICKARD: You need --

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1 MR. BILL VAN GILDER: What's
2 that?

3 MS. PICKARD: You need to have
4 guide rails or something.

5 MR. BILL VAN GILDER: Well,
6 that's why you refer to it as a slope and not a
7 ramp. When we get into too steep of a pitch, you
8 will have to provide railings and such. In
9 addition to that, the design includes a more
10 designated smoking area; so the entire patio
11 would be nonsmoking as well. The goal is in
12 front of the building.

13 If you recall in the past, when
14 Pennsylvania mandated restaurants to go
15 nonsmoking, it was great for the inside; but all

16 the sudden now I have all these customers and
17 such smoking outside. So it's kind of a -- it's
18 a challenge. I think we've seen the challenges
19 with Robert Christians and their outside smoking
20 area, so we're trying to define that and create a
21 space for those individuals as well.

22 MS. HAASE: It's my
23 understanding --

24 MS. PICKARD: Don't let it blow
25 down to your neighbor's.

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1 MR. BILL VAN GILDER: Correct,
2 and it actually -- it will be further away.

3 MS. HAASE: It's my
4 understanding from Mr. Van Gilder -- correct --

5 MR. BILL VAN GILDER: That
6 is --

7 MS. HAASE: -- this area here
8 with the benches, that is what's going to be
9 denoted as their smoking area.

10 MR. HOLAHAN: Okay.

11 Additional lighting?

12 MR. BILL VAN GILDER: We'll --

13 we'll put some additional lighting, what's called

14 cafe -- cantina lighting, those kind of string

15 lights --

16 MR. HOLAHAN: Okay.

17 MR. BILL VAN GILDER: -- that

18 you see that are strung up. Actually I think we

19 have them now on the deck, and those will go

20 pretty much between the beams to light that

21 space.

22 MR. HOLAHAN: You'd have to get

23 the zoning officer on that, but we've got

24 something where light doesn't spill over, but

25 that doesn't sound like that's going to be an

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1 issue anyway.

2 MR. BILL VAN GILDER: No.

3 MR. HOLAHAN: Okay.

4 Further discussion from the

5 board then?

6 Are you looking for a -- are we
7 looking for a fee in lieu of?

8 MS. PICKARD: I think it would
9 be much less than the thousand dollars for the
10 other --

11 MR. HOLAHAN: How much less?

12 MS. PICKARD: I don't know.
13 I'm up for suggestions.

14 MR. HOLAHAN: 250?

15 MS. PICKARD: I would agree
16 with that.

17 MR. HOLAHAN: What's being
18 required of our -- our staff to --

19 MR. ARMSTRONG: What will go
20 out with the conditional waiver letter is the
21 requirement for the fee in lieu of whatever the
22 board decides, as well as a -- your typical
23 professional services agreement, which the
24 applicant will sign and therefore agree to
25 reimburse the township for any time that Bob

1 McHale has to spend on reviewing anything that's
2 necessary.

3 I don't know if there's a lot
4 on this project?

5 MS. HAASE: Yeah, Bob will not
6 be reviewing. If anything, I think it would be
7 more just reimbursement of your services for the
8 conditional use letter -- the conditional
9 approval.

10 MR. HOLAHAN: So we're not
11 going to pile on here?

12 MS. PICKARD: No.

13 MR. HOLAHAN: Okay. I'll need
14 that in the form of a motion.

15 Do I have a motion?

16 MR. KERRICK: Could I ask a
17 question --

18 MR. HOLAHAN: Certainly.

19 Mr. KERRICK: -- or do I have
20 to wait for the motion? What do we do with the
21 previous motion from last month?

22 MR. HOLAHAN: We're amending
23 it.

24 MR. ARMSTRONG: You're amending
25 it.

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1 MR. KERRICK: So you want a
2 motion to amend that motion?

3 MR. ARMSTRONG: Based upon the
4 supplemental information we received from the
5 applicant.

6 Would you like me to -- if the
7 board is inclined to entertain a motion this
8 morning on an amended motion to the requested
9 waiver of land development from the Jubilee
10 Restaurant, based upon the supplemental
11 information provided by the applicant with
12 respect to the square footage and related
13 information, it could be conditional upon the
14 applicant agreeing that the structure itself will
15 not go beyond -- 650 square feet, is that the
16 number?

17 MR. BILL VAN GILDER: It's an
18 unfortunate square footage, it says 666.

19 MR. ARMSTRONG: Okay, so we're

20 not --

21 MS. LAMBERTON: We'll say 670.

22 MR. BILL VAN GILDER: I'm going

23 to change that --

24 MR. ARMSTRONG: It will not go

25 beyond 670 --

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1 MR. BILL VAN GILDER: Let's

2 stick with the original, it will not go beyond

3 the 675 square feet.

4 MR. ARMSTRONG: It will not go

5 beyond the 675 square feet, as represented by the

6 applicant. And further that the applicant will

7 meet with the zoning officer and ensure that the

8 tables and seats within the building will be

9 moved or not used in a fashion that is acceptable

10 to the zoning officer, to be consistent with the

11 requirements of the zoning ordinance and parking

12 regulations.

13 Further conditional upon the

14 applicant paying a fee in lieu of \$250, and
15 agreeing to and executing a professional services
16 agreement with the township, and further
17 complying with all related building code and
18 zoning ordinance requirements.

19 MS. PICKARD: That's my motion.

20 MR. HOLAHAN: I've got a
21 motion.

22 Do I have a second?

23 MS. LAMBERTON: Second.

24 MR. HOLAHAN: Motion and
25 second.

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1 Further discussion from the
2 board?

3 From the public?

4 MR. FRANK CACCHIONE: I'm just
5 worried -- in the words of Yogi Berra -- that it
6 will get so busy people won't go there any more.

7 Thank you.

8 MR. HOLAHAN: So noted.

9 MS. LAMBERTON: I hope they
10 have that problem.
11 MR. HOLAHAN: Call the vote.
12 John?
13 MR. KERRICK: In favor.
14 MR. HOLAHAN: Heidi?
15 MS. PICKARD: I vote in favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I vote in
18 favor.
19 MR. HOLAHAN: And I vote in
20 favor. Motion carries.
21 MS. HAASE: Mr. Van Gilder,
22 when was that structure built?
23 MR. BILL VAN GILDER: The deck?
24 MS. HAASE: No, the restaurant
25 itself, do you remember?

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1 MR. BILL VAN GILDER: It would
2 have been 1965, I think when --
3 MS. HAASE: Okay.

4 MS. JEANINE HOFBAUER: The day
5 your mom and dad got married.

6 MR. BILL VAN GILDER: No, they
7 bought it from the Everharts.

8 MS. LAMBERTON: Yes.

9 MS. JEANINE HOFBAUER: Okay.

10 MR. BILL VAN GILDER: It was
11 just a motel, but --

12 MS. JEANINE HOFBAUER: Okay.

13 MR. BILL VAN GILDER: Parking
14 was adequate then. We had 16 seats.

15 MS. HAASE: Good for you, for
16 the improvement.

17 MR. BILL VAN GILDER: We still
18 have the original grill that came with it.

19 MR. HOLAHAN: Okay. Let's go
20 on to -- under new business, consider Resolution
21 2014 dash 013, amending Resolution 2014 dash 011,
22 voluntary drug testing for the regional police
23 members.

24 MS. PICKARD: I make a motion
25 that we approve Resolution 2014 dash 013,

1 amending resolution 2014 dash 011.

2 MS. LAMBERTON: I'll second.

3 MR. HOLAHAN: I have a motion

4 and a second.

5 Further discussion from the

6 board?

7 From the public?

8 MR. HOLAHAN: Hearing none,

9 I'll call the vote.

10 John?

11 MR. KERRICK: Favor.

12 MR. HOLAHAN: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Anne?

15 MS. LAMBERTON: I vote in

16 favor.

17 MR. HOLAHAN: I vote in favor.

18 Motion carries.

19 MS. HAASE: Mr. Chairman, just

20 so you're aware, at last night's police

21 commission meeting we did submit -- we received

22 two of the background checks for myself and
23 Mr. David Moyer back. Donny Moyer's was just
24 submitted; so that's been presented to the police
25 commission at our meeting last evening. I will

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1 submit myself to the drug testing to meet the
2 requirements of what has just been passed, and
3 also request both David -- Mr. David Moyer and
4 Mr. Donald Moyer to submit as well. And we will
5 submit that to the police commission at the next
6 meeting.

7 And just so you're aware, their
8 July meeting will be in the township.

9 MR. HOLAHAN: And same time,
10 right?

11 MS. HAASE: Yes, sir.

12 MR. HOLAHAN: Very good. Thank
13 you.

14 Item D, Consider the T&M
15 Associates Plan Review and Inspection Services
16 Agreement.

17 MS. HAASE: Yes. We had some
18 discussion with the Kalahari project, as bringing
19 in an agency to do the inspections. At that time
20 we had -- Mr. McHale had determined that he just
21 does not have the time to properly inspect the
22 public improvements of the sewer that's being
23 installed. We also had some discussion of the
24 inspection of Kalahari Boulevard. T&M has agreed
25 that they will provide the service to both Pocono

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1 and Toby for the inspection of the sewer line.
2 With regards to the Kalahari
3 Boulevard, there seemed to be some confusion. In
4 our April meeting, we had discussion with Pocono
5 agreeing on the same inspection agency, but we
6 did not agree to bring T&M on to inspect Kalahari
7 Boulevard. So I did speak to Mr. Tim Edinger of
8 T&M, whether or not they would be able to provide
9 the service to us, to inspect Kalahari Boulevard
10 prior to being offered to the township; and they
11 feel that they can accomplish that and are

12 grateful for the consideration.

13 So Pat has put together a draft
14 agreement, we just needed clarification from the
15 board that you did want to move forward with
16 using T&M for Kalahari Boulevard. Mr. McHale
17 will be out periodically, as I will, but it's not
18 going to be on a regular basis, as would be
19 required from T&M.

20 MR. HOLAHAN: I'm in favor of
21 enlisting T&M to take care of that --

22 MS. LAMBERTON: I am as well.

23 MR. HOLAHAN: -- as opposed to
24 someone else.

25 MS. LAMBERTON: Yes, I'm fine

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1 with that.

2 MR. HOLAHAN: Heidi?

3 John?

4 MR. KERRICK: Yes.

5 MR. HOLAHAN: I have a motion

6 then? Do I have a motion?

7 MS. LAMBERTON: I'll make a
8 motion to approve T&M plan review and inspection
9 services agreement.

10 MR. ARMSTRONG: Well, let's do
11 this. Perhaps the motion should be you're
12 agreeable to entering into an agreement with T&M
13 for the -- you know what? No. You're good,
14 because we're going to need them out there
15 shortly. I'm thinking -- they haven't seen this
16 agreement yet, and I have to add the access road
17 provision to it. And once I do that, I'm going
18 to submit it to T&M, they may have comments. So
19 this may not be the final form.

20 MS. LAMBERTON: Okay.

21 MR. ARMSTRONG: Maybe -- but
22 you do want them out there shortly because
23 Kalahari's going to be working on that sewer
24 pretty soon; so I would suggest, if you're going
25 to consider any kind of amendment to the motion,

1 just make it conditional upon final approval from

2 T&M and the township solicitor and manager.

3 MS. LAMBERTON: I'll amend my
4 motion.

5 MS. PICKARD: I'll second the
6 motion.

7 MR. HOLAHAN: Okay.

8 Further discussion from the
9 board?

10 From the public?

11 Hearing none, I'll call the
12 vote.

13 John?

14 MR. KERRICK: Favor.

15 MR. HOLAHAN: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I vote in
19 favor.

20 MR. HOLAHAN: And I vote in
21 favor. Motion carries.

22 It sounds like he's done this
23 before, doesn't he --

24 MS. LAMBERTON: Yeah, a couple,

25 two, three times.

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1 MR. HOLAHAN: -- Patrick,
2 just improv.

3 Next we've got Nature
4 Conservancy request for letter of support.

5 MS. HAASE: Yes, sir. Mr. Cook
6 contacted my office requesting a letter to be
7 submitted to -- with their grant that they are
8 submitting to DCED. And they're requesting
9 funding for a 2.2 mile nature loop. It's going
10 to be a wildlife observation blind.

11 There's also going to be two
12 bumpouts they're going to be installing on the
13 boardwalk to allow turnarounds for wheelchairs.
14 And they're going to do a slight improvement on
15 their access. They're going to compact a few
16 areas to allow better accessibility for
17 wheelchairs.

18 It is a 50-50 matching grant.
19 They do have the funds to submit to them, if it

20 was awarded; so they are just basically asking
21 for a letter of support from the township.

22 MR. HOLAHAN: Okay. I mean --

23 MS. PICKARD: Did they do
24 anything with the parking that they discussed
25 before on Caughbaugh Road or is that --

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1 MS. HAASE: I believe it's
2 pretty much completed.

3 MS. PICKARD: Okay. I just
4 haven't gotten a chance to go down there.

5 MS. HAASE: They are going to
6 be having a dedication August 2. They have
7 discussed with me they will be sending out
8 invitations, if the board would be able to
9 attend, as well as myself. And that's going to
10 be on the 2nd, at 10 a.m.

11 MS. PICKARD: Okay.

12 MS. HAASE: And when we do
13 receive that, I'll distribute it to the board.

14 MS. PICKARD: Please. Okay,

15 great.

16 MR. HOLAHAN: Yeah.

17 Ms. PICKARD: I'll make the
18 motion that we send a letter of support to for
19 the DCED grant for Thomas Darling Nature
20 Preserve.

21 MS. LAMBERTON: Second.

22 MR. HOLAHAN: I've got a motion
23 and a second.

24 Further discussion from the
25 board?

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1 MR. KERRICK: I have a
2 question. This does not obligate us to any
3 funding, correct?

4 MS. LAMBERTON: Correct.

5 MS. HAASE: That is correct.

6 MR. HOLAHAN: Further
7 discussion from the board?

8 From the public?

9 Hearing none, I'll call the

10 vote.

11 John?

12 MR. KERRICK: Favor.

13 MR. HOLAHAN: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. HOLAHAN: Anne?

16 MS. LAMBERTON: I vote in

17 favor.

18 MR. HOLAHAN: And I vote in

19 favor. Motion carries.

20 I mean, how could you say no,

21 right?

22 MR. KERRICK: I just wanted to

23 make sure.

24 MR. HOLAHAN: Unless it was

25 costing us something. And then John might have

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1 had a problem with it.

2 MS. LAMBERTON: I would have

3 too.

4 MR. KERRICK: I think it's a

5 good idea --

6 MR. HOLAHAN: Absolutely.

7 MR. KERRICK: The funding is

8 just not --

9 MS. PICKARD: We did agree to

10 give forces to do that trail that they ended up

11 doing them themselves. Remember a couple years

12 ago --

13 MR. KERRICK: Yes.

14 MS. PICKARD: -- and then they

15 just went and did it without us, so --

16 MR. HOLAHAN: But the thing is,

17 I appreciate Mr. Kerrick's comment there --

18 MS. PICKARD: Yeah.

19 MR. HOLAHAN: -- because we're

20 quick to do some things because they sound good

21 without understanding maybe some of the

22 unintended consequences.

23 So thanks for bringing that up,

24 John.

25 MR. KERRICK: You're welcome.

1 MR. HOLAHAN: F. Consider
2 request for zoning permit fee refund. This is
3 for Miss Feldmann?

4 MS. HAASE: Yes. Just to give
5 some past history, this is actually the first
6 request that I've received as manager for a
7 refund. When I've asked the ladies up front
8 previously how some of these refunds were
9 incurred, what they said is, they would take it,
10 give it to our treasurer and then she would
11 refund the monies.

12 My problem with that is, when
13 you adopted the fee resolution, the fee
14 resolution specifically states the fees are
15 nonrefundable. So I don't feel I have the
16 authority to go against what the board has
17 adopted. I have asked now for all refunds to
18 come through my desk first, and a majority of
19 them are simply -- they're warranted. It would
20 be an application that was submitted and it was
21 denied and they weren't able to build; so to me
22 that is completely separate than a situation that

23 is like this.

24 But as long as that verbiage is
25 on that resolution, until I get clarification

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1 from the board, I don't think it would be prudent
2 for me to approve the refund of the monies
3 without your approval or giving me direction
4 moving forward, how I can handle these
5 situations, because of the way that the fee
6 resolution states nonrefundable for the fees.

7 MS. PICKARD: Yeah, I just want
8 to go on the record saying all the time that I've
9 been on the board, I think everything's come
10 before. It was my understanding, which may have
11 been incorrect, that these refunds were from
12 denials, because we've had a couple; and when
13 they're denied, we automatically refund them and
14 that's not necessary. But obviously this is a
15 special case.

16 MS. HAASE: That's correct.

17 MS. PICKARD: And I am inclined

18 to agree with this, to refund this woman's permit
19 but that's -- so I will make that motion. I
20 think the circumstances here, she's not building
21 the house and she got into a jam with --

22 MS. LAMBERTON: Yeah, I read
23 the letter.

24 MS. PICKARD: -- the
25 contractor, you know?

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1 MR. HOLAHAN: I've got a
2 motion.

3 Do I have a second?

4 MS. LAMBERTON: Second.

5 MR. HOLAHAN: I've got a motion
6 and second.

7 Further discussion from the
8 board?

9 MR. KERRICK: Do we have any --

10 MS. HAASE: Yes, sir. As far
11 as the time spent by our zoning officer and also
12 our finance department, processing the checks and

13 et cetera, is this something that you want me to
14 come out of the refund or do you want me to
15 refund the full amount of \$234.60?

16 MS. PICKARD: If there's a \$25
17 or some sort of processing fee, I don't know what
18 you would think is appropriate, I would -- I
19 would be okay with that, you know --

20 MS. HAASE: I think years ago
21 we did a breakdown of how much time -- since this
22 is a module home, the amount of time would be
23 certainly less than if it was constructed on
24 site. So I think the review time is going to be
25 slightly less, but we did figure out how much

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1 time was spent by our zoning officer versus the
2 front staff and also processing funds. That is
3 entirely up to the board of how you'd like me to
4 proceed with that.

5 MS. PICKARD: So what are you
6 saying that the time factor cost would be?

7 MS. HAASE: I'd have to go back

8 and see if I can find our calculations from -- it
9 seems to be many, many years ago.

10 MR. HOLAHAN: There's --
11 also what else would Maureen have been doing if
12 not looking at that? You know, it's not like she
13 came in to do this, so -- but I think we
14 certainly, going forward, need to have something
15 in place as well, because --

16 MS. PICKARD: If we deny a
17 permit, we've also incurred that cost, and we
18 don't --

19 MR. HOLAHAN: Right.

20 MS. PICKARD: -- hold that.

21 MR. HOLAHAN: And there's a
22 caveat, maybe we'll address that separately, but
23 I don't want these things coming to the board. I
24 want our manager -- administration should be able
25 to handle these things, so we give some kind of

1 clear direction. And maybe it doesn't have to be
2 done -- well, it should be done today, that we

3 figure out what's fair, how much time is spent
4 into that, if you can come up with a
5 calculation --

6 MS. LAMBERTON: And deduct
7 that from the --

8 MR. HOLAHAN: -- and deduct it
9 from the refund and leave that up to admin with a
10 formula, so it's not -- so it's not capricious,
11 that there is something set forth. Maybe we can
12 agree on that amount at another time.

13 At this point, if we just --
14 you've made a motion for the full amount. Are
15 you amending your motion or are you going to
16 leave it at the full amount --

17 MS. PICKARD: Well, I said I
18 would be amenable to --

19 MS. HAASE: Processing fees --

20 MS. PICKARD: -- charging a
21 processing fee, just --

22 MR. HOLAHAN: Okay.

23 MS. PICKARD: -- as a matter of
24 recourse.

25 MR. HOLAHAN: So are you

1 amending your motion to --

2 MS. PICKARD: I did state that
3 \$25 was what I was coming up with. I was asking
4 the question whether that was appropriate or
5 there was a better amount.

6 MR. HOLAHAN: No, I'm fine with
7 25.

8 MS. LAMBERTON: I'm fine. I'll
9 amend my second if she amends her motion.

10 MR. HOLAHAN: Okay. So the
11 motion is to refund, less \$25 processing fee?

12 MS. LAMBERTON: Yep.

13 MR. HOLAHAN: Further
14 discussion from the board?

15 From the public?

16 Hearing none, I'll call the
17 vote.

18 John?

19 MR. KERRICK: In favor.

20 MR. HOLAHAN: Heidi?

21 MS. PICKARD: I vote in favor.

22 MR. HOLAHAN: Anne?

23 MS. LAMBERTON: I vote in

24 favor.

25 MR. HOLAHAN: And I vote in

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1 favor. Motion carries.

2 Now, going forward, Phyllis,

3 would you come back to the board and say this is

4 how we're going to calculate some times so that

5 you can figure out what a -- a fair processing

6 fee would be?

7 MS. HAASE: I certainly could

8 come up with a formula.

9 MR. HOLAHAN: So then do we

10 need to, as a board, come up with a motion or can

11 we just by consensus say, take care of these

12 things, we --

13 MS. LAMBERTON: We have to

14 change our ordinance.

15 MR. HOLAHAN: -- if you can do

16 it? Well, it's in our fee schedule, so do we
17 have to amend our fee schedule?

18 MS. LAMBERTON: Okay.

19 MS. PICKARD: Yeah. I think if
20 we have this next month on the agenda, we can
21 just clarify it.

22 MR. HOLAHAN: So then we'll
23 have enough information to be able to act on it?
24 Let's do that. Thank you.

25 Okay. Item G, an hour and a

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1 half into this. We're getting close, though,
2 folks, authorize advertisement for repealing
3 Ordinance 505.

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

6 MS. LAMBERTON: Second.

7 MR. HOLAHAN: Motion and
8 second.

9 Further discussion from the
10 board?

11 Anything from the public?
12 Hearing none, call the vote.
13 John?
14 MR. KERRICK: In favor.
15 MR. HOLAHAN: Heidi?
16 MS. PICKARD: I vote in favor.
17 MR. HOLAHAN: Anne?
18 MS. LAMBERTON: I vote in
19 favor.
20 MR. HOLAHAN: And I vote in
21 favor. Motion carries.
22 MS. PICKARD: I just have one
23 question on that, now that we voted on it.
24 MR. HOLAHAN: Too late.
25 MS. PICKARD: Now there's an

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1 ordinance and we advertise it and everything, we
2 don't have to unadvertise this or anything to do?
3 This is legal, to repeal an ordinance?
4 MR. HOLAHAN: Ask Pocono Record
5 for a refund.

6 MR. ARMSTRONG: Yes. Yeah,
7 we -- this is -- you're able to do this. Just a
8 quick history, Ordinance 505, if you recall,
9 during the NID and the TIF, initially Coolbaugh
10 Township, the gas line, the natural gas lines
11 extended within Coolbaugh Township, and the
12 initial plan was to include those gas lines
13 within the NID district. After adopting the
14 ordinance authorizing the intergovernmental
15 agreement with Coolbaugh, it was determined that
16 the gas lines would not be within the NID.
17 So the NID district ordinance
18 that you adopted does not include Coolbaugh
19 Township or the gas lines. The NID ordinance is
20 fine. This is just a cleanup item to take that
21 ordinance off the books, because it's not
22 relevant or necessary anymore.
23 MS. PICKARD: And I understand
24 that, but if next month three people decide to
25 repeal the zoning ordinance, I mean, you can just

1 do that that way?

2 MR. ARMSTRONG: No, no. The
3 zoning ordinance has separate and distinct
4 regulations with respect to -- this was an
5 ordinance merely authorizing --

6 MS. PICKARD: The inter --

7 MR. ARMSTRONG: -- the township
8 to enter into an intergovernmental agreement.

9 MS. PICKARD: But procedurally
10 I just didn't know that you can just repeal an
11 ordinance without --

12 MR. ARMSTRONG: Yeah, it
13 wasn't -- this wasn't a legislative inaction of
14 the township. It was pursuant to the
15 intergovernmental agreement act --

16 MS. PICKARD: Okay.

17 MR. ARMSTRONG: -- requiring
18 you to -- if you're going to enter into an
19 agreement, to delegate a municipal action with
20 another municipality, you have to do so by
21 ordinance.

22 MR. HOLAHAN: You folks
23 understand the power that we wield up here? You

24 get the brevity of this?

25 MR. ARMSTRONG: It's

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1 actually -- I'll be honest with you, it's
2 probably not necessary, but Phyllis and I talked
3 about it. It just made sense to clean it up just
4 so no one 10 years from now is looking at your
5 ordinance book and wondering why this ordinance
6 was in effect when Coolbaugh Township's not
7 within the NID district.

8 MR. HOLAHAN: Okay. Great
9 conversation after we've already voted on it,
10 but --

11 MS. PICKARD: Timing's
12 everything.

13 MR. HOLAHAN: I'll have to talk
14 faster.

15 H, consider the Pocono Mountain
16 School District PTOs and booster club's request
17 for donation.

18 So we've received a letter.

19 Phyllis, do you want to --

20 MS. HAASE: Yes, sir. We had a
21 letter submitted to us asking us to consider a
22 donation to their new standardized dress code
23 policy for the students. So that has been placed
24 on your agenda for consideration. This is not
25 something that we did budget for; however, they

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1 are asking for a donation, tax deductible,
2 because of our PTO and booster clubs are approved
3 501(c)(3) nonprofit organization, and that they
4 would be contacting us with interest of
5 supporting the students of the Pocono Mountain
6 School District.

7 MR. HOLAHAN: Well, it's not
8 tax deductible to our township, so it's -- but it
9 looks like it's a general letter out to Friends
10 of Monroe County.

11 MS. HAASE: That's correct.

12 MR. HOLAHAN: I've got no
13 problem doing it personally, I just don't know --

14 MS. PICKARD: I don't have a
15 problem personally, but I don't feel comfortable
16 with using tax dollars to do that --

17 MS. LAMBERTON: I agree.

18 MR. KERRICK: I agree.

19 MR. HOLAHAN: Okay, so if you
20 want to -- I've got the letter here. If you want
21 to send a donation, if anybody needs the
22 information to be able to send a donation to the
23 PTO and the booster club, to help with -- this is
24 for assistant clothes closets for the people that
25 are having a hardship to outfit their children

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1 for the next school year, so --

2 MS. PICKARD: Is there any way
3 that we could post this letter on our website
4 also to, you know, let our, you know,
5 constituents know that there's a need out there?

6 MS. HAASE: I mean, I could,
7 but I think it's probably more up to the school
8 district, if this is -- if they're soliciting for

9 donations. And it's certainly -- if that's the
10 direction the board would like to go, I have no
11 problem forwarding --

12 MS. PICKARD: It's another
13 governmental body, so I don't want -- I don't
14 feel like everybody else would be up there, but
15 it's, you know -- you know, it's just a
16 suggestion. I'm not married to it or anything.

17 MR. HOLAHAN: Okay, good. Then
18 we'll move on.

19 MS. LAMBERTON: I think there
20 was a question.

21 MR. HOLAHAN: Oh, I'm sorry.

22 MS. SUSAN PRICE: My name is
23 Susan Price. I'm actually here on behalf of the
24 Pocono Mountain School District, the standard
25 dress committee. I don't work for the district,

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1 I'm just a parent.

2 MR. HOLAHAN: Okay.

3 MS. SUSAN PRICE: Obviously

4 with the charter school closing, we're now
5 probably at closer to 9600 students, 5400 of
6 which are approximately on the free or reduced
7 lunch program. We have over 60 percent. I
8 actually work for Stroudsburg Area School
9 District, and I'm familiar with the standard
10 dress. I was a big advocate for the standard
11 dress for a couple of reasons, and I know what it
12 took for Stroudsburg to be able to implement the
13 program. So it's as much -- not necessarily the
14 district as it is me, because I'm the chairperson
15 for the committee.

16 We just recently had a clothing
17 drive throughout the district where it was kind
18 of a pennies-for-pound type of situation, and we
19 got over 10,000 pounds worth of clothing and
20 linens, towels, things of that nature. So we
21 raised about \$2100.

22 We have a couple of different
23 things -- of course, with East Stroudsburg Area
24 School District now looking at the standard
25 dress, I know what I need to raise in order to

1 get to that point, to have clothing for these
2 kids who don't have or -- or don't have the
3 means.

4 If you wouldn't be so inclined
5 as to give a donation, would you be willing -- I
6 live in Par -- I live in Paradise Township.
7 Paradise Township has agreed to put a bin on the
8 porch, per se, on the front of the building of
9 the township building for three weeks, for
10 donations of standard dress items.

11 You have Lake Naomi up here,
12 you have a lot of different developments and
13 people that might be so inclined as they're
14 cleaning out their closets. You know, we have
15 students from 4T to 4X in the district that we
16 need to outfit. And it's those outer sizes that
17 are a lot harder to find. Sometimes people
18 cleaning out their closets may find a pair of
19 khaki pants, navy pants, navy shorts, khaki
20 shorts, whatever the case may be.

21 Would you be so inclined as to

22 allow a bin here for, let's say, a period of
23 about three weeks, for those items alone?

24 MS. LAMBERTON: I'm not opposed
25 to that at all.

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1 MR. BILL VAN GILDER: The
2 Jubilee would be willing to host that -- that
3 bin. It might be a better drop point, more
4 centerized in the community, as long as we agree
5 on a size that works and a pickup schedule.

6 MS. PICKARD: And my comment
7 there is probably more people will see the bin on
8 wing night than they will come to the township
9 office, so I think you might be --

10 MS. LAMBERTON: Let's do both.

11 MR. BILL VAN GILDER: We've
12 done very well with our -- with our Toys for Tots
13 program. We've done very well with all those
14 type of programs which have a limited drop time,
15 which works for me. And as long as we agree to a
16 size and a pickup schedule, we'd be happy to help

17 out here.

18 MR. HOLAHAN: Something that
19 sleeps four? I mean, I could imagine Friday
20 morning, you better check that bin.

21 MR. BILL VAN GILDER: We'll
22 have a patio drive.

23 MS. LAMBERTON: There you go.

24 MS. SUSAN PRICE: A patio
25 drive.

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1 MS. PICKARD: You're not going
2 to serve anybody in the bin --

3 MR. BILL VAN GILDER: No.

4 MS. PICKARD: -- that's going
5 to create more parking or anything.

6 MR. HOLAHAN: And of course
7 there's other issues, so --

8 MS. PICKARD: I'm not opposed
9 to the bin here --

10 MR. BILL VAN GILDER: I'm just
11 trying to offer a solution --

12 MS. PICKARD: -- but I think
13 that would be --
14 MR. BILL VAN GILDER: -- if
15 that works for them and the township.
16 MS. HAASE: More visible,
17 better recognized.
18 MS. PICKARD: Yeah.
19 MR. HOLAHAN: Okay. Then can
20 you all work that out?
21 MS. SUSAN PRICE: Thank you.
22 MR. BILL VAN GILDER: You're
23 welcome.
24 MS. PICKARD: We can put a sign
25 up too and let people know.

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1 MR. HOLAHAN: Certainly.
2 MS. PICKARD: And post that on
3 our website. Can we put that on our website?
4 MS. LAMBERTON: Put it all on
5 the website.
6 MR. HOLAHAN: Consider deputy

7 tax collector appointment.

8 MS. HAASE: This actually was
9 brought to light by our treasurer. The township
10 treasurer -- or tax collector had contacted her.
11 It appears, and it makes sense, I just had some
12 questions of whether or not it was legal, and
13 it's my understanding it is. In the absence of
14 Miss Woehrle, then we would appoint an assistant
15 tax collector for the time that she would not be
16 available to serve our residents.

17 My initial concern was that
18 she's appointing the tax collector from
19 Chestnuthill Township.

20 MS. PICKARD: She's requesting
21 that we appoint her.

22 MS. HAASE: Exactly. And my
23 concern was that she was not a resident of
24 Tobyhanna Township, but it appears that that is
25 not an issue. But that was my concern because

1 it's an elected position --

2 MS. LAMBERTON: Absolutely.

3 MS. HAASE: -- for the tax
4 collector, but if the board so chooses to appoint
5 the assistant, it is my understanding does not
6 need to reside in the community.

7 Each taxing agency, the county,
8 the school district, the municipality, they would
9 have to sign off on that appointment as well. So
10 that was my concern, but I think it's now become
11 a moot issue, it's my understanding.

12 MS. PICKARD: And I just don't
13 know if there's any time limitations, and then
14 obviously if the sickness continues, we would
15 have to have -- I don't know how the election
16 process works to get an interim if somebody
17 resigns or whatever. I'm sure there's a process
18 for that.

19 MR. ARMSTRONG: Yeah. The tax
20 collector, if it goes vacant, the process is the
21 same as if there's someone that comes off the
22 board of supervisors. You have 30 days to
23 appoint. If you fail to do so, there's a vacancy
24 board. If they fail to do so, it goes to the

1 MS. LAMBERTON: Got it.

2 MS. PICKARD: What Linda's
3 thing was, and she was appointed to the
4 Chestnuthill as their deputy. She has a
5 relationship with us. They do things in the same
6 very precise manner, because Linda's very
7 particular. And that's why they feel that they
8 fit.

9 What the county was saying, as
10 that there's no issue with the bonding, and that
11 was described in there, and they checked -- the
12 county checked with the bonding, and that was one
13 of the main issues, because they have to be
14 bonded for like \$10,000,000, which is very
15 difficult. So in this, these other tax
16 collectors are already bonded through the same
17 policy. And if something happened with this tax
18 collector, it would go on Linda's bond for our
19 township, and that has already been verified also

20 with the bonding company. So that was one of the
21 main reasons why they were doing it was because
22 of the bonding issues.

23 But I -- you know, I would
24 defer obviously to Patrick. And this is just
25 something that's never been addressed and

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1 obviously can become a problem if something
2 happens.

3 MR. ARMSTRONG: Yeah. I mean,
4 I -- I know they're able to do it pursuant to the
5 Local Government Tax Collector Law. The question
6 as to residency, I'll be honest, I didn't realize
7 that the individual wasn't a resident of
8 Tobyhanna Township. But recall, you're being
9 requested by -- the tax collector actually does
10 the appointment. They just -- the tax collector
11 just needs the approval and consent of the
12 township, the county and the school district.

13 So if you are inclined to, you
14 know, authorize her to appoint this individual,

15 it would just be conditional upon the fact that
16 such appointment is consistent with the Local
17 Government Tax Collector Law. And if they're --
18 if she's not a resident, if there's a requirement
19 that she's a resident, clearly she can't be
20 appointed.

21 MS. PICKARD: Well, the county
22 already signed off on Linda being the deputy for
23 Chestnuthill, so obviously --

24 MR. ARMSTRONG: Oh. Well, then
25 that --

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1 MS. PICKARD: -- I think -- we
2 have the copy of that paperwork. So the county's
3 already signed off on it, on other circumstances.

4 MR. HOLAHAN: Okay. So do I
5 have a motion to approve Linda's appointment for
6 her selection?

7 MS. PICKARD: Yes, and that
8 name is June O'Neill.

9 MR. HOLAHAN: June O'Neill,

10 yep.

11 MS. PICKARD: So I would make
12 that motion to appoint June O'Neill from
13 Chestnuthill Township as the deputy tax collector
14 for Tobyhanna Township in the event of an illness
15 by our tax collector.

16 MR. HOLAHAN: Okay, so we're
17 not really appointing, we are --

18 MR. ARMSTRONG: Authorizing.

19 MR. HOLAHAN: -- authorizing,
20 so to authorize Linda too?

21 All right. I've got a motion.
22 Do I have a second?

23 MS. LAMBERTON: Second.

24 MR. HOLAHAN: Motion and
25 second.

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1 Further discussion from the
2 board?

3 MS. LAMBERTON: Is this
4 necessary? We've never had this before, I guess

5 is my question.

6 MR. ARMSTRONG: You probably
7 haven't had a deputy tax collector.

8 MS. LAMBERTON: Ever, to my
9 knowledge.

10 MR. ARMSTRONG: It's not
11 common.

12 MR. HOLAHAN: We are breaking
13 new ground here, Annie.

14 MS. LAMBERTON: And I respect
15 the looking ahead. God forbid something would
16 happen, and then it's all lined up, nobody has to
17 worry. That's why I said second.

18 MR. HOLAHAN: Who is June?

19 MS. LAMBERTON: Don't know.

20 MS. PICKARD: She's the tax
21 collector for Chestnuthill Township.

22 MS. LAMBERTON: That's all I
23 know about her.

24 MR. HOLAHAN: Did you say that
25 before and I wasn't paying attention?

1 MS. PICKARD: Yes.

2 MS. LAMBERTON: Yes.

3 MR. HOLAHAN: Okay.

4 MS. LAMBERTON: That's why

5 Linda is their deputy.

6 MR. HOLAHAN: Understood.

7 MS. HAASE: Mr. Chairman, this

8 needs to be accepted. Is this something that

9 you're going to sign off on?

10 MR. HOLAHAN: With the approval

11 of the board.

12 I've got a motion and second.

13 Further discussion?

14 Hearing none, I'll call the

15 vote.

16 John?

17 MR. KERRICK: In favor.

18 MR. HOLAHAN: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. HOLAHAN: Anne?

21 MS. LAMBERTON: I vote in

22 favor.

23 MR. HOLAHAN: I'd vote in
24 favor. Motion carries.
25 Hey, guess where we are? We've

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1 got public questions and comments, so do I
2 have -- library want to say something?

3 MR. FRANK CACCHIONE: Yeah, I
4 guess. I'll just be brief.

5 As we mentioned in the last
6 meeting, we had a very successful dedication
7 ceremony kicking off our fundraiser for the
8 improvements at the library. What you have in
9 front of you, the brochures that we're passing
10 out to people, and it was very successful. We've
11 had about 12 paper (phonetic) markers already,
12 and also a copy of the photo of the paver that
13 we're going to be dedicating to the -- to the
14 township.

15 And if you'll notice, I chased
16 down the auditors to make sure that they
17 accounted for the dollar that we gave you for

18 that wonderful facility now that we're going to
19 be building out. So we just wanted to mention
20 that, we'll let you know when we dedicate that
21 paver and put it in. The one for the American
22 Legion went over very well over Memorial Day
23 weekend when we dedicated the paver to them.
24 So thank you very much for your
25 support so far.

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1 MR. HOLAHAN: So do we have to
2 amend the audit part where we lost 731,000?

3 MR. FRANK CACCHIONE: 713.

4 MR. HOLAHAN: Okay.

5 Anybody else?

6 Do I have a motion to adjourn?

7 MS. LAMBERTON: So moved.

8 MS. PICKARD: So moved.

9 MR. HOLAHAN: Motion and
10 second.

11 All in favor? Aye?

12 MS. PICKARD: Aye.

13 MR. HOLAHAN: We're adjourned.

14 (Meeting concluded at 9:42

15 a.m.)

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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
10 notes taken by me, at the meeting in the above
11 matter; and that the foregoing is a true and
12 correct transcript of the same.

13

14

15

16 JESSICA L. HOLT, C.R.

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**Tobyhanna Township
Board of Supervisors
Special Meeting
June 26, 2014**

Chairman Holahan called the meeting to order at 5:04 PM

Present:

John Holahan, Chair

Donald Moyer, Board Member

John Kerrick, Board Member

Also Present:

Phyllis Haase, Township Manager

Announcement- The Board of Supervisors entered into executive session on June 2, 2014 from 3:05pm-3:27pm to discuss personnel matters.

Consider Kalahari Resorts Letter of Credit Reduction Request in the amount of \$ 329,819.61

Motion Moyer/Kerrick to authorize the reduction in the amount of \$ 329,819.61

Motion passed 3/0

Consider T & M Associates Agreement for Professional Consulting Services

Motion Kerrick/Moyer to authorize the execution of the T & M Associates Agreement for Professional Consulting and Inspection Service related to the inspection of Kalahari Boulevard and Proposed Sewer District No. 1

Motion passed 3/0

Consider the Pennsylvania Property Tax Claim Voluntary Disclosure Agreement

Motion Moyer/Kerrick to authorize the execution of the Pennsylvania Property Tax Claim Disclosure Agreement in relation to 2006 Tax Rebate Account

Motion passed 3/0

Consensus of the Board was to allow the Township Manager to address requests for donations that have not been funded in the current year's budget

Township Manager discussed changes to the 2014 Road/Drainage Projects that had been proposed due to major base repairs needed on some roads in the Evergreen Section. Supervisor Kerrick suggested further discussion related to a dedicated .50 mil to road repair.

Adjourned 5:24 PM

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 14, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager
ROBERT J. McHALE, Township Engineer
MAUREEN MINNICK, Assistant Zoning
Officer

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

2

***Index regarding the public hearing on the
conditional use application of Lake Naomi Club
Association for Timber Trails Community and
Golf/Pro Shop expansion and pavilion.

INDEX TO WITNESS

WITNESS	DIRECT
TERRY D. MARTIN.....	11

INDEX TO EXHIBITS

TOWNSHIP EXHIBIT NO.	FOR I.D.	INTO EVID.
1.....Application.....	8.....	11
2.....June 5, 2014 Letter from the Tobyhanna Township Engineer.....	8.....	11
3.....Correspondence.....	9.....	11
4.....Correspondence and Affidavit.....	9.....	11
5.....Initial Proof of Publication.....	10.....	11
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APPLICANT
EXHIBIT NO.

1.....	Google Image.....	12.....
2.....	Site Development Plan for Clubhouse Expansion....	12.....
3.....	Site Development Plan for Golf/Pro Shop.....	13.....

* Exhibits not provided to the reporter.

3

1 (Pledge of allegiance was
2 recited.)

3 MR. HOLAHAN: I'd like to call
4 to order the regular business meeting for July 14,
5 2014.

6 Let's start off with some
7 announcements.

8 MS. HAASE: Mr. Chairman, if
9 it's acceptable, I'll put that under my report.

10 MR. HOLAHAN: Very good.

11 Next, consider the minutes from
12 the June 11, regular business meeting.

13 MS. HAASE: I have one
14 correction for June 11, 2014, Page 7, Line 22, Pat
15 should read Hatt, H-a-t-t. And that is the only
16 correction I have.

17 MR. HOLAHAN: Okay. Then for
18 minutes for the June 26 special meeting and for --
19 let's make that 2014. I'm looking for a motion.

20 MS. LAMBERTON: Motion to
21 approve the minutes of June 11, 2014, regular
22 business meeting and June 26, 2014, special
23 meeting.

24 MS. PICKARD: I'll second the
25 motion.

4

1 MR. HOLAHAN: I have a motion
2 and a second.

3 Further discussion from the
4 board?

5 Anything from the public?

24 MR. HOLAHAN: Donald?

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

6

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: And I vote in
4 favor. Motion carries.

5 Next is solicitor's report.

6 Patrick?

7 MR. ARMSTRONG: Thank you, Mr.

8 Chairman. There are number of items in my report.

9 Most of them are actual public hearings. We'll
10 start with the first.

11 The first is a conditional use
12 hearing of the Lake Naomi Club for the Timber
13 Trails Community, their golf/pro shop expansion and
14 pavilion. What this is, it's a conditional use
15 application by the applicant pursuant to your
16 zoning ordinance, specifically Section 155-101.
17 It's a development amenity as interpreted by the
18 zoning officer. And the applicant needs to comply

19 with this specific section of the zoning ordinance.
20 It lists 155-101 A through J certain conditions and
21 requirements that they need to comply with.
22 This is a public hearing this
23 evening. There will be testimony given by the
24 applicant. I'm assuming the applicant is here
25 represented by its professional consultant. This

7

1 has been advertised for a public hearing in the
2 Pocono Record. It's been advertised in both the
3 June 2 and the -- I'm sorry, the June 30 and July 7
4 editions of the Pocono Record.

5 With that, if there are no
6 questions or comments at this time, I think we can
7 open the public hearing and I'll go through some
8 housekeeping items. And we'll then turn it over to
9 the applicant for testimony, if that's acceptable.

10 MR. HOLAHAN: It's acceptable.

11 MR. ARMSTRONG: Okay. With
12 that, we'll open the public hearing. And this is a
13 hearing to consider the conditional use application

14 of Lake Naomi Club for the expansion of the
15 golf/pro shop and the construction of a new
16 pavilion as a development amenity by the Lake Naomi
17 Club for the Timber Trails Community on Tax Map
18 Parcel No. 19 slash 117136; Pin No. 196335 dash 01
19 dash 28 dash 5798. The property is owned by the
20 Lake Naomi Club and the applicant is applying for
21 the conditional use ability to construct an
22 expansion of its golf/pro shop and a new pavilion
23 pursuant to Section 155-101 of the Tobyhanna
24 Township Zoning Ordinance.

25 This is a public hearing and

8

1 with any public hearing before this board is a
2 conditional use. The applicant will be a party,
3 the board of supervisors will be a party and any
4 other individual in the audience this evening that
5 wants to be a party may, pursuant to the
6 Municipalities' Planning Code.

7 So with that, is there anyone in
8 the audience, aside from the applicant and the

9 board, that would request party status with respect
10 to this conditional use application?

11 Seeing none. What I will do is
12 proceed with marking the township exhibits starting
13 with Exhibit T-1, which will be marked and it's the
14 application of Timber Trails Community Lake Naomi
15 Club for the conditional use.

16 (Application was marked for
17 identification by Mr. Armstrong as Township Exhibit
18 No. 1.)

19 MR. ARMSTRONG: T-2 is a June
20 5, 2014 letter from the Tobyhanna Township engineer
21 to the Tobyhanna Township Planning Commission with
22 respect to the conditional use application.

23 (June 5, 2014 Letter from the
24 Tobyhanna Township Engineer was marked for
25 identification by Mr. Armstrong as Township Exhibit

9

1 No. 2.)

2 MR. ARMSTRONG: Exhibit T-3 is
3 a correspondence from the Tobyhanna Township

4 assistant zoning officer to the Lake Naomi Club
5 providing them with a copy of the legal notice of
6 the public hearing this evening.

7 (Correspondence was marked for
8 identification by Mr. Armstrong as Township Exhibit
9 No. 3.)

10 MR. ARMSTRONG: What's going to
11 be marked as T-4 is a correspondence and affidavit
12 from the Tobyhanna Township assistant zoning
13 officer confirming that the property, that is the
14 subject of this conditional use application, was
15 posted in accordance with the Municipalities'
16 Planning Code.

17 (Correspondence and Affidavit
18 were marked for identification by Mr. Armstrong as
19 Township Exhibit No. 4.)

20 MR. ARMSTRONG: What we'll mark
21 as T-5 is a proof of publication from the Pocono
22 Record advertising the June 9, 2014 public hearing.
23 For purposes of the record, this public hearing was
24 initially scheduled for June 9, 2014.
25 Unfortunately that public hearing needed to be

1 rescheduled and it has been rescheduled for this
2 evening. And therefore there is a subsequent proof
3 of publication which we'll mark as T-6, which is
4 the proof of publication for this evening's public
5 hearing July 14, 2014.

6 (Initial Proof of Publication
7 was marked for identification by Mr. Armstrong as
8 Township Exhibit No. 5.)

9 (Subsequent Proof of Publication
10 was marked for identification by Mr. Armstrong as
11 Township No. 6.)

12 MR. ARMSTRONG: Are there any
13 objections to the township's exhibits?

14 Seeing none.

15 With that, is the applicant
16 present? Is the representative aside --

17 MR. TERRY MARTIN: I do have
18 two representatives with me.

19 MR. ARMSTRONG: What I will ask
20 is there will be -- the testimony that you provide
21 will be under oath. The court reporter will --

22 Who's going to be providing test
23 -- is it --
24 MR. TERRY MARTIN: I will be
25 initially.

11

1 MR. ARMSTRONG: Can you state
2 your name?

3 MR. TERRY MARTIN: Terry
4 Martin.

5 ---

6 TERRY MARTIN, a witness called
7 on behalf of the Applicant, having been duly sworn
8 by Mr. Armstrong, was examined and testified as
9 follows:

10 MR. ARMSTRONG: Okay. With
11 that, this is a conditional use, it's a public
12 hearing. And the township's exhibits have been
13 marked without objection, they will be admitted
14 into the record. I'll hand it over to the
15 applicant to provide testimony with respect to
16 what's being proposed for purposes of the

17 application.

18 DIRECT EXAMINATION

19 THE WITNESS: Thank you. Good
20 evening, everyone. I do have several exhibits that
21 I would like to introduce as well.

22 (Google Image was marked for
23 identification by the reporter as Applicant's
24 Exhibit No. 1.)

25 (Site Development Plan for

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12

1 Clubhouse Expansion was marked for identification
2 by the reporter as Applicant's Exhibit No. 2.)

3 (Site Development Plan for
4 Golf/Pro Shop was marked for identification by the
5 reporter as Applicant's Exhibit No. 3.)

6 THE WITNESS: Good evening
7 everyone. My name's Terry Martin. I'm a
8 professional land surveyor with Martin and Robbins.
9 So I'm here on behalf of Lake Naomi Club in support
10 of their conditional use application. This
11 application is filed for two projects in the Timber

12 Trails Community.

13 If you recall back in March, we
14 came before the board with a sketch plan for those
15 two small projects requesting a waiver of the
16 requirement to comply with the land development
17 ordinance. At that time you folks granted that to
18 us under certain -- with five conditions. I think
19 that Solicitor Armstrong drafted a letter. And one
20 of those five conditions was that we go -- follow
21 through with the zoning ordinance with the
22 conditional use meeting all the requirements set
23 forth in the zoning ordinance for a conditional
24 use.

25 This first exhibit is just a

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13

1 Google image that we downloaded and it illustrates
2 the location of the two small projects. This is --
3 for those of you that aren't familiar with the
4 Timber Trails Community, this is in the center of
5 the community. You can see the golf course that's
6 cut out. The projects are located off of

7 Centennial Trail, which comes off of Conestoga
8 Trail.

9 The clubhouse is located right
10 here, right next to some existing tennis courts and
11 a swimming pool, maintenance shed and a large
12 parking area. And the golf/pro shop is on the
13 opposite side of Centennial Trail again surrounded
14 by the golf course, large parking area there.
15 There are some ponds there that they use for
16 storage for water and irrigation purposes.

17 As you can see, again, they're
18 surrounded by the golf course. The closest
19 residence would be this one here, which is over 500
20 -- or 400 feet away from the existing golf/pro
21 shop. Exhibit 2 is --

22 MR. ARMSTRONG: Just for
23 purposes of the record, Exhibit 1 can we mark as
24 Applicant 1?

25 THE WITNESS: Applicant 1, yes.

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14

1 MR. ARMSTRONG: Exhibit 2 will

2 be Applicant 2.

3 THE WITNESS: Applicant 2.

4 Applicant 2 is a site
5 development plan that we prepared in accordance
6 with your zoning requirements. It's entitled The
7 Proposed Building Addition Plat Timber Trails
8 Community Clubhouse. This first project is an
9 expansion of the existing clubhouse. We've
10 highlighted the areas where the expansion's going
11 to take place. The building expansion is roughly
12 1300 square feet, if you recall, and it's on the
13 north side of the building.

14 The primary purpose for that
15 expansion is to enhance the existing facility by
16 making it more useful and also to make it ADA
17 accessible. At the present time, that building
18 does not meet the ADA code for accessibility.
19 Under this project that will take place with this
20 expansion.

21 On the south side we're also
22 going to provide approximately 1100 square feet of
23 outside deck area. Now, with this there's no
24 planned expansion in seating or capacity of the

25 building as far as people inside. So it will not

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15

1 impact any of the existing water, sewage or parking
2 facilities.

3 Applicant A-3, or Exhibit A-3 is
4 the second project. This involves an expansion of
5 the existing golf/pro shop. Approximately 660
6 square feet will be added to the existing building
7 and also the construction of a outdoor pavilion.
8 Purpose of the building expansion is to improve the
9 usefulness of the existing facility inside. And,
10 again, most importantly to make it comply with ADA
11 requirements for accessibility.

12 In addition, the proposed
13 pavilion is going to be constructed. This will
14 provide a permanent structure for such events when
15 they have golf tour -- or tournaments, golf
16 tournaments and they have a picnic following and an
17 awards ceremony. In the past what they've had to
18 do is put up a tent and then take it back down.
19 They'd like to put something permanent there so

20 that when they have such events, they don't have to
21 go through that putting up a tent and taking it
22 back down.

23 Again, it's just to enhance --
24 the building enlargement is just to enhance the
25 existing facility. There won't be any increase in

T. MARTIN - DIRECT

16

1 the occupancy; and therefore there's no impact on
2 the existing water, sewage or parking facilities.

3 As the solicitor said, these are
4 considered development amenities. In your zoning
5 ordinance a development amenity is subject to a
6 conditional use permit. Conditional use permits
7 are referred to the board. The board refers those
8 matters to the planning commission for advice and
9 comment. We did sit down -- following the meeting
10 with you folks, we sat down with Bob and Maureen
11 and went over what items we needed to include on
12 the site development plan.

13 We prepared both those plans in
14 accordance with the requirements set forth in the

15 zoning ordinance, submitted to the planning
16 commission. Bob did do a review, prepared a
17 letter. At the planning commission meeting, there
18 were a couple of small items that we took care of,
19 we made provisions to the plan. And the planning
20 commission did recommend approval of the project,
21 of the conditional use.

22 As the solicitor said, under
23 Section 155-101 there are certain conditions which
24 must be met by the applicant. On each one of these
25 exhibits, A-2 and A-3, we've listed all of those

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17

1 right out of the ordinance and addressed them with
2 our response right on the plan. They do look to do
3 these projects this summer. Probably as soon as
4 they get to hopefully receive approval from the
5 township to move forward, they will do so.

6 I'd be glad to answer any
7 questions or some of the folks from Lake Naomi
8 Club, if there's something I can't answer, would be
9 glad to respond.

10 MR. ARMSTRONG: I have -- if
11 the board has any -- I have some.
12 MR. HOLAHAN: Anybody have any
13 questions?
14 MR. KERRICK: I have no
15 questions.
16 MS. PICKARD: I have no
17 questions.
18 MR. ARMSTRONG: I have a few.
19 Just to clarify, the proposed clubhouse expansion
20 --
21 THE WITNESS: Yes.
22 MR. ARMSTRONG: -- is 1,370
23 square feet?
24 THE WITNESS: Twelve sixty-nine
25 is what we have on here, but I don't have the

T. MARTIN

18

1 actual architectural plans.
2 MR. ARMSTRONG: Okay.
3 THE WITNESS: So I'm saying
4 roughly 1300 square feet.

5 MR. ARMSTRONG: 1300 square
6 feet. The expansion of the clubhouse deck, I have
7 1,100 square feet?

8 THE WITNESS: I have 1,099.

9 MR. ARMSTRONG: So 1100?

10 THE WITNESS: Roughly.

11 MR. ARMSTRONG: The expansion
12 of the golf/pro shop, I have 689 square feet.

13 THE WITNESS: I have 660 on
14 this plan.

15 MR. ARMSTRONG: So it's 660?

16 THE WITNESS: That's what I
17 listed. I don't -- again, I don't have the
18 architectural -- final architectural, but that's
19 what we were given to prepare these plans.

20 MR. ARMSTRONG: Yeah, the
21 numbers I'm -- just so you're aware, the numbers
22 I'm asking you, they came from the actual -- the
23 waiver of land development.

24 THE WITNESS: Application.

25 MR. ARMSTRONG: So I guess I'm

1 asking you for purposes of the record in the
2 decision, what square footage would you like on
3 there? Would you like the 660 or would you like
4 the 689? Can you tell by the plan?

5 MR. MOYER: The 689.

6 MS. LAMBERTON: When in doubt go
7 bigger.

8 THE WITNESS: No, I can't, so
9 I'll go with the 689.

10 MS. LAMBERTON: I agree.

11 MR. ARMSTRONG: That's what I
12 thought.

13 MR. HOLAHAN: The planning
14 commission in their letter --

15 MR. ARMSTRONG: Right. Then
16 the proposed construction of the new pavilion, I
17 have 1,092 square feet.

18 THE WITNESS: I think that's
19 correct.

20 MR. ARMSTRONG: Is it 26 by --

21 THE WITNESS: 26 by 42.

22 MR. ARMSTRONG: 26 by 42.

23 THE WITNESS: Just under 1100,

24 I believe.

25 MR. ARMSTRONG: There's no --

T. MARTIN

20

1 you're not proposing any increased parking?

2 THE WITNESS: No.

3 MR. ARMSTRONG: You're not

4 proposing any new signage?

5 THE WITNESS: No.

6 MR. HOLAHAN: What's the

7 existing square footage of the clubhouse now?

8 THE WITNESS: I don't believe I

9 have that, John.

10 MR. HOLAHAN: I guess what I'm

11 asking is, does it need to be ADA compliant now,

12 but the addition will increase the square footage

13 to where it will be required?

14 THE WITNESS: The existing

15 facility is not ADA compliant.

16 MR. HOLAHAN: So does it need

17 to be at the current square footage?

18 THE WITNESS: I'm not sure. I
19 can't answer that. I know with the addition they
20 want it to be.

21 MR. HOLAHAN: I think it's a
22 good idea. I think the threshold's like 2600
23 square feet to be -- that you need to be ADA
24 compliant. It's a good idea anyway.

25 MR. ARMSTRONG: Yeah. Any

T. MARTIN

21

1 approval from this board will be conditional upon
2 you complying with any additional codes and
3 requirements.

4 THE WITNESS: That was in that
5 letter that you drafted and we agreed -- the club
6 agreed to.

7 MR. ARMSTRONG: Have you
8 reviewed Section 155-101 --

9 THE WITNESS: Yes.

10 MR. ARMSTRONG: -- the
11 requirements? Is it your testimony that the
12 applicant will be compliant with all of those

13 requirements set forth in the ordinance?

14 THE WITNESS: It is.

15 MR. ARMSTRONG: The exhibits
16 that have been marked as Applicant 2 and 3, just so
17 I'm -- I have two copies in my hand. I want to
18 make sure, are these -- Applicant Exhibit 2 is a
19 plan dated May 10, 2014?

20 THE WITNESS: There was
21 revisions.

22 MR. ARMSTRONG: Okay.

23 THE WITNESS: And that came
24 from the engineer's review, so --

25 MR. ARMSTRONG: Are the revised

T. MARTIN

22

1 dates on those plans?

2 THE WITNESS: They are.

3 MR. ARMSTRONG: Do you have
4 copies this evening for the township?

5 THE WITNESS: I do.

6 MR. ARMSTRONG: Okay. Are
7 there any other questions from the board at this

8 time?

9 MS. LAMBERTON: I have none.

10 MR. ARMSTRONG: Bob, do you
11 have anything to add?

12 MR. McHALE: No, sir.

13 MR. ARMSTRONG: Maureen?

14 MS. MINNICK: No.

15 MR. ARMSTRONG: Are there any
16 other parties from the applicant that wish to
17 present any testimony this evening?

18 Any comments from the public?

19 Seeing none. The next step
20 would be for this board to close the hearing and
21 with the understanding that this is a conditional
22 use, it's a quasi-judicial hearing. This board has
23 the ability to make an oral decision tonight and
24 then they'll have 45 days to issue a written
25 decision as well following it up, pursuant to the

23

1 Pennsylvania Municipalities' Planning Code.

2 So absent any further questions

3 or comments from the board, if the board wishes to
4 close the hearing, you can at this time.

5 MR. HOLAHAN: Do we have a
6 motion to close the hearing?

7 MS. LAMBERTON: So moved.

8 MR. MOYER: Second.

9 MR. HOLAHAN: Motion and
10 second.

11 All in favor, aye?

12 BOARD MEMBERS: Aye.

13 MR. HOLAHAN: Opposed? Motion
14 carries.

15 THE WITNESS: Thank you.

16 MS. LAMBERTON: I'll make the
17 motion.

18 MR. KERRICK: We're going to
19 vote on this now, Pat?

20 MR. ARMSTRONG: The one thing I
21 will point out before you make an oral decision is,
22 it was indicated in the waiver of land development
23 letter, as well as when you came before the board
24 for the waiver of land development, that there
25 would be some sort of fee in lieu thereof. And it

1 would be decided at the conditional use with the
2 conditional use adjudication. So I'm not sure if
3 the board is ready to include that in any motion as
4 a condition of your approval at this point or not.
5 It's really up to the board.

6 MS. LAMBERTON: Well, we both
7 agree that there is going to be a fee in lieu of
8 the waiver. We just have not decided an amount, is
9 that where we're at right now?

10 MR. TERRY MARTIN: I believe
11 that's it.

12 MS. HAASE: If I may just
13 refresh the board's memory, we recently had a very,
14 very small project which was 250. Previously over
15 the last few years there was some improvements to
16 Lake Naomi to their Duster Bar area and also Locust
17 Lake and I believe that fee in lieu of was 500,
18 just to refresh your memory.

19 MR. HOLAHAN: Great.

20 Do I have a motion then from --

21 MS. LAMBERTON: I'll make a
22 motion approving Lake Naomi Club's conditional use
23 along with the \$500 fee in lieu of land development
24 waiver.

25 MS. PICKARD: Second the

25

1 motion.

2 MR. ARMSTRONG: And --

3 MR. KERRICK: Question?

4 MR. MOYER: Condition.

5 MS. LAMBERTON: Condition, I'm
6 sorry.

7 MR. ARMSTRONG: I would -- if
8 the board is willing to add the condition that they
9 comply with the testimony that was provided tonight
10 with respect to the square footage, as well as the
11 exhibits and further complying with any and all
12 other applicable codes and requirements for the
13 township.

14 MS. LAMBERTON: I'll amend my
15 motion.

16 MS. PICKARD: I'll amend my
17 second.
18 MR. HOLAHAN: We have a motion
19 and a second.
20 Further discussion by the board?
21 MR. KERRICK: I have a
22 question.
23 MR. HOLAHAN: Yes, sir.
24 MR. KERRICK: Is that per
25 project, 500 or -- just so it's straight for the

26

1 minutes; 500 total or 500 per project?
2 MR. HOLAHAN: This is one
3 project under -- this is one application taking
4 care of one project. It's in three phases
5 apparently, but you're doing this all at the same
6 time.
7 MR. KERRICK: I just think it
8 should be clear in the motion as well.
9 MS. LAMBERTON: I'm going to
10 say it's for both projects because they're under

11 one hearing.

12 MR. KERRICK: Perfect.

13 MR. HOLAHAN: Further

14 discussion from the board?

15 Anything from the public?

16 Hearing none. I'll call a vote.

17 John?

18 MR. KERRICK: In favor.

19 MR. HOLAHAN: Heidi?

20 MS. PICKARD: I vote in favor.

21 MR. HOLAHAN: Donald?

22 MR. MOYER: I vote in favor.

23 MR. HOLAHAN: Anne?

24 MS. LAMBERTON: I vote in

25 favor.

27

1 MR. HOLAHAN: I vote in favor.

2 Motion carries.

3 MR. TERRY MARTIN: If I may on

4 the square footages, since I don't have the

5 architectural plans, is there a little bit of

6 flexibility on that?

7 MR. HOLAHAN: No.

8 MS. LAMBERTON: I don't have a
9 problem with any flexibility.

10 MR. HOLAHAN: The numbers that
11 are written --

12 MR. TERRY MARTIN: It was a
13 sketch initially prepared, so I don't know that the
14 architectural plans are completed that -- I mean,
15 if it's off a foot it could be several square feet.

16 MR. HOLAHAN: Mr. McHale, do
17 you see any issue with that?

18 MR. McHALE: No, sir.

19 MR. ARMSTRONG: I mean, we can
20 write the written decision --

21 MR. McHALE: I would say within
22 five percent of the numbers as named in the
23 conditional use hearing.

24 MR. TERRY MARTIN: I'll get
25 architectural to you as soon as I can for those

1 square footages, if that's acceptable?

2 MR. HOLAHAN: Yes. Thanks,
3 Terry.

4 MS. LAMBERTON: I'm fine with
5 that, yes.

6 MR. TERRY MARTIN: Thank you.

7 MR. HOLAHAN: Maureen, are you
8 changing anything on us here?

9 MS. MINNICK: No, I'm good.

10 MR. HOLAHAN: Patrick, did you
11 want to go on to the next public hearing?

12 MR. ARMSTRONG: Sure. The next
13 public hearing is the proposed Sewer District No. 1
14 Connections Ordinance. What this is, this is an
15 ordinance -- if the board may recall, you passed an
16 ordinance establishing and creating the Tobyhanna
17 Township Sewer District No. 1 in accordance with
18 the multiple agreements and issues with the
19 Kalahari Resorts project. This is a sewer district
20 that is solely going to be servicing Kalahari
21 Resorts, as well as Pocono Manor Investors, when
22 and if that property is developed.

23 So you've created the Sewer

24 District No. 1. This ordinance is establishing
25 rules and regulations with respect to the future

29

1 anticipated connections to the sewer line once
2 constructed and dedicated to Tobyhanna Township.

3 This ordinance has been advertised in the Pocono
4 Record pursuant to the Second Class Township Code
5 for a public hearing this evening.

6 I'll briefly summarize -- well,
7 first let's open up the public hearing. I'll open
8 up the public hearing as advertised in the Pocono
9 Record. And the ordinance as proposed by the Board
10 of Supervisors of Tobyhanna Township is proposing
11 to amend Chapter 113, Article IX of the Code of
12 Ordinances of Tobyhanna Township, requiring all
13 owners of improved property located in the
14 Tobyhanna Township Sewer District No. 1 and
15 adjoining and/or adjacent to any sanitary sewer
16 line constructed therein, owned or operated by the
17 township to connect such improved property with and
18 to the sewer line.

19 Further regulating the manner of
20 making such connections and authorizing the
21 township to impose fees and charges to the
22 properties being served; and further authorizing
23 the township to make connections at the cost and
24 expense of any owner of improved property failing
25 to make such connection. And adopting rules and

30

1 regulations prohibiting the connection of privy
2 vaults, cesspools, sinkholes, septic tanks and
3 similar receptacles in certain treatment facility
4 to any sewer line; and further prescribing
5 penalties for violations of the ordinance.

6 I can go a little bit more into
7 detail if the board wishes. Are there any specific
8 questions from the board of supervisors with
9 respect to this ordinance?

10 MS. LAMBERTON: I have none.

11 MR. ARMSTRONG: Are there any
12 specific questions from the public on the proposed
13 ordinance?

14 Yes? Would you please, it's a
15 public hearing, so if you'd identify yourself for
16 the record and then state your question.

17 MR. BUD COOK: Bud Cook, I live
18 in Wagner Forest. This is -- the purpose of this
19 ordinance or ordinance amendment is to require
20 abutters of the line to connect to it?

21 MR. ARMSTRONG: Yes. The
22 abutters to the sewer line in the Tobyhanna
23 Township Sewer District No. 1, which is the sewer
24 district on the other side of 380 where the
25 Kalahari Resorts project is being constructed right

31

1 now. Right now there is no actual sewer line in
2 the ground. When the sewer line is placed in the
3 ground and eventually dedicated over to the
4 township, this ordinance will require the improved
5 property owners to connect to the line, as well as
6 to pay the appropriate fees and tapping charges
7 with respect to it.

8 MR. BUD COOK: Is there any

9 sense of how many properties are involved or would
10 be involved?

11 MR. ARMSTRONG: Right now
12 there's two; the Kalahari Resorts property, as well
13 as the Pocono Manor Investors large parcel over
14 there.

15 MR. BUD COOK: Large
16 undeveloped parcel.

17 MR. ARMSTRONG: Undeveloped
18 parcel, I'm sorry, yes. I don't believe there's
19 any land development plan currently before the
20 board of supervisors for the Pocono Manor Investors
21 property at this point in time; but that's the
22 Sewer District No. 1 in Tobyhanna Township. That's
23 what this connection ordinance will govern and
24 regulate.

25 MR. BUD COOK: So that does not

32

1 include the existing residential area at Pocono
2 Manor?

3 MR. ARMSTRONG: It does not.

4 MR. BUD COOK: Or the inn?

5 MR. ARMSTRONG: Does not. They
6 are outside -- it's my understanding and belief
7 that they are outside the Sewer District No. 1.

8 MS. LAMBERTON: Yes.

9 MR. BUD COOK: Thank you.

10 MS. PICKARD: I have a
11 question, Patrick. It says that the township would
12 be setting the tapping fees from time to time.

13 MR. ARMSTRONG: The tapping
14 fees and sewer charges will be set by resolution of
15 Tobyhanna Township. That resolution has not been
16 adopted yet. This connection ordinance establishes
17 the regulations with respect to connecting.
18 There's no line in the ground right now, but the
19 next step -- the first step was adopting the
20 ordinance creating the district.

21 This was the next step creating
22 the -- or setting the connection requirements. And
23 then the next step will be for the township to
24 consider a resolution establishing certain tapping
25 fees and sewer charges, pursuant to the multiple

1 agreements that we entered into between

2 Kalahari/Pocono Manor and Pocono Township.

3 MS. PICKARD: So that would be

4 derived from Pocono Township and imposed on --

5 MR. ARMSTRONG: To a large

6 extent, yes.

7 MS. PICKARD: -- us that we'd

8 be turning around and imposing on them?

9 MR. ARMSTRONG: To a large

10 extent, yes.

11 MS. PICKARD: I just wanted to

12 clarify that. Thank you.

13 MR. ARMSTRONG: The purpose of

14 doing that by resolution is with any of your fees,

15 each year it might change depending upon -- a large

16 part depending upon Pocono Township's charges. So

17 each year you may have a new resolution to adopt

18 with respect to those fees.

19 MR. HOLAHAN: Any other

20 questions from the board?

21 MR. MOYER: I have none.

22 MR. HOLAHAN: We have a motion
23 to close the hearing then?
24 MR. ARMSTRONG: Yeah, unless
25 there's any --

34

1 MR. HOLAHAN: Anything from the
2 public?

3 MR. HOLAHAN: Then I'll
4 entertain a motion to close the hearing.

5 MS. LAMBERTON: So moved.

6 MR. MOYER: Second.

7 MR. HOLAHAN: Motion and
8 second. All in favor?

9 BOARD MEMBERS: Aye.

10 MR. HOLAHAN: Motion carries.

11 MR. ARMSTRONG: Now, if there
12 would be a motion -- or if the board would
13 entertain a motion to adopt, it looks like --

14 MR. HOLAHAN: 514.

15 MR. ARMSTRONG: -- Ordinance
16 No. 514 of Tobyhanna Township.

17 MS. LAMBERTON: So moved.
18 MS. PICKARD: Second.
19 MR. HOLAHAN: I have a motion
20 and a second to adopt the Ordinance 514 for the
21 Sewer District No. 1 connections.
22 Further discussion from the
23 board?
24 Anything from the public?
25 Hearing none. I'll call the

35

1 vote.
2 John?
3 MR. KERRICK: In favor.
4 MR. HOLAHAN: Heidi?
5 MS. PICKARD: I vote in favor.
6 MR. HOLAHAN: Donald?
7 MR. MOYER: I'll vote in favor.
8 MR. HOLAHAN: Annie?
9 MS. LAMBERTON: I vote in
10 favor.
11 MR. HOLAHAN: And I vote in

12 favor. Motion carries.

13 (Ms. Minnick left the meeting
14 for the evening.)

15 MR. ARMSTRONG: Thank you. The
16 next public hearing is regarding another ordinance.
17 This one is the proposed ordinance repealing
18 Ordinance 505 with respect to the previously
19 anticipated intergovernmental agreement with
20 Coolbaugh Township. If this board recalls, with
21 the NID District that was created with the Kalahari
22 Resorts project, Coolbaugh Township was initially
23 thought to be -- to be included within the NID, due
24 to the fact that the UGI gas lines extended through
25 Coolbaugh Township to a certain extent. Since that

36

1 time it's been learned that UGI gas lines will not
2 be in the NID District.

3 The NID Ordinance that was
4 adopted by Tobyhanna Township does not include
5 Coolbaugh Township. There is no need for the
6 intergovernmental agreement with Coolbaugh Township

7 and this ordinance simply repeals Ordinance 505,
8 which was the ordinance of Tobyhanna Township
9 authorizing the township to enter into that
10 agreement with Coolbaugh.

11 The agreement was never entered
12 into or finalized by the townships. And this is
13 simply, to a certain extent, clarifying and
14 cleaning up your ordinances to be make clear that
15 there was no need and there was no gov -- there was
16 no agreement entered into by the townships.

17 So with that, this has been
18 advertised for a public hearing in the Pocono
19 Record pursuant to the Pennsylvania Municipalities'
20 Planning Code -- or I'm sorry, the Pennsylvania
21 Second Class Township Code. With that, I think we
22 can open the hearing?

23 Are there any comments or
24 questions from the board at this time?

25 Are there any questions or

1 comments from the public at this time?

2 Seeing none. We can close the
3 public hearing if the board wishes.

4 MS. PICKARD: So moved.

5 MS. LAMBERTON: Second.

6 MR. HOLAHAN: Motion and second
7 to close the hearing?

8 Further discussion from the
9 board?

10 Public?

11 Hearing none. Call the vote.

12 MR. KERRICK: In favor.

13 MR. HOLAHAN: All in favor,
14 aye?

15 BOARD MEMBERS: Aye.

16 MR. HOLAHAN: Opposed?

17 Motion closed -- the hearing's
18 closed.

19 So now, do we have a motion to
20 repeal consider adopting the 5 -- Ordinance 515
21 repealing 505?

22 MS. LAMBERTON: I'll make a
23 motion to adopt Ordinance No. 515 repealing
24 Ordinance 505.

25

MS. PICKARD: Second.

38

1

MR. HOLAHAN: Have a motion and

2

second.

3

Any discussion from the board?

4

Anything from the public?

5

You just don't seem very excited

6

about this.

7

MS. LAMBERTON: It's fun stuff.

8

MR. HOLAHAN: I'll call the

9

vote. John?

10

MR. KERRICK: I actually voted

11

in favor on the last one. I thought that's what we

12

were doing.

13

In favor.

14

MR. HOLAHAN: Heidi?

15

MS. PICKARD: I vote in favor.

16

MR. HOLAHAN: Donald?

17

MR. MOYER: I'll vote in favor.

18

MR. HOLAHAN: Anne?

19

MS. LAMBERTON: I'll vote in

20 favor.

21 MR. HOLAHAN: And I vote in
22 favor. Motion carries. We repealed the ordinance.

23 MR. ARMSTRONG: Thank you.

24 The next public hearing is the
25 proposed park rules ordinance. This ordinance has

39

1 been advertised for a public hearing with the
2 Pocono Record pursuant to the Second Class Township
3 Code. This ordinance, as the board may recall, is
4 an ordinance setting rules and regulations
5 governing the use of the township parks. In it are
6 certain prohibited conduct provisions prohibiting
7 certain types of activities on township park
8 property; and providing for a certain hours of
9 operation, possession in consumption of alcoholic
10 beverages as being prohibited and certain
11 administrative and violation and penalty provisions
12 as well.

13 Without going into specifics,
14 does the board have any questions at this time

15 before we open the public hearing?

16 MR. HOLAHAN: Anybody?

17 MR. ARMSTRONG: With that, I
18 think we can open the public hearing, so let's open
19 it up.

20 Any comments or concerns from
21 the board at this time?

22 MS. HAASE: The one thing I
23 just want to bring to the board's attention is late
24 this spring we had received some complaints with
25 regards to a group of individuals drinking in the

40

1 park and also some actions that were inappropriate.
2 When I brought this to the board in May, it was the
3 concern that even though we have certain
4 regulations in place, unless we adopt them by
5 ordinance, it's difficult for the police -- or the
6 police are prohibit -- they are unable to enforce.

7 Certainly we have certain hours
8 in the park where we request individuals to vacate
9 the park. Our police could not enforce that

10 without an ordinance in place. So this all stemmed
11 off of some complaints that we received this
12 spring.

13 MR. HOLAHAN: I'm having a
14 family picnic on the 26th that just became nothing
15 but iced tea --

16 MS. HAASE: And Sprite and
17 Coca-Cola.

18 MR. HOLAHAN: -- lemonade.
19 Yep.

20 MS. PICKARD: That was my
21 question also. We have a couple weddings scheduled
22 and, you know, I had asked before, which I think is
23 a moot point, and I just find it a shame that we
24 have to do this because some people can't behave
25 themselves, but we do have -- actually I know are

41

1 police officers that are having weddings at the
2 park and I think it's unreasonable, you know, to
3 have family picnics --

4 Is there any way we can keep it

5 contained to the building for those renting the
6 facility or exclude that facility from the
7 ordinance?

8 MS. HAASE: Currently alcohol
9 beverages are prohibited at this time in the park.

10 MS. LAMBERTON: They always
11 have been.

12 MS. PICKARD: I understand
13 that, but we've also known all along that people
14 were having weddings and picnics and bringing
15 alcoholic beverages.

16 MS. LAMBERTON: Unfortunately I
17 think times have changed.

18 MS. PICKARD: My other question
19 just pertained to the firearms. We are legally
20 allowed to prohibit them in the park?

21 MR. ARMSTRONG: You're not --
22 you're not prohibiting them. What you're doing --
23 it's come up a lot in municipalities, you can't
24 outright prohibit people from carrying firearms on
25 public property. The language that's in here, our

1 firm has gotten -- it's usually the NRA that comes
2 and makes complaints with respect to certain
3 ordinances. This language has been acceptable to
4 the NRA, at least the representatives that we've
5 dealt with in the past.

6 And what it is doing is -- if I
7 can find it.

8 MR. HOLAHAN: No. 8.

9 MR. ARMSTRONG: It's No. 8.

10 The possession or use of any type of firearms is
11 prohibited where such possession/use is in
12 violation of the Pennsylvania Uniformed Firearms
13 Act. So what it does, it's saying you can't
14 possess or use firearms that are in violation of
15 that act. That's the act that controls the
16 possession or use of firearms in Pennsylvania.

17 So you're not prohibiting it,
18 you're just tying in that act to the rules of your
19 park. I mean, at the end of the day it probably
20 isn't -- it is anyway, but you're specifically
21 stating it in your ordinance.

22 MR. HOLAHAN: Anything else

23 from the board?

24 MR. ARMSTRONG: Again, I guess

25 I would be remissed, the hours of operation in case

43

1 anyone's wondering, the park, pursuant to the
2 rules, will be open to the public during the hours
3 of sunrise to sunset unless otherwise posted by the
4 township or authorized by the township manager.

5 What I would anticipate
6 happening, if the board were to consider approving
7 this ordinance this evening is, to review if you
8 already current signs up at the township parks, if
9 they conflict with the language in here, they'll
10 have to be revised accordingly.

11 MS. HAASE: Understood.

12 MR. HOLAHAN: Anything else,
13 Patrick?

14 MR. ARMSTRONG: Not from me.

15 Are there any questions or
16 comments from the public?

17 Seeing none. If the board would

18 like, you can close your public hearing.

19 MS. LAMBERTON: So moved.

20 MR. HOLAHAN: I have a motion

21 to close.

22 Do I have a second?

23 MR. MOYER: Second.

24 MR. HOLAHAN: Have a motion and

25 second.

44

1 All in favor, aye?

2 BOARD MEMBERS: Aye.

3 MR. HOLAHAN: Opposed?

4 Hearing's closed.

5 Now, consider a motion adopting

6 Ordinance 516 Park Rules.

7 MS. LAMBERTON: I'll make the

8 motion to adopt Ordinance No. 516 Park Rules.

9 MR. MOYER: I'll second.

10 MR. HOLAHAN: Got a motion and

11 a second.

12 Further discussion from the

13 board?

14 Anything from the public?

15 MR. LANCE MIRKIN: When would

16 that rule taking effect?

17 THE REPORTER: May I have your

18 name, please?

19 MR. LANCE MIRKIN: Oh, I'm

20 sorry. Lance Mirkin.

21 THE REPORTER: Can you spell

22 your last name?

23 MR. LANCE MIRKIN: M-i-r-k-i-n.

24 THE REPORTER: Thank you.

25 MR. LANCE MIRKIN: When would

45

1 that rule take effect?

2 MR. ARMSTRONG: Immediately.

3 MR. LANCE MIRKIN: What about

4 the people who planned weddings and other parties,

5 would they be able to have liquor in the building

6 or not at this point?

7 MS. HAASE: Currently liquor is

8 not allowed in the parks.

9 MR. LANCE MIRKIN: Even in the
10 building?

11 MS. HAASE: Currently that is
12 correct.

13 MR. HOLAHAN: It's any of the
14 township property, it's just we haven't had any way
15 of enforcing that and now we do.

16 MR. LANCE MIRKIN: That was my
17 question. Thank you.

18 MR. HOLAHAN: Hearing none.

19 Call the vote. John?

20 MR. KERRICK: Favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I'm opposed.

23 MR. HOLAHAN: Donald?

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

25 MR. HOLAHAN: Anne?

46

1 MS. LAMBERTON: I'll vote in

2 favor.

3 MR. HOLAHAN: And I vote in
4 favor. Motion carries.

5 MR. ARMSTRONG: Thank you.
6 That's all of the public hearings that were listed
7 under my report. There is, which I don't see --
8 well, under old business the Tobyhanna Township
9 Sewer Authority.

10 MS. HAASE: I have the
11 resolution. I passed it out to the board.

12 MR. ARMSTRONG: At the last --
13 Do you want me to do that?

14 MS. HAASE: It's up to you.

15 MR. ARMSTRONG: At the last
16 meeting, if the board recalls, you discussed the
17 appointment on to the Tobyhanna Township Municipal
18 Sewer Authority. And at that point in time, the
19 board made a motion and passed it appointing the
20 five sitting supervisors to that board as there's
21 no current sitting members on the authority for
22 Tobyhanna Township.

23 So what is before you is a
24 resolution of Tobyhanna Township Board of
25 Supervisors appointing the five new members to the

1 Tobyhanna Township Municipal Sewer Authority, in
2 accordance with the Pennsylvania Municipality
3 Authorities Act and the Tobyhanna Township
4 Municipal Sewer Authorities Bylaws.

5 If the board may recall, there's
6 actually seven seats on that board. My
7 understanding is at this point in time, the board's
8 only prepared to make the five appointments and
9 you're in the process of considering and/or
10 reviewing other -- the other remaining two
11 appointees.

12 If you'll look at the terms, the
13 term of office, after looking at the Authorities
14 Act, I know the board wanted everyone's exact term
15 to mesh well, unfortunately the act requires
16 certain requirements for staggering terms. So I
17 tried to match them the best I could. And you'll
18 also see that this is a retroactive resolution
19 indicating that the terms will be considered to
20 have commenced on January 1, 2014 pursuant to the

21 language in the Authorities Act as well.

22 MR. HOLAHAN: That's okay.

23 Donald's in it for five years.

24 MR. MOYER: Yeah. Why am I

25 alone in this, Pat? Thanks.

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1 MR. ARMSTRONG: It's probably

2 because you're the --

3 MS. LAMBERTON: You were just

4 reelected.

5 MR. ARMSTRONG: Sorry.

6 MR. HOLAHAN: It goes on,

7 Donald's five; Heidi's four; Anne, three; Mr.

8 Kerrick is two; and myself is one. Okay.

9 MS. LAMBERTON: I have a

10 question. As far as the two additional members,

11 will we advertise for people that are interested or

12 --

13 MS. HAASE: Actually we put out

14 advertisement approximately three weeks ago.

15 MS. LAMBERTON: Okay.

16 MS. HAASE: It's on our
17 website, Facebook --
18 MS. LAMBERTON: Any residents
19 that have any knowledge in this.
20 MS. HAASE: -- and when we get
21 closer, we're accepting applications to September
22 3 --
23 MS. LAMBERTON: Okay.
24 MS. HAASE: -- so as we get
25 closer we'll also advertise in the Pocono Record.

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1 MS. LAMBERTON: Okay.
2 MR. HOLAHAN: Great.
3 Do I have a motion to adopt
4 Resolution 2014 dash 14?
5 MS. LAMBERTON: I'll make a
6 motion to adopt Resolution 2014 dash 14.
7 MR. HOLAHAN: I have a motion.
8 Do I have a second?
9 MR. MOYER: I'll second.
10 MR. HOLAHAN: I have a motion

11 and a second.

12 Further discussion from the
13 board?

14 Anything from the public?

15 Hearing none. I'll call the
16 vote.

17 John?

18 MR. KERRICK: Favor.

19 MR. HOLAHAN: Heidi?

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

22 MR. HOLAHAN: Donald?

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

24 MR. HOLAHAN: Anne?

25 MS. LAMBERTON: I vote in

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1 favor.

2 MR. HOLAHAN: And I vote in
3 favor. Motion carries.

4 MR. ARMSTRONG: I do have an
5 additional item. If the board recalls, Pocono

6 Manor the -- there was a subdivision before you,
7 it's the 2000 -- it's been a while. But it's the
8 Pocono Manor subdivision under the Ireland Trust
9 portion of that property and they received
10 conditional final approval.

11 They're in the process, if not
12 have already, completed all the conditions of their
13 approval. They have executed a signed unilateral
14 declaration of covenants, easements, conditions and
15 restrictions; a signed development agreement, as
16 well as a signed memorandum of development
17 agreement, and they're ready for your execution
18 this evening.

19 There's no need for a motion.
20 You've already conditionally approved the plan,
21 just a matter of, you know, indicating for purposes
22 of the record that these agreements have been
23 prepared, finalized, signed by the applicant and
24 ready for execution by the board. I will also note
25 that the applicant has revised the plan with

1 certain notes and revisions pursuant to the
2 conditional approval of the board.

3 I've reviewed the actual note or
4 notes that we needed them to add and I believe
5 they're acceptable. And I guess when Bob and
6 Phyllis are -- review the plans and are acceptable
7 to them, they'll notify the board when you can come
8 in and execute them.

9 MR. HOLAHAN: Very well.

10 MS. HAASE: Mr. Armstrong, we
11 do have one question with regard to the de facto
12 subdivision with the rail line and also Sullivan
13 Trail.

14 MR. ARMSTRONG: Yeah. One
15 thing that came up in -- with respect to the
16 revised plan, if the board recalls, one of the
17 hiccups in the conditional approval was the tax map
18 parcel that was provided in their initial
19 subdivision plan. It didn't match the tax map
20 parcel -- I'm talking acreage -- did not match the
21 acreage that was indicated on the county's website.
22 And the reason for that is, they did not, they
23 being the applicant, did not include the portion of

24 the tax map parcel below the railway just above
25 what I believe is Sullivan Trail Road.

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1 MS. HAASE: Correct.

2 MR. ARMSTRONG: And it was the
3 applicant's belief that that was a de facto
4 subdivision, which I don't have a prob -- I -- I --

5 I have this small plan, I don't
6 think we have the large plans.

7 But this -- when they submitted
8 their subdivision plan, this was the only acreage
9 that they provided, but the tax map parcel is the
10 entire parcel down below. This is a railbed and
11 this is Sullivan Trail Road, so they didn't include
12 this thinking it was a de facto subdivision. It
13 likely is, but we -- Bob and I were going back and
14 forth with the applicant's representatives and
15 said, listen, you need to show it on the plan or at
16 least put a note on it. That was a note that I
17 needed them to add in and they've actually revised
18 the plan to account for the acreage down here, so

19 it's consistent throughout. But by approving --
20 you know what? You will have to take action this
21 evening.

22 Thank you for reminding me,
23 Phyllis.

24 Your action this evening is, if
25 the board is agreeable to the revised plans showing

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1 this railbed as a de facto subdivision as well,
2 you'll need to make the appropriate motion this
3 evening. If you have any questions, please ask.
4 Bob might be --

5 MR. McHALE: They'll end up
6 with three lots, correct? We're gonna have a lot
7 A, Lot B and then the remaining lands of Pocono
8 Manor.

9 MR. ARMSTRONG: Yes. Lots A --
10 Lots A and B were the initial lots that they were
11 proposing for the subdivision and what this is
12 going to create is -- the de facto subdivision is
13 creating the remaining lands of Pocono Manor

14 Investors.

15 MR. HOLAHAN: And it's now
16 being shown as other lands in Pocono Manor --

17 MR. ARMSTRONG: Yes.

18 MR. HOLAHAN: -- for 34 -- 33 --
19 almost 35 acres.

20 (Inaudible discussion.)

21 MR. ARMSTRONG: The question
22 Phyllis just asked me is arguably the Sullivan
23 Trail was also a de facto subdivision making those
24 separate lots. We presented that to the applicant,
25 but they -- the latest version of the plan that

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1 they've submitted still just shows this as being
2 the other lot by de facto. So for some reason or
3 another, the applicant -- might be an ownership
4 issue. The applicant has not revised the plan to
5 show the two de facto subdivisions. One by the
6 road and one by the rail. They're just showing the
7 de facto subdivision from the railbed.

8 MS. PICKARD: Wasn't that in

9 the plan when we rezoned that, wasn't that -- I
10 thought that was --

11 MS. HAASE: When it was
12 rezoning that did -- that is residential.

13 MS. PICKARD: Yeah.

14 MR. HOLAHAN: Let's do
15 something. What do we need to do here?

16 MS. LAMBERTON: Yeah. We need a
17 motion to approve?

18 MR. ARMSTRONG: Yes. I would,
19 if the board's inclined to entertain a motion this
20 evening, it would be to approve the revised
21 subdivision plan from Pocono Manor/Ireland Trust
22 showing the de facto subdivision from the railbed
23 conditional upon the township engineer and staff
24 reviewing and approving as well.

25 MS. LAMBERTON: So moved.

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1 MR. MOYER: Second.

2 MR. HOLAHAN: I have a motion
3 and second.

4 Further discussion from the

5 board?

6 From the public?

7 Hearing none. I'll call the

8 vote.

9 John?

10 MR. KERRICK: In favor.

11 MR. HOLAHAN: Heidi?

12 MS. PICKARD: I vote in favor.

13 MR. HOLAHAN: Donald?

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

15 MR. HOLAHAN: Anne?

16 MS. LAMBERTON: I vote in

17 favor.

18 MR. HOLAHAN: And I vote in

19 favor. Motion carries.

20 MR. ARMSTRONG: Thank you, Mr.

21 Chairman. I don't have anything else except for a

22 brief executive session item with respect to real

23 estate after the meeting.

24 MR. HOLAHAN: Okay. Thank you.

25 Phyllis, would you like to give

1 the manger report?

2 MS. HAASE: What's being
3 distributed right now is a portion of our portfolio
4 review that our director of finance and myself sat
5 in with Morgan Stanley this past week. And it's
6 the asset growth and portfolio returns. It's just
7 something to keep you updated with the pension. At
8 this point to the year, we're 3.4 percent of our
9 return and over the last four years -- five years
10 we're at 11.1 percent. So this is just to keep you
11 folks updated.

12 MS. PICKARD: Thank you.

13 MR. HOLAHAN: Thank you.

14 MS. HAASE: Now, last month, if
15 you recall, the board signed the volunteer
16 disclosure agreement for unclaimed properties with
17 the state. I did receive a executed copy from the
18 assistant division manager. So we now have 90 days
19 to complete the paperwork and send back to the
20 state.

21 We received another rebate check

22 from PP&L for \$2,928.75. We're just shy of \$25,000
23 we received back on our rebates. The -- at our
24 last meeting in June, the special meeting, we had
25 come -- there was a discussion with perhaps of

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1 allocating a half a mill to the improvements of
2 roads. And I've asked our financial director to
3 put together some information for the board, which
4 I believe was passed out. It should be in front
5 you, looks like this. I'm sorry, it's being passed
6 out.

7 What this basically states what
8 we by law can and cannot do as far as allocating
9 under the Second Class Township Code. And Heidi
10 has broken this down so it could be easily
11 explained to the board.

12 And I'll let you continue with
13 that, if you'd like.

14 MS. PICKARD: Sure. I just was
15 going through Section 3205 as we are approaching
16 our cap. We're currently at general millage of

17 13.74. So I just wanted to find an easier way to
18 look at what the breakouts are and it might be
19 something when we're budgeting we need to take a
20 look at. I kind of highlighted in red, except for
21 the bottom that's in the blue shaded area, what we
22 have, what we're expending now and what -- that
23 would translate to our millage, which at 92 percent
24 collection is running about a hundred and
25 eighty-four thousand.

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1 So it would show for int -- in
2 the parks we're spending just over a quarter mill;
3 in the fire and managing the ESB Building that's
4 coming to a .81 mills. And indicated in that first
5 column is what is allowed by the Second Class
6 Township Code. I wrote on the bottom, we had at
7 our county convention put forth a resolution to
8 increase and change some of the categories here.
9 You'll see there's five mills for street lights and
10 two mills for fire hydrants and things.

11 MS. HAASE: Just to add in,

12 that was in 2012.

13 MS. PICKARD: Yeah. So we did
14 go to PSATS and we did pass a resolution here at
15 the township, which was Resolution 2011-27, which
16 put forth our intent that we think that it should
17 be amended to increase for millage for police
18 services and for road construction. When that went
19 in 2012 to PSATS, they declined to recommend the
20 road construction and felt that it should come out
21 of the general mills, but they did approve, you
22 know, sort of lobbying for the police millage and
23 that has not occurred. We had forwarded this board
24 to our local representatives, but they have not put
25 the bill forth as of yet.

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1 And I did just note on that
2 sheet that we are currently spending about 10 mills
3 for our police. The other comment I wanted to
4 make, which is another confusion with the Second
5 Class Township Code, is it's based really on a
6 hundred percent assessment, and Monroe County only

7 has a 25 percent assessment.

8 MR. HOLAHAN: I'm sorry. How
9 much?

10 MS. PICKARD: Monroe County's
11 assessment is 25 percent.

12 MR. HOLAHAN: Right. Okay.

13 MS. PICKARD: Late this
14 afternoon I had spoke with someone at PSATS on the
15 state tax equalization board and he sent me a
16 paper. There's only four counties in the state
17 that have a 25 percent assessment rate and we are
18 one of them; Monroe, Pike, Washington and
19 Clearfield, and I did -- I do have a copy of that
20 if anybody's looking at it. Everybody else -- and
21 I think it had to do late assessment, but I do -- I
22 did get a -- they created a document at the state
23 to show us who had -- but most of the counties are
24 at a hundred percent.

25 The point of that is, our 14

1 mills is crippled by a quarter. So, and we would

2 have to go to court in order to exceed that. So
3 basically what most of the municipalities have been
4 doing, I know several of them are above their cap,
5 they've just been breaking out what they're
6 spending for emergency services, for ambulance and
7 for those things that are permitted.

8 We did this because Phyllis
9 brought up that it was brought at the meeting that
10 -- I guess we were out -- about the construction
11 millage. Currently you can take out a road
12 equipment fund of two mills, but they do not allow
13 for the road construction.

14 MS. HAASE: So we can't have
15 designated funding.

16 MS. PICKARD: Just in a
17 revolving fund where it's being billed back in.
18 So, but by relieving ourselves of those items, I
19 have that totaling like 1.33 mills, is what we
20 currently are budgeting that could be broken out.
21 I guess the bottom line is nobody wants to raise
22 taxes anyway, but, you know, those were the routes
23 we would have to travel.

24 MS. HAASE: Exactly. And since

25 now we're dealing --

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1 MS. PICKARD: Unless the county
2 would change their assessment rate, which would
3 halve our millage if they went double or quarter
4 our millage if they went to the full 100 percent
5 assessment.

6 MS. HAASE: We're going to be
7 entering into the beginning stages of our budget
8 for 2015. So with this being discussed at last
9 month's meeting, if this is an avenue that the
10 board wishes to go down, then this is something
11 that we need to know through the process of our
12 budget being prepared.

13 MR. HOLAHAN: Okay.

14 MS. PICKARD: Yeah, and one
15 thing that -- and I wasn't at the meeting --

16 -- so, maybe you can clarify --

17 -- but we budgeted like 350,

18 which is almost 2 mills for the current projects.

19 I don't know whether your intention was it's never

20 enough to increase that, but we aren't allowed to
21 earmark it per the code, but we can certainly
22 budget it in if we have it.

23 MR. HOLAHAN: Well, it's been a
24 big topic of conversation at the county level,
25 talking about reassessment and changing that. So

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1 nobody's really in favor of that at the county
2 level.

3 MS. PICKARD: Well, reassessing
4 it is different than the county can just change
5 their assessment percentage.

6 MR. HOLAHAN: They could just
7 say now it's 50 percent and then --

8 MS. PICKARD: And then
9 everything would get halved.

10 MR. HOLAHAN: -- right.

11 MS. PICKARD: All the school
12 taxes, all the coun -- you know, they would have to
13 be -- it would have to be straight equal, you can't
14 raise them when they do the reassessment or this.

15 MR. HOLAHAN: Okay. So the 14
16 cap that we're at, it's 14 regardless of what the
17 county assessment is?

18 MS. PICKARD: Yes, exactly.

19 MR. HOLAHAN: That's terrible.

20 MS. PICKARD: It is terrible.

21 MR. HOLAHAN: It's terrible,
22 folks. Okay.

23 Thank you, Heidi.

24 MS. PICKARD: Umm-hmm.

25 MS. HAASE: I also distributed

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1 to the board, we are going to begin to receive a
2 monthly report from Department of Public Works.
3 We're working on uploading onto our website with a
4 special tab that our residents and homeowners would
5 click on to see what improvements we'll be doing to
6 drainage and also the roads. But on a monthly
7 basis now we'll be receiving, from our field
8 superintendant, Mr. Tutrone, a monthly report.
9 This was placed on the portal that I think there

10 was some confusion of the placement of it and
11 whether or not it could be opened. So I did give
12 you a hard copy this month.

13 As you can see, they've been
14 very busy, but I just wanted to make certain
15 everyone was able to open that and view that. For
16 those of you that have opened, do you have any
17 questions for Mr. Tutrone? He is in attendance
18 tonight. If not, then I'll move forward.

19 MR. HOLAHAN: Looks good, Ed.

20 MR. ED TUTRONE: Thank you.

21 MR. HAASE: We received on
22 Friday a request for consideration of reduction of
23 the Category 1 improvements for the onsite
24 improvements for Kalahari Resorts in the amount of
25 \$300,286.18. So the board will need to consider

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1 advertising for a special meeting so we could
2 address that. Mr. McHale has not had the
3 opportunity to go out and he received the request
4 today.

5 So would the board like to set a
6 date now or would you like me to circulate an email
7 tomorrow?

8 MR. HOLAHAN: Email tomorrow,
9 is that all right, folks?

10 MS. PICKARD: Umm-hmm.

11 MS. LAMBERTON: Yes, please.

12 MS. HAASE: The Temple had sent
13 a request, they're going to be celebrating their
14 18th anniversary and they're going to be having a
15 celebration beginning of August. So we were hoping
16 that the board could consider us authorizing a
17 letter of congratulations to the Temple, if that
18 would be acceptable to the board.

19 MS. LAMBERTON: I'm fine with
20 that. I think that would be lovely.

21 MR. HOLAHAN: Let's do that in
22 the form a motion.

23 Do I have a motion?

24 MS. LAMBERTON: So moved.

25 MS. PICKARD: I second the

1 motion.

2 MR. HOLAHAN: Motion and

3 second.

4 Discussion from the board?

5 From the public?

6 Hearing none. Call the vote.

7 John?

8 MR. KERRICK: In favor.

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. HOLAHAN: Donald?

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

13 MR. HOLAHAN: Annie?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. HOLAHAN: And I vote in

17 favor.

18 MS. PICKARD: One other thing,

19 Mr. Chairman, and I did get the paperwork right

20 before I came back here and I will circulate, they

21 are having a luncheon August 2.

22 MR. HOLAHAN: I did see that

23 August 2.

24 MS. PICKARD: Yeah, and I will
25 send that information out 'cause they were --

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1 MR. HOLAHAN: Okay.

2 MS. HAASE: I have two other
3 items. One, which is I'm very proud of our
4 township. We had our Community Celebration Day on
5 Saturday and this was truly a community day. This
6 day was allowed to happen from our community with
7 donations from businesses, residents and also our
8 staff. Our staff recognizes the fact that we have
9 a beautiful facility and agrees that we should have
10 more events next year.

11 So it was the suggestion of some
12 of the staff members that we have what's called a
13 tricky tray, so it was my first experience with a
14 tricky tray. 90 percent of the items that were
15 presented for the individuals to purchase tickets
16 for was donated by employees. And where it may not
17 seem a lot with the monies that we have to spend on

18 other items, but the staff raised \$789 themselves.
19 So I was very proud of the participation from them,
20 it was a great event.
21 My last item, if you recall, I
22 have discussed with the board on numerous occasions
23 a concern that I have with the current vendor of
24 our wastewater treatment plant. I've circulated
25 some information to the board with regards to a

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1 cost analysis of what we currently are paying and
2 what is being proposed by another vendor.
3 The breakdown that you have in
4 front of you references a subtotal of approximately
5 76,000 that we are currently expending between
6 staff time, as well as our current vendor. On top
7 of the amount, we also have to consider that the
8 pollution environmental insurance is \$10,000 in
9 addition. So we're looking approximately \$86,000.
10 What's being proposed by the vendor, the new vendor
11 is we're looking at \$60,000 and that will include
12 the insurance.

13 MR. KERRICK: Could we do that
14 -- discuss this at our special meeting?

15 MS. HAASE: If that's the
16 board's pleasure.

17 MR. KERRICK: Well, I just got
18 this at noon today and I really -- I read through
19 it, but I have lots of questions.

20 MS. HAASE: Well, I circulated
21 this, Mr. Kerrick, about a month ago and I just
22 sent it back out.

23 MR. KERRICK: Well, I checked
24 my emails back to the beginning of May and I did
25 not receive it.

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1 MS. HAASE: I just sent this
2 back out to remind the board, but if it's the
3 board's pleasure, we certainly can put this back on
4 the agenda.

5 MS. LAMBERTON: Why don't you
6 put it on our agenda for a special meeting.

7 MS. HAASE: Okay.

8 MS. LAMBERTON: Because that
9 will be in a week or so, Phyllis.

10 MS. HAASE: Absolutely.

11 MS. LAMBERTON: That'll give
12 John an opportunity to read what he needs to read.

13 MR. HOLAHAN: I would agree,
14 with his experience with the sewer plant, we need
15 his input there.

16 MS. HAASE: With regards to the
17 agreement itself, that's something Pat has looked
18 at. I think he has some questions as far as the
19 language in the agreement. So if it's the board's
20 pleasure to move forward, Pat would make some
21 comments to that. But this is pretty
22 straightforward, it's time. We're looking at three
23 hours of operator time per day at that rate.

24 MS. LAMBERTON: That sounds
25 good. Thank you.

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1 MS. PICKARD: Was there a time
2 table on this? Was this to start next year, next

3 week or next month? I know we had the --

4 MS. HAASE: It's going to take
5 approximately 60 days to switch out vendors.

6 MS. PICKARD: Okay. Okay.

7 MR. KERRICK: That's if we
8 choose, correct?

9 MS. HAASE: That's the board's
10 decision.

11 MR. HOLAHAN: Yes. Yes, if we
12 went in that direction.

13 MS. HAASE: That's all I have
14 at this point.

15 MR. HOLAHAN: Very good. Thank
16 you, Phyllis.

17 MS. PICKARD: Phyllis?

18 MS. HAASE: Yes, Heidi.

19 MS. PICKARD: I just have one
20 other thing, I didn't know if you were going to
21 bring that up on the recycling.

22 MS. HAASE: No. I forgot about
23 that, so if you want to bring that up.

24 MS. PICKARD: Okay. We did get
25 notified today that they approved our Act 101

1 recycling grant. We put in for \$9,000, we were
2 approved for \$5,711. I did put in for recycling
3 containers, but that's certainly not required. So
4 we can discuss that further on. I'll get the
5 information if we want to get the -- reorder some
6 recycling containers or if there's a better higher
7 use.

8 MR. HOLAHAN: Okay. So they're
9 giving us the money, now we just need to figure out
10 how we're going to spend it.

11 MS. PICKARD: Correct.

12 MR. HOLAHAN: We'll need to sit
13 down and discuss that.

14 MS. PICKARD: That is correct.

15 MR. HOLAHAN: Okay.

16 MS. HAASE: Mr. Chairman,
17 there's one other thing I did want to mention. We
18 received today a report from -- for Pocono Mountain
19 Regional EMS and Thornhurst Volunteer Fire and
20 Rescue Company. Report was prepared by the Eastern

21 EMS Council, that was distributed to the board this
22 afternoon. I myself have not had the opportunity
23 to read it and I'm quite certain you folks have not
24 as well, but you did receive the report this
25 afternoon.

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1 MR. HOLAHAN: Thank you. And
2 is that it?

3 MS. HAASE: Yes.

4 MR. HOLAHAN: Let's go on to
5 some committee reports then.

6 Pocono Mountain Regional EMS.
7 Heidi?

8 MS. PICKARD: I just got the
9 call volume, I sent that out to the board this
10 afternoon. We had 82 calls in Tobyhanna Township
11 for the month of June. Our call volume is up 3.2
12 percent, overall we did about 430 calls last month.
13 It was a pretty busy month, but the busy months are
14 yet to come.

15 Just on the board I wanted to

16 make a note that we did add two members from
17 Arrowhead and Riverside to -- as Coolbaugh
18 residents to our board at our meeting last month.

19 MR. HOLAHAN: That's it?

20 MS. PICKARD: That's all I
21 have.

22 MR. HOLAHAN: Okay. Phyllis,
23 the Regional Police?

24 MS. HAASE: Yes, sir. As
25 everyone knows Chief Lewis is now retiring and he's

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1 moving on to a new venture. The Pocono Mountain
2 Regional Police Commission, we appointed an intern
3 chief which will be effective August 8, and that is
4 Lieutenant Wagner. And that's all I have at this
5 point, sir.

6 MR. HOLAHAN: Are we -- Heidi,
7 do you have anything for open space?

8 MS. PICKARD: Just that it was
9 my understanding, not being here, that we had a
10 very successful BioBlitz and I hope our new park

11 rules don't prevent us from trapping live
12 animals --

13 MR. HOLAHAN: As long as
14 they're not drinking or smoking.

15 MS. PICKARD: -- to count them
16 and -- and I believe we are having a meeting next
17 week or the following week for open space, so I
18 will have more to report next time. The only other
19 thing is we're still working on -- we didn't
20 discuss that. The IDA is putting in an application
21 for that rail to trail, which sort of falls under
22 that purview. So I think Michelle Bisbing is
23 completing that for a feasibility study for the
24 rail trail in -- for Monroe County.

25 MR. HOLAHAN: Okay.

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1 MS. PICKARD: So there's more
2 information to come on that as well.

3 MR. HOLAHAN: Is Mr. Cook going
4 to be involved in that?

5 MR. BUD COOK: No.

6 MR. HOLAHAN: No. Just
7 checking to see if you've fallen asleep on us here.
8 MS. PICKARD: I think so.
9 MR. HOLAHAN: Okay.
10 MS. PICKARD: There is some
11 function in August 2 --
12 MR. BUD COOK: August 2 --
13 MS. PICKARD: -- at the Darling
14 Preserve that I believe Mr. Cook is handling.
15 MR. BUD COOK: We're dedicating
16 the new trail and boardwalk system at the Tom
17 Darling Preserve in Blakeslee at ten o'clock --
18 MS. PICKARD: 10 a.m.
19 MR. BUD COOK: -- in the
20 morning on Saturday, August 2. You're all invited,
21 the supervisors get a special invitation.
22 MS. PICKARD: It's posted on
23 our Facebook page.
24 MR. HOLAHAN: So, Mr. Cook,
25 that's not township property; so is there smoking

1 --

2 MS. PICKARD: Well --

3 MR. HOLAHAN: -- and drinking
4 allowed?

5 MS. PICKARD: Wait a minute,
6 some of -- some of it is our property. Wasn't it,
7 or no?

8 MR. HOLAHAN: Probably where
9 the dedication is. Okay, cool.

10 MR. BUD COOK: Not where the
11 boardwalk and trail are.

12 MR. HOLAHAN: All right. We'll
13 move along.

14 MS. PICKARD: So there is
15 smoking and drinking is what you're saying?

16 MR. HOLAHAN: Okay. Let's move
17 on. It's just going downhill from here.

18 Old business, we took care of
19 the sewer authority, then the proposed zoning
20 ordinance.

21 Do we have anything on that?

22 MS. HAASE: Well, they're on
23 the board's portal for review and, again, it's

24 going to be up to the board when you so choose to
25 move forward with this.

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1 MR. HOLAHAN: You know, we're
2 just -- we're doing this every month. We really
3 got to figure out. Let's circulate an email and
4 figure out when we can meet again on this, please?

5 MS. HAASE: Okay.

6 MR. HOLAHAN: I'd really like
7 to do something next time.

8 The next is the Tobyhanna/Tunk
9 -- Tunkhannock engineering services agreement.

10 MS. HAASE: Yes, sir. I sent
11 that over to Tunkhannock Township, I believe, in
12 June. I have not heard back from them, I'll do a
13 follow-up again tomorrow with their secretary to
14 see if the board has moved that forward or not.

15 MR. HOLAHAN: Okay. Good.
16 Okay. We're going to go on to new business. I do
17 want to announce that the board of supervisors held
18 an executive meeting prior to coming into this

19 regular meeting. So I just wanted to note that for
20 the record. For personnel, of course.

21 So let's go to Item No. A,
22 consider approving certificate of developer and
23 request for Payment No. 1 for Kalahari Resorts
24 access road.

25 MS. PICKARD: What are we

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1 having the special meeting for? That's not for
2 this?

3 MS. HAASE: No. We're having a
4 special meeting for Category 1 improvements, this
5 would be the public improvements to the access
6 road. In front of you, you have a letter from T&M.
7 I do want to direct yourself to its Phase -- it's
8 filed Release 1 and 2, that is incorrect. This
9 would be the first bond released for the access
10 road and just in case for clarification, I am not
11 the manager of Pocono Township.

12 MS. LAMBERTON: I see that.
13 And Bob isn't the engineer for it either.

14 MS. HAASE: No, Bob is not the
15 engineer for Pocono. So just to recap, the monies
16 that's being requested to be released would be the
17 monies that are being held through the TIF. So the
18 process would be whether the improvements are
19 completed to the point that they're requesting a
20 release of the monies. Pennoni will distribute
21 information and Kalahari to both T&M, myself and
22 Mr. McHale.

23 It will be reviewed by T&M, they
24 will sign off, other requests will be sent back to
25 my attention. I then will put it on the board for

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1 your consideration. Once we sign off of it, it'll
2 be send to the IDA. At that time, Michelle Bisbing
3 will put the paperwork together and submit it to
4 the trustees for consideration of release.

5 MR. HOLAHAN: So are we looking
6 just at -- not both requests, but just one for the
7 application for the --

8 MS. HAASE: No, there only is

9 one request.

10 MR. HOLAHAN: It's one request,
11 but it's so for a total of 191?

12 MS. HAASE: Yes, correct.

13 MS. LAMBERTON: The
14 applications here, it's numbered --

15 MS. HAASE: There's two
16 applications and it's one release.

17 MS. LAMBERTON: Bob, any
18 comments?

19 MR. KERRICK: I have a question
20 for Phyllis. Is there any way that we could
21 approve that pending the board -- or our engineer's
22 approval, so we don't have to have a meeting each
23 time? You know, it's going through so many
24 channels, you're reviewing it, Bob's reviewing it,
25 it comes to us just for a stamp.

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1 MS. HAASE: Well, I think
2 something that we've discussed in the past that in
3 the agreement, first of all, if the board needs to

4 approve and --

5 MR. KERRICK: I understand.

6 MS. HAASE: -- it absolutely
7 needs to come in front of the board for your
8 release of the monies.

9 MR. KERRICK: Okay. Thank you.

10 MS. HAASE: I appreciate your
11 confidence in us.

12 MR. KERRICK: Well, I do have
13 confidence in you and it doesn't make sense.

14 MS. HAASE: But as per the
15 agreements they really need to come before the
16 board.

17 MR. HOLAHAN: Okay.

18 MS. PICKARD: So this is the
19 public improvements are Category 1 or Category 1 is
20 a hurricane?

21 MS. HAASE: Category 1 is
22 onsite improvements for Kalahari Resorts.

23 MS. PICKARD: Okay.

24 MS. HAASE: This is request for
25 the public acc -- public improvements for Kalahari

1 Boulevard.

2 MR. ARMSTRONG: Category 1 is
3 typically going to be the storm water and related
4 items. When there's a specific request for the
5 access road account or the sanitary sewer account,
6 those funds are coming directly from the TIF funds,
7 which is why this is coming directly before you
8 with a certificate from both Kalahari and T&M as --
9 T&M is the consulting engineer for Tobyhanna
10 Township at this point in time.

11 MS. PICKARD: We have to meet
12 again for the onsite improvements as well.

13 MS. HAASE: Category 1, that's
14 correct.

15 MS. PICKARD: So I understand
16 then this is the TIF and we need to approve, but
17 back to John's point, are the other ones?

18 MR. ARMSTRONG: The only reason
19 you have that special meeting, I'm assuming, is
20 because they didn't request it within time for Bob
21 to review and recommend approval of it. It sounds

22 like you just got it yesterday or today.

23 MS. HAASE: Thursday.

24 MR. ARMSTRONG: Right. So this
25 request for the access road improvement release

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1 probably came in sufficient time for T&M to review
2 and give their recommendation.

3 MS. PICKARD: Okay.

4 MR. ARMSTRONG: The other
5 request, the supplemental request of the -- of
6 Category 1 --

7 MS. PICKARD: Why couldn't we
8 take the Category 1 improvements and treat them
9 differently as Mr. Kerrick had suggested? No?

10 MR. ARMSTRONG: You mean to
11 allow --

12 MS. PICKARD: To allow the
13 engineers to --

14 MR. ARMSTRONG: Well, the
15 Category 1 is probably coming from Bob McHale. T&M
16 is only -- has only been --

17 MS. PICKARD: Okay.

18 MR. ARMSTRONG: -- providing

19 services for the access road and the sanitary

20 sewer.

21 MS. LAMBERTON: We're just

22 trying to skip stuff. I respect what you're

23 saying.

24 MR. HOLAHAN: So I'm looking

25 for a motion to approve the certificate.

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1 MS. LAMBERTON: I'll make a

2 motion to approve the certificate of developer and

3 request for Payment No. 1 only.

4 MR. HOLAHAN: In the amount of

5 --

6 MS. LAMBERTON: In the amount of

7 191,023.56.

8 MR. HOLAHAN: .56.

9 MS. PICKARD: So that is

10 Request 1 and 2, bond Release No. 1?

11 MR. HAASE: Yes.

12 MS. LAMBERTON: Yes.
13 MS. PICKARD: I'll second that
14 motion.
15 MR. HOLAHAN: Okay. I have a
16 motion and second.
17 Further discussion from the
18 board?
19 From the public?
20 Hearing none. I'll call the
21 vote.
22 John?
23 MR. KERRICK: In favor.
24 MR. HOLAHAN: Heidi?
25 MS. PICKARD: I vote in favor.

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1 MR. HOLAHAN: Donald?
2 MR. MOYER: I'll vote in favor.
3 MR. HOLAHAN: Annie?
4 MS. LAMBERTON: I'll vote in
5 favor.
6 MR. HOLAHAN: And I vote in

7 favor. Motion carries.

8 Consider the Pocono Mountain
9 Regional Police Department 2015 level of service.

10 MS. HAASE: In your packet or
11 actually on your board portal, you will see a
12 letter dated June 18 for Pocono Mountain Regional
13 Police Commission, whereas it is requesting a
14 direction from the governing bodies by August 1 as
15 to the level of service.

16 So I don't know if the board has
17 questions or concerns that they would like me to
18 follow up on. If you do have questions, I could
19 get additional information for you and then we can
20 put that on our special meeting, but it's something
21 the board needs to consider prior to August 1. So
22 if it is not acted upon this evening, then at our
23 special meeting we would need to address this.

24 MS. LAMBERTON: Is there any
25 substantial difference between 2013 in comparison

1 to 2014 that we should've been aware of or made any

2 changes?

3 MS. HAASE: Well, I'm quite
4 certain all of you folks have been following the
5 issues with the police department. And we do have
6 a concern with the action of Coolbaugh Township
7 what they so choose to do which will affect our
8 workforce. We know that we are understaffed
9 currently and the concern with many of us is that
10 our officers are out in the field and they're doing
11 a very physical job. They are going through the
12 fields, they're taking down -- they have incidents
13 where they're tackling individuals on heroin, and
14 et cetera, that are fighting them combative back
15 with them. It's a very physical job as everyone
16 knows.

17 So it's a concern as we get in
18 each force how that is affecting our force as far
19 as injuries, as far as workmen's comp. We do --
20 we're looking at the fact too that we have some
21 officers that are getting close to retirement. So
22 there is an excess need, I personally feel, for a
23 neighboring municipality due to the incidents in
24 their municipality that I think warrants them to

25 increase their hours.

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1 As far as our township, I think
2 we're somewhat holding steady; however, if it was
3 across the board an increase for everyone, I think
4 it would be warranted. I don't know necessarily if
5 it's one or two, just ourself or Tunk. I think
6 that there is an issue with our neighbor with the
7 amount of incidents they have that they're really
8 taxing our force, to be quite honest.

9 MS. LAMBERTON: Okay.

10 MR. KERRICK: I have a
11 question, Phyllis. Do you have the patrol versus
12 the investigation? Tobyhanna Township was usually
13 pretty close to what it's supposed to be. Are we
14 still in that area or --

15 MS. HAASE: Right now we're to
16 the positive with our hours, but, of course, we
17 know that can change with, you know, drop of a pin.
18 But I certainly can present any information that
19 the board would like to feel more comfortable

20 making decisions at our next meeting, if you so
21 choose. I can circulate that information to you,
22 Mr. Kerrick.

23 MR. KERRICK: No, I just -- I
24 just was curious how close we were. I know that
25 Coolbaugh had mentioned last year they were going

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1 to put 60 in the budget for this year. I don't
2 know whether that ever happened or not.

3 MS. PICKARD: They've been
4 talking about that for quite a while.

5 MR. HOLAHAN: Well, I was at
6 the police commission meeting on Tuesday --

7 What was it last or the one
8 before?

9 MS. HAASE: Yes, sir.

10 MR. HOLAHAN: I was flummoxed
11 by the demagoguery that was going on at that
12 meeting. The list of concerns that were written up
13 by one of the municipalities by a member that had
14 been at one meeting, I'm just -- I was

15 flabbergasted by that. It's important this police
16 commission get its act together. We're sitting
17 here trying to figure out how we're going to secure
18 the safety of our township and its residents and
19 I'm losing confidence in the process that I'm
20 seeing at the police commission. They need to get
21 that together.

22 I would like you to take back to
23 the police commission that I -- and I don't know
24 how the rest of the board feels, but concerned that
25 they get this worked out. I know there's a

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1 suggestion that the supervisors at one of the
2 municipalities, Coolbaugh, meet with the police
3 commission. And I heard in a statement that
4 they're reluctant to sit down with the police
5 commission. How do you have a dialogue if you
6 don't want to sit down and talk? It's just -- it's
7 absolutely incredible. So I would like you to
8 bring that back to the board and police commission
9 and let them know.

10 MS. HAASE: I'd be more than
11 happy to. Certainly it is the commission's desire
12 to sit down with their governing body as a whole
13 and have all of us sit down and discuss the items.
14 A concern that we have is that perhaps the
15 interpretation when it gets back to their
16 supervisors is not correct. So it would be
17 beneficial for all of us to sit down and all of us
18 try to work this out.

19 What they had presented to us is
20 not worth sharing, but unless it is discussed,
21 there's no way that we can help to resolve what
22 issues they may have. But I will relay that
23 message.

24 MR. HOLAHAN: I see no reason
25 why we can't work with that municipality and with

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1 the other municipalities there, sitting down and
2 just simply having dialogue to figure out what's
3 going on and what the real concerns are. But they
4 need to be up front, you know, the complicity

5 that's going on is one of the things that concerns
6 me.

7 MS. HAASE: Understood.

8 MR. HOLAHAN: But I'd like to
9 keep -- I want to see Coolbaugh stay there. I want
10 to see this police commission move forward, but
11 that's -- that's that. So we'll figure out for
12 level of service next meeting?

13 MS. HAASE: Yes, sir.

14 MR. HOLAHAN: Let's move on to
15 Item C, the RETTEW proposal for the 940 sewer
16 extension.

17 Jim?

18 MR. JIM HENDRICKS: My name is
19 is Jim Hendricks, I'm with RETTEW Associates. And
20 good evening, ladies and gentlemen.

21 MS. LAMBERTON: Good evening,
22 Jim.

23 MS. HAASE: Good evening, Jim.

24 MR. HIM HENDRICKS: Back in May
25 RETTEW presented a proposal for the preliminary

1 engineering associated with extending the sanitary
2 sewer system along the corridor of Route 940. And
3 I just want to emphasize that this is for the
4 preliminary part of that work. And that once we
5 get through that, then we will have identified the
6 scope of the effort that's needed to complete the
7 engineering design and construction plans.

8 I did bring a map to share with
9 you. I think many of you are familiar with this,
10 but some may not be.

11 MR. HOLAHAN: Jim, could you
12 turn that around so they could see it? We got
13 stuff in front of us here. They, the audience, the
14 members of the community. Thank you.

15 MR. JIM HENDRICKS: Right now
16 there's sewer that's (inaudible) to right here.
17 We're talking about providing a sewer service along
18 the corridor of Route 940 and then come up to
19 Logging Road where it intersects with Locust Ridge
20 Road. We also looked at two separate sections, one
21 here around Robyn Lane and the other one at Forest
22 Drive and Onocop Drive, these small residential

23 areas right here.

24 This is primarily a zone for a
25 commercial district. I'll just throw this up here

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1 for a moment so you can see where the commercial
2 zoning is. So from this strip right here and this
3 area up here is zoned for commercial and a lot of
4 this property's probably not being used to its full
5 potential because it doesn't have adequate sewer
6 service.

7 We did have a meeting with the
8 DEP about this and confirmed that this is indeed
9 within the original Act 537 Plan of the township,
10 this was already approved. And because of that
11 they're not going to make us go through an
12 antidegradation study for this and that's the
13 positive part of this, but they are gonna make us
14 do a special study. We are going to have to
15 prepare a TAR and comply with some requirements
16 including an alternatives analysis.

17 And we know that the township

18 doesn't want to entertain gravity sewers. For one
19 thing it's fairly flat through here and our sewers
20 would get pretty deep by the time we got through
21 where we could tie down, but that will be one of
22 the alternatives that we evaluate to show that the
23 low pressure sewer system we're proposing is
24 indeed, we think, will turn out to be the best
25 choice after we look to the alternatives analysis.

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1 We are calling this section
2 along the main corridor Section A and then Section
3 B is the Robyn Lane and Section C is Forest Drive.
4 And that'll become important in a few minutes when
5 we talk about continuation construction cost. So
6 what's required for this to go forward is to meet
7 with DEP and probably PENNVEST, any financing
8 authority that we can meet with.

9 We did entertain trying to get a
10 proposal and approval to move forward with some of
11 this work prior to a grant expiration last month,
12 but there wasn't time to get the survey done before

13 the leaves came on the trees and things, so we were
14 not able to complete that in time. Also it really
15 wasn't in the township's best interest, I would
16 say, to go with that particular grant with the
17 small amount of planning that's done here. When
18 they have other projects that they want to do,
19 they're gonna have a much larger planning fee
20 associated with them later.

21 So we're talking about the work
22 that is done preliminary to the hard engineering
23 and that's the special study that DEP requires,
24 topographic survey, wetlands delineation, the PNDI
25 search, which is fairly minimal work, the PHMC

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1 coordination, the check for historical resources.
2 We don't anticipate a problem because we're gonna
3 be running along PennDOT right-of-way for most this
4 distance. And so it's already been disturbed and
5 we would hope that we don't hit historical cultural
6 resources that cause us to go around those areas.
7 We also included in there Top of Rock survey in an

8 effort to limit the township's exposure to claims
9 during construction and I'll address that a little
10 bit further in a few minutes.

11 There is in the proposal \$6,000
12 for a grant application fee that we don't
13 anticipate doing now and the Top of Rock survey is
14 in the proposal, that's \$19,000 out of the 76,000.
15 In our proposal we do include the fact that we will
16 take that amount if the township chooses not to and
17 we will contractually put the onus on the
18 contractor to do his own Top of Rock survey, so
19 that he can identify how much rock he may hit. We
20 believe that we can pull that off contractually
21 and still protect the township. The best
22 recommendation is always to perform that Top of
23 Rock survey.

24 MS. HAASE: Jim, we had
25 discussed, because this was 300 feet down center, I

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1 believe, what was being proposed.

2 MR. JIM HENDRICKS: Yes.

3 MS. HAASE: I believe our
4 discussion was if we expanded it out to 600 or a
5 thousand. Do you think that that's a safer way for
6 us to proceed or leaving it to the contractor to
7 perform?

8 MR. JIM HENDRICKS: We had that
9 discussion actually today in our office and what we
10 determined was that even if we space them out at
11 900 or a thousand feet, the drill rig is still
12 gonna be onsite for 3 of the 4 days that it's
13 onsite and it still has to travel that distance.
14 And so the savings is not gonna be 30 percent like
15 we would expect. The savings is gonna be much less
16 --

17 MS. HAASE: Minimal.

18 MR. JIM HENDRICKS: -- than
19 that, so my recommendation would be to do the Top
20 of Rock survey or not do the Top of Rock survey.
21 But we'll do whatever the township desires.

22 So the total proposal is \$76,000
23 and we can get that down to about \$50,000 if the
24 township wants to go that route. One of the things
25 that we did is prepared a estimate of the

1 construction cost for the project.

2 Does anybody have any questions

3 about the sewer extension itself?

4 Yes?

5 MR. BOB COOK: It's not clear to

6 me who is paying for the study and who would be

7 paying for the work.

8 MR. JIM HENDRICKS: The

9 township would be. We were trying to get a grant

10 that would've paid for half of planning. And

11 there's grants that are periodically available, it

12 will assist the township in paying for the study,

13 the planning part of it. There are some grants and

14 low interest loans available for construction. I'm

15 not really prepared to address that tonight, but if

16 we move forward with that, we certainly will.

17 MR. BOB COOK: So right now

18 it's township taxpayers who are paying for the work

19 being done?

20 MR. JIM HENDRICKS: Yes.

21 MR. ARMSTRONG: Well, there's
22 no -- there's no current work being done. This is
23 --
24 MS. LAMBERTON: He's proposing
25 it.

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1 MR. JIM HENDRICKS: This is a
2 proposal to do the work, Mr. Cook.
3 MR. HOLAHAN: But it would
4 still be taking taxpayer money.
5 MR. JIM HENDRICKS: The board
6 has a estimate of the sewer extension cost and one
7 of the things I want to point out is there's some
8 notes on here. This does not include grinders or
9 the laterals out to the street.
10 MR. HOLAHAN: Right.
11 MR. JIM HENDRICKS: That is
12 something the homeowner provides and we did do some
13 analysis on this. An E/One, standard E/One grinder
14 pumps will provide services for the people for the
15 entire length of this line. And one of the things

16 in our favor is the high points up here and we do
17 go through some lower areas and come back up, but
18 the total head difference is 46 feet and the E/One
19 grinders will do 80 feet of head. So we've
20 confirmed that we do not need to put in a lift
21 station, which would have required a Part 2 permit
22 from DEP.

23 We're also keeping this under
24 250 EDUs, that was part of DEP's mandate to us.
25 And since we're under 250 EDUs and not installing a

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1 lift station, we don't have to do a Part 2 permit
2 and that'll save some time and some money for the
3 township. This -- the costs that you see here are
4 based on actual recommended practices by the
5 American Association of Construction Estimators and
6 a process that they use. It's also based on a very
7 similar project that RETTEW did for a low pressure
8 sewer extension with another client that has a
9 similar topography and rock issues as you do. So
10 we feel like it's a good solid basis for the -- for

11 the estimate.

12 One of the things that you'll
13 see is, there is a difference in low range and high
14 range. We have separated it out for each section,
15 both Section A and Section B and Section C, and the
16 township could pursue either one or a combination
17 of those with Section A, of course.

18 MS. PICKARD: On those
19 breakouts then do we have an estimate of how many
20 EDUs are in each section?

21 MR. JIM HENDRICKS: No, we did
22 not write the EDUs out in each section. Robyn Lane
23 does not have very many. I heard Bob say something
24 about maybe 17.

25 MR. LANCE MIRKIN: I live on

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1 that street, there's 16 houses.

2 MR. JIM HENDRICKS: 16 houses
3 on Robyn Lane, so there's a few houses there. We
4 came up with --

5 MS. HAASE: It was a low 200s,

6 I believe.

7 MR. JIM HENDRICKS: Yeah, it
8 was 206 or something EDUs, (inaudible) and then
9 anticipating that the commercial areas, some
10 commercial lots may require more than one EDU and
11 we could make that up.

12 MR. BUD COOK: Could you say
13 what an EDU is?

14 MR. JIM HENDRICKS: It's an
15 equivalent dwelling unit, it is a measurement that
16 DEP uses to identify the gallonage from a typical
17 household for estimating the amount of sewage going
18 to a plant or to the conveyance system.

19 MR. BUD COOK: Thank you.

20 MR. JIM HENDRICKS: So the
21 total distance along the corridor there is just
22 under three miles. And the low range estimate's
23 1.3 million, the high range is 1.9. The difference
24 in that is to make up for uncertainty because we're
25 in the very early stages. We don't know how many

1 GP permits will be required, not sure what all we
2 would run into with environmental or cultural
3 resources. Those numbers that range gets down as
4 the design progresses.

5 When we went through this study
6 part that we're talking about, we have a better
7 handle on that. It also takes care of some
8 uncertainties within the market and the bidding
9 environment. The total if you did all three of
10 these sections at one time, we're estimating the
11 construction cost to be between two and a half
12 million and three point five million dollars. So
13 that's a fairly substantial investment, needs a lot
14 of careful thought.

15 MS. HAASE: This is why I asked
16 Mr. Hendricks to come in so we could get some
17 numbers in front of the board for your
18 consideration on how you would like or if you would
19 like to proceed with this extension.

20 MR. MOYER: Is this all the 537
21 plans or is there more -- like if we completed all
22 this, is there more --

23 MR. JIM HENDRICKS: This is all

24 it is in the 537 Plan that has not been built out.

25 MR. MOYER: So this is already

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1 approved through the 537.

2 MR. JIM HENDRICKS: Right.

3 MS. HAASE: Mr. Moyer, the only
4 items would remain is just the ancillary reports
5 that DEP is requiring; that is, we've necked
6 (phonetic) it down to approximately 50,000 and
7 that's just the ancillary reports because we don't
8 have to go for a Class 2 permit.

9 MR. MOYER: Thank you.

10 MS. PICKARD: Where would we be
11 getting the 50,000 from to forward this --

12 MS. HAASE: Something that
13 we're going to have to look into.

14 MR. HOLAHAN: We got to crunch
15 the numbers because it's -- we're looking at
16 tapping fees of \$5800 per EDU. They're saying that
17 the estimate there would be 60 percent hookups,
18 would give a certain number, 870,000. And if

19 everybody hooked up 250 hookups, it's 1.45 million.

20 I guess when we start taking a look at it, if we

21 were figuring out the number --

22 Lance, you're saying 16 houses.

23 MR. LANCE MIRKIN: It's under

24 20.

25 MR. HOLAHAN: But how many

99

1 vacant lots?

2 MR. LANCE MIRKIN: Oh, there's

3 got to be at least 15.

4 MR. HOLAHAN: That perhaps

5 become buildable.

6 MR. LANCE MIRKIN: That's the

7 whole idea, does it perk?

8 MR. HOLAHAN: Well, you're

9 dealing with wetlands so you got to figure that

10 part out too even though there's a sewer going in

11 front of it, you may not be able to get building

12 permits for the wetlands. So you need to break

13 that down and then there's looking at Forest Glenn

14 and figuring out how many EDUs -- how many units
15 we're picking up off of that. And then we would
16 have to have as an authority to require people to
17 hook up.

18 MR. LANCE MIRKIN: How much
19 more commercial development would there be on 940
20 if there was sewer? It's like destitute right now,
21 that stretch.

22 MR. HOLAHAN: Right.

23 MR. LANCE MIRKIN: So many
24 businesses are closed. I own two properties, I
25 can't do anything but pay property taxes on them.

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1 MR. HOLAHAN: We appreciate
2 that.

3 MR. LANCE MIRKIN: I'm sure you
4 do.

5 MR. HOLAHAN: But that's pretty
6 much why we're -- why we've decided to look at this
7 and went back to DEP and decide what do we have to
8 do to -- because we've looked at a number of

9 things. We've looked at the visioning that we had
10 for Blakeslee, so how's all of this tying in and
11 this wouldn't be the end of it, you know. We're
12 looking starting from one end coming up and maybe
13 another end coming back the other way. We're
14 trying to plan this out for -- we're trying not to
15 be so short-sighted that we just wait until you're
16 overcome by the circumstances and then you have to
17 react. So I'd like to pursue it, we just need
18 more.

19 MS. PICKARD: Need more money?

20 MR. HOLAHAN: Mo (phonetic)
21 money.

22 MS. PICKARD: Yeah, because I
23 had -- just looking at this, just dividing the EDUs
24 and the 3.5 million, it's going to be costing like
25 14,000 per EDU. If we have a tapping fee of \$5800

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1 which is what our current is, I mean, there's still
2 gaps there, but who's -- is that the township's
3 cost on that, you know. I think we need to find

4 out where we can get some money. I mean, I don't
5 think any of us want this opportunity to go by.

6 MR. HOLAHAN: Agreed, but --

7 MR. JIM HENDRICKS: They're --
8 they're -- let me --

9 May I interject?

10 MR. HOLAHAN: Yes.

11 MS. PICKARD: Yes.

12 MR. JIM HENDRICKS: There are
13 grants available for planning like from the
14 Commonwealth Finance Authority. There's low
15 interest loans from PENNVEST; USDA, we plan on
16 talking to them if this moves forward, so we would
17 be looking for money. And trying to arrange that
18 financing is one of the early steps that DEP
19 actually wants us to go through and have them at
20 those meetings.

21 One thing that I would say is
22 there's a favorable environment with DEP in the
23 northeast region right now towards projects like
24 this. And we do know that that could change and
25 regulations could change and they don't usually get

1 less, they get more severe. So just that's to be
2 kept --

3 MR. HOLAHAN: That's a good
4 point.

5 MS. LAMBERTON: That is, it's
6 valid.

7 MR. HOLAHAN: It's like what do
8 we have to do next? I would like to move forward
9 with pursuing this and figuring out what we have to
10 do. What do we have to spend to figure out that
11 the numbers are going to work?

12 MS. HAASE: Mr. Chairman, I
13 just wanted also -- recently I attended a meeting
14 with a vendor that we have been -- I have been in
15 discussion with. And perhaps they may be
16 interested in partnering with the township to the
17 cost of extending lines and perhaps even interested
18 in our plan. So this is something that perhaps we
19 could have some discussions with them as far as if
20 you're serious in partnering with us and how much
21 monies then would be allocated to this and how much

22 we would have to come up with. So if you'd like me
23 to continue with those discussions, I can try to
24 get some answers for the board.

25 MS. LAMBERTON: Absolutely.

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1 MR. HOLAHAN: Well, we'll see.

2 MR. McHALE: Jim had mentioned
3 possible grants for the planning portion. And what
4 about the construction aspects? Maybe that's
5 something that RETTEW could look into as well for
6 infrastructure improvements. And are there grants
7 available for expanding plants, extending
8 collection and conveyance systems, that kind of
9 thing?

10 MR. JIM HENDRICKS: Yeah,
11 there's -- I mean, CDBG, which is community
12 development block grants, sometimes. We talked at
13 one point about low income areas that may qualify
14 for special funding. And our sense was that
15 Tobyhanna Township may not meet those requirements,
16 but we -- I don't know that we actually looked at

17 individual areas, but when we're looking at these
18 areas here and, you know, that's probably not
19 likely.

20 We do have a -- an actual group
21 in our company that does specialize in grant and
22 funding assistance. And I did not have an
23 opportunity to talk to Lauren before I came
24 tonight. She did mention that the grant season for
25 this year is pretty well underway and already taken

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1 up and submission needed to be made. That doesn't
2 mean that there's not others available that we
3 could look into, but I'm not familiar with any
4 right now.

5 MR. HOLAHAN: Jim, what would
6 be the time frame on this as well? So just doing
7 the studies, how long would that take?

8 MR. JIM HENDRICKS: We could do
9 the special study, I would say, probably in a
10 month. With all of the work that we have in this
11 proposal, some of it's not gonna be done right away

12 because the survey, we would fly that when the
13 leaves are off the trees and that would give us
14 more -- a lot better control and understanding of
15 what's gonna be involved with the construction
16 planning.

17 Wetland delineation, that should
18 be done -- it really all should be done so that we
19 know the scope of the work going forward, but we
20 could just do the special -- the special study and
21 then take a look and see where we are.

22 MR. HOLAHAN: So that's the Act
23 537 study, that's 17 grand?

24 MR. JIM HENDRICKS: Yes.

25 MR. HOLAHAN: Then you would be

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1 -- need the survey at the time as well? That's
2 when the leaves are down, you're talking about,
3 though, right?

4 MR. JIM HENDRICKS: Right.
5 That's something that would be done later.

6 MS. PICKARD: I had a question.

7 Jim, just when Arrowhead did their special study,
8 they came up with a hybrid option. Is there any
9 possibility that they would do that for this area?

10 MR. JIM HENDRICKS: For this
11 area we feel like the best -- the best solution is
12 to go to the plant because they will allow it. My
13 understanding, and I could be wrong about this, is
14 the hybrid system is proposed as a solution when
15 you have to do some sort of land application or
16 other alternatives and you're trying not to have to
17 do all of that the most difficult way.

18 MS. PICKARD: What I'm talking
19 about though is Arrowhead had to have a failure
20 before they could connect. And if we would do
21 that, that would make this not work at all. If
22 every other lot that has a functioning system is
23 not allowed to tie in unless there's a failure,
24 then we'd have less people hooking up in the
25 corridor.

1 MS. HAASE: And you're correct,

2 but I think that that was a little different
3 situation.

4 MS. PICKARD: I know, but I
5 just wanted to --

6 MS. HAASE: But you are correct
7 in what you're saying, but I think that's different
8 than what's being proposed here because DEP has
9 agreed that that is part of the initial approved
10 service area. So that is not being proposed.

11 MS. PICKARD: That's in writing
12 that we wouldn't spend the money and then find out
13 we were --

14 MS. HAASE: For the eastern end
15 what we're -- had been discussing, that's a
16 completely different situation, which that's going
17 to be more of what you're saying.

18 MS. PICKARD: But this is
19 guaranteed not -- this is -- and that's the other
20 thing, then everybody would be mandated and
21 included Forest Glenn or whatever, everybody there
22 would have to pay, let's just say, a \$5800 tapping
23 fee and get a \$6,000 grinder pump and put a lateral
24 in, so that, you know --

25

MR. HOLAHAN: Oh, yeah.

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1

MR. McHALE: We had a meeting

2

with the DEP in the middle of June and what they

3

had indicated to us, Heidi, is that when Arrowhead

4

had presented their special study in lieu of

5

creating or having additional capacity to discharge

6

into the river, they opted to go with the hybrid in

7

order to not increase that discharge and have to go

8

to the antideg (phonetic) analysis. So that's just

9

(inaudible) got from the DEP.

10

MR. JIM HENDRICKS: If we were

11

to do an extension and get outside of that Act 537

12

area, we would be facing that same situation.

13

MS. PICKARD: So this line that

14

is there with A, B and C is already in that

15

original --

16

MR. JIM HENDRICKS: Yes.

17

MS. PICKARD: -- mapping that

18

was done?

19

MR. JIM HENDRICKS: There

20 was -- yes. There was considerable research done
21 and at a meeting with DEP and --

22 MS. HAASE: One thing I want to
23 applaud Jim and his firm is we've been struggling
24 with DEP for quite some time to get them to see it
25 our way, which we believe we were accurate and

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1 correct. And with Jim's help and certainly some
2 information provided by Mr. McHale, DEP and the
3 township are now on the same page.

4 MS. PICKARD: So what are the
5 deliverables on the special study? Where does that
6 take us if we do this, how much further or closer
7 do we get?

8 MS. HAASE: Well, everything
9 that's being proposed is what is required. The
10 ancillary reports, those are required by Mr. Fritz
11 at DEP to move this forward. Whether we stagger
12 this -- but bottom line it all has to be done.
13 Those are the requirements from DEP.

14 MS. PICKARD: Would it make

15 sense to approve the special study at this point to
16 move this forward?

17 MS. HAASE: I think anything to
18 move this forward certainly would be helpful as
19 long as the board understands that's what's being
20 proposed, the ante's up.

21 MS. PICKARD: It's easier to
22 come up with 17,000 than 50 is what --

23 MS. HAASE: Well, we're going
24 to have to come up with the 50 prior to DEP
25 approving it.

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1 MS. PICKARD: Exactly, but if we
2 can't get the money or the funding then, you
3 know --

4 MR. HOLAHAN: Can we get the
5 money?

6 MS. HAASE: For the 50,000,
7 we'll be able to in some way, shape or form do
8 that. Certainly the two and a quarter -- the 3.5
9 is another story. We definitely would have to

10 reach out for funding for that.

11 MR. MOYER: We would know more
12 from the study.

13 MS. HAASE: Yeah, exactly.

14 MR. HOLAHAN: So, Jim, would
15 the first thing be the special study?

16 MR. JIM HENDRICKS: Yes, it
17 would be. And I mean, DEP is not going to approve
18 the special study until these other items are
19 completed, the wetlands and the PNDI and the PHMC.

20 MR. HOLAHAN: So we have to
21 commit to several of these things to do the special
22 study?

23 MR. JIM HENDRICKS: Yeah, if
24 you want to complete and submit that to DEP, you
25 can do everything on here except the grant

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1 application and the Top of Rock survey. And you
2 could choose to do the Top of Rock survey later. I
3 mean, we are talking about a pressure sewer.

4 MR. HOLAHAN: Right.

5 MR. McHALE: Do you all want to
6 consider as like an additional services for RETTEW
7 to explore the possibility of grants that might be
8 available to kind of narrow that down to see where
9 the construction monies or funding --

10 MS. HAASE: I think it would be
11 helpful. I still would like to reach out to this
12 vendor that we've -- that I've been working with to
13 see what they're going to offer us, but I think
14 it's prudent what you're saying, but I would like
15 to find their information out first.

16 MS. LAMBERTON: I'm fine with
17 that.

18 MR. HOLAHAN: First before
19 what, we talk to them?

20 MS. HAASE: Before we engage in
21 another service with RETTEW in finding the monies
22 are available. When I get direction from this
23 vendor, if they are not going to contribute a
24 substantial amount of money, then absolutely we're
25 going to have to get additional funding.

1 MR. JIM HENDRICKS: Okay.

2 MS. PICKARD: Would we have
3 that information before our next special meeting?

4 MS. HAASE: I certainly will
5 ask if I can obtain that. I've been working with
6 them pretty steady over the last, say, month and a
7 half, two months. So I'll see if I can get that
8 information.

9 MR. MOYER: Good.

10 MR. HOLAHAN: I'm just doing
11 some math here still. So is the pleasure of the
12 board to actually act on this at the next -- at the
13 special meeting that we have? Is that what y'all
14 are doing or do you want to --

15 Then in the meantime you can
16 speak with that other vendor?

17 MS. PICKARD: I thought we were
18 going to wait? No?

19 MR. McHALE: I guess along with
20 Phyllis discussing with the other vendor, the
21 possibility of contributions to either the study or
22 construction costs, I guess my question is maybe

23 RETTEW might explore whatever might be available
24 from a construction grant, like you had mentioned
25 earlier, because the planning part is a small

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1 number. It's, are you going to be able to take
2 care of the 2.5 to \$3.5 million when one and a half
3 is coming from the hookups. So that's why I'm just
4 bringing that forward.

5 MR. MOYER: No, good point.

6 MR. McHALE: Again, it might be
7 something that they could -- they don't have to go
8 into it, you know, for, you know, weeks on end; but
9 they certainly have people that are in their staff
10 that are very familiar with these type of funds
11 that might be available.

12 MS. PICKARD: How much would
13 that be?

14 MR. JIM HENDRICKS: We actually
15 had \$6,000 in this proposal to prepare an
16 application for the Commonwealth Financing
17 Authority Grant that we no longer have access to.

18 And I'm sure that we can do research for grants on
19 construction loans or grants during planning or
20 construction for less than that.

21 My recommendation would be that
22 our grant group sit down with Phyllis and/or some
23 of the board members and get an understanding
24 really of all the projects you're looking at maybe
25 over the next year or two, and see what we can put

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1 into place with some forethought and foreplanning
2 and anticipate some of that.

3 MS. HAASE: I think that's a
4 perfect lead into we've also been looking at
5 potentially running an eastern line. And what Jim
6 is saying is correct because for that eastern line,
7 if the board so chooses to move forward with that,
8 that's going to be an extensive amount of reporting
9 and studies. We're going to have to do the antideg
10 (phonetic) in that area because that isn't part of
11 the 537. So the cost of the engineering and the
12 studies are going to be much higher than what's

13 needed for these ancillary reports.

14 So if in fact we can apply for a
15 grant for the planning, it would be prudent then to
16 add that into this to try to obtain the funding for
17 that.

18 Am I correct in what I'm saying?

19 MR. JIM HENDRICKS: Yes.

20 Because that planning is gonna be much more
21 expensive because of all the effort that goes into
22 it. And I can send you a checklist for the Act 537
23 planning that DEP requires and it's extensive.

24 MR. McHALE: Do we want to just
25 go ahead and introduce that portion of the project

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1 at this point?

2 MS. HAASE: I think it would be
3 helpful.

4 MR. McHALE: Begin that
5 dialogue?

6 Jim, you want to go ahead and
7 just open that up to the Pocono Summit portion?

8 MR. JIM HENDRICKS: Yes. I
9 didn't -- I don't have slides of that or any
10 displays of that Pocono Pines section, but I see
11 that you do.

12 This is the map that was part of
13 the notes and what we had shown to the DEP in June.
14 The cross test period in between --

15 Bob, you're welcome to present
16 this. I know that you're more familiar with it and
17 you've been in the meeting with DEP. We're going
18 to have to --

19 MR. McHALE: When we met with
20 the DEP, the Pine Crest PRD, as indicated on the
21 map is what is approved Act 537 planning. Pocono
22 Mountain School District, they've been tied in to
23 that system as well. There's a few properties that
24 are in the Pocono Pines area that have been tied
25 in, but what we were looking at primarily is a

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1 corridor that is west of 380. And we had also
2 looked at the commercial property, the Ireland

3 subdivision that we spoke about earlier, some
4 residential properties that were south and east of
5 Long Pond Road.

6 However, that area is in a
7 different watershed than the Tobyhanna Creek.
8 There's some ideas that we had out there as far as
9 still being able to include them. If we had a
10 water supply that could be brought over from the
11 Tobyhanna Creek and then it would just be in the
12 same watershed. We would bring the water over to
13 those commercial properties and then bring the
14 affluent from the sewage back to be treated in the
15 plant, thereby making it a little bit easier in the
16 planning portion in the Act 537.

17 So when we went to the DEP, they
18 basically indicated that we're going to have to go
19 through a full analysis of the planning portions
20 and that's where RETTEW Associates would be kind of
21 coming in and just going through all our files,
22 coming up with a proposal similar to what they did
23 for here the corridor of 940 and Blakeslee.

24 But, again, what we need to do
25 is look at the major players and talk to Aqua

1 again, it's their plan, Aqua for Pine Crest; but
2 we're trying to step outside here to the original
3 sewered area because we see great potential for
4 that corridor along 940 that's commercial. There's
5 some commercial industrial properties that are
6 south of 940, we have the police station that we'd
7 like to pick up. We have some areas over by the
8 Jubilee, Lake Naomi and also Pine -- the Pocono
9 Pines area, which would include Tobyhanna
10 Elementary Center and some others.

11 So there's a potential there,
12 but, again, this planning takes quite a bit of work
13 and effort to put into it. So I guess we're at a
14 point there where we've gotten information. My
15 notes I provided to you.

16 Phyllis, they have the 6/14
17 notes when we met with the DEP, I guess.

18 MS. HAASE: They're not in
19 front of them, Bob.

20 MR. HOLAHAN: I've committed

21 them to memory.

22 MR. McHALE: But it does open
23 us up to some -- some ideas. When you get into the
24 antidegradation portion of it, we're gonna have to
25 look at land-based application for discharges. We

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1 do have some opportunities that we'd like to
2 explore. Originally I think the Pocono Mountain
3 School District said no affluent to be discharged
4 -- treated affluent, onto their properties;
5 however, there are other school districts in the
6 Commonwealth that do this and it wouldn't hurt to
7 go back to the school district and explore that.

8 The Pine Crest Golf Course,
9 another opportunity. Now, one thing that did come
10 out of the meeting with the DEP that was, you know,
11 beneficial and also very satisfactory was that we
12 don't necessarily -- we go through a hierarchy as
13 we do in this analysis or RETTEW would, and it
14 doesn't mean -- if we need to go with land-based
15 application of the treated affluent, it doesn't

16 mean that we have to do everything that way. If we
17 have some opportunity to discharge 80 percent or 70
18 percent into the golf course and only for 9 months
19 out of the year, they'll look at that and evaluate
20 that as part of the package.

21 So there's a lot of things out
22 there. We've gotten to the point where we've put
23 some numbers together. We've talked to some of the
24 major players that would be involved in this whole
25 process. And I think now it's time to kind of move

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1 forward to get RETTEW involved to begin digging
2 through the files, put together a similar proposal
3 as they did for Blakeslee; and also to run a --
4 just a real rough cost estimate of what it's going
5 to take, similar as they just did, to bring lines
6 out to those key points that we're looking toward,
7 trying to bring into that Pine Crest facility for
8 treatment.

9 MS. PICKARD: How does that
10 work --

11 MR. McHALE: So that's kind of
12 the Readers Digest version of --

13 MS. PICKARD: How does that
14 work since running the lines, since this is Aqua's
15 treatment plant, they would be our lines and we'd
16 be doing --

17 MR. McHALE: No, we wouldn't be
18 looking to take over the lines, we would be looking
19 to just facilitate the planning aspects of it.

20 MS. PICKARD: So we're just
21 doing planning, we wouldn't be looking at
22 construction?

23 MR. McHALE: No, not like in
24 Blakeslee. In Blakeslee we own the plant, we own
25 the collection system, it's an extension of our

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1 existing collection system. Here we'd be looking
2 to partner, if you will, with, you know, Aqua,
3 major players in that area to try to facilitate and
4 make that happen. So I don't know if you want to
5 open that up to the public, if they have comments

6 or questions as we begin to explore this a little
7 further.

8 MS. HAASE: The one thing I do
9 want to mention to the board with speaking with DEP
10 with regards to the western extension of Blakeslee
11 sewer lines, that's approved. Once we do the
12 ancillary reports, submit them, we get our funding,
13 we can move forward with that. For the eastern
14 extension, we need to do all the studies first,
15 present that to DEP for them at that point to
16 decide whether we can or cannot move forward.

17 So there is a little difference
18 of the two, but without doing those studies, we
19 can't get the definitive answer from DEP.

20 MS. LAMBERTON: Am I
21 understanding it correctly, Jim, that if you lump a
22 large two project in front of a grant system that
23 you might have a better opportunity to get larger
24 funds available to you?

25 MR. JIM HENDRICKS: Yes, I

1 believe so. And, you know, also getting 50 percent
2 of that bigger chunk of money for the township --

3 MS. LAMBERTON: Is substantial,
4 yeah.

5 MR. JIM HENDRICKS: -- would be
6 much more worthwhile than having burned it up on a
7 small study.

8 MS. LAMBERTON: Thank you.

9 MR. HOLAHAN: Does anybody from
10 the public have comment?

11 MS. WENDI FREEMAN: Wendi
12 Freeman, Lake Naomi Club. Just wanted to go on
13 record to state that Lake Naomi Club has worked
14 with the township before as far as, you know, a
15 possible septic line and we're certainly still open
16 to that. So I hope that you would consider keeping
17 us in the loop and in the consulting, on the
18 planning.

19 We do have the 940 septic beds
20 that, you know, might be able to work into your
21 plan. And we're certainly interested in, you know,
22 at least getting our lakefront homes off of onsite
23 septic systems. We also have a lot of unbuildable

24 lots now because they've been locked out for septic
25 because of other wells that have been placed, which

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1 has placed a hardship on some of the owners. So I
2 mean, we're definitely willing to work with the
3 township --

4 MS. HAASE: Thank you.

5 MS. WENDI FREEMAN: -- to help
6 out any way we can.

7 MR. HOLAHAN: Well, let's stop
8 working on our roads. We're going to be digging
9 them up. Let's stop the road work.

10 MR. McHALE: What Wendi is
11 mentioning here is there's some immediate service
12 that could be provided, I think, very easily with
13 some short extensions. But when you get into
14 things like servicing around the lake, that's going
15 to get to be even more extensive than what we're
16 looking at here.

17 So I just wanted you to
18 understand that that's going to be an either maybe

19 a Phase 2 component of the planning or if you want
20 to try to take a look or have RETTEW look at what
21 might make sense in that initial; but there's some
22 immediate needs and I'm not saying that yours
23 aren't, Wendi, I'm just saying that commercial
24 needs --

25 MS. WENDI FREEMAN: No. I

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1 completely understand.

2 MR. McHALE: -- commercial
3 industrial that are out in that corridor, that if
4 the board chooses to move forward would help to
5 expedite and facilitate and maybe come in then with
6 a Phase 2 portion to kind of -- a secondary
7 planning, if you will, for what Wendi has
8 mentioned, because that is definitely, you know,
9 something that I'm sure Aqua would consider,
10 because they want customers. They have expressed
11 that at the meetings we've been to and that's very
12 good.

13 But I guess coming out of

14 tonight's meeting, if the board so chose to move
15 forward with something like this, would be a
16 request from RETTEW that similar proposal to
17 Blakeslee. And in addition to that the -- just a
18 preliminary or conceptual, I guess you could say,
19 cost estimate to service what we're currently
20 showing and maybe add to it the beds that Wendi has
21 mentioned. I'm just throwing that out there.

22 MS. WENDI FREEMAN: Take them,
23 they're yours.

24 MS. PICKARD: John?

25 MR. HOLAHAN: Yes.

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1 MS. PICKARD: I just want to
2 take this opportunity to mention that also this is
3 a good time to move forward those zoning ordinances
4 while we're looking at this whole planning, because
5 I think there were a lot of things in that, that
6 we're trying to facilitate development and make
7 things a little bit easier.

8 MR. HOLAHAN: So when the

9 development comes we've got a pretty good process
10 and plan for --

11 MS. PICKARD: Correct.

12 MR. HOLAHAN: -- how those will
13 be coming forward.

14 MR. McHALE: It won't be long
15 before Kalahari has wrapped up and open for
16 business. And when that happens, and even as we
17 speak, there's interest in that west side of 380 as
18 well. So I mean, the needs are there --

19 MS. LAMBERTON: Yeah, let's get
20 in front of it.

21 MR. McHALE: -- and are getting
22 greater as time goes on.

23 MR. HOLAHAN: Well, I'm looking
24 for an action item.

25 MS. LAMBERTON: I think what we

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1 would need, in my opinion at this point Phyllis
2 should approach, you know, the vendor, get a handle
3 on what their interests are.

4 MS. HAASE: For the western
5 section.

6 MS. LAMBERTON: And then we
7 know what we'll need to do and require of RETTEW.

8 MR. HOLAHAN: But do we want to
9 ask RETTEW at the same time to put together a
10 proposal for the --

11 MS. HAASE: Eastern part.

12 MR. HOLAHAN: -- eastern part
13 of it?

14 MS. LAMBERTON: That would make
15 all the sense in the world to.

16 MS. PICKARD: We should know
17 maybe by our special meeting where we feel the
18 vendor will be as far as moving forward.

19 MS. HAASE: I'm hoping so. I
20 will ask. We have sent them --

21 MS. LAMBERTON: Monday at nine.

22 MS. HAASE: Monday at nine.

23 We have sent them quite a few
24 reports that they had requested to review to see
25 potentially what interest they have in the plan --

1 MS. LAMBERTON: Okay.

2 MS. HAASE: -- and collection
3 system. And, of course, we have the eastern
4 extension where we'll need to have another vote if
5 it's acceptable to the board, of how much the
6 studies will cost us so we can look at what we need
7 to find.

8 MS. LAMBERTON: Absolutely.

9 MR. McHALE: I don't want to
10 put RETTEW on the spot, but, Jim, I'm going to ask
11 you anyway. As far as the timing goes, to put
12 together the proposal -- obviously I know you have
13 to go through our files and such, but would you be
14 able to by either the special meeting or the
15 board's August meeting have that conceptual cost
16 estimate in place that could give them an idea,
17 just as you did here with Blakeslee, of what it
18 would take to run those lines? Is that possible
19 for this proposed --

20 MR. JIM HENDRICKS: When is the
21 special meeting?

22 MR. MOYER: Tomorrow. I'm just
23 kidding.

24 MR. McHALE: I think it's
25 probably in about a week or so.

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1 MR. HOLAHAN: How long would
2 you need?

3 MS. LAMBERTON: We'll probably
4 get together in a week or so I would think.

5 MR. JIM HENDRICKS: I would say
6 the August meeting, yes, that's doable.

7 MR. HOLAHAN: Well, then we
8 should direct Jim to pursue that for our next
9 meeting then.

10 MR. McHALE: He's going to need
11 to coordinate a little bit with the major players.
12 We have to have that sit down meeting with Phyllis
13 and Jim and myself to go through some of the files,
14 to get them more acclimated to what that proposal
15 was that we brought before the DEP in the middle of
16 June. And then he'd have to talk to, like I said,

17 a couple of the major players about what's in the
18 ground already and what's available as far as force
19 mains to the school district or other.

20 MR. HOLAHAN: Right. I guess
21 what I'm looking at is not actually saying that I
22 need -- that we necessarily need a proposal as much
23 as we need to, as a board, go ahead and authorize
24 you to move forward on starting that process.

25 Lance?

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1 MR. LANCE MIRKIN: I'm not
2 quite understanding this. By doing the proposal at
3 once will that delay getting the west end started?

4 MS. LAMBERTON: I don't think
5 so, no.

6 MR. HOLAHAN: Because you're
7 going to be looking for the grants and for the
8 total, the sum of the two.

9 MR. LANCE MIRKIN: My second
10 part of the question is, is the west -- the east
11 part is that already approved under that Act 5 --

12 whatever you said?

13 MR. MOYER: 537, no.

14 MS. LAMBERTON: No.

15 MR. LANCE MIRKIN: That's two
16 different -- you're mixing apples and oranges.

17 MR. HOLAHAN: No, we're not
18 looking at doing them concurrently. We're looking
19 at doing the study that we need to take care of, at
20 the same time to go for the grant.

21 MR. MOYER: To obtain the
22 money.

23 MR. HOLAHAN: We're already
24 approved for the two -- we're already approved for
25 the western part of it. That doesn't need to wait,

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1 the eastern part -- doesn't need to wait for the
2 eastern part.

3 MR. LANCE MIRKIN: So we're
4 already late to try to get two grants at once, is
5 what I'm understanding?

6 MS. LAMBERTON: No, no, no, the

7 two studies to be done concurrently just because
8 the same work is being done for both studies.

9 MR. LANCE MIRKIN: But the one
10 study -- the one part's already approved, though,
11 correct? The west part's already approved?

12 MS. LAMBERTON: That's separate
13 as far as the study end of it is.

14 MS. HAASE: There's still
15 specific studies required by DEP.

16 MR. LANCE MIRKIN: What kind of
17 time delay, if any at all, would you say? A month,
18 two months or nobody can answer?

19 MR. HOLAHAN: I guess we'll
20 know once Mr. Hendricks gets a handle on the
21 process.

22 MR. LANCE MIRKIN: But was the
23 board prepared to vote tonight, my question is, for
24 the western end or --

25 MS. LAMBERTON: No.

1 MR. LANCE MIRKIN: -- we're

2 gonna wait another month to see if you can get it
3 together?

4 MR. HOLAHAN: We still may have
5 another meeting that we're going to discuss on if
6 we're moving forward on that.

7 MR. LANCE MIRKIN: I know while
8 the interest rates are still low now is the time to
9 move.

10 MR. HOLAHAN: Oh, they're going
11 to be good for the next year and a half.

12 MR. LANCE MIRKIN: Till the
13 next election, but, you know how things move.
14 Thank you for clarifying that.

15 MS. LAMBERTON: Thank you.

16 MR. HOLAHAN: Anything else?

17 MR. JIM HENDRICKS: So, just so
18 that I'm clear, Phyllis is gonna approach the
19 vendor, I'm gonna talk to our grants people and get
20 together with you and Bob and maybe one of the
21 supervisors, figure out where we're gonna go from
22 there.

23 MS. HAASE: In the meantime,
24 you're going to work up some numbers for the August

25 meeting.

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1 MR. JIM HENDRICKS: Okay. And
2 you want a proposal for the eastern section and a
3 cost estimate?

4 MS. HAASE: Yes, sir.

5 MR. HOLAHAN: Okay.

6 MS. HAASE: For your services
7 and construction.

8 MR. JIM HENDRICKS: Right.

9 MS. HAASE: Is that -- that's
10 -- we're clear, okay.

11 MR. LANCE MIRKIN: Will that be
12 done by the August meeting or you're not sure?

13 MR. JIM HENDRICKS: Yeah, I
14 believe it can be. I'll let you know tomorrow.

15 MR. HOLAHAN: Well, if we keep
16 him here much longer, he's not going to do -- we
17 got to get him out of here so he can start working
18 on it.

19 Mr. Cook?

20 MS. LAMBERTON: I agree with
21 you, though, time is of the essence, yes.

22 MR. LANCE MIRKIN: Like auto
23 leasing, it went away for a while and now it's
24 back.

25 MR. HOLAHAN: Mr. Cook?

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1 MR. BUD COOK: I just have a
2 couple of thoughts about unintended consequences.
3 One thing is I think the township did an overlay
4 zoning for Blakeslee, is that correct?

5 MR. HOLAHAN: Yes.

6 MR. BUD COOK: To create a more
7 potentially walkable, denser --

8 MS. LAMBERTON: Village
9 commercial overlay, yes.

10 MR. BUD COOK: -- village --

11 MS. HAASE: Just to be clear,
12 Mr. Cook, the overlay has not been approved.

13 MS. LAMBERTON: No, it's just
14 discussion.

15 MR. BUD COOK: Well, and I
16 think any contemporary urban planner would tell you
17 that the success of a concentrated village center
18 depends on low density around it. So there's -- to
19 a certain degree, there's a conflict between
20 increasing density along 940 and increasing density
21 in Blakeslee. You may not be able to have both.

22 And I guess the other
23 consequence that I'm worried about is, that I don't
24 think taxpayers are obligated to spend money to
25 increase anybody's sewer capacity. So I just think

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1 that given the earlier discussion of the difficult
2 financial condition the township is in, I hope that
3 that will be kept in mind.

4 MR. HOLAHAN: And it is.

5 MR. LANCE MIRKIN: And while
6 we're in public form, I totally disagree with that
7 statement. We pay taxes, we pay Berkheimer taxes
8 for employees to businesses and the township's
9 gonna end up suing the sewer authority sooner or

10 later, some other company. And they're gonna come
11 and extend it as far as the truck will take them,
12 so I think the township's gonna get their money
13 back eventually.

14 MR. HOLAHAN: I don't want to
15 own a sewer company in the township.

16 MR. LANCE MIRKIN: Right.
17 Well, don't we own the one in Blakeslee?

18 MR. HOLAHAN: Yes.

19 MR. LANCE MIRKIN: So I'm sure
20 there's plenty of people who want to buy it.

21 MR. HOLAHAN: And we need to
22 get to the point where it's a saleable asset that
23 would return money back to the township. That's
24 pretty much what this whole exercise is about which
25 just took us two hours to do it.

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1 MR. LANCE MIRKIN: Nah, it was
2 25 minutes.

3 MR. HOLAHAN: There was other
4 stuff, I take that back. Okay. Anything else?

5 I'm lost.

6 MS. LAMBERTON: I think we need
7 a motion to adjourn.

8 MR. HOLAHAN: Oh, no. We have
9 public comment now.

10 Joe, did you have anything?

11 MS. LAMBERTON: He looks tired.

12 MR. JOSEPH GRAB: No, John.

13 MR. HOLAHAN: Did we just beat
14 it out of you.

15 MR. JOSEPH GRAB: I had enough
16 for tonight.

17 MR. HOLAHAN: Okay. Anybody
18 else have any comments?

19 MS. HAASE: Mr. Chairman, just
20 one item. In the board's -- placed up on the
21 board's portal there was a correspondence from Mack
22 Services, which I'm certain you folks have
23 reviewed. As we understand some of the concerns
24 from this investor, the bottom line is they're at
25 the point that they want no more engineering bills

1 or attorney bills.

2 So I will be responding to the
3 individual that we certainly want them to move
4 forward with their project, but we can't move
5 forward with that agreement, that there's no more
6 billing back to them. They have signed a
7 professional service agreement, it's their
8 responsibility to reimburse the township for any
9 legal or engineering fees.

10 So just the board is aware, I
11 will be responding back to them, wishing that they
12 do continue with the project, but they are
13 responsible for their fees.

14 MR. HOLAHAN: I think Mr.
15 McHale prepared a good response.

16 MS. HAASE: Yes.

17 MR. HOLAHAN: It was well
18 prepared, so I think once they settle down a little
19 bit and think about it --

20 MS. HAASE: Agreed.

21 MR. HOLAHAN: Yes. Anything
22 else?

23 MR. JOSEPH GRAB: There was one
24 thing.

25 MR. HOLAHAN: No, it's too

135

1 late.

2 MR. JOSEPH GRAB: Sue just
3 reminded me. I have the report from Eastern EMS on
4 the audit for the two ambulance services.

5 MR. HOLAHAN: Yes.

6 MR. JOSEPH GRAB: Eastern EMS I
7 believe was supposed to give us a copy, but they
8 told us that they were only gonna give you and John
9 a copy and that we would have to ask you for a copy
10 of that audit.

11 MR. HOLAHAN: We'll get it to
12 you.

13 MS. PICKARD: We had requested
14 the reports, I think that was what that was about.

15 MR. HOLAHAN: Is that right?

16 MS. PICKARD: Yes.

17 MR. HOLAHAN: We'll make sure

13 over addressed to each of you ladies and gentlemen
14 asking for your intercedence in the situation, but
15 Mrs. Haase very correctly informed me that that was
16 a matter -- the proper avenue was to go through
17 Chief Lewis. And apparently Mrs. Haase also
18 contacted Chief Lewis because he called me and I
19 explained the situation to him. And he said he
20 would have Lieutenant Laverty follow up on it. In
21 these past seven days -- excuse me, six days I have
22 not heard one peep from that dog.

23 So thank you very much.

24 MS. HAASE: You're welcome.

25 MR. KEN FULTZ: I was hoping

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1 that Chief Lewis would be here so I could also
2 publicly thank him. Thank you very much for giving
3 me the opportunity to speak too.

4 MR. HOLAHAN: You're welcome,
5 sir.

6 MR. MOYER: Thank you.

7 MR. HOLAHAN: Anybody else?

8

Motion to adjourn?

9

MS. LAMBERTON: So moved.

10

MR. MOYER: Second.

11

MR. HOLAHAN: We're adjourned.

12

(Meeting concluded at 9:23 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

14

15

16

TARA WILSON, C.R.

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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
Wednesday, July 23, 2014, beginning at 8:01 a.m.

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

PATRICK ARMSTRONG, ESQUIRE,
Solicitor

ALSO
PRESENT: Phyllis Haase, Township Manager
Robert McHale, P.E., Township
Engineer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: Good morning.

2 Let's call the meeting to order.

3 Annie, do you want to pound the
4 gavel?

5 She wanted to do that.

6 MS. LAMBERTON: So bad.

7 MR. HOLAHAN: Let's start with
8 the Pledge of Allegiance.

9 (Pledge of Allegiance was
10 recited.)

11 MR. HOLAHAN: Where's Donald?

12 MS. HAASE: I did speak to him
13 last evening and he was going to be able to
14 attend, so I'm certain he's just running a few
15 minutes late.

16 MR. HOLAHAN: Okay. Let's
17 start with new business. Consider the Kalahari
18 Resorts letter of credit reduction request for
19 \$300,286.18.

20 MS. LAMBERTON: I'll make a
21 motion to accept the letter of credit reduction
22 request of \$300,286.18.

23 MR. HOLAHAN: I have a motion.

24 Do I have a second?

25 MS. PICKARD: I'll make that

3

1 motion -- or second that motion.

2 MR. HOLAHAN: I've got a motion
3 and second.

4 Further discussion from the
5 board?

6 Anything from the public?

7 Hearing none, I'll call the
8 vote.

9 John?

10 MR. KERRICK: Favor.

11 MR. HOLAHAN: Heidi?
12 MS. PICKARD: I vote in favor.
13 MR. HOLAHAN: Annie?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. HOLAHAN: And I vote in
17 favor. Motion carries.
18 Next, consider Pocono Mountain
19 Regional Police Department level of service.
20 MS. LAMBERTON: I just have a
21 question.
22 Phyllis, last time we met, the
23 level of service, there's no need for any
24 additional, from your board meetings or --
25 MS. HAASE: I believe that

4

1 there is a need to increase our officers, but I
2 do feel the other municipalities are the ones
3 that need to step up to commit to additional
4 hours.

5 MS. LAMBERTON: So as far as

6 Toby's concerned, we're covered for --

7 MS. HAASE: I believe that
8 we're fine with what we have, but as far as the
9 department itself, they definitely do need
10 officers.

11 MS. LAMBERTON: Understood.

12 MR. HOLAHAN: Okay. So for our
13 budget we're going to go back to the -- what our
14 current level is, at 420 hours point 6 per week?
15 Is that -- do I have that right?

16 MS. LAMBERTON: Yes.

17 MS. HAASE: Yes, sir.

18 MS. LAMBERTON: That's what I'm
19 reading.

20 MS. PICKARD: That is correct,
21 but we don't know what the cost of that will be
22 at this point in time because there has been no
23 increase in the last several years, which is
24 difficult to imagine sustaining for any length of
25 time. So there could be an increase in our level

1 of service.

2 MS. LAMBERTON: Dollarwise.

3 MS. PICKARD: Dollarswise.

4 MS. LAMBERTON: Not hourwise.

5 MR. HOLAHAN: Understood.

6 MS. PICKARD: No. And I

7 just --

8 MS. LAMBERTON: Is there any

9 discussion on that in your meetings, that the

10 hourly rate will be increased?

11 MS. HAASE: There has not been

12 a budget meeting.

13 MS. PICKARD: Well, this is a

14 circular problem that I said, because if they

15 increase and put on officers and the other ones

16 increase hours, it may bring the cost down and

17 maybe we could afford to, you know. I'd like to

18 certainly say at this point in time that we're

19 good with what we have; but if somebody was doing

20 30 hours and somebody was doing 5 hours, I

21 wouldn't be opposed to picking up the gap, if --

22 if the cost is reasonable.

23 MS. LAMBERTON: But I think

24 they're looking for an answer now so they can do
25 their budget, correct?

6

1 MS. PICKARD: Well, I think we
2 have to go, you know --

3 MR. HOLAHAN: Okay. So do I
4 have a motion?

5 MS. LAMBERTON: I will make a
6 motion to accept the same level of service at the
7 same cost.

8 MS. PICKARD: And I'll second
9 that.

10 MR. HOLAHAN: Okay. I've got a
11 motion and second.

12 Further discussion from the
13 board?

14 Public?

15 Hearing none, call the vote.

16 John?

17 MR. KERRICK: In favor.

18 MR. HOLAHAN: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. HOLAHAN: Annie?

21 MS. LAMBERTON: I vote in

22 favor.

23 MR. HOLAHAN: And I vote in

24 favor. Motion carries.

25 Next, let's go on to the Evans

7

1 minor subdivision plan.

2 Were you going to speak to

3 that, Brian?

4 MR. BRIAN COURTRIGHT: If you'd

5 like to, sure, yeah.

6 MR. HOLAHAN: Do we need you

7 to?

8 Do we need him to, Bob?

9 MR. McHALE: I think

10 everything's pretty well in order. Brian and I

11 spoke just before the meeting. There are a

12 couple dates, an item or two related to, you

13 know, a typo or something on the plan. Other

14 than that, the plan's ready to go.

15 MR. HOLAHAN: Oh, okay.

16 MS. LAMBERTON: I'll make a
17 motion to approve the Evans minor subdivision
18 conditional upon the items that Bob had mentioned
19 in his report.

20 (Mr. Moyer entered the room.)

21 MR. McHALE: Yes, sir, that's
22 correct. They are in the review letter of the
23 25th and Brian's going to address those.

24 MS. LAMBERTON: As per that
25 review letter.

8

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

3 MR. ARMSTRONG: For purposes of
4 the review letter, the review letter from the
5 township engineer dated --

6 MR. McHALE: February 25.

7 MR. ARMSTRONG: -- February 25,
8 2014? And would that also be subject to and

9 conditional -- I'm not sure if it was in the
10 review letter, the moving of the shed from --

11 MR. BRIAN COURTRIGHT: Yes.

12 MR. ARMSTRONG: -- outside the
13 setback? Okay.

14 MS. LAMBERTON: I'll amend my
15 motion to reflect the date.

16 MR. HOLAHAN: Okay. So I've
17 got a motion.

18 Do I have a second?

19 MS. PICKARD: I'll second it.

20 MR. HOLAHAN: Okay. I have a
21 motion and second to approve the Evans minor
22 subdivision plan based on the notes that need to
23 be made to the plan.

24 Further discussion from the
25 board?

9

1 From the public?

2 MS. WENDI FREEMAN: Yeah.

3 What's --

4 MR. HOLAHAN: Hearing none,
5 I'll call the vote.
6 John?
7 Oh, pardon me?
8 MS. WENDI FREEMAN: I just want
9 to know the location.
10 MR. BRIAN COURTRIGHT: Forest
11 Glen.
12 MS. WENDI FREEMAN: Forest
13 Glen? Thank you.
14 MR. HOLAHAN: Okay. Anything
15 else?
16 Call the vote.
17 John?
18 MR. KERRICK: In favor.
19 MR. HOLAHAN: Heidi?
20 MS. PICKARD: I vote in favor.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: I'll vote in favor.
23 MR. HOLAHAN: Annie?
24 MS. LAMBERTON: I'll vote in
25 favor.

1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.

3 Item D, consider the Aqua
4 Resources, Incorporated contract operations
5 agreement for the Blakeslee wastewater treatment
6 plant.

7 MS. HAASE: Mr. Chairman, I've
8 asked, after our last meeting I contacted Alan
9 Roth from Aqua, if he would attend this morning
10 to help walk us through their services and also
11 the agreement, answer any questions that the
12 board may have; so Mr. Roth is in attendance if
13 the board would like to speak with him directly.

14 MR. HOLAHAN: Did you want to
15 preface anything, Patrick, or --

16 MR. ARMSTRONG: Actually before
17 we move on to that one, back to Evans
18 subdivision, the applicant did request certain
19 waivers of SALDO. I believe they're outlined in
20 Bob's letter.

21 MR. McHALE: They're on the

22 plan as well.

23 MR. ARMSTRONG: Did the board
24 want to take a separate motion acting upon those
25 waivers, approving them or not approving them?

11

1 MS. PICKARD: I'll make that
2 motion, if you want to state what the waivers
3 are.

4 MR. ARMSTRONG: Okay.

5 MR. HOLAHAN: Is that --

6 MR. ARMSTRONG: The reason I'm
7 looking at my phone is unfortunately I don't have
8 my file. I got the e-mail yesterday afternoon.

9 MR. HOLAHAN: Is that SALDO
10 Section 135 dash 12.D dash 2?

11 MR. ARMSTRONG: Yes.

12 MR. HOLAHAN: All right. So --

13 MR. ARMSTRONG: As well as
14 Section 135-15.A.

15 MR. HOLAHAN: Yes. Well,
16 there's --

17 MR. ARMSTRONG: Actually --

18 MR. BRIAN COURTRIGHT: The
19 usual.

20 MR. ARMSTRONG: The SALDO, they
21 would be -- they would be SALDO Section 135
22 D-12.D.2; SALDO Section 135-15.A.15; SALDO
23 Sections 135-17.I, K, L and M; as well as SALDO
24 Section 135-18.B.15.

25 MS. PICKARD: That's my motion.

12

1 MS. LAMBERTON: I'll second.

2 MR. HOLAHAN: Motion and
3 second.

4 Further discussion from the
5 board?

6 Anything from the public?

7 Does anybody know what we just
8 did?

9 MR. ARMSTRONG: These were
10 waivers --

11 MR. BRIAN COURTRIGHT: I do.

12 MR. ARMSTRONG: -- requested by
13 the applicant under the subdivision and land
14 development ordinance.

15 MR. HOLAHAN: Okay.

16 MR. McHALE: They have to do
17 with providing information within 500 feet of the
18 development. That isn't really necessary since
19 it's a lot line adjustment for the most part.

20 MR. HOLAHAN: Great. Thank
21 you, Bob.

22 MR. McHALE: Yes, sir.

23 MR. HOLAHAN: Call the vote.
24 John?

25 MR. KERRICK: In favor.

13

1 MR. HOLAHAN: Heidi?

2 MS. PICKARD: I vote in favor.

3 MR. HOLAHAN: Donald?

4 MR. MOYER: I vote in favor.

5 MR. HOLAHAN: Annie?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. HOLAHAN: And I vote in

9 favor. Motion carries.

10 Now Alan.

11 MR. ALAN ROTH: Good morning.

12 MR. HOLAHAN: Good morning.

13 How are you doing?

14 MR. ALAN ROTH: If anyone's not

15 familiar with Aqua, either Pennsylvania or Aqua

16 Resources --

17 MR. HOLAHAN: Hold up, Alan.

18 You need --

19 Full name, please?

20 MR. ALAN ROTH: I'll introduce

21 myself.

22 THE REPORTER: How do you spell

23 your first name?

24 MR. ALAN ROTH: Alan, A-L-A-N,

25 Roth, R-O-T-H, Aqua Pennsylvania and Aqua

1 Resources.

2 Aqua Resources is our contract
3 operations arm of Aqua America and we're a sister
4 company to Aqua Pennsylvania, who already does
5 business in the township. We own the Pine Crest
6 facility, sewer -- sewer and water facility, that
7 we operate every day for -- for our customers in
8 that development.

9 We have other facilities that
10 we own and/or operate in the region. We just
11 purchased the Kidder Township wastewater facility
12 about a year and a half ago. And overall we
13 operate -- own or operate over 40 wastewater
14 systems throughout the State of Pennsylvania,
15 which is under my direct responsibility. We have
16 a good relationship with DEP, regulatory agencies
17 such as the PUC, and, we believe, a healthy
18 relationship with our clients as well, which we'd
19 certainly offer any references that you wish to
20 look into.

21 But we provided a proposal at
22 Phyllis' request and we believe it's fairly
23 self-explanatory, although I'm sure you guys have
24 questions, so that's why I'm here. If there's

25 anything I can do to provide clarification or

15

1 answer questions or suggested edits to that
2 agreement, certainly everything's on the table,
3 so that's why I'm here.

4 Thank you.

5 MS. HAASE: The one item I did
6 want to bring to the board's attention, at your
7 last meeting I provided you with a breakdown of
8 what we currently are spending on the operation
9 to make -- the operation of the plant.

10 What I did not include, and I
11 wasn't aware until I spoke -- had spoken to Alan
12 yesterday, is we currently pay just under 5,000
13 in lab fees; 4500 and change. That would be
14 included in their proposal. So if I take -- if I
15 take out the employees as far as DPW and the
16 director, which was on your paperwork I provided
17 last -- the last meeting, it would bring up to
18 \$59,112.80 without any employees being involved,
19 is what we're putting into the operation right

20 now.

21 The other positive aspect to it
22 is, we have Ken Calemme, who's currently cleaning
23 our baskets, which we're paying separately for.
24 That's included with what Aqua currently is
25 proposing. We would not have to pay separate for

16

1 that.

2 MR. KERRICK: So that would --
3 that would still reduce the price that we pay
4 now, way under what Aqua's proposing?

5 MS. HAASE: No.

6 MR. KERRICK: Yes. If you take
7 29,436 for operations, 7,140 for maintenance,
8 that's 36,576.

9 MS. HAASE: Right.

10 MR. KERRICK: Add Ken in there,
11 which still equals 43,000.

12 MS. HAASE: Then we have to pay
13 for insurance another 10,000 --

14 MR. KERRICK: Okay, but the

15 insurance is still cheaper than they're --

16 MS. HAASE: And then the lab
17 fees, I have it right here, Mr. --

18 MR. KERRICK: Okay. That's
19 still cheaper.

20 MS. HAASE: It's \$59,112.
21 They're proposing 60,000; so it's 700 and change
22 less.

23 MS. PICKARD: That's not on the
24 portal, Phyllis?

25 MS. HAASE: Here you go.

17

1 MR. KERRICK: I already have it
2 written down, so --

3 MS. HAASE: But you don't have
4 the lab fees on there.

5 MR. KERRICK: I just added
6 that.

7 MS. HAASE: Yeah.

8 Mr. KERRICK: But their hourly
9 fees are quite a bit more than our current

10 operator now.

11 MS. HAASE: The difference on
12 the hourly fees would be for after hours, but --

13 MR. KERRICK: We're paying \$50
14 an hour now and their plant operator is 65;
15 mechanical electrician, 75; administrator, 105.
16 We're paying 50 and 45 currently.

17 MS. HAASE: I think what we --

18 MR. KERRICK: Time and a half
19 fees would be 97.50, 112.50 and 157.50; so my
20 question is, where is our savings?

21 MS. HAASE: Well, as I provided
22 on that sheet, our historic data shows what we
23 are actually paying Pumping Solutions.

24 MR. KERRICK: You're still
25 going to have the common denominator of the DPW

18

1 to go there for I&I to set up the pump; that's a
2 given. So that's still going to be on top of
3 Aqua. So I don't know where the savings is here.
4 You haven't shown me any savings.

5 MR. ARMSTRONG: May I?

6 MR. KERRICK: Sure.

7 MR. ARMSTRONG: I think what
8 needs to happen is, the way I read this proposal,
9 and correct me if I'm wrong, you have a certain
10 list of services you'd be providing under a flat
11 monthly rate.

12 MR. ALAN ROTH: Correct.

13 MR. ARMSTRONG: And that flat
14 monthly rate is 5,000.

15 MR. KERRICK: I got it --

16 MR. ARMSTRONG: And that's --

17 MR. KERRICK: -- 5,750.

18 MR. ARMSTRONG: And that's
19 based upon, I think I read somewhere, either
20 three hours a day or three and a half hours a
21 day, someone from Aqua, right?

22 MR. ALAN ROTH: Correct.

23 MR. ARMSTRONG: So under that
24 5,000 monthly flat fee, someone from Aqua will
25 be at the plant either three -- is it three

1 hours?

2 MR. ALAN ROTH: It's up to
3 three, so some days maybe it's two and a half,
4 some days it's three and a half, depending on
5 what's going on for the day.

6 MR. ARMSTRONG: So what I think
7 probably needs to happen is, John, you've been
8 involved a lot with respect to the sewer plant,
9 I'm sure; Ed Tutrone maybe, and maybe some other
10 individuals from the township. You probably want
11 to look at, number one, how many hours a day is
12 someone there traditionally --

13 MR. KERRICK: Approximately the
14 same.

15 MR. ARMSTRONG: Three or three
16 and a half, something like that?

17 MR. KERRICK: Depending, just
18 like you said.

19 MS. HAASE: Yeah. We actually
20 met with Mr. Ferrara (phonetic) this past week,
21 and as far as the operator itself, he said he's
22 there between one to one and a half hours a day.

23 Anything extra, of course, they would have to go
24 out to do additional maintenance. But what our
25 solicitor is saying is correct, where it's a bulk

20

1 rate of what Aqua is proposing to us.

2 What I've had to do with what
3 we currently are paying is, because there's so
4 many different individuals involved is, we had to
5 break down how much the township is paying for
6 the additional operator and additional expenses
7 for the lab fees, which is included with Aqua,
8 which we have to pay separately for. And that's
9 why we had to break it down, to try to get apples
10 to apples.

11 MR. HOLAHAN: What about the
12 I&I?

13 MS. HAASE: The I&I, I think,
14 as a whole, the township has been handling,
15 Pumping Solution has not been handling; am I
16 correct, John?

17 MR. KERRICK: That's correct,

18 but you'll still have that fee on top of theirs.

19 MS. LAMBERTON: Which we do
20 now.

21 MR. KERRICK: If there's
22 something here that I'm --

23 MS. HAASE: Which we do now.

24 MR. KERRICK: I'm saying that.
25 That's what I'm saying. But if there's something

21

1 here that I'm missing -- I just don't understand.
2 Are we trying to partner with him? Do you want
3 to sell the plant? Let's get out of the sewer
4 business. Let's sell the plant to him.

5 MS. HAASE: Well, I think that
6 that's been the discussion for quite a few years
7 with the supervisors, about being in the business
8 of having a sewer plant, and I think that's
9 what's gotten us to this point.

10 MR. KERRICK: Absolutely. I
11 want to get the best dollar for the taxpayer or
12 the best deal for the taxpayer, and I -- I

13 haven't seen it yet in this proposal. Maybe I'm
14 missing something.

15 MS. LAMBERTON: I think you're
16 missing insurance.

17 MR. KERRICK: If I am, please
18 educate me so that I can see it.

19 MS. HAASE: The insurance
20 certainly is --

21 MS. LAMBERTON: Is a big deal.

22 MS. HAASE: They're -- we
23 currently need to look at the pollution insurance
24 or the lack thereof, which is provided through
25 Aqua.

22

1 MR. ALAN ROTH: It's not in our
2 original proposal, because it was --

3 MR. KERRICK: Yeah, I was going
4 to say, it's not in his proposal.

5 MR. ALAN ROTH: It is not, and
6 it was discussed after the fact; and it's
7 certainly something we can add. A company our

8 size, in the industry that we're in, we carry
9 that as a course of business and, you know, we
10 can include that. It's up to a million and a
11 half dollars per year, and I think it's a 20
12 million aggregate over a five year period. So we
13 have the proper insurance and I have no problem
14 adding that to the list of insurance requirements
15 at no extra cost.

16 We also discussed, since the
17 original proposal, trying to get our hourly
18 process down to about three hours a day. That
19 reduced it to about the \$5,000 flat fee, as
20 opposed to the 5750 that you see; so we're trying
21 to work with the township, understanding what
22 your budgetary, you know, needs are. But we
23 also -- again, as I said, we have 40 systems in
24 Pennsylvania, so we're very well-schooled in what
25 we believe it will take every day to do a proper

23

1 job for you folks and make sure you have the
2 quality service that you need.

3 If we go lower than that, I'm
4 afraid that -- then you run into a lot of nickel
5 and dime tracking of, you know, 15 minutes here,
6 an hour there; and I -- I think that's probably
7 more trouble than it's worth for -- for both
8 parties. We try to provide a good flat rate for
9 each month and you know what to expect.

10 The only extras that we would
11 bill for is if we do get a call out in the middle
12 of the night or something like that and I have --
13 excuse me, the operator has to respond, and I
14 have to pay that employee time and a half, so
15 that's why our rates go up.

16 I explained to Phyllis, as far
17 as the administration, I'm the administration.
18 I've never charged any of our clients for that.
19 It's in there in case, you know, you ask us to go
20 for a day trip to DEP or -- or things like that.
21 You know, we would want to recover some of the
22 costs; but, you know, as far as day-to-day
23 operations, we don't charge extra for -- for my
24 time or anything like that.

25 If we have to bring an

1 electrician, obviously there are comparable
2 electrician rates, I would think, in the region.
3 So if you don't want us to bring our mechanical
4 electrician guy and you have a guy that you like,
5 we're more than happy to work with that
6 individual and they can bill you directly for
7 plant repairs and things like that.

8 So we're very flexible with
9 what we want to do for you, and I think we have a
10 good track record in the region of, you know,
11 satisfied customers. So I can tailor that
12 however you want and the -- and the costs can be
13 reflective of whatever you guys want to see.

14 MS. PICKARD: Is it --

15 MR. KERRICK: I personally am
16 not questioning your ability to run a plant.

17 MR. ALAN ROTH: I understand.

18 MR. KERRICK: I'm just looking
19 out for the best dollar for the -- for the
20 taxpayer, or the --

21 MR. ALAN ROTH: Yeah. You
22 know, typically we are not the most cost
23 effective. There's a reason for that. We're a
24 very large organization. We do have a lot of
25 back support that you would have the benefit of.

25

1 If I have engineering questions, I -- my
2 co-worker down the hall is gonna help me out. I
3 don't have to go and bug Bob or bring in, you
4 know, consulting engineers, things like that. We
5 have an in-house lab.

6 If I have to run some extra lab
7 tests because something's going on, you know,
8 weird at the plant, you know, I'll run some tests
9 and then we'll find out what's going on. And
10 typically there's no extra charge for that, so,
11 you know, you do get that -- you get -- you get
12 the benefit of a larger organization, I guess, is
13 -- with a little bit of a higher cost.

14 So that's for you guys to make
15 a business decision whether or not it's worth it

16 for you.

17 MS. PICKARD: I have a
18 question. Is it possible on this -- I know this
19 is for a three year agreement. Is it possible
20 that we did this for a year with a clause to
21 renew, just so that if we felt that the costs
22 were too high that we, you know, could look at
23 renegotiating or --

24 MS. HAASE: Is that something
25 that Aqua would be open to?

26

1 MR. ALAN ROTH: Yeah. We want
2 at least a year, you know, we have employees we
3 have to, you know, keep busy and things like
4 that.

5 MS. PICKARD: That's something,
6 and then if John's correct or whatever, that
7 would become apparent. I don't feel like --
8 under the current circumstances it's a little bit
9 sloppy. We don't have a really clear agreement,
10 I don't think, currently.

11 MS. HAASE: Currently, you're
12 correct. It's --

13 MS. PICKARD: So it's hard to
14 see that, and I think we need to -- you know, I
15 think if we have this for a year and then we can
16 see that the costs are in line or they're -- and
17 if not, we could, you know, look at our
18 alternative.

19 MR. ALAN ROTH: Yeah. And
20 that's --

21 MS. PICKARD: I think at this
22 point -- I'm sorry -- we have an issue with the
23 insurance, so --

24 MS. HAASE: Yes. I have -- I
25 have multiple concerns.

27

1 MS. PICKARD: That we didn't
2 have currently?

3 MS. HAASE: That's correct.

4 MR. ALAN ROTH: If I could just
5 real quick finish, we did do one year with

6 automatic renewal, so if you're not satisfied --
7 I think it's -- I think it's even in there, 60 or
8 90 days or something, the next renewal term, you
9 can either fire us --

10 MS. PICKARD: That's on the
11 three year, but, yeah --

12 MR. ALAN ROTH: Yeah, but we
13 can cut it to one with automatic renewals or --
14 or some type of renegotiation, if you feel it's
15 necessary.

16 MR. HOLAHAN: Still the same
17 rate?

18 MR. ALAN ROTH: Hm?

19 MR. HOLAHAN: The same rate?

20 MR. ALAN ROTH: Well, it
21 depends on what you ask. So if you say, look,
22 Al, you know, you think you can do this in two
23 hours a day? Obviously we'll have an operating
24 history and that may adjust the price, but --

25 MR. HOLAHAN: Say this

1 agreement, with some minor changes to it, but
2 changed to one year, are we still looking at the
3 same rate?

4 MR. ALAN ROTH: I wouldn't
5 change your monthly rate --

6 MR. HOLAHAN: That's --

7 MR. ALAN ROTH: -- based on,
8 you know, what's in there.

9 MR. ARMSTRONG: I guess perhaps
10 what John was asking is, if we would do the one
11 year with the automatic renewal, would you still
12 lock yourself into the 5,000, whatever that
13 amount is, for a three year period?

14 MR. ALAN ROTH: Yeah. I think
15 there's some escalation language in there that
16 what we would do is discuss any -- for like a
17 cost of living increase. I think it's in the
18 term language or in the fees language -- I don't
19 have it in front of me, I apologize -- that kind
20 of just describes the basic premise of asking for
21 a slight fee increase.

22 You know, the other thing that
23 we try to do for our clients at no charge is

24 provide reporting to you every month so that
25 you're, you know, better informed of what's going

29

1 on every day --

2 MS. HAASE: I actually --

3 MR. ALAN ROTH: -- or at least

4 on a monthly basis, and then we help you, if you
5 want, develop your sewer budget for the following
6 year, whether that's capital improvements,
7 operating improvements, things like that. Again,
8 that would be at no extra charge. We can help
9 you with that. So there's some -- some things
10 that we can do, because we do it for ourselves
11 and we offer that to our -- our clients as well,
12 so --

13 MS. HAASE: And then what's being
14 distributed right now is a report from a local
15 municipal authority, a report that was provided
16 to a local municipal authority by Aqua, which I
17 think it's helpful. My standpoint is management,
18 and also as yours as supervisors, is that you're

19 kept up to date on a monthly basis of the
20 happenings of the plant and what's being
21 proposed, any kind of improvements that would be
22 needed.

23 MR. HOLAHAN: I -- I guess, you
24 know, maybe we should go to -- the bigger
25 question is, why are we -- why would we align

30

1 ourselves with Aqua? Is it our intention to sell
2 the sewer plant? Do we want to be in the
3 business of --

4 MS. PICKARD: No.

5 MR. HOLAHAN: -- owning a sewer
6 company?

7 MS. LAMBERTON: I personally do
8 not.

9 MR. HOLAHAN: And I would
10 agree, so it looks like we're moving to try to
11 align ourselves with somebody and the plan is to
12 get ourselves out of this business. And I would
13 think that aligning ourselves with somebody that

14 has 40 different operations throughout the state
15 would have some sort of -- a much better ability
16 to take care of these things, and they know what
17 not to do and what they run into.

18 If we're moving in that
19 direction of selling the sewer plant, then is
20 this the first logical step of moving in that
21 direction?

22 MS. HAASE: Um-hmm.

23 MS. LAMBERTON: It's a lease
24 purchase.

25 MR. HOLAHAN: Which we'd have

31

1 to figure out how that was going to work, but who
2 wants to be in the sewer business?

3 MS. LAMBERTON: Not me.

4 MR. ALAN ROTH: I do.

5 MS. LAMBERTON: He does.

6 You're the only one.

7 MS. HAASE: He has two hands
8 up.

9 MR. KERRICK: Why don't we have
10 that conversation now then, just because we want
11 to align with them? Why don't we sell it, get
12 out of the business?

13 MR. HOLAHAN: Yeah. Can we
14 just make this -- link this chasm in a single
15 bound?

16 MR. KERRICK: Well, we're
17 linking into an agreement that's not even the
18 right agreement.

19 MS. PICKARD: Why is it not the
20 right agreement?

21 MR. KERRICK: Well, there's
22 some things that are changed here and --

23 MS. PICKARD: Specifically?

24 MR. KERRICK: Well, you said
25 you changed for -- you're going to put in for the

32

1 insurance?

2 MR. ALAN ROTH: Yeah, I can do
3 that.

4 MR. KERRICK: You'd do the
5 Chapter 94 report at no cost?

6 MR. ALAN ROTH: Not at no cost,
7 no, that's not part of --

8 MR. KERRICK: What's the cost?

9 MR. ALAN ROTH: I have to go
10 and check with our regulatory folks to see what
11 they would charge for something --

12 MR. KERRICK: What is it?

13 MS. HAASE: We currently have
14 to pay Pumping Solutions for it as well.

15 MR. KERRICK: I didn't say
16 that, Phyllis. I was getting to that. But that
17 should be in here.

18 MR. ALAN ROTH: That's -- well,
19 again, if there's a list of things you want
20 added, clarified, whatever, I have no problem
21 revising that agreement and it'll only take a
22 matter of, you know, a couple minutes probably to
23 do. But I've got to check -- we have a whole
24 compliance department and that's their job to do
25 that, so --

1 MS. PICKARD: I would like to
2 see -- have that added in that cost.

3 MS. HAASE: We -- we
4 currently -- we currently pay for the reporting
5 per year.

6 MR. MOYER: Well, can we get a
7 more final contract and I'll look it over and
8 take it from there?

9 MS. HAASE: I certainly think
10 it's something that Alan could -- could make the
11 appropriate changes and we could have it on the
12 agenda for August.

13 MR. ALAN ROTH: What -- yeah, I
14 dusted it off. I think -- I think September 1
15 was a prospective date. I think we probably have
16 to move it back to October 1 anyway just so I can
17 staff up and things like that. So we're in no --
18 we don't want to feel like we're pushing this,
19 you know. It has to work for you folks.

20 And if you want, I don't know
21 what your current arrangement is with your

22 current operator, we can certainly, you know,
23 tailor timing of this to what suits you folks,
24 so, but I would probably definitely want to push
25 that back to at least October 1 at this point

34

1 while we figure out these -- these other details.

2 MS. PICKARD: We also then are
3 back to this position about selling the plant.

4 MR. KERRICK: Yeah.

5 MS. PICKARD: This is something
6 that, John, you're saying -- are we having that
7 conversation now or -- I mean, nobody wants to be
8 in the sewer business, so what does that mean
9 now?

10 MR. HOLAHAN: Selling the
11 plant, no longer owning it.

12 MS. PICKARD: And what time
13 frame are we doing that? Because John's saying
14 do it now, so --

15 MR. HOLAHAN: Well, I don't
16 know -- I don't know what it takes. I've never

17 sold a sewer plant before.

18 MS. PICKARD: I don't know
19 what's involved legally.

20 MR. ARMSTRONG: There's --

21 MR. KERRICK: We were told in
22 the past -- and you're the solicitor and these --
23 Aqua does it every day -- that we couldn't just
24 sell it to Aqua or anybody. And they were
25 involved in the conversation when we visited this

35

1 several times in the past, that we had to
2 actually put it up for sale, put it up for bid.

3 MR. ARMSTRONG: Yeah. There's
4 requirements under the Second Class Township Code
5 what you would -- how you would sell certain
6 assets, a sewer plant being one of them. And
7 you'd also -- I mean, remember you're in the
8 process of -- you just appointed yourselves to --

9 MS. PICKARD: The sewer
10 authority.

11 MR. ARMSTRONG: -- the

12 municipal sewer authority, and you've got two
13 more appointees to appoint. So you have some
14 things to do before you actually go to selling
15 the plant, if that's the direction this board
16 wants to take.

17 However, what was discussed
18 just earlier this morning is, if that's really
19 the mind-set right now of the board members, the
20 one year with the automatic renewal sounds like
21 the best plan because after the one year, you're
22 going to know whether or not you want to stay on
23 this course of potentially selling it. And Aqua
24 should have a better idea, if they're actually
25 interested in it, and -- or maybe it's working

36

1 out. Maybe this year works out great and you're
2 content and you just want to stay on that
3 course --

4 MS. LAMBERTON: Renew.

5 MR. ARMSTRONG: -- rather than
6 a full three year agreement.

7 MR. HOLAHAN: I certainly don't
8 want to get into something that we get some
9 unintended consequences, some things that we
10 forget that becomes a real issue down the road.
11 I think one of the things was, because we're
12 going to be talking about extending sewer lines,
13 being able to have an authority that can charge
14 assessments or require a tap-in where perhaps you
15 couldn't. So we have to -- I don't know all the
16 nuances of what's involved in it. I don't think
17 I could learn all the nuances. I need to depend
18 on people like Mr. McHale, our engineer, and
19 RETTEW and Patrick, I think, to help us, and
20 members of the board, so -- but we could clean up
21 the language --

22 MR. MOYER: Yeah.

23 MR. HOLAHAN: -- of this
24 agreement.

25 MR. MOYER: And that gives us a

1 year.

2 MR. HOLAHAN: Put it on the
3 next agenda for the next meeting, perhaps move on
4 it then.

5 MR. ARMSTRONG: I would
6 suggest -- I sent out an e-mail. I think I
7 copied the board members.

8 I have some track changes,
9 Alan, to the proposal.

10 MR. ALAN ROTH: That's great.

11 MR. ARMSTRONG: Phyllis, you
12 can forward that on to Alan --

13 MS. HAASE: Okay.

14 MR. ARMSTRONG: -- but I would
15 suggest before the final revised proposal be
16 done, perhaps Phyllis and John, and maybe --
17 who's the contractor? You probably want to sit
18 down and look through what's being included and
19 make sure there's nothing being left out that you
20 currently need. Do you understand what I'm -- I
21 mean, if they're --

22 If your current staff at the
23 township is doing a certain service and it's not
24 included in the specific scope and would be

25 considered an additional service, you know,

38

1 that's something that you need to do to make sure
2 that there's no surprise increased costs going
3 forward. That's what I -- that's the one
4 additional thing I would suggest doing before you
5 have Aqua actually submit what could be
6 considered the final proposal.

7 MR. ALAN ROTH: Any clarif --
8 and, again, that sounds like a clarification
9 piece and I -- I fully agree.

10 MR. ARMSTRONG: It actually
11 might be something that you might want to have
12 Alan's -- in a conference call with whoever has
13 been familiar with operating the plant at the
14 township.

15 MR. ALAN ROTH: When we -- just
16 for knowledge purposes, when we enter into a
17 contract like this, we treat the facility as if
18 it was our own. We would not expect to have to
19 call the township and say, hey, can you send your

20 roads guy down to help us, you know, pull a pump?
21 No. We work that out and we do things on our
22 own. You know, we'll make life easy for you
23 folks, and that's our intent. So, you know,
24 there's a quality of life factor in here too,
25 taking nuisance calls and things like that, you

39

1 know, that's what we're in the business to do.

2 But any clarifications, fine;
3 any changes, let me know. And if it changes the
4 price, you know, we'll let you know.

5 MR. KERRICK: Reduce?

6 MR. ALAN ROTH: Depending on
7 what you ask for.

8 MR. ARMSTRONG: One -- I guess
9 one thing to ask, and I don't know, it might be a
10 moot point at some point, but this board has been
11 discussing a potential extension of the existing
12 sewer line along 940 under their existing 537
13 Plan.

14 Would that impact your fee of

15 5,000 a month, or whatever that fee is going to
16 end up being, if you have more customers at some
17 point in the future?

18 MR. ALAN ROTH: Is this the
19 eastbound side going towards 380 --

20 MS. PICKARD: No.

21 MR. ALAN ROTH: -- tie into
22 Pine Crest? The one going the other way?

23 MR. ARMSTRONG: And --

24 MR. ALAN ROTH: Well,
25 our proposal is for system operations. It's not

40

1 based on any revenue that you might get from the
2 tap-in fees or -- or new users. The benefit is,
3 as long as -- you have a plant rated for a
4 certain amount of capacity. You know, we were
5 there on a tour a month, six weeks ago, a couple
6 months maybe. You're significantly
7 underutilized.

8 We don't see that tying in a
9 couple hundred more customers is going to

10 increase our operating time at all. You know, in
11 fact that's the way utility would look at it. We
12 want more customers. We want to use the capacity
13 that we're paying for and cover those fixed
14 costs, you know, such as an operator being there
15 for three hours a day. That guy's going to be
16 there three hours a day whether you have 700
17 customers or a thousand customers.

18 So you really want to think of
19 creative ways to increase your customer base and
20 help share those costs over more people. Again,
21 that's our motto, you know, we -- again, I put my
22 utility hat on and that's -- that's the full
23 intent of having this facility like you have, is
24 the potential for growth.

25 MR. ARMSTRONG: Okay, because

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1 the issue of I&I was brought up at some point
2 this morning, and that's not something that you'd
3 be -- at least under this agreement, that's
4 not -- you wouldn't be dealing or serving us with

5 respect to I&I?

6 MR. ALAN ROTH: We had not
7 contemplated that, but that's something you want
8 us to take a look at, either under that agreement
9 or a separate agreement, we can do that. Look,
10 we own the White Haven system. That's about 80,
11 90, 100 years old, some of that pipe; so we're
12 well familiar with how I&I programs work and
13 correcting I&I and fixing pipes and putting flow
14 meters in manholes, I mean, the whole nine yards.
15 We're in that business, you know?

16 So if you want to share with us
17 what you're doing now and want us to take that
18 over, we can do that. We can do that separately
19 or -- or include it in. We're open to any --
20 anything you guys, you know, you think you want.

21 MS. LAMBERTON: Yeah. We
22 should actually get a separate copy on that.

23 MR. ALAN ROTH: I'm not -- as
24 of today, I'm familiar with what that program
25 looks like.

1 MS. LAMBERTON: That's okay.

2 MS. HAASE: We'll set up a
3 meeting and we'll discuss it.

4 MS. LAMBERTON: We can compare
5 it to what we're currently paying. That might
6 be --

7 MS. PICKARD: Increase
8 maintenance and along that line.

9 MR. HOLAHAN: Okay. So are we
10 agreeing that -- to take this wording back, get
11 it switched around?

12 MS. LAMBERTON: Revised,
13 um-hmm.

14 MR. HOLAHAN: Bring it back the
15 next meeting?

16 MS. LAMBERTON: Yes, I am.

17 MR. HOLAHAN: Everybody okay
18 with that?

19 MR. ALAN ROTH: When is your
20 next meeting?

21 MS. PICKARD: August 11, 7 p.m.

22 MR. ALAN ROTH: I'm on vacation

23 a week -- first week of August, but if you guys
24 can get me something in the next several days,
25 you know, I can clean it up --

43

1 MS. HAASE: This afternoon?

2 MS. LAMBERTON: I was going to
3 say, how's 10 o'clock?

4 MR. ALAN ROTH: Well, if you
5 let me get into a computer here, I can probably
6 do something; but if you can get me something by
7 the end of next week, I should be able to clean
8 it up so that you have it before I go away.

9 MR. HOLAHAN: Well, where are
10 you going?

11 MR. ALAN ROTH: Across the
12 street.

13 MR. HOLAHAN: Right.

14 MR. ALAN ROTH: I'll bring my
15 laptop.

16 MS. HAASE: Alan, is Charles
17 going to be joining us today or --

18 MR. ALAN ROTH: No, he is not.
19 MS. HAASE: He is not?
20 MR. ALAN ROTH: No. He had
21 another commitment.
22 MS. HAASE: All right.
23 MR. ALAN ROTH: I can -- I was
24 looking at the -- I could probably answer some
25 questions, but I'll let you know if you're

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1 getting into stuff that I don't -- that's not
2 really in my wheelhouse.
3 MS. HAASE: Mr. Chairman, the
4 next item would be the extension of the lines,
5 and actually Charles Penrose -- is that --
6 MR. ALAN ROTH: Yes.
7 MS. HAASE: -- was going to be
8 in attendance today, and he takes care of the
9 finance end of it.
10 We actually met with Charles
11 and Alan a few months ago and had some discussion
12 on the plant. If you recall last meeting, we had

13 discussed potentially extending the lines --

14 MR. HOLAHAN: Um-hmm.

15 MS. HAASE: -- from the

16 Blakeslee plant down 940.

17 MR. HOLAHAN: Yes.

18 MS. HAASE: Aqua has different

19 programs that will assist us in the extension of

20 the lines, that they will construct, they will

21 help finance and also maintain the lines, which

22 is certainly something that I think would be

23 beneficial for the township, if we decide to move

24 in that direction.

25 I had sent Charles information

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1 that he had requested to work up some figures,

2 and he was going to try to have them for the

3 meeting, but obviously he's not here today, so I

4 don't -- we do have Christine (sic) and Jim

5 Hendricks, both from RETTEW, also to speak on the

6 extension; but from the finance end of it, maybe

7 this is something we should hold off until --

8 MR. ALAN ROTH: Yeah.

9 MS. HAASE: -- the next

10 meeting and try to get Charles here?

11 MR. ALAN ROTH: Yeah. I think

12 that would probably be beneficial, and I know the

13 general concept of a P-3, public private

14 partnership, which is something this would be, is

15 we can get a little creative with helping you

16 folks do a capital project, and maybe the full

17 outlay is softened a little bit. And some of the

18 benefits of having Aqua do it is, we wouldn't be

19 prevailing wage, we could typically do things a

20 little quicker, you know, construction costs tend

21 to be lower, you know, you get the benefit of our

22 purchasing power for pipe and materials and

23 things like that.

24 So why would you -- if you were

25 to go to a bank or float a bond at one or two

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1 percent, obviously our carrying costs are higher

2 than that, but we think our overall construction

3 costs more than outweigh that finance cost; so
4 you're paying close to the same dollars or a
5 little less with us, but it's just broken up in a
6 different way. So Charles would be the one that
7 would lead the roadway on how that program works,
8 but that's the basic concept of a P-3.

9 And then it would be a 20 year
10 arrangement where you'd be -- basically we would
11 own the pipe until such time you paid over time,
12 and as you get customers and can collect tap fees
13 and on and on and on, and pay that down like you
14 would anything else, in the interim we're gonna
15 own and operate that and hopefully get customers
16 for you folks that you don't have now.

17 And that's the intent, is to
18 get new customers into your system, so, but
19 Charles is really the guy that can get into the
20 detail of that, so I'll let him know that he
21 needs to dust off his appointment book for next
22 month. And that would be the 11th? That would
23 be at that meeting?

24 MS. HAASE: Yes, sir.

25 MR. ALAN ROTH: Okay. What day

1 of the week is that? Do you know?

2 MS. HAASE: It's Monday.

3 MR. KERRICK: Monday.

4 Mr. Chairman, could I ask a
5 question?

6 MR. HOLAHAN: Yes, sir.

7 MR. KERRICK: The public
8 private partnership --

9 Alan, I guess this question is
10 for you, and maybe you can't answer it, and I can
11 wait. How would that -- would that lock us in
12 then for the 20 years, even if we sold the plant
13 to you or is that something that could be
14 negotiated --

15 MR. ALAN ROTH: Yeah. I think
16 that would be -- there would be terms that would
17 state if at some point the plant were either to
18 be sold to us or to another party, that the
19 details of -- the mechanism to transfer that and
20 the outstanding balance, if you will, how that

21 would be handled.

22 So let's say you wanted to sell
23 it to -- let's say Kidder Township wanted to buy
24 it for some reason, you know? You know, there
25 would be a mechanism that, you know, maybe you

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1 said, okay, Kidder, you've got to pay them --
2 you've got to pay them what, you know, we're owed
3 to Aqua --

4 MR. KERRICK: Understood.

5 MR. ALAN ROTH: -- whatever
6 that is. So, I think that would be in the -- the
7 devil in the details, so to speak, of that
8 arrangement. We don't have, that I'm aware, a
9 standard like boilerplate, oh, here's our P-3.
10 It's all, you know, tailored to what your needs
11 are; so that wouldn't be an issue, I don't think.

12 MR. ARMSTRONG: Yeah. We'd
13 have work through, you know, the terms of that
14 agreement. My understanding is -- is his name
15 Charles?

16 MR. ALAN ROTH: Yes.

17 MR. ARMSTRONG: The intent

18 right now is to get an idea as to what the

19 potential alternatives are for the township at

20 this point in time with respect to that extension

21 along 940.

22 MR. HOLAHAN: I would like to

23 speak with Charles.

24 MS. MICHELE BRAAS: That

25 information will need to be included in the 537

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1 Plan. As part of the 537 Plan, you're required

2 to do by the deed, either as a financial section

3 or you need to compare the different financial

4 options and compare it to the rates and how it

5 will affect the rates and then justify whichever

6 method you take, so --

7 MR. ARMSTRONG: Are you

8 saying --

9 MS. MICHELE BRAAS: -- that

10 detail --

11 MR. ARMSTRONG: -- the 537 Plan
12 or the special study --

13 MS. MICHELE BRAAS: I'm using
14 term, the same thing --

15 MR. ARMSTRONG: Okay.

16 MS. MICHELE BRAAS: -- the
17 special study, 537 Plan.

18 MR. HOLAHAN: Anything else on
19 this? No other comments?

20 Okay. Thanks, Alan.

21 MR. ALAN ROTH: You're welcome.

22 MR. HOLAHAN: Let's move on to
23 RETTEW and the Blakeslee wastewater treatment
24 plant, the extension discussion.

25 You're going to start off, Jim?

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1 MR. JIM HENDRICKS: Yes. We
2 were here for the township meeting on Monday, the
3 14th, and there was discussion about the proposal
4 we had given. The township was gonna take into
5 consideration not using some of the tasks that we

6 had, including the funding assistance for \$6100,
7 the Top of Rock survey for 19,250. I believe
8 there was some discussion of authorizing us to do
9 some work towards the special study and I think
10 that was gonna be the discussion of the board at
11 this meeting --

12 MS. HAASE: That is correct.

13 MR. JIM HENDRICKS: -- to act
14 on part or all of this proposal.

15 MS. PICKARD: This is tied, for
16 me, into the cost of the feasibility of doing
17 that, and unfortunately we're not having that
18 discussion now with Charles not being here?

19 MS. HAASE: Well, regardless,
20 these studies need to be done. Whether we
21 co-partner with Aqua or the township pays for it
22 directly themselves, we have to do these studies
23 in order to move forward. These are the studies
24 that were mandated by DEP.

25 MR. HOLAHAN: Right, but would

1 the highest question --

2 MS. PICKARD: To extend the
3 line.

4 MS. HAASE: To extend the line.

5 MR. HOLAHAN: But is this
6 something that Charles might be saying that we
7 have the possibility of partnering --

8 MS. PICKARD: Exactly.

9 MR. HOLAHAN: -- and then them
10 picking up part of the tab?

11 MS. HAASE: As far as the
12 planning aspect, I didn't speak to Charles about
13 the planning. His -- his discussion was the
14 construction of the lines.

15 MR. ARMSTRONG: I think --

16 MS. PICKARD: I'm just
17 questioning the feasibility. Without partnering,
18 I don't feel like we, you know --

19 MR. ARMSTRONG: I think you're
20 right, Heidi. I think what you're saying is,
21 really the decision at this point or in the
22 not-too-distant future for this board is whether
23 or not you want to proceed with going forward

24 with the extension or at least looking into
25 further the extension. If you do, then the

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1 special study and some other maybe preliminary
2 services are required to take that next step.

3 But if the board sitting here
4 is of the opinion that you don't want to, at this
5 point in time, proceed with the extension along
6 940, then obviously those studies wouldn't be
7 required at this point in time, right?

8 MS. HAASE: That is correct.
9 It was my understanding it was the direction of
10 the board that they wanted to extend the line;
11 but you are correct in what you're saying. If
12 the intent is not to extend the line, then we
13 don't need to go any further with the studies.

14 MR. HOLAHAN: The intent is to
15 extend the line.

16 MS. LAMBERTON: Yeah,
17 absolutely.

18 MR. KERRICK: We need

19 customers.

20 MS. LAMBERTON: Absolutely.

21 MR. KERRICK: The intent is
22 definitely to extend the line. Where we are
23 right now, I don't know.

24 MS. PICKARD: Three and half
25 millions dollars that we don't have, that's not

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1 feasible for us to finance on our own. If that's
2 not part of the discussion, that's my --

3 MR. KERRICK: That's why we're
4 partnering with Aqua.

5 MS. PICKARD: I know, but we
6 don't have that --

7 MR. ALAN ROTH: From what I --
8 once the plan -- let's say RETTEW finishes their
9 plan, they're going to lay out, you know,
10 alternatives and potential construction costs or
11 extension costs or whatever you can categorize
12 it, that's, I think, where Aqua is. You're going
13 to say, look, here's what we have on our plate,

14 what can Aqua do to partner with us to complete
15 this project in one way, shape or form? And then
16 that's where the discussions come into play with
17 how do we do this and who's paying for what and
18 how long the term is.

19 So, I think, not to overstep my
20 bounds, you need to find out what your options
21 are, and that's what RETTEW is being paid to do.

22 MS. MICHELE BRAAS: Correct.
23 What I was going to say is --

24 MS. PICKARD: Well, what's the
25 minimum we can forward today until next month

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1 when we have this discussion? I mean, is there
2 part of this we can get started?

3 MR. HOLAHAN: Can you speak to
4 that?

5 MS. MICHELE BRAAS: What I was
6 going to expand upon is part of the special study
7 is the financial section. And what we'll do is,
8 we'll come up with like an opinion of costs.

9 Also part of that is meeting with the different
10 agencies to determine other options. For
11 instance, I think we have in there about meeting
12 with the USDA to see if they have any grant
13 funding that you might be eligible for or low
14 interest loans.

15 And what we do is, we look at
16 the costs and then we expand it upon the customer
17 base to kind of come up with some feasible rates.
18 So the special study will help to determine the
19 feasibility, I guess, is what I'm trying to
20 say --

21 MS. LAMBERTON: I think --

22 MS. MICHELE BRAAS: -- if it'll
23 give you a better idea of what costs and what
24 options are out there for financing, including
25 the Aqua option.

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1 MS. LAMBERTON: I think we also
2 have to recognize that our township is growing,
3 and at one point you have to make a decision on

4 how we assist it to grow properly. And we've got
5 a lot of development that's going to be coming
6 our way, and we've got to be ready for it. And I
7 think that also will lend us to monies, Heidi,
8 coming in, that you'll see.

9 MS. PICKARD: And I think that
10 a lot of that is the eastern end too, which is a
11 separate discussion from this.

12 MS. LAMBERTON: Absolutely.

13 MS. PICKARD: I definitely want
14 to do this, but I want to know --

15 MS. LAMBERTON: Well, I think
16 you have to look outside the box sometimes and
17 see -- like look 20 years down the line and --

18 MS. PICKARD: And I get that,
19 but how much are we talking right now?

20 MS. LAMBERTON: I understand we
21 don't have the money right now.

22 MS. PICKARD: And that's the
23 point, that we're authorizing them, so --

24 MS. LAMBERTON: But I think
25 there's a time where you have to --

1 MS. PICKARD: What are you
2 talking? Because you keep saying it's not the
3 19, not this, so what's the net of what your
4 proposal is to move forward? I mean, you're
5 subtracting things and I don't have a revised
6 proposal, so --

7 MS. HAASE: There's not a
8 revised proposal. If you go in the portal back
9 to last month, it will have the proposal that was
10 given last month.

11 MS. LAMBERTON: 76,100.

12 MS. HAASE: Thank you. Last
13 month, it was discussed --

14 MR. KERRICK: I'm sorry?

15 MS. LAMBERTON: 76,100.

16 MS. PICKARD: It's on here.
17 That's what I'm saying.

18 MS. HAASE: There's not a
19 revised proposal.

20 MR. KERRICK: No, I have this
21 from -- from our last meeting, I have it down.

22 MR. HOLAHAN: Okay.
23 MS. LAMBERTON: I think they
24 were just revising what is in the proposal. So
25 the amounts that you were talking --

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1 MR. HOLAHAN: Phyllis --

2 MS. PICKARD: The connections
3 that we needed to move forward.

4 MR. JIM HENDRICKS: There was
5 some discussion of reducing a scope. There's
6 some --

7 MS. LAMBERTON: Exactly.

8 MR. JIM HENDRICKS: -- fees
9 associated with some of those items of reducing
10 the scope.

11 MS. LAMBERTON: Do we have an
12 amount for that right now, I think is what Heidi
13 is asking.

14 MS. PICKARD: Yeah. That's
15 what I'm asking.

16 MS. MICHELE BRAAS: I'm running

17 those numbers.

18 MS. LAMBERTON: I'm sorry.

19 MS. MICHELE BRAAS: Oh, no,
20 that's fine. I was just letting you know that's
21 what my doodling is.

22 MR. HOLAHAN: You can make a
23 note that she is doodling.

24 MS. LAMBERTON: She is
25 doodling, doodling figures. I mean, we have to

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1 look -- we have to move forward. We can't
2 continue to meet just to meet, you know? We all
3 need progression.

4 MS. HAASE: And I think that
5 was really the intent of this morning's meeting
6 is to give RETTEW direction of --

7 MS. LAMBERTON: Absolutely. I
8 agree.

9 MS. HAASE: -- what way the
10 board wanted to go and what part of that proposal
11 they're looking to move forward with.

12 MS. LAMBERTON: And if we grow
13 and we have more customers, it's more sellable.

14 MR. HOLAHAN: That's why we
15 made Patrick get up at six o'clock this morning
16 to be here.

17 MR. KERRICK: Hopefully we can
18 reduce some of the cost because we're losing
19 businesses in Blakeslee.

20 MR. MOYER: Yeah, that's what
21 I'm thinking. There's been this stare at me --

22 MS. PICKARD: And now the other
23 side is that --

24 MR. MOYER: -- that operate --
25 that was open --

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1 MS. PICKARD: They don't have
2 the money to pay the township --

3 (Inaudible discussion among
4 board members.)

5 MR. HOLAHAN: I hope the
6 stenographer can keep up with this.

7 MS. LAMBERTON: I know. Sorry,
8 honey, I'm sorry.

9 THE REPORTER: I'm trying.

10 MR. HOLAHAN: Don't.

11 MS. LAMBERTON: You can ignore
12 this.

13 MS. PICKARD: She's going to
14 listen to it --

15 MR. KERRICK: She'll never
16 understand that, everybody's talking at once.

17 MS. LAMBERTON: Sorry.

18 MR. MOYER: I thought it was
19 Jen, but she's back there.

20 MS. LAMBERTON: I'm sorry.

21 MR. MOYER: They look like
22 sisters.

23 MS. LAMBERTON: Yeah, you guys
24 look alike.

25 MS. HAASE: There is

1 similarity.

2 MS. LAMBERTON: That's cute.

3 MS. PICKARD: So the funding
4 assistance portion, I'm not sure of the gal's
5 name?

6 MR. HOLAHAN: I'm sorry?

7 MS. HAASE: Christine?

8 MS. PICKARD: What's your name?

9 MS. MICHELE BRAAS: Michele.

10 MS. HAASE: I'm sorry.

11 MS. PICKARD: Michele. The
12 funding assistance portion, is that something
13 now -- because we're going to talk to Aqua about
14 different options. Is that something we need to
15 do now as well?

16 MR. HOLAHAN: No, that went
17 away, didn't it, the funding assistance?

18 MS. PICKARD: That's what I'm
19 saying, until we figure out what we're doing.

20 MS. MICHELE BRAAS: Right.

21 MS. PICKARD: Right.

22 MS. MICHELE BRAAS: I -- no.
23 The funding assistance that's listed here was not
24 the funding that I was talking about. The

25 funding assistance there was, there was a

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1 grant --

2 MS. PICKARD: Grant.

3 MS. MICHELE BRAAS: -- out at

4 the time --

5 MS. PICKARD: And that was

6 only --

7 MS. MICHELE BRAAS: -- that was

8 to apply for the grant.

9 MR. MOYER: And that's gone.

10 MS. PICKARD: That's gone.

11 MS. MICHELE BRAAS: Correct.

12 So what you would need, if you're looking at the

13 proposal, you would need Item B, Item D, Item E

14 and Item F, which takes you to about 30,150.

15 MS. LAMBERTON: To get us

16 started?

17 MS. MICHELE BRAAS: To get you

18 started. Now, what you would need to understand

19 is, what I also deleted out of there was the

20 survey; so all our studies would be based
21 basically on topographic maps that we can pull
22 out of their GIS or the US --

23 MS. LAMBERTON: Is that
24 adequate to get the information?

25 MS. MICHELE BRAAS: It's

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1 adequate for a study with the understanding that
2 when you go to design, you'll need to do the
3 survey and it could affect it, for instance, if
4 the contours are once every 10 feet and then it
5 turns out there's a dip in there, that's going to
6 change the design and it could affect the final
7 cost.

8 MR. MOYER: Overall, okay.

9 MS. MICHELE BRAAS: But for a
10 537 Plan, it's fairly normal to do it over a GIS.

11 MS. LAMBERTON: Okay.

12 MS. PICKARD: She said B, E and
13 F?

14 MS. HAASE: B, D, E and F.

15 MR. KERRICK: Oh, B, D.
16 MS. PICKARD: B, D.
17 MR. KERRICK: I missed one.
18 MS. PICKARD: Yeah, I did too.
19 MS. MICHELE BRAAS: B, as in
20 boy; D, as in dog; E, as in elephant; and F, as
21 in Frank.
22 MR. JIM HENDRICKS: We had
23 included the survey -- the actual survey and the
24 study in anticipation of moving quickly into a
25 design phase once we got approval from DEP. We

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1 can use GIS for the study. The -- the route of
2 this sewer line is -- does not have a lot of
3 elevation change in it, there are a couple of
4 dips in it; so I don't think we would wind up
5 with any significant problems that aren't
6 foreseen when we do the -- when we go to do the
7 survey that's going to change what we come up
8 with during this special study.
9 MS. LAMBERTON: That makes

10 sense.

11 MR. KERRICK: I have a -- could
12 I ask a question? You had mentioned Top of Rock
13 survey?

14 MS. MICHELE BRAAS: Yes. I
15 took that out.

16 MR. KERRICK: Would you --
17 understood at this point. What about if you're
18 doing directional bore? Do you still do that,
19 just to know where it is?

20 MS. MICHELE BRAAS: Yes.

21 MR. KERRICK: I know there's
22 some areas that really, when we get to that
23 point, should be included to check; but is that
24 only for gravity or is that with pressure? You
25 still want to do the survey?

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1 MR. MOYER: Are we doing
2 pressure --

3 MS. MICHELE BRAAS: I'd
4 recommend it either way.

5 MR. KERRICK: Pardon me?

6 MS. MICHELE BRAAS: I'd
7 recommend it either way, and the reason is, when
8 you go out for bid for construction, if you go
9 out for bid for construction, I'm not sure how --

10 MR. KERRICK: Understood.

11 MS. MICHELE BRAAS: -- your
12 prices are going -- from the contractors are
13 going to be better if they know what the rock is.

14 MR. MOYER: Right.

15 MR. KERRICK: Okay.

16 MS. MICHELE BRAAS: If you
17 just --

18 MR. MOYER: We already have
19 them --

20 MS. MICHELE BRAAS: -- have
21 them estimate and you put in that clause, they're
22 going to estimate high.

23 MR. MOYER: High.

24 MR. KERRICK: Understood.

25 MS. MICHELE BRAAS: So I'd

1 recommend -- I find that you do get that cost
2 savings for construction then. But because we're
3 not doing that now, you can also take out the HOP
4 because the HOP was required to do the test
5 bores. So what I took out was the funding
6 assistance, because that grant is no longer
7 available, delaying the survey at this point, and
8 the same with the Top of Rock and then the HOP.

9 And as far as revising the
10 proposal, what you can do is, on our PSA sign and
11 then just write which phases you're authorizing.

12 MS. LAMBERTON: Okay.

13 MS. MICHELE BRAAS: You don't
14 necessarily need a new proposal, unless you'd
15 prefer to have one, but we've done it that way in
16 the past and that works out fine, if it's okay
17 with your solicitor.

18 MR. ARMSTRONG: I'm sorry?

19 MS. MICHELE BRAAS: Ha, caught
20 ya. No, I said we're okay with signing the PSA
21 and then just writing on there which phases
22 you're authorizing as opposed to revising the

23 proposal.

24 MR. ARMSTRONG: Okay. I had

25 some comments on the proposal. I'm not sure

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1 if -- I mean, if the board is going to act on it

2 with respect to specific -- the specific B, D, E

3 and F, it would be conditionable upon, you know,

4 revising certain terms of the proposal in a

5 manner satisfactory to the township.

6 MS. MICHELE BRAAS: Yes.

7 MR. ARMSTRONG: There's some

8 terms, general terms and provisions that I just

9 needed clarification and/or RETTEW to consider

10 revising.

11 MS. MICHELE BRAAS: We've done

12 that in the past. Now, I can't speak directly to

13 yours, but --

14 MR. JIM HENDRICKS: I thought

15 we used the one that we've used for the township

16 that we developed?

17 MR. ARMSTRONG: It's not.

18 MR. JIM HENDRICKS: No? We
19 have the one -- we do have a PSA that --
20 MR. ARMSTRONG: Okay.
21 MR. JIM HENDRICKS: Yes, we can
22 make that language the same that you and Pat and
23 our firm agree to.
24 MR. ARMSTRONG: Right. Some of
25 the comments I saw myself writing up on this one

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1 were the same comments I had on the prior, so I'm
2 thinking what happened was -- this is probably
3 the form document that RETTEW uses.
4 MR. JIM HENDRICKS:
5 Boilerplate, yes.
6 MR. ARMSTRONG: Just one
7 question from me, the 537 special study --
8 MS. MICHELE BRAAS: Yes.
9 MR. ARMSTRONG: -- on Section
10 B, are D, E and F required in order to complete
11 that special study? Is that -- are they kind of
12 tied to it?

13 MS. MICHELE BRAAS: Yes.
14 MR. ARMSTRONG: Okay.
15 MS. MICHELE BRAAS: Yeah. They
16 make a big difference, and they're also sections
17 within the special study. You need to address
18 those items.
19 MR. ARMSTRONG: Okay.
20 MR. HOLAHAN: They just break
21 them out for us. They were going charge us for
22 it anyway.
23 MR. MOYER: Yeah. And it's
24 mandated, right?
25 MR. HOLAHAN: Now, okay. So

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1 what did the total come to, Phyllis?
2 MS. LAMBERTON: Thirty
3 something.
4 MS. HAASE: \$30,150.
5 MS. MICHELE BRAAS: You might
6 want to double-check my math.
7 MS. PICKARD: And my question

8 is, where that money is coming from?

9 MS. HAASE: And double-check
10 your math?

11 MS. MICHELE BRAAS: I said you
12 may want to when you're signing off, but --

13 MR. HOLAHAN: Okay. Then to
14 Heidi's question, what were you --

15 MS. PICKARD: Yeah. Is this a
16 general fund expenditure, first off, or is it a
17 sewer fund expenditure? And then we don't have
18 this money budgeted, and I have to go running. I
19 wanted to give everybody a draft of our
20 reappropriations to correct some of the other
21 issues, so that's part of my question, where
22 that's going to come from.

23 MS. HAASE: We could e-mail
24 that to everyone. We'd have to find the monies
25 for that. I think in the past 537 was taken out

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1 of the general; correct?

2 MS. PICKARD: Yeah, but it's --

3 MR. MOYER: We have --

4 MS. PICKARD: -- an extension

5 of --

6 MR. KERRICK: We had some

7 assistance in the past as well from other

8 communities, as well as Aqua --

9 MS. PICKARD: Well, that's true

10 too.

11 MR. KERRICK: -- partnered with

12 us.

13 MR. ALAN ROTH: It never got

14 off the ground.

15 MR. KERRICK: Well, maybe you

16 could revisit that.

17 MR. HOLAHAN: Can we approve

18 this agreement right now --

19 MS. PICKARD: I don't think

20 they ever got the money --

21 MR. HOLAHAN: Can we approve

22 this agreement right now based on where we find

23 the money? How do we -- we can spend money and

24 then say where we're going to find it? Are we

25 going to cut a check here?

1 MR. MOYER: Well, we've done
2 that before.

3 MS. PICKARD: Exactly. I don't
4 know if this is a contingency we can do, but we
5 didn't budget for this, I don't believe.

6 MR. MOYER: How about client --

7 MR. HOLAHAN: Can we authorize
8 a reappropriation of general fund and approve
9 this based on that?

10 MS. HAASE: I think that it
11 would be acceptable for the board to approve it
12 and then when we do the appropriations next
13 month, then we'll have to take that into
14 consideration because the -- we're not going to
15 be -- we're authorizing the service, but the
16 payment will not be for the next month or so, and
17 by then we'll have the money shuffled --

18 MR. HOLAHAN: Can we mail you a
19 check and postdate it till October 1? So --

20 MS. MICHELE BRAAS: I was going

21 to say, you won't get a bill for at least another
22 what, four weeks or more anyway. So --
23 MR. HOLAHAN: Well, I guess
24 what we're saying here is, we can't spend money
25 that we don't have right yet.

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1 MS. MICHELE BRAAS: Right.

2 MS. LAMBERTON: Right.

3 MR. HOLAHAN: So do we want
4 to -- I don't know what kind of action we could
5 take. Can we say we want to proceed, we need to
6 find the money first and then approve?

7 MR. ARMSTRONG: I was actually
8 just going to suggest, if the board -- if this is
9 the direction the board wants to take, your
10 motion today could be to conditionally approve
11 the revised proposal as discussed this morning,
12 subject or -- and authorizing the township
13 manager to enter into the agreement, subject to,
14 number one, the township manager's confirming
15 that there is money to be used for these

16 services; and two, revising the proposal in a
17 manner that is satisfactory to the township.

18 MR. HOLAHAN: I like that.

19 MS. LAMBERTON: I'll make that
20 motion.

21 MS. PICKARD: I'll second the
22 motion.

23 MR. HOLAHAN: I have a motion
24 and a second.

25 Further discussion from the

72

1 board?

2 MR. KERRICK: I have a
3 question. So that means that if we approve this,
4 they can get started?

5 MR. ARMSTRONG: You're --
6 basically what you're doing is, you're
7 authorizing Phyllis to move forward with this
8 revised proposal being B, D, E and F --

9 MR. KERRICK: Understood.

10 MR. ARMSTRONG: -- after she

11 confirms that --

12 MR. KERRICK: But if she
13 confirms it today, tomorrow, whatever, we don't
14 have to wait till another meeting?

15 MR. MOYER: She can get going.

16 MR. KERRICK: To me it's
17 important to get started while the weather's
18 decent. That's what I'm getting at. I didn't
19 want to drag it on for another couple months.

20 MR. ARMSTRONG: Right.

21 MR. KERRICK: Okay.

22 MR. ARMSTRONG: Now, obviously
23 if she goes back and you can't find where the
24 money is going to come from, it's going to
25 probably be back on your --

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1 MR. KERRICK: I'm sure we'll
2 have an e-mail by the end of the day that says --

3 MS. LAMBERTON: I want one by
4 10.

5 MR. MOYER: Another special

6 meeting.

7 MR. HOLAHAN: Further

8 discussion from the board?

9 Anything from the public?

10 Hearing none, I'll call the

11 vote.

12 John?

13 MR. KERRICK: In favor.

14 MR. HOLAHAN: Heidi.

15 MS. PICKARD: I vote in favor.

16 MR. HOLAHAN: Donald?

17 MR. MOYER: I vote in favor.

18 MR. HOLAHAN: Anne?

19 MS. LAMBERTON: I vote in

20 favor.

21 MR. HOLAHAN: And I vote in

22 favor. Motion carries.

23 MS. LAMBERTON: Good luck.

24 MR. HOLAHAN: Thank you.

25 MR. MOYER: I have work to do.

1 MR. HOLAHAN: And Donald's got
2 work to do, so is there anything else to come
3 before the board?

4 MS. HAASE: Just, Mr. Chairman,
5 in front of the board, I handed out some
6 information just for you folks to be able to read
7 for our next meeting. There has been discussion
8 with regarding a feasibility study for the Trails
9 to Rails project and --

10 MR. HOLAHAN: That'd be Rails
11 to Trails. We're getting --

12 MS. HAASE: That would be that
13 project as well.

14 MR. HOLAHAN: We'll take trails
15 and we're going to turn them into railways.

16 MS. HAASE: Yes.

17 MR. HOLAHAN: I like that.

18 MS. HAASE: So that being said,
19 there's some information. We would like to
20 discuss this next month. It's a quarter of a
21 million dollar feasibility study, and the grant,
22 it's my understanding, was sent out yesterday.
23 What they're going to be requesting from the

24 township is a letter of support.

25 MR. MOYER: That's all?

75

1 MR. HOLAHAN: Do we have to
2 include a check with that?

3 MR. MOYER: Fifteen percent
4 match --

5 MS. PICKARD: I think the grant
6 did go in that we would have our rail used, the
7 appraisal of our rail incorporated in as match,
8 and that is up for further discussion; but there
9 are a lot of questions, and perhaps they would
10 come to our meeting in August, they had
11 mentioned. I had a couple calls of people that
12 were concerned about this, so I think that it
13 would be prudent -- I told somebody that we did
14 not have this on the agenda, so I think that she
15 would want to be here if we had a meeting.

16 MR. HOLAHAN: Yes.

17 MS. PICKARD: But I think, you
18 know, she's okay now, but I think -- there were a

19 lot of questions about the -- the scope of the
20 feasibility study; so I think that Simone Collins
21 and HRG are going to get some information
22 together and be available to present that in
23 August, if it's a desire of the board. And open
24 space is looking for that information as well.

25 MR. HOLAHAN: I'd like to

76

1 pursue it.

2 MS. PICKARD: Okay. Of course
3 this is a moot point if there's no grant money,
4 obviously.

5 MR. HOLAHAN: Understood.
6 Yeah.

7 MS. LAMBERTON: Yes.

8 MR. HOLAHAN: Okay. Very good.
9 Anything else?

10 MR. ARMSTRONG: I just have two
11 items. You had the Timber Trails conditional use
12 hearing at your last meeting. I sent out a draft
13 adjudication based on the verbal approval that

14 you gave to the applicant last week.

15 Do you want to wait until your
16 August meeting to consider the actual written
17 decision?

18 MS. LAMBERTON: No. Let's get
19 rid of it.

20 MR. ARMSTRONG: Well, have you
21 had a chance to review it? I sent it sometime
22 last week.

23 MS. PICKARD: I didn't think it
24 was going to be on the agenda, but --

25 MR. ARMSTRONG: Okay. Then

77

1 we -- you're well within your time limit to wait
2 until August. That's fine.

3 And then the other item, I
4 guess Dollar General is not --

5 MS. HAASE: They are not ready
6 to be in front of the board yet.

7 MR. ARMSTRONG: Okay. That's
8 all I have.

9 MR. McHALE: The plans were
10 submitted and ready for signature, but the
11 township should hold those until you're finished
12 with all that you're doing on them.

13 MR. ARMSTRONG: Yeah, I
14 forwarded them, probably, two weeks ago, I
15 forwarded Dollar General very --

16 MR. McHALE: I'm sorry. That's
17 --

18 MS. LAMBERTON: We're talking
19 Timber.

20 MR. McHALE: That's related to
21 the Timber Trails.

22 MR. ARMSTRONG: Oh, okay.

23 MR. MOYER: Yeah.

24 MR. HOLAHAN: Understood.

25 Anything else?

78

1 You want to do this again?

2 MS. LAMBERTON: Motion to
3 adjourn.

4

MR. HOLAHAN: Second?

5

MR. MOYER: Aye.

6

MR. HOLAHAN: We're adjourned.

7

(Meeting concluded at 9:01

8

a.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

10

notes taken by me at the meeting in the above

11

matter; and that the foregoing is a true and

12

correct transcript of the same.

13

14

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16

JESSICA L. HOLT, 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, August 11, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

2

1 MR. HOLAHAN: Call the meeting
2 to order and start with the pledge of allegiance.

3 (Pledge of allegiance was
4 recited.)

5 MR. HOLAHAN: Do we have any
6 announcements to start off with?

7 MS. HAASE: We do not, Mr.
8 Chairman. I'll wait for some items and I'll put it
9 on my report.

10 MR. HOLAHAN: Super.
11 How about we consider the
12 minutes from the July 14, regular business meeting?

13 MS. HAASE: I do have one
14 correction, I'm sorry. On the July 14, Page 136,
15 Line 9, dark should be dog. And that's the only

16 correction I have.

17 MS. LAMBERTON: Motion to

18 approve.

19 MS. PICKARD: Second.

20 MR. HOLAHAN: Have a motion and

21 a second.

22 Further discussion from the

23 board?

24 Anything from the public?

25 Hearing none. I'll call the

3

1 vote.

2 John?

3 MR. KERRICK: Favor.

4 MR. HOLAHAN: Heidi?

5 MS. PICKARD: Vote in favor.

6 MR. HOLAHAN: Donald?

7 MR. MOYER: Vote in favor.

8 MR. HOLAHAN: Annie?

9 MS. LAMBERTON: I vote in

10 favor.

11 MR. HOLAHAN: And I vote in
12 favor. Motion carries.
13 Consider the treasurer's report.
14 We're looking for -- to approve \$398,250.16.
15 Do I have a motion?
16 MS. PICKARD: I make a motion
17 that we approve the bill list in the amount of
18 \$398,250.16.
19 MR. HOLAHAN: I have a motion.
20 Do I have a second?
21 MR. MOYER: I'll second.
22 MR. HOLAHAN: Have a motion and
23 a second.
24 Further discussion from the
25 board?

4

1 Anything from the public?
2 Hearing none. I'll call the
3 vote.
4 John?
5 MR. KERRICK: I vote in favor

6 with the exception of any line item that has
7 Papillion and Moyer on it, I have a conflict.

8 MR. HOLAHAN: So noted.

9 MS. PICKARD: I vote in favor.

10 MR. HOLAHAN: Donald?

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

12 MR. HOLAHAN: Annie?

13 MS. LAMBERTON: I'll abstain.

14 MR. HOLAHAN: I vote in favor.

15 Motion carries.

16 Okay. Patrick?

17 MR. ARMSTRONG: Thank you, Mr.

18 Chairman. The first item under my report is the
19 Lake Naomi Club conditional use adjudication. As
20 the board may recall, you had a conditional use
21 hearing before you back in July, I believe it was
22 July 14, 2014. This was for the application of the
23 Lake Naomi Club, as well as Timber Trails Community
24 for the expansion of the Timber Trails Community
25 Clubhouse; the expansion of the Timber Trails

1 Community Clubhouse deck; expansion of the golf pro
2 shop; and the construction of a new pavilion.

3 You held that hearing. At that
4 -- at the close of that hearing, you gave oral
5 approval to the applicant. Pursuant to the MPC,
6 there needs to be a written adjudication indicating
7 any conditions and the findings of facts and
8 conclusions of law. Before you I believe you have
9 a draft written decision. It was sent to you back
10 in July.

11 Has the board been able to
12 review it? Are there any changes that the board is
13 aware of?

14 MS. LAMBERTON: No.

15 MR. HOLAHAN: I'm not aware of
16 any.

17 MR. ARMSTRONG: So with that,
18 if the draft written adjudication is agreeable to
19 the board, it would be appropriate at this time, if
20 the board wanted to entertain a motion approving
21 and executing this written decision to be sent to
22 the applicant.

23 MS. LAMBERTON: I'll make that

24 motion.

25 MS. PICKARD: I'll second the

6

1 motion.

2 MR. HOLAHAN: I have a motion

3 and a second.

4 Further discussion from the

5 board?

6 Anything from the public?

7 Hearing none. I'll call the

8 vote.

9 John?

10 MR. KERRICK: In favor.

11 MR. HOLAHAN: Heidi?

12 MS. PICKARD: I vote in favor.

13 MR. HOLAHAN: Donald?

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

15 MR. HOLAHAN: Annie?

16 MS. LAMBERTON: I vote in

17 favor.

18 MR. HOLAHAN: And I vote in

19 favor. Motion carries.

20 MR. ARMSTRONG: Thank you, Mr.
21 Chairman. The other item under my report is a
22 public hearing for the Tobyhanna Township Volunteer
23 Fire Company. The fire company -- if you see in
24 your packets there's some documentation. The fire
25 company is going to be purchasing a Pierce Quantum

7

1 PUC rescue pumper. I'm not going to -- I see
2 there's some fire company personnel in the audience
3 and I believe probably some people sitting on this
4 board is aware of what that is; but my
5 understanding it's a pretty big pumper fire company
6 truck.

7 The township's not purchasing
8 this, the township's not paying for this, the fire
9 department is. However, the Internal Revenue Code,
10 when a volunteer fire company proceeds with
11 purchasing something and taking a loan out for a
12 significant piece of equipment like this, there is
13 a requirement in the code, the municipality, which

14 has jurisdiction where the fire company provides
15 services, needs to hold a public hearing and
16 approve the fire company moving forward with that
17 purchase.

18 My understanding is that the
19 public notice was provided at the township office
20 this morning and --

21 MS. HAASE: That is correct.

22 MR. ARMSTRONG: So with that --
23 and, again, this is not being paid for by the
24 township. It's just a -- this is a requirement of
25 the Internal Revenue Code. With that, I think you

8

1 can open the public hearing. If there's any
2 comments, great; if not, you can close it. And if
3 the board's ready to make a motion with respect to
4 approving the Tobyhanna Township Volunteer Fire
5 Company to proceed with the purchase, it would be
6 appropriate. My understanding is the volunteer
7 fire company actually has a meeting as well tonight
8 for this very purpose over at the fire station.

9 MR. ED TUTRONE: Yes, that's
10 correct, we do.
11 MR. HOLAHAN: Does anybody have
12 anything, supervisors?
13 MS. LAMBERTON: I have no
14 questions.
15 MR. HOLAHAN: No?
16 Anybody in the public?
17 Do I have a motion to close the
18 hearing?
19 MS. LAMBERTON: So moved.
20 MS. PICKARD: Second.
21 MR. HOLAHAN: Hearing's closed.
22 Okay.
23 MR. ARMSTRONG: Did you want
24 to --
25 MR. HOLAHAN: Then would we --

9

1 MR. ARMSTRONG: It would just
2 be a motion to approve the Tobyhanna Township
3 Volunteer Fire Company to proceed with the

4 purchase.

5 MR. KERRICK: So moved.

6 MS. PICKARD: Second.

7 MR. HOLAHAN: Motion and

8 second.

9 Further discussion from the

10 board?

11 Anything from the public?

12 Hearing none. I'll call the

13 vote.

14 John?

15 MR. KERRICK: In favor.

16 MR. HOLAHAN: Heidi?

17 MS. PICKARD: Favor.

18 MR. HOLAHAN: Donald?

19 MR. MOYER: I vote in favor.

20 MR. HOLAHAN: Annie?

21 MS. LAMBERTON: I vote in

22 favor.

23 MR. HOLAHAN: And I vote in

24 favor. Motion carries.

25 MR. ARMSTRONG: Thank you, Mr.

1 Chairman. I believe Phyllis probably has a form
2 for -- to be signed at some point tonight in
3 relation to that. You don't have to do it now,
4 just there is a form.

5 That's all I have for my report.
6 I do have a brief executive session item with
7 respect to litigation, but other than that, I'm
8 done for tonight. Thank you.

9 MR. HOLAHAN: Thank you,
10 Patrick.

11 MS. LAMBERTON: Thank you.

12 MR. HOLAHAN: Okay. Phyllis?

13 MS. HAASE: A few items for
14 this evening. As the board is aware, there's been
15 agreement with Pocono Mountain School District
16 that's been hanging out there for quite a few years
17 pertaining to the signal light on Panther Lane and
18 940. We have now set a meeting which will be for
19 tomorrow at nine o'clock to hopefully resolve those
20 issues and move that forward.

21 I've been working on updating

22 the emergency operation plan, the revisions to the
23 NARM as well and that will be on your September
24 agenda.

25 We have been approached by

11

1 Fehlinger Construction, who they are the
2 contractors in constructing the water and sewer
3 lines for Kalahari project. Relating to the sewer,
4 they have requested to use the township tax exempt
5 number. And there is a certificate that needs to
6 be filled out and submitted back to them for their
7 use.

8 Pat and I have had some
9 discussion back and forth. Just wanted to make
10 certain the board was aware of that. This is
11 something that is a public improvement which will
12 be dedicated to the township upon the completion
13 and the approval of all the work. So we felt it
14 was best the board was aware of that before I
15 authorize their certificate.

16 MS. LAMBERTON: Is that normal?

17 Is that a normal practice?

18 MR. ARMSTRONG: To bring it
19 before the board?

20 MS. LAMBERTON: No, no, no.
21 For them to utilize our tax exemption number.

22 MR. ARMSTRONG: Well, I
23 actually looked into it and the BCRA is -- was also
24 in the process of looking into it. And actually I
25 printed out some things if we wanted to talk about

12

1 it in depth tonight. I don't think we need to.
2 Your certification is saying that you're a
3 municipality, and as a purchaser, you know, you'd
4 be -- certain sales tax would be exempt.

5 If you look on the Pennsylvania
6 -- with the Pennsylvania Department of Revenue,
7 these types of projects are viewed by the
8 department as tax exempt so long as the -- for
9 purposes of Tobyhanna Township, the actual sanitary
10 sewer facilities being installed are looked on as
11 exempt. Even though right now the contractor's

12 contract is with the developer, eventually it will
13 be dedicated, the actual facilities are going to be
14 dedicated to Tobyhanna Township.

15 Obviously the other requirements
16 of the act aside from that, the fact that the
17 equipment can't be certain other types of personal
18 property, it's sanitary sewer lines, so long as it
19 complies with the rest of it, you know, I think the
20 exception applies. However, that being all said,
21 we don't make that determination. We're simply
22 providing the certification form to the contractor
23 to be used in good faith that they feel these --
24 that these pieces of equipment and these sewer
25 lines are exempt.

13

1 At the end of the day, it's not
2 Tobyhanna Township that's going to be paying any
3 sales tax. It's going to be either the contractor
4 and/or the seller of the actual equipment.

5 MR. HOLAHAN: Is there any
6 responsibility on our part if they were to use it

7 inappropriately? Do we have any liability there?

8 MR. ARMSTRONG: You do n -- I

9 mean, it's upon them not to use it in bad faith or
10 fraudulently. We are going to make clear in our
11 form the basic relationship and it's going to call
12 out the fact that the contractor Fehlinger is in a
13 contract with Kalahari Resorts and that eventually
14 the sewer line will be dedicated over to Tobyhanna
15 Township.

16 We're not making any -- you
17 know, we're not telling them that it's exempt.
18 We're simply saying Township of Tobyhanna is an
19 exempt entity and these lines will be dedicated
20 over to Tobyhanna Township at a certain point in
21 time when they're finished. If they use that, it's
22 at their own risk. It's not -- we're not putting
23 it out there. We're simply saying, we're the
24 municipality that's going to be taking dedication
25 of it at a certain point of time and we're calling

1 that out in the certification form.

2 MR. HOLAHAN: Okay.

3 MS. HAASE: Mr. Chairman, I had
4 the same question, that's why I reached out to Pat.
5 I was concerned with, we don't currently own the
6 plant. So I had the same concern and that's why I
7 reached out to Pat of what our liability was if it
8 was used inappropriately.

9 MR. ARMSTRONG: Right. And
10 that aside, the fact we're not holding it out, but
11 I'm telling you tonight I believe it is exempt.
12 And the reason I say that, there's actually -- I
13 didn't want to go into detail, but the Department
14 of Revenue actually has a -- it's like a -- they
15 have informal decision letters. And there's one
16 dated April 16, 2004 extended through April 17,
17 2014, which is basically setting forth this type of
18 a relationship.

19 And usually it's -- you know,
20 this is a little different, but usually it's a
21 subdiv -- you know, you have a developer come in,
22 they subdivide it, they build a huge residential
23 development. And the developer contracts with a
24 contractor. They put in the sewer lines and in

25 that situation, the department has said that those

15

1 are exempt purchases for sewer.

2 MS. LAMBERTON: Public utility.

3 MR. ARMSTRONG: Full

4 disclosure, though, it's -- I don't believe the

5 BCRA -- the BCRA is the entity that's going to be

6 having the waterlines dedicated eventually. And I

7 don't -- my understanding is they are not executing

8 these forms, that's not telling you, you can't. I

9 just wanted full disclosure, I don't believe that

10 BCRA is, but that's for the waterline. Tobyhanna

11 Township, this will be for the sewer.

12 Just so I have the spelling,

13 Fehlinger?

14 MS. HAASE: I will pass that

15 over to you.

16 MR. ARMSTRONG: Okay.

17 MR. HOLAHAN: So do we just

18 want to direct Phyllis to be able to execute those

19 agreements? Okay.

20 MR. KERRICK: We don't have to
21 inventory anything or -- you know, what they use it
22 for or what they don't use it for? What's exempt
23 and what isn't?

24 MR. ARMSTRONG: In our form,
25 we're going to call it specifically that it would

16

1 be for the sanitary sewer line related equipment.

2 MR. KERRICK: So does that take
3 in pump station pipe and what it -- it's kind of
4 like --

5 MR. ARMSTRONG: Again, if
6 certain pieces of the equipment aren't exempt,
7 that's on them.

8 MR. KERRICK: There's no
9 liability on the township?

10 MR. ARMSTRONG: No.

11 MR. KERRICK: Okay.

12 MS. LAMBERTON: Okay. I'll
13 make a motion to approve Phyllis to move forward
14 with Fehlinger exercising the tax exempt

15 certification for the purchase of sewer line items
16 only.

17 MS. PICKARD: I second the
18 motion.

19 MR. HOLAHAN: Sewer line items

20 --

21 MS. HAASE: Sewer related.

22 MR. HOLAHAN: Sewer related?

23 MS. LAMBERTON: Sewer related.

24 I'm sorry.

25 MR. ARMSTRONG: Related to the

17

1 project that will be dedicated to Tobyhanna
2 Township at some time in the future.

3 MS. LAMBERTON: I will amend my
4 motion to say that.

5 MR. HOLAHAN: What he said.

6 MS. HAASE: Thank you, Miss
7 Annie.

8 MS. LAMBERTON: You're welcome.

9 MS. PICKARD: I'm good with

10 that.

11 MR. HOLAHAN: You're good with

12 that, Heidi?

13 So I have a motion and a second.

14 Further discussion from the

15 board?

16 Anything from the public?

17 Hearing none. I'll call the

18 vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. HOLAHAN: Donald?

24 MR. MOYER: I vote in favor.

25 MR. HOLAHAN: Anne?

18

1 MS. LAMBERTON: I vote in

2 favor.

3 MR. HOLAHAN: And I vote in

4 favor. Motion carries.

5 MS. HAASE: Just to be clear,
6 generally we do issue these tax exempt on a weekly
7 basis, but this is an unusual situation, that's why
8 I brought it in front of the board.

9 I also received a request this
10 afternoon -- actually two requests for reduction of
11 the bond related to the TIF. One is related to the
12 public improvements to the road and the other one
13 would be a reduction to the project costs. And for
14 this particular reduction of the project, we would
15 need to vote on this as well since some of the
16 items are related to sewer and the road.

17 MR. HOLAHAN: So do we want to
18 set a special meeting for that?

19 MS. HAASE: Yes, sir.

20 MR. HOLAHAN: Did you have any
21 dates in mind?

22 MS. HAASE: If we could push it
23 out at least 14 days or so because we just received
24 that. And they will need to do some inspections.

25 MS. LAMBERTON: I like August

1 27.

2 MS. HAASE: The 27th.

3 MR. KERRICK: 27th?

4 MS. LAMBERTON: It's a

5 Wednesday. I was just thinking --

6 MR. KERRICK: For when, 27?

7 MS. LAMBERTON: Oh, yeah. You

8 guys good?

9 MS. PICKARD: What time?

10 MS. LAMBERTON: Let's do it

11 first thing, 8 a.m.

12 MR. HOLAHAN: How's that with

13 you, Donald?

14 MS. LAMBERTON: Does that work?

15 MR. HOLAHAN: He's got

16 inventories to make and orders and stuff.

17 All right. So let's look at the

18 27th, eight o'clock here.

19 MS. HAASE: And we will

20 advertise that.

21 MR. HOLAHAN: Great.

22 MR. ARMSTRONG: Just so I'm

23 clear, I believe when you've had special meetings
24 for this specific purpose and nothing further, you
25 did not -- you didn't need my attendance. I just

20

1 want to make sure that that's still the case.

2 MR. HOLAHAN: That's still the
3 case.

4 MS. PICKARD: Unless we had
5 something else.

6 MS. HAASE: We -- there are two
7 other items that I will ask the board to consider
8 at that time related to Aqua. So I don't know if
9 you'd like to have Pat in attendance or not. If
10 you'd like, I can discuss that now or --

11 MR. HOLAHAN: You know, let's
12 see if Pat's --

13 MS. LAMBERTON: Available.

14 MR. HOLAHAN: -- available for
15 that time.

16 (Discussion off the record.)

17 MR. HOLAHAN: I can't make out

18 what she's saying. When I hear it, I'll let you
19 know.

20 Hey, Bud.

21 MS. LAMBERTON: Bud Cook.

22 MR. ARMSTRONG: It looks the
23 27th of August in the morning I am available. So
24 is the board --

25 MR. MOYER: 8 a.m.?

21

1 MR. ARMSTRONG: I would have
2 made myself available anyway.

3 MS. HAASE: I know you
4 would've.

5 MS. LAMBERTON: Thank you so
6 very much.

7 MR. MOYER: You said eight,
8 eight o'clock?

9 MS. LAMBERTON: Yeah, 8 a.m.

10 MR. HOLAHAN: When do the kids
11 start school, is it shortly after?

12 MR. ARMSTRONG: A week, yeah.

13 (Discussion off the record.)

14 MS. HAASE: Just wanted the
15 board to be aware that Dosch-King came in, the work
16 has been completed for the outstanding items for
17 the 2013 road improvements. So as per the
18 agreement, upon the work then, the remaining monies
19 are to be distributed to them. And that's going to
20 be \$29,674.21. Approximately 13,000 of that is
21 going to have to come out of this year's budget
22 money because there was some additional roads were
23 done last year. They were switched out, but the PO
24 wasn't changed.

25 So some of that will come out of

22

1 2014 monies. So our treasurer will cut a check and
2 then I'll circulate an email and perhaps somebody
3 could come in and sign that tomorrow. RETTEW
4 contacted me and they will be in attendance for the
5 September meeting to present the estimate for the
6 eastern extension for the sewer lines.

7 One thing I need the board to

8 start to think about, we've begun the budgeting
9 process for 2015. And we have some large projects
10 that we'll have to address for that year. One is
11 going to be the repair to the Old Route 940 Bridge.
12 We are fortunate enough to obtain a grant for 214,
13 I believe it was. So we're still looking at
14 probably about 200 and 220,000 we're going to have
15 to take out most likely from capital in order to
16 move forward with that.

17 Today I met with our road
18 foreman and the road supervisor with regards to
19 some of the equipment. The Gradall we're having
20 some problems with right now. When all's said and
21 done, we start to add up some of the items that is
22 going bad on it or already is, we're looking at
23 about \$20,000. The Gradall was purchased in 2000
24 -- or it's a year 2000 model, it was purchased in
25 2003 for \$117,500. There's just under 7,000 hours

23

1 on the machine. When we purchased it, there was
2 1600. The trade-in value is going to be around 10

3 to 15,000 on this.

4 So it's a huge expenditure. So
5 I was looking at two ways of doing this. One is
6 either leasing it or getting a price to purchase
7 it. So that's something the board's going to have
8 to decide whether or not we want to put that amount
9 of money back into this machine. It's old and it's
10 starting to fail. It's a huge investment, but it's
11 something that we need if we're going to continue
12 to partner with doing our own drainage and road
13 work.

14 So I will ask then -- as soon as
15 I get the information, I'll present it to you folks
16 and you can give me the direction of how you want
17 to proceed moving forward with this.

18 MR. MOYER: Okay.

19 MS. HAASE: We're going to have
20 to repair the fuel line regardless because -- to
21 get this machine back in use. So we're going to
22 have to expend some monies to repair this, but
23 hopefully not as much as it's being proposed.

24 MS. PICKARD: Just one option,
25 though, we can use a portion of our liquid fuels

1 money for -- if we did do a lease or a purchase,
2 that we could use that amount --

3 MS. HAASE: For payments.

4 MS. PICKARD: -- every year.

5 It's something we should -- we can look into as one
6 of our options.

7 MR. HOLAHAN: Okay.

8 MS. HAASE: Then I just wanted
9 to make an announcement. We have a couple
10 associations with us. Of course, we have Lake
11 Naomi who faithfully attends every meeting, but
12 also we have the new community manager for Locust
13 Lake Village, Mr. Dan Dougherty.

14 MR. DAN DOUGHERTY: Hi.

15 MS. HAASE: So welcome to the
16 community and we look forward to working with you.

17 MR. DAN DOUGHERTY: Thank you.

18 MS. HAASE: Mr. Chairman,
19 that's all I have at the moment.

20 MR. HOLAHAN: Okay. Thank you.

21 Let's go on to committee
22 reports.
23 Regional EMS, Heidi, you have
24 anything on that?
25 MS. PICKARD: I got a

25

1 designated hitter.
2 MR. HOLAHAN: Oh, is that
3 right, you're going to bring --
4 MR. AUSTIN GRAMMES: I'm not
5 prepared. I've been dealing with IT all night.
6 MS. PICKARD: Okay. We had
7 about 40 calls again this month. Things are
8 running pretty -- pretty -- pretty steady. I think
9 -- or we're up again in Tobyhanna Township a little
10 bit.
11 MR. AUSTIN GRAMMES: Yeah,
12 you're up slightly for Toby.
13 MS. PICKARD: We run around 80
14 calls a month here. There were a couple things
15 that we wanted to make people aware of. The

16 billing environment is getting pretty nasty and
17 we're expecting that things are going to get worse.
18 We did -- I did send everybody the audit?

19 MR. HOLAHAN: Right.

20 MS. PICKARD: Okay. But it
21 looks like things are on the downward slide. We
22 had more medicare that's not covering our bills.
23 It's just not a good healthcare environment. We're
24 finding some of the new affordable care plans do
25 not cover emergency services and auto companies are

26

1 getting very difficult to deal with, where they
2 used to be very easy.
3 So one of the things that we did
4 apply for was a wheelchair -- well, a PUC license,
5 so we did put an application in that. It's a
6 really scary secretive process, that they can't
7 tell you whether any of them exist until you put an
8 application in; but we did go and do that. We're
9 working with our legislature partners to try and
10 get some contacts and find out how to navigate

11 that, 'cause it would be one way to make up some of
12 the revenue.

13 But I'd say all in all things
14 have been good. We've been making all our calls.
15 We've had a couple scary misses from our partners
16 down in Arrowhead, but other than that, we've been
17 doing pretty good.

18 MR. AUSTIN GRAMMES: Yeah.
19 We've been very busy.

20 MS. PICKARD: They owe us some
21 money still just so you know, more money.

22 MR. AUSTIN GRAMMES: Today
23 alone we had 20 calls today.

24 MS. PICKARD: Yeah. Today was
25 a weird day. We have no calls from 10 o'clock at

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1 night or midnight until 10 o'clock and then
2 everything broke loose and we've been -- you know,
3 it's a busy day.

4 MR. HOLAHAN: How's things
5 going with Thornhurst? Anything moving on that

6 side?

7 MR. AUSTIN GRAMMES: From what
8 I've been seeing, they made a payment. They made
9 the check out in June, it was posted in our
10 accounts middle of July, which I just became aware
11 of on Friday.

12 MS. PICKARD: Okay. I didn't
13 know that.

14 I know. I -- right now there's
15 -- it's -- there's five trips that are out there,
16 so, you know, it's not that bad. We had --
17 basically have been running with our ALS. There is
18 one or two trips that were questionable that we --
19 en route, which is fine, as long as en route
20 situation; but the ALS calls we have been
21 transporting.

22 MR. HOLAHAN: Okay.

23 MR. AUSTIN GRAMMES: So that
24 was a big stumbling block.

25 MR. HOLAHAN: Are you aware of

1 what's gone on with them with -- what was it? What
2 was that guy's name that came out and did -- John?

3 MS. PICKARD: Scott McDonald?

4 MR. HOLAHAN: No. That did the
5 audit for them and the report that we have
6 received.

7 MR. AUSTIN GRAMMES: John
8 Clause (phonetic), yeah.

9 MR. HOLAHAN: John Clause,
10 yeah.

11 MS. PICKARD: We sent you the
12 audit.

13 MR. AUSTIN GRAMMES: You have
14 that audit.

15 MR. HOLAHAN: So I had
16 forwarded that to Thornhurst.
17 Has anybody heard anything from
18 Thornhurst on it?

19 MS. PICKARD: No.

20 MR. AUSTIN GRAMMES: I haven't
21 heard a word from Thornhurst.

22 MR. HOLAHAN: Phyllis?

23 MS. HAASE: No, sir.

24 MR. HOLAHAN: Maybe let them
25 reach out to us when they're ready then. Perhaps

29

1 they're just not ready to come forward yet.

2 MS. PICKARD: They were here
3 last month and then they didn't come back after the
4 report. That was --

5 MR. HOLAHAN: Well, we were --
6 when we made our decision back in February,
7 whatever it was, that we said we would revisit this
8 at the end of this -- towards the end of this year,
9 so -- okay.

10 MS. PICKARD: There was just
11 the one call a week or two, we were kind of looking
12 at what the details, what --

13 MR. AUSTIN GRAMMES: Last week
14 --

15 MS. PICKARD: -- they did miss
16 a call overnight --

17 MR. AUSTIN GRAMMES: There was
18 a call that was an issue, but --

19 MS. PICKARD: -- they didn't

20 show up for.

21 MR. AUSTIN GRAMMES: -- we

22 don't have enough information.

23 MS. PICKARD: But, yeah.

24 MR. HOLAHAN: Okay. How about

25 open space? Anything?

30

1 MS. PICKARD: Well, we had a

2 nice dedication over at the Thomas Darling property

3 that Bud threw together. It was very nice and very

4 well attended. And other than --

5 MR. BUD COOK: Heidi was there.

6 MS. PICKARD: I was there.

7 MR. HOLAHAN: Great.

8 MS. PICKARD: Jeanine was

9 there. A lot of people were there.

10 MR. HOLAHAN: I wasn't there.

11 MS. PICKARD: I think we're

12 supposed to take a walk in the woods with Tunk at

13 some point in time unless I missed that. It kept

14 getting changed due to weather concerns, I think.

15 MR. HOLAHAN: Well, how does it
16 look out there?

17 MS. PICKARD: It is, it's open
18 and there's a lot of space.

19 MR. HOLAHAN: All right. We'll
20 check it out.

21 MS. HAASE: Mr. Chairman, one
22 thing I will add, last fall the supervisors were
23 approached by Tunkhannock Township group requesting
24 some assistance in 2014, which now has come upon
25 us, to ask Bob McHale to assist in them obtaining

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1 HOP, and Bob started working on that today.

2 MR. HOLAHAN: Okay. Great.

3 MS. HAASE: So that should be
4 submitted, I think, within the next couple weeks,
5 to help them out.

6 MS. PICKARD: You want me to
7 bring up about that rail line at this time? Is
8 this part of open space, you have that somewhere

9 else?

10 MR. HOLAHAN: It's under new
11 business, yeah.

12 MS. PICKARD: Okay.

13 MR. HOLAHAN: We'll be there
14 shortly, Heidi.

15 MS. PICKARD: Okay. That's all
16 right.

17 MR. HOLAHAN: Okay. How about
18 the regional police commission?

19 Which one, Donald?

20 MR. MOYER: No, I'll let
21 Phyllis do that.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: Well, that's,
24 needless to say, been somewhat of a frustrating
25 process we've gone through the last few months. As

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1 the board is aware, we're trying to answer the
2 concerns of Coolbaugh Township except it seems to
3 be a moving target.

4 They've recently submitted a
5 letter, which I do have on the agenda under new
6 business. I don't know if you'd rather talk in
7 length at that particular time, but the goal for
8 the three municipalities is certainly to help
9 resolve the issues of Coolbaugh Township. It's
10 just become rather difficult to get the
11 communications moving in the right direction.

12 MR. HOLAHAN: Okay. What do
13 you say we have that -- that's under new business.

14 MS. HAASE: Yes, sir.

15 MR. HOLAHAN: It's under Item
16 G, so it's like one of the next to the last things.
17 So people can either -- if they're interested in
18 hearing about this letter from Coolbaugh, you can
19 stick around or you cannot. So we'll leave that up
20 to you.

21 MS. PICKARD: What about us?

22 MR. HOLAHAN: No, you have to
23 stick around.

24 Bar the doors, Katie.

25 Let's go to new business then,

1 that's -- now you're up on the WB&E trail, Heidi.

MS. PICKARD: The Pocono Mountain Industrial Authority did put a grant together for 250,000. We had discussed -- it was discussed with the board. I thought somebody might be here from one of the consulting firms that had suggested it; but Michelle Bisbing did put the grant in. They did mention that we had the piece of rail line to leverage as we were told and they would not accept any land as an in kind.

11 So we're left with the FAP money
12 from the county, is around \$18,000. So Michelle is
13 away. I made some calls today to see if it would
14 be possible to scope down the project to make it a
15 little bit more reasonable so that our county FAP
16 money could be used as a match. I did not believe
17 that any of the municipalities would be willing to
18 contribute at this point in time and I wasn't going
19 around asking people for money. So we're going to
20 see where that goes.

21 MS. HAASE: And we made that

22 quite clear when we met with the individual that
23 was presenting to -- this project to us, that there
24 was no money budgeted. So we were not able to
25 commit to this --

34

1 MS. PICKARD: Well, we had the
2 piece of land and I think we all felt, you know,
3 that was reasonable, it wasn't going anywhere, but
4 that was not doable.

5 MR. HOLAHAN: So we don't have
6 any action items on that yet then?

7 MS. PICKARD: No, but we would
8 like a letter of support in anticipation of
9 something coming together, if that would be
10 possible from the board.

11 MR. KERRICK: Do we have a
12 dollar amount on the project?

13 MS. HAASE: The feasibility
14 study, John, is a quarter of a million dollars. I
15 think they were looking for about 38,000 funded.

16 MS. PICKARD: Yeah, but if we

17 have 18, we'd have to neck it down to about a
18 hundred thousand.

19 MR. KERRICK: That's not all on
20 our township, though, correct?

21 MS. PICKARD: No, that is --

22 MR. KERRICK: That's for the
23 whole thing?

24 MS. PICKARD: -- for the -- and
25 that was one of the things that Mr. Keener had

35

1 mentioned that maybe more could be done in this
2 area where we knew there was some tract and less in
3 the other areas.

4 MS. HAASE: It's just of a very
5 large amount of money, in my opinion, for a
6 feasibility study.

7 MS. PICKARD: Yes, and I felt
8 so also and I think that everybody was in agreement
9 and they were just saying that was a ballpark and
10 that was the maximum that you could ask for. And I
11 think that's what they wanted to ask for. But they

12 did say there was a lot of work in obtaining those
13 right-of-ways and doing the runarounds for -- to
14 avoid taking people's personal property and running
15 along state routes. We were look at moving it
16 somewhat, so --

17 MR. HOLAHAN: Does anybody want
18 to entertain a motion that we send a letter of
19 support?

20 MS. PICKARD: I would certainly
21 be willing to make that motion for a letter of
22 support.

23 MR. HOLAHAN: Okay. I have a
24 motion.

25 Do I have a second?

36

1 MS. LAMBERTON: I'll second it
2 as long as it's stated that we will not have any
3 financial responsibility.

4 MS. PICKARD: It is the idea
5 that's put in the grant and then all the -- we're
6 only in this as much as the rest of the 20

7 municipalities in the county.

8 MR. HOLAHAN: So, Heidi, do you

9 -- because I've got two different motions here.

10 I've got yours for support and then Annie throwing

11 a caveat in about the money. Do you want to --

12 MS. PICKARD: Well, the support

13 is not for final -- financial support. It's just a

14 letter supporting the project.

15 MR. HOLAHAN: The idea?

16 MS. PICKARD: Not financial.

17 MR. HOLAHAN: Okay.

18 MS. LAMBERTON: Then I'll

19 second it as long as it is not --

20 MR. HOLAHAN: We're going to go

21 with that, we're not going to take it any further.

22 Any further discussion from the

23 board?

24 Anything from the public?

25 Hearing none. I'll call the

1 vote.

2 John?

3 MR. KERRICK: I was going to
4 say something, but I better not.

5 I'm in favor.

6 MR. HOLAHAN: Okay. Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: Donald?

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

10 MR. HOLAHAN: Annie?

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

13 MR. HOLAHAN: And I vote in
14 favor. Motion carries.

15 Send the letter.

16 MS. HAASE: Will do.

17 MS. LAMBERTON: I want to read
18 it first.

19 MS. HAASE: I will circulate it
20 to you.

21 MS. LAMBERTON: Circulate it to
22 me. Thank you.

23 MR. HOLAHAN: Consider Dollar
24 General land development lot consolidation.

25

MR. LAMBERTON: Hi.

38

1

MR. HOLAHAN: Hi. How are you

2

doing?

3

MR. JOHN BARRUS: Great. Can I

4

use your --

5

MS. LAMBERTON: Absolutely.

6

MR. HOLAHAN: If you'd identify

7

yourself, name and --

8

MR. JOHN BARRUS: Yes. My name

9

is John Barrus. I'm a licensed professional

10

engineer with Civil & Environmental Consultants out

11

of Sayre, Pennsylvania. We are presenting this for

12

the Pocono Pines Dollar General, LLC. We are

13

requesting conditional approval based on or

14

contingent upon our meeting the requirements set

15

forth in the approval letters from Monroe -- the

16

Monroe County Planning Commission, the township,

17

your township engineer and the Monroe County

18

Conservation District.

19

We're proposing a 9100 square

20 foot retail building with 40 parking stalls.
21 Dollar General typically provides 30 parking stalls
22 for the building. Their historic data based on --
23 on the midwest use, you know, states the -- the 30,
24 or shows that 30 -- 30 is typically sufficient for
25 the use that they see. However, because your

39

1 ordinance requires more than that, we've increased
2 it to 40 -- 40 or 42, it says. I'm not sure if it
3 was reduced down to 40 or if it's right at 42, but
4 it should be based on historical use, it should be
5 more than sufficient to handle the needs of -- of
6 the -- the store.

7 The store is typically open
8 seven days a week from eight o'clock in the morning
9 until nine o'clock p.m., but, however, that does
10 vary occasionally seasonally. The -- so the
11 traffic into the site will -- based on the standard
12 trip generation models, there will be an average --
13 an average daily trip count of 521 vehicles; 35
14 inbound in the a.m., in the morning peak hours, and

15 62 outbound in the afternoon and evening peak
16 hours.

17 There will be on average one
18 weekly delivery truck that -- that typically
19 arrives before the store opens or after it closes.
20 So they are not doing that during peak hours. It's
21 a standard WB-67 truck. I'm not sure if that means
22 anything to you. It's a --

23 MR. HOLAHAN: Sounds pretty
24 cool.

25 MR. JOHN BARRUS: That is -- I

40

1 know that what was in the notes I was given, so I
2 will --

3 MR. MOYER: That's with the
4 hydraulic lift, right?

5 MR. JOHN BARRUS: Yes. Let's
6 see, sanitary sewer will be provided onsite with
7 the septic field in the back of the site. There
8 will be a new well drilled to provide the culinary
9 water and service for the property. There will be

10 an underground stormwater detention system that
11 will provide approximately 13,000 cubic feet of
12 stormwater detention.

13 The landscaping, let's see, I'm
14 not sure if I brought that for you or not. Well,
15 this will allow you to see it a little better what
16 the site looks like. We'll be providing -- based
17 on the planning commission's comments we will be
18 providing street trees, typically dwarf trees that
19 will not interfere with the overhead power. There
20 will be -- there will be a hedge planted along the
21 parking lot so that the headlights will not -- will
22 not cause with the traffic in the evenings. They
23 will not have berries or anything that will attract
24 wildlife.

25 Let's see, we have -- we have

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1 obtained verbal approval for the building permit
2 package, but it will not receive official approval
3 until the board of supervisors has given -- has
4 approved our plans. The septic permit has been --

5 over here -- has been approved. We are -- the
6 highway occupancy permit has also -- we've received
7 verbal approval, the technical review is complete,
8 but we are waiting for the permit manager to
9 actually write that approval. We are currently
10 working through the conservation district's
11 comments. The township engineer has a copy. I
12 don't believe that he is here tonight.

13 MR. HOLAHAN: He's not.

14 MS. HAASE: John, they were
15 going to do some testing on Friday for --

16 MR. JOHN BARRUS: Yes, we were
17 doing --

18 MS. HAASE: Was that
19 successful?

20 MR. JOHN BARRUS: The tests
21 were almost identical to the previous test. There
22 was hardly any perk -- infiltration at all. And so
23 based on -- on the engineer's comments, we will
24 redesign the -- the -- the -- well, we tested
25 actually at two different levels. We tested at the

1 design bottom of -- of chamber -- of the
2 underground storage chambered elevation and we
3 tested at what would be the bottom of the parking
4 lot.

5 And there was no -- there was no
6 differentiation in the -- in the soil strata, it
7 was -- it was a very clayey sand. And infiltration
8 was almost -- almost zero. So it was -- it was --
9 it didn't -- it wouldn't change it -- it would not
10 benefit -- it wouldn't create any benefit to have
11 the pervious pavement because it's all gone in a
12 pond there and run off anyway.

13 MS. HAASE: Okay. Thank you.

14 MR. JOHN BARRUS: We -- it was
15 recommended that we provide a stone wainscotting
16 for the building, which Dollar General has approved
17 and agreed to. And I believe you have received a
18 copy of this colored elevation.

19 Is that --

20 MS. HAASE: I have not.

21 MR. JOHN BARRUS: You have not.

22 Well, you will. We'll get a copy of that for you.

23 The monument sign, it's been requested that instead
24 of a what -- we provide a monument sign instead of
25 the typical -- the typical Dollar General sign.

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1 And Dollar General has agreed to that as well, this
2 is a -- an example of what that will look like.

3 There will need to be a separate
4 zoning permit, I guess, and that should be -- that
5 should be submitted shortly. They're in the
6 process of doing that.

7 MR. ARMSTRONG: For the sign?

8 MR. JOHN BARRUS: For the sign,
9 yes.

10 MS. HAASE: Just to be clear,
11 you will need to submit a zoning application for
12 the building as well.

13 MR. JOHN BARRUS: Yes.

14 MS. HAASE: Okay.

15 MR. JOHN BARRUS: Okay. We
16 have received a draft, a developer agreement, from
17 -- from the township solicitor, I believe that

18 would be you, Mr. Armstrong. That has been
19 submitted to Dollar General corporate for their --
20 their review and we will -- you know, we're waiting
21 for them to give us an answer on that or to give us
22 a response on that.

23 And, again, the township -- the
24 township engineer has recommended for approval,
25 contingent upon us meeting the comments that have

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1 already been submitted, that were given to us. I
2 don't know if there are any -- if I've -- if
3 there's any questions?

4 MS. HAASE: John, the one thing
5 that I did not see addressed in the letter, since
6 it's going to be a lot consolidation, we're going
7 to need to have tax certification from Monroe
8 County just stating that the taxes have been paid
9 on both lots. And if you need assistance and who
10 to call, you can contact the township and ask for
11 Maureen Minnick, M-i-n-n-i-c-k, and she'll be happy
12 to help you with that.

13 MR. JOHN BARRUS: Maureen?

14 MS. HAASE: Umm-hmm.

15 MR. HOLAHAN: Okay. Does
16 anybody have anything?

17 MR. KERRICK: I have a
18 question. The existing well that was on the site
19 is that grouted and sealed?

20 MR. JOHN BARRUS: I don't know
21 if it has been grouted and sealed yet, but it will
22 be. I believe there were two wells on the site and
23 then there will be abandoned, grouted and sealed.

24 MR. KERRICK: Can we have
25 documentation of that when they are abandoned and

45

1 sealed?

2 MR. JOHN BARRUS: Yes.

3 MR. KERRICK: Thank you.

4 MR. HOLAHAN: Where exactly is
5 this?

6 MR. JOHN BARRUS: It is on --

7 MS. HAASE: Right across from

8 Vinny's Pizzeria.

9 MS. LAMBERTON: You know where
10 the motel was torn down?

11 MR. JOHN BARRUS: Right across
12 from Vinny's Pizzeria.

13 MS. PICKARD: Is that the
14 driveway that you're lining up in?

15 MR. JOHN BARRUS: Yes.

16 MR. HOLAHAN: Yeah. I know --
17 where's the proposed new driveway for --

18 MR. BRAD GRAHAM: Stillwater,
19 it's right across the street. That's one of my
20 questions.

21 MS. HAASE: It's -- actually it
22 does not line up to that property. It would be
23 further down to your right. It would be -- a
24 little further, like right at the edge of the
25 property.

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1 MR. HOLAHAN: Brad, you know,
2 I'm thinking the same, that this is stuff that the

3 engineer, that Mr. McHale's looking at and they're
4 doing the traffic reports on it all; but, you know,
5 at first (inaudible) it just sounds like an Area 2.

6 MS. HAASE: Actually, Mr.
7 Chairman, PennDOT looked at that and they actually
8 requested them to move it to the opposite side
9 because it did not line up properly.

10 MR. HOLAHAN: Right. Anything
11 else from the board?

12 Anything from the public?

13 Patrick, do you have things to
14 add?

15 MR. ARMSTRONG: I do, but the
16 public can go first.

17 MR. HOLAHAN: Okay.

18 MR. BRAD GRAHAM: I just have
19 one question. Brad Graham, G-r-a-h-a-m. I hope
20 you do a better job with this store than you're
21 doing in Blakeslee. There's trash and rubbish
22 blowing from that store all the way across down to
23 Anna Road. And I've heard nothing from complaints
24 from people. Back there we got plenty of
25 photographs, the place is a dump back there and

1 there's no control especially in the winter. It's
2 just blowing all over.

3 MS. HAASE: They're actually
4 two separate projects, they're not the same
5 developers.

6 MS. LAMBERTON: Yeah, they're
7 not related unfortunately.

8 MR. HOLAHAN: But it's --

9 MR. BRAD GRAHAM: It's General
10 Dollar.

11 MR. HOLAHAN: No.

12 MR. JOHN BARRUS: It's a
13 private developer and Dollar General will happily
14 take ownership of it, but at this point it's a
15 private developer.

16 MR. HOLAHAN: It was worth
17 noting, Brad.

18 Bud, do you have something?

19 MR. BUD COOK: Could you say
20 again where the site is?

21 MR. HOLAHAN: No.
22 MR. HAASE: It's on 940 in
23 Pocono Summit.
24 MR. JOHN BARRUS: Let's see,
25 the site is approximately 2,000 feet west of the

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1 intersection of State Route 940 and FedEx Drive.
2 Let's see --
3 MS. LAMBERTON: Where Dr.
4 Santasania, the eye doctor, and the pizzeria is
5 right on 940.
6 MS. HAASE: Vinny's Pizzeria's
7 across the street.
8 MS. LAMBERTON: Right across
9 the streets.
10 MR. BRAD GRAHAM: You know
11 where Rent-A-Wreck is?
12 MALE VOICE: Right next to
13 Rent-A-Wreck.
14 MR. HOLAHAN: Okay. Anybody
15 have anything else? Okay.

16 Patrick?

17 MR. ARMSTRONG: You have the
18 township engineer's review letter dated June 4,
19 2014, right?

20 MR. JOHN BARRUS: Yes.

21 MR. ARMSTRONG: Are you --
22 you're submitting or have you submitted revised
23 plans with all the comments and revisions?

24 MR. JOHN BARRUS: We are
25 resubmitting plans. He wanted to see those plans

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1 after we addressed the board -- the conservation
2 district's comments. And those -- we're in the
3 process of completing those comments now. We just
4 did the -- the infiltration test to be able to --
5 to answer some of the questions that he had about
6 that.

7 MR. ARMSTRONG: So you
8 understand that any -- any action by the board
9 tonight will be conditional upon clearly the
10 township engineer reviewing those revised plans and

11 you complying with any and all requirements and
12 comments that the township engineer has on those
13 revised plans?

14 MR. JOHN BARRUS: Yes.

15 MR. ARMSTRONG: My
16 understanding is it sounds like it's -- those plans
17 and revisions are mainly going to be related to
18 stormwater management issues?

19 MR. JOHN BARRUS: Correct.

20 MS. PICKARD: They have the
21 SALDO waivers.

22 MR. HOLAHAN: Yes, there was
23 two.

24 So with that being said, do I
25 have a motion to approve this on a conditional

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1 basis and Patrick will give us all the language?

2 MS. LAMBERTON: Yes. So moved.

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

5 MR. HOLAHAN: I have a motion

6 and a second.

7 Patrick, would you clarify what

8 the --

9 MR. ARMSTRONG: Sure.

10 MR. HOLAHAN: -- what we're

11 saying?

12 MR. ARMSTRONG: It would be, if

13 the board was going to proceed with a conditional

14 -- and I'm assuming the applicant's asking for

15 conditional and final -- preliminary and final

16 approval this evening?

17 MR. JOHN BARRUS: Yes.

18 MR. ARMSTRONG: It would be

19 conditional upon the applicant complying with all

20 the comments and requirements of the township

21 engineer's review letter dated June 4, 2014, as

22 well as any future review letter based on the

23 revised plans submitted by the applicant after

24 complying or resolving the outstanding Monroe

25 County Conservation District issues.

1 MR. JOHN BARRUS: Correct.

2 MR. ARMSTRONG: Further
3 conditional upon the applicant satisfactory --
4 satisfactory compliance with the township zoning
5 ordinance and all other building code requirements,
6 as well as the recommendations of the planning
7 commission that was discussed earlier by the
8 applicant.

9 MR. JOHN BARRUS: Yes.

10 MR. ARMSTRONG: Further
11 conditional upon the applicant agreeing to and
12 executing the requisite development agreement and
13 financial securities agreement with the Township of
14 Tobyhanna and providing the appropriate deed
15 consolidation and any declaration of covenants that
16 are required in relation to this plan.

17 MS. LAMBERTON: So moved.

18 MR. MOYER: That's exactly what
19 I was going to say.

20 MR. HOLAHAN: I don't think
21 he's done yet.

22 MS. LAMBERTON: He did. He gave
23 me the nod, yeah.

24 MR. HOLAHAN: Isn't he good?

25 Isn't he good?

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1 MR. JOHN BARRUS: Can you

2 repeat that?

3 MR. HOLAHAN: Okay. So I have a

4 motion and second.

5 Further discussion from the

6 board?

7 Anything from the public?

8 Hearing none. I'll call the

9 vote.

10 John?

11 MR. KERRICK: In favor.

12 MR. HOLAHAN: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Donald?

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

16 MR. HOLAHAN: Anne?

17 MS. LAMBERTON: I vote in

18 favor.

19 MR. HOLAHAN: And I vote in
20 favor. Motion carries.

21 MR. ARMSTRONG: I will just
22 point out for the applicant, with respect to the
23 financial security and development agreement,
24 you're aware, I'm sure -- has Bob -- have you and
25 Bob talked about the cost estimate for the

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1 improvements associated with the plan, the
2 financial security required?

3 MR. JOHN BARRUS: I have not.
4 I -- the engineer who is handling this is out of
5 town and so I came in his place tonight.

6 MR. ARMSTRONG: Okay. Usually,
7 and you're probably aware of it, if you're -- if
8 the counsel for General Dollar -- or Dollar General
9 has been looking at the development agreement that
10 I sent out. They're aware that there's always
11 information that we wait for to finalize those
12 documents, and that is: the financial security,
13 the amount, which is contingent upon the cost

14 estimate that you're going to provide to Mr.
15 McHale, as well as the -- the banking institution,
16 if it's not a cash escrow, that you'll be utilizing
17 for the letter of credit or bond or whatever you're
18 going to be utilizing.

19 MR. JOHN BARRUS: Okay.

20 MR. ARMSTRONG: The board,
21 before we move on, you did you not include the
22 waiver of the --

23 MR. HOLAHAN: SALDOs?

24 MR. ARMSTRONG: -- SALDOs.

25 They were SALDO Sections 135-15.A.15 and SALDO

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1 Sections 135-17.L. and M.

2 MR. HOLAHAN: Motion to add
3 those?

4 MS. LAMBERTON: So moved.

5 MS. PICKARD: Second.

6 MR. HOLAHAN: All in favor,
7 aye?

8 BOARD MEMBERS: Aye.

9 MR. HOLAHAN: Opposed?
10 It carries.
11 Thanks. Thanks, John.
12 MR. JOHN BARRUS: Thank you.
13 MS. LAMBERTON: Good luck.
14 MR. HOLAHAN: Great. Now we're
15 on to the request for waiver for the S.I.D.E.
16 Corp.
17 MR. MARK SINCAVAGE: Good
18 evening.
19 MS. LAMBERTON: Good evening.
20 MS. PICKARD: Hey.
21 MR. MARK SINCAVAGE: Odd being
22 on this side. I haven't been over here for a
23 while. This is in reference to Lot 13, which is a
24 New Ventures Commercial Park. I believe the
25 supervisors received a letter and some pictures, et

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1 cetera. This is a lot that's past the State Police
2 station at the very end of the cul-de-sac there.
3 The lot has been developed, we

4 have it stabilized. We've -- have all the
5 stormwater in, the conservation district has waived
6 off on the -- has closed the NPDES permit. What is
7 occurring is that there was the land development
8 plan approved, oh, some years ago, on November 10,
9 2006 by the supervisors. And we -- at that time
10 we're proposing to build the building. Well, due
11 to the economic conditions we have not built the
12 building at this time. We entered into a lease
13 with Kuhn's Brothers Logging Company and they are
14 going to use the site to bring in logs, cut them to
15 size and ship them back out. The site is not open
16 to the public at all and it'll have limited
17 employees there.

18 Kuhn's Brothers asked that they
19 put a shed on there in realizing that we needed to
20 get a building -- zoning permit to put up the -- to
21 put in the shed, we came to the township and then
22 that kicked in a whole bunch of other things. So
23 here we are before the board of supervisors.

24 MS. HAASE: Speaking with Mr.
25 Sincavage, it was such a small structure we thought

1 it was best to present this in front of the board
2 and ask for your consideration for the waiver of
3 land development.

4 MS. LAMBERTON: So moved.

5 MS. HAASE: It's an 80 --

6 MR. HOLAHAN: 80 square feet.

7 MS. LAMBERTON: 80 square feet.

8 MR. MOYER: I thought it was
9 under a hundred.

10 MS. HAASE: Shed. As per our
11 ordinance in the commercial industrial district,
12 the super -- the zoning officer does not have the
13 ability to issue a permit, it has to come in front
14 of the board.

15 MS. LAMBERTON: Oh, okay.

16 MR. HOLAHAN: Do I have a
17 motion to consider the waiver?

18 MS. LAMBERTON: So moved.

19 MR. KERRICK: Second.

20 MR. HOLAHAN: I have a motion
21 and a second.

22 MS. LAMBERTON: Sorry to waste
23 your time.

24 MR. HOLAHAN: Further
25 discussion from the board?

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1 Anything from the public?
2 Want to try to gild the lily on
3 this one?

4 MR. ARMSTRONG: Not really.

5 MS. HAASE: Mr. Chairman? Mr.
6 Chairman, there is also a request, just if we can
7 add that to the motion, if you so choose, a waiver
8 of paving. I had spoken to Mr. Sincavage and Mr.
9 Sincavage was in agreement that this was going to
10 be a temporary structure, I believe it was a year.

11 MR. MARK SINCAVAGE: One year.
12 We have a one year lease and I provided a copy of
13 the lease.

14 MR. MOYER: With Kuhn's?

15 MR. MARK SINCAVAGE: Yes, with
16 Kuhn's.

17 MR. MOYER: Yeah. Okay.

18 MS. LAMBERTON: I'll amend my
19 motion to include a waiver for paving.

20 MR. KERRICK: I'll amend my
21 second as well.

22 MR. ARMSTRONG: Does the board
23 want -- if it's a temporary type she --

24 I'm assuming it's a shed they're
25 going to place and then potentially remove?

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1 MR. MARK SINCAVAGE: Yeah.

2 MR. ARMSTRONG: If you want to
3 make the applicant come back before you, if it was
4 going to extend beyond a certain one-year period of
5 time?

6 MS. LAMBERTON: No, I don't
7 have a problem with that.

8 MR. MARK SINCAVAGE: I would
9 ask for two years. If we could ask for two years
10 just in case they extend it one more year.

11 MR. ARMSTRONG: Yeah. The only

12 reason I say that is there is a land -- you have
13 land development approval, right --

14 MR. MARK SINCAVAGE: Yes, we
15 do.

16 MR. ARMSTRONG: -- for this
17 parcel of land?

18 MR. HOLAHAN: Yes. Want to
19 extend it to two years?

20 MS. LAMBERTON: I'll amend my
21 motion a third time.

22 MS. PICKARD: That includes the
23 waiver of the paving for two years?

24 MS. LAMBERTON: Yes, yes.

25 MR. KERRICK: I'll amend my

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1 second for the third time.

2 MR. HOLAHAN: Further
3 discussion from the board?

4 From the public?

5 Hearing none. I'll call the
6 vote.

7 John?

8 MR. KERRICK: In favor.

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: In favor.

11 MR. HOLAHAN: Donald?

12 MR. MOYER: I vote in favor.

13 MR. HOLAHAN: Anne?

14 MS. LAMBERTON: I vote in

15 favor.

16 MR. HOLAHAN: I vote in favor.

17 Motion carries.

18 MR. MARK SINCAVAGE: Thank you

19 very much.

20 MR. HOLAHAN: D is, we vote

21 from the (inaudible) calendar?

22 MS. HAASE: Well, it is, but

23 perhaps it'd be a good time for us to begin

24 discussion on the proposed collection process --

25 MR. HOLAHAN: Let's have that

1 discussion.

2 MS. HAASE: -- for the
3 wastewater treatment plant, if that's acceptable.

4 As the board is well aware, we
5 brought in the billing in January of 2014, so we
6 could have more control and a better collection
7 rate. We have seen an improvement to the monies
8 being paid to the township for the services that
9 have been rendered; however, it's not at the rate
10 that I would like to see.

11 We have accounts that are
12 severely in arrears. What we are going to begin,
13 the process of taking the individuals to the
14 district magistrate and begin the collection
15 process, whether it's personal property sales -- we
16 can tag property, vehicles, boats, personal
17 possessions, jewelry, bank accounts. It's at the
18 point that we need to begin this process.

19 So we want to certainly -- to
20 make certain that it was brought forth to the
21 board. We discussed last fall that we were going
22 to begin potentially even foreclosures if needed to
23 be, but we think the best part -- or the best
24 approach at this point is the personal property

25 sale.

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1 MR. ARMSTRONG: The township
2 does have liens placed on a good amount of
3 properties that are delinquent. This is a
4 different type of an approach that the township's
5 thinking about investigating.

6 MS. HAASE: The lien is fine;
7 however, really, we're not seeing that turnaround
8 unless some sell the house or are willing to make a
9 large purchase and leave that off their -- of the
10 reports.

11 So, A, we want to make certain
12 the board is aware of this and you're acceptable
13 with the approach that we want to take. The other
14 direction that we need from the board is at what
15 level do we begin this process. We're billing out
16 200 a quarter, 800 is a year. The collection
17 process we're going to approach at a -- different
18 ends; the smaller amounts to the larger amounts.
19 So we would like direction from the board as where

20 you would like to begin this process.

21 Do we start it at 800, but
22 that's a year that's they're in arrears? Do we
23 move it to 1600? That's going to be half -- the
24 decision that the board is going to have to advise
25 us.

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1 MS. LAMBERTON: What happens
2 now if a customers fails a quarterly payment?

3 MS. HAASE: Uhm --

4 MS. LAMBERTON: I'm just
5 thinking of other utilities. I'm thinking of PP&L,
6 man, they're calling you.

7 MS. PICKARD: I have a little
8 bit of a schedule that I was working on, 'cause,
9 you know, it's a lot better now that we have
10 control over it now. This is a first quarter after
11 -- it says on the bill, if they don't pay the bill
12 on time, they're assessed a \$20 penalty. So it
13 says after this date it's \$220. This quarter, for
14 the first time, we sent out new bills saying you

15 owe -- you're charged with \$20 now just as a
16 reminder that you missed the bill. So we're
17 getting a little bit more of response.

18 MS. LAMBERTON: Do they pay it?

19 MS. PICKARD: We're getting
20 some. They just went out this past week, so -- but
21 all along we've been in this process of three
22 letters that we do, which is what we put in our
23 ordinance. So we sent the first warning letter.
24 Then we send, if we don't hear from these folks, we
25 send them a certified second letter.

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1 MS. LAMBERTON: Okay.

2 MS. PICKARD: Then Pat sends
3 them the third letter. And then if he doesn't hear
4 and it's not resolved, Pat liens the property. So
5 we have probably 60 liens on the property. I think
6 when we looked at this before, we had over \$200,000
7 worth of liens on. This past week Pat just liened
8 43 properties.

9 MR. ARMSTRONG: Yeah, usually

10 --

11 MS. PICKARD: Relienced --
12 relienced, these are to keep up because it had --
13 every three years, the new money has to be
14 relienced.

15 MR. ARMSTRONG: When I first
16 came on in 2008 --

17 MS. PICKARD: That's when we
18 started this and it was not done.

19 MR. ARMSTRONG: -- we filed a
20 large -- a good number, like 40 or 50 liens. And
21 then the way the Municipal Lien Act -- Claims Act
22 works is, you know, you have to -- if you're going
23 to lien someone for sewer service, you have to do
24 so within three years of the service. So 2008, we
25 did it again in 2011 for the majority of those same

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1 -- you have your problem -- your repeat offenders;
2 and then in 2014, but basically the same. I mean,
3 some of them are paying.

4 MS. PICKARD: Yeah, and we have

5 a payment plan.

6 MR. ARMSTRONG: So you see that
7 -- you see that cycle; 2008, 2011 and 2014, because
8 you don't want -- the minute you let, you know, a
9 lien go beyond that three-year period you may, you
10 know, lose in court if you ever have to enforce it.

11 MS. PICKARD: It does take a
12 while to get the process of the liens. And I think
13 what happened before with Aqua was really difficult
14 'cause we weren't collecting the money to see. So
15 it was very difficult to see except once a month we
16 got a report. By the time we got a report, the
17 report was already outdated and new monies were
18 collected. So every time you wanted to send a
19 letter, you really had to go back to Aqua to find
20 out whether anything else had happened.

21 MR. ARMSTRONG: So I think -- I
22 think --

23 MS. PICKARD: So it's different
24 now.

25 MR. ARMSTRONG: I think what

1 Phyllis is asking is, you know, yeah, we protected
2 the township's interest by filing these liens, but
3 it's come to a point where some of these -- you
4 know, the township may want to be a little bit more
5 proactive and really move forward with some
6 collection practices rather than just filing the
7 lien, waiting for the property to change hands to
8 get that distribution. You know, at what point do
9 you want the staff and potentially my office to get
10 involved and actually proceed with more proactive
11 collection practices.

12 MS. PICKARD: Phyllis and I met
13 with one collection company, and I think we were
14 both on the same page that maybe we wanted to touch
15 base with another one or two and compare them.

16 MR. HOLAHAN: To what other
17 municipalities are doing or sewer companies?

18 MS. PICKARD: Well, compare the
19 collection companies.

20 MS. HAASE: Well, for an
21 example, Mount Pocono --

22 MR. HOLAHAN: Right.

23 MS. HAASE: -- when you look at
24 their legal ads, you'll see them at 500, 530, you
25 see them now starting to nail them.

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1 MR. HOLAHAN: But what is their
2 fees?

3 MS. PICKARD: It's very
4 expensive.

5 MR. HOLAHAN: So are they 250 a
6 quarter and they're filing these after the second
7 missed quarter?

8 MS. HAASE: I believe that they
9 are actually slightly higher than us.

10 MR. HOLAHAN: Okay.

11 MS. HAASE: And the other way
12 I'm looking at this, it's -- with many people --
13 unfortunately there's a lot of people that are in
14 financial situations -- it's difficult for them to
15 handle; but if you catch it when they only owe 500
16 or \$600, it's much easier for that resident than
17 when they owe \$3,000.

18 MS. LAMBERTON: They can't
19 catch up.

20 MS. HAASE: So I would --
21 certainly would like the board to consider that we
22 start an aggressive in-house collection process
23 between 30 days after that first quarter and moving
24 forward; but at least when we get to that year
25 basis that they have not paid us -- I mean, a year

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1 that you're getting a service without paying for
2 it --

3 MS. LAMBERTON: You still have
4 to pay for it.

5 MS. HAASE: -- I think that we
6 need to address them and not let it go till it's 3
7 and \$4,000.

8 MS. PICKARD: And we're not,
9 and that is not happening.

10 MS. HAASE: Well, it is because
11 we are not aggressively going to the magistrate,
12 that is occurring.

13 MS. PICKARD: Yeah, but I think
14 we have them all in payment plans or they've been
15 liened. I, you know, not that's it's hap -- but
16 we've been -- I think it's getting better and we're
17 getting them sooner, but I think they are all in a
18 stage; but I agree that we need to move them to
19 collections at some point. I think we need to see,
20 but I think by a year for sure there will have been
21 letters sent out. And I don't know if we need to
22 change our ordinance also to reflect how we're
23 going to do this also.

24 MS. LAMBERTON: Well, it sounds
25 like they have three letters, right?

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1 MS. HAASE: I am looking at
2 more moving forward, besides the letters, to taking
3 them to court. If they have not paid us in a year,
4 then we need to --

5 MS. LAMBERTON: Does anybody
6 call them? Pick up a phone?

7 MS. HAASE: I believe Heidi and

8 her assistants, I do, that they -- I believe they
9 do make phone calls.

10 MS. PICKARD: We're getting a
11 lot of calls from people this year. Since we took
12 it in, we're hearing from more people before -- I
13 don't know whether they called Aqua because they
14 call us, so now they're calling us. So it's been
15 tak -- it's been a catch up to get them switched
16 over and to get a plan going, but I think, you
17 know --

18 My concern right now is we sent
19 out 12 certified letters that we were going to the
20 magistrate now, that have a 10 day notice on it.
21 Those 10 total a hundred thousand dollars, those
22 12. It's a hundred thousand four hundred dollars.
23 So it's the ones at the top and I totally agree
24 with Phyllis, but my focus right now is that
25 hundred thousand out of 12 people is just totally

1 unacceptable. And I've got another list going
2 down. So we need to go down and we need to go up.

3 We need to do a two-pronged approach.

4 MR. HOLAHAN: Have we reached
5 out to any other municipalities that have similar
6 -- find out what they're doing?

7 MS. HAASE: I have not reached
8 out to them. This collection company actually was
9 presented to us by a gentleman that was here from
10 RETTEW --

11 MR. HOLAHAN: Okay.

12 MS. HAASE: -- who actually
13 sits on a municipal -- or a sewer authority and he
14 recommended this company. We did speak to them and
15 in essence that's what they do, they started a --
16 it's a cut-off and they begin hammering them. They
17 go after their bank accounts, they go after their
18 personal possessions and that's how they move
19 forward, but there's an additional cost of 25
20 percent for that.

21 MS. PICKARD: There are
22 different states that do it differently too. I
23 think, it's maybe in New York where after one year
24 it's automatically lienied and added to your tax
25 balance.

1 MR. HOLAHAN: Why don't we take
2 a look at -- I think we do need to pick a deadline.

3 I would agree that as the bill starts piling up --

4 MS. LAMBERTON: It's harder.

5 MR. HOLAHAN: -- then it's
6 harder, and now they capitulate and no -- they'll
7 make no payments to you. So I think we need to get
8 that soon enough and that's before we're actually
9 sending them to collection yet. This is -- are we
10 going to be doing this in-house and then send them
11 to collection at the fourth quarter?

12 MS. HAASE: I would like -- Mr.
13 Chairman, I'd like to do both. I would like us to
14 aggressively approach collecting the monies. With
15 the finance department getting involved in it, if
16 they don't have any response, that I can get
17 involved in it to that point. But I definitely
18 think by the time that they get to one year of
19 obtaining their service that we don't receive
20 either a payment plan and consistent payments, if

21 that's not the case, then we need to proceed to the
22 district magistrate.

23 MR. HOLAHAN: Okay. So I'm
24 hearing a year and --

25 MS. PICKARD: Yeah, and that's

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1 what I'm saying, and in with what she's saying, by
2 the time we're billing the third quarter at \$600,
3 they're into the fourth because we're billing in
4 arrears. So I think at that point --

5 MR. HOLAHAN: It is at that
6 point that you let them know that --

7 MS. PICKARD: -- at 660, they
8 need to be --

9 MR. HOLAHAN: -- the next
10 contact will be --

11 MS. PICKARD: -- that needs to
12 be -- they need to be seriously notified that it's
13 going that way.

14 MR. HOLAHAN: Do we need to do
15 this in the form of an ordinance or a --

16 MR. ARMSTRONG: No, no, no.
17 Just concurrence direct -- basically directing
18 Phyllis to work with the staff and, you know,
19 getting involved to a certain extent going forward.
20 MR. HOLAHAN: Okay. So right
21 now I've got a year, does anybody have any
22 different?
23 John?
24 MR. KERRICK: I had a question.
25 You said a year, Phyllis, but what if somebody was

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1 making payments and then they stopped? Did you go
2 a year from there or just if they don't make --
3 MS. HAASE: No, I think if
4 they're making -- if they went into an agreement
5 with us and they broke that agreement, I think,
6 then that -- then the deal's off, it's voided.
7 MS. PICKARD: Yeah.
8 MR. KERRICK: Well, we've had
9 that in the past, so I just wanted to be clear on
10 what --

11 MR. HOLAHAN: Good point.

12 MS. HAASE: Yeah, it is a very
13 good point, but the bottom line is we have to be
14 reimbursed for these services.

15 MR. KERRICK: Understood.

16 MS. HAASE: Certainly you know
17 more than anyone else the cost that's involved in
18 running that plant. So everyone needs to
19 contribute and pay for that service that they're
20 receiving.

21 MR. KERRICK: I just wasn't
22 quite clear on the amount.

23 MS. PICKARD: It just makes me
24 really angry for the people that we don't hear from
25 at all. It just boggles my mind. I mean, I think

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1 we're talking over 10, 15 years now on some of
2 these.

3 MR. HOLAHAN: Well, it's a new
4 day, Heidi. It's a new day at Tobyhanna Township.

5 By consensus?

6 BOARD MEMBERS: Yes.

7 MR. HOLAHAN: Okay, Phyllis.

8 MS. HAASE: Thank you. I

9 appreciate that.

10 MR. HOLAHAN: Yes, sir?

11 MR. JOSEPH CRANDALL: May I

12 make an observation?

13 THE REPORTER: Can I have your

14 name, please?

15 MR. JOSEPH CRANDALL: Joe

16 Crandall, C-r-a-n-d-a-l-l.

17 THE REPORTER: Thank you.

18 MR. JOSEPH CRANDALL: I live

19 here in Pocono Pines.

20 Heidi, you were asked the

21 question, do you call anybody, and I think you

22 responded with you've gotten calls.

23 MS. PICKARD: Yeah.

24 MR. JOSEPH CRANDALL: Have you

25 called anybody?

1 MS. PICKARD: I think we're
2 getting to that, we are calling people.

3 MR. JOSEPH CRANDALL: But
4 basically you haven't done it, okay. I've found in
5 my business experience --

6 MS. PICKARD: No, that's not --
7 that's not a correct statement. We're not making
8 route calls down the line. Most of the people
9 we're dealing -- we're calling people that have
10 payment plans that are missing payments. There's a
11 group that don't respond to anything, we don't have
12 numbers and we can't get a hold of them. We send
13 certified letters and they don't respond.

14 MR. JOSEPH CRANDALL: I've got
15 it. I wanted to clarify that, 'cause as a
16 businessman I found the only effective thing was to
17 call somebody and get an answer one way or another.

18 Thank you.

19 MR. HOLAHAN: Thank you. Want
20 to talk about this any more?

21 MS. LAMBERTON: Nope, I'm good.
22 Go at it, Phyllis.

23 MR. HOLAHAN: All right. Item

24 E, consider Resolution 2014 dash 015, authorization
25 to submit to PennDOT application for existing

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1 traffic light at 940 and 423.

2 MS. HAASE: Would the board
3 like me to explain this or are you comfortable with
4 what is --

5 MR. HOLAHAN: No, I'm --

6 MS. PICKARD: No, explain it.

7 MR. MOYER: Yeah, it's -- we're
8 good.

9 MS. PICKARD: I would like it
10 explained.

11 MS. LAMBERTON: Are you good?

12 MR. MOYER: Yeah.

13 MS. LAMBERTON: Yeah, we're
14 good.

15 MS. PICKARD: I want it
16 explained.

17 MR. HOLAHAN: You want it
18 explained?

19 MS. PICKARD: Yeah, just qui --
20 briefly for everybody.

21 MR. HOLAHAN: Okay. Folks,
22 you're going to get to hear it anyway.

23 MS. HAASE: As we know, we have
24 an issue at 423/940 intersection. In order for us
25 to rectify the problem with our traffic engineer,

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1 we need to submit an application to PennDOT.
2 PennDOT requires by resolution someone who's
3 authorized to submit that application. Mr. McHale
4 has put together the application and it is now
5 presented in front of the board to authorize me to
6 sign the agreement, as well as our chairman.

7 MR. HOLAHAN: We need to do
8 that in form of a resolution, so do I have a motion
9 to approve the resolution?

10 MS. LAMBERTON: I'll make a
11 motion approve Resolution 2014 dash 015.

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

14 MR. HOLAHAN: We've got a
15 motion and a second.

16 Further discussion from the
17 board?

18 Anything from the public?

19 Yes, sir, Mr. Cook?

20 MR. BUD COOK: Bud Cook, Pocono
21 Lake. What is the issue, if I could ask?

22 MS. HAASE: We had to -- excuse
23 me -- the current signal lights need to be
24 realigned, they need to be moved over about eight
25 feet as per the new PennDOT specs. The existing

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1 poles, they will not allow us to tether the signal
2 lights that tend to swing with the wind. So we are
3 proposing a res -- a fix to this problem by putting
4 up two additional heads that would be stationary on
5 the pole that will allow the motorists to easily
6 see the signals.

7 MR. HOLAHAN: Yeah, it's harder
8 the see the signal, is that right?

9 MS. LAMBERTON: Westbound,
10 right, guys?
11 MR. KERRICK: Westbound is
12 worse.
13 MS. LAMBERTON: They swing out,
14 you can't --
15 MR. HOLAHAN: Okay. I'll call
16 the vote. John?
17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I'll vote in
20 favor.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: I vote in favor.
23 MR. HOLAHAN: Annie?
24 MS. LAMBERTON: I vote in
25 favor.

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1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.
3 Consider the letters of support

4 for House Bill 2133, stormwater disclosure form and
5 the Senate Bill 1427, county demolition funding
6 program.

7 MS. HAASE: Mr. Chairman,
8 Supervisor Pickard had asked if we could put this
9 on the agenda. The House Bill 2133 requires at the
10 time of sale of a property that it's disclosed the
11 stormwater and the responsibility who's to maintain
12 that stormwater. That includes the basins, the
13 drains, the swales, the culverts, et cetera,
14 because there's many individuals that just are not
15 aware of the responsibility. So this would require
16 at the time of closing that it would be disclosed.

17 Reading through the news
18 bulletin, there was one other proposed Senate Bill
19 1427. As we know, we have issues in different
20 developments for some homes that are beyond the
21 need of repair. Some are at the point that they
22 may need to be demolished. There is not funding
23 currently available at the county to assist in the
24 demolition of the projects, that the demolition
25 that needs to happen. So in the -- many times the

1 associations will contact the townships and ask if
2 you can assist or we have funding available to
3 demolish the homes.

4 What this would allow is the
5 counties to levy a \$15 fee to be put into a fund
6 when they record a deed or a mortgage. And then
7 the monies for blighted properties and the
8 demolition of that would come out of that fund.

9 The concept sounds great to me, to assist the
10 municipalities in these situations. I'm just not
11 quite certain how it would be funded or distributed
12 and, of course, that's not discussed. That was my
13 one concern about that bill.

14 MS. PICKARD: I had one
15 comment. When I did speak with Phyllis about this,
16 we have our Monroe County Association of Township
17 Officials meeting and dinner coming up this fall.
18 And I thought this might be an appropriate time to
19 raise this as a resolution to bring to PSATS.
20 Specifically the adding that to the disclosure on
21 the stormwater. I will -- also would like to read

22 more information on the blighted property, how that
23 would be distributed on that bill.

24 But I'm also bringing that up
25 and if that would be appropriate, if we could

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1 sponsor a resolution to bring to the county meeting
2 on October 16 --

3 MS. LAMBERTON: How about we
4 table it till we get more information?

5 MR. HOLAHAN: I'd like to take
6 -- you know, I'm looking at this, it's a \$15 fee
7 levied on each deed and mortgage. So if there was
8 the sale of a lot, is -- that's going to go in --

9 MS. PICKARD: That's exact --
10 yeah, those are the kind of -- and how would it be
11 distributed then.

12 MR. HOLAHAN: Then the sale of
13 a house with a mortgage on it, so those recordings
14 would generate another \$30. I know it doesn't
15 sound like a lot. We certainly need to figure out
16 how to knock down houses that need to be knocked

17 down.

18 Anybody have any thoughts on
19 this?

20 MS. LAMBERTON: I'd like to get
21 some more information before we discuss it -- or
22 before we act on it.

23 MR. HOLAHAN: When is the COG
24 dinner?

25 MS. PICKARD: It's not COG,

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1 it's the (inaudible) dinner.

2 MR. HOLAHAN: Oh, that's right,
3 it's the other one, yes.

4 MS. PICKARD: It's October 16,
5 is the meeting; so we'd have to approve it at our
6 -- it'd probably be better to have it at our
7 September meeting so we could forward it.

8 MR. HOLAHAN: Let's do that and
9 get more information.

10 MS. PICKARD: But if we could
11 -- if we were going to support it, if we could do

12 it in the form of a resolution to send to the
13 county convention --

14 MR. HOLAHAN: Understood.

15 MS. PICKARD: -- for either or
16 both.

17 MR. HOLAHAN: Okay. Do I have
18 a motion to table?

19 MS. LAMBERTON: Motion to
20 table.

21 MR. MOYER: Second.

22 MR. HOLAHAN: Okay. It's
23 tabled.

24 Let's skip right to
25 reappropriations. Consider Resolution 2014 dash

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1 016, budget reappropriations and appropriations.

2 MS. LAMBERTON: I make a motion
3 to approve Resolution 2014 dash 016, budget
4 reappropriations/appropriations.

5 MS. PICKARD: I'll second that.

6 MR. HOLAHAN: I have a motion

7 and a second.

8 Further discussion from the
9 board?

10 Anything from the public?

11 You all know what we're doing?

12 It's, we're moving some money

13 around in our funds here from one account to

14 another and it's boring stuff, but it's certainly

15 available to you. I could read it to you, but

16 there's about 40 different accounts. I don't think

17 you want to hear that.

18 MS. PICKARD: Just one comment,

19 it is a reappropriation and a supplemental

20 appropriation.

21 MR. HOLAHAN: Thank you, Heidi.

22 Further discussion from the

23 board?

24 Call the vote. John?

25 MR. KERRICK: In favor.

1 MR. HOLAHAN: Heidi?

2 MS. PICKARD: I vote in favor.

3 MR. HOLAHAN: Donald?

4 MR. MOYER: I vote in favor.

5 MR. HOLAHAN: Anne?

6 MS. LAMBERTON: I vote in

7 favor.

8 MR. HOLAHAN: I vote in favor.

9 Motion carries.

10 Go to old business first?

11 MS. HAASE: We didn't address

12 --

13 MR. HOLAHAN: We didn't address

14 old business, we need to do that before we get

15 carried away here.

16 MS. PICKARD: I thought we were

17 just skipping that.

18 MR. HOLAHAN: It's just old

19 business, I mean, you know --

20 Township sewer authority.

21 MS. HAASE: Just to update you,

22 we're still requesting letters of intent from two

23 -- from residents of Tobyhanna Township to be

24 considered for the sewer authority. We're going to

25 be accepting letters of intent until the beginning

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1 of September and then present that to the board for
2 consideration.

3 MS. PICKARD: Did we receive
4 any, Phyllis?

5 MS. HAASE: Not on this day.

6 MR. HOLAHAN: Do they get neat
7 name plaques to put in front of them?

8 MS. HAASE: I will give them
9 any color that they want.

10 MR. HOLAHAN: Do they get to
11 wear blazers and like name tags? What's -- we got
12 to have some incentive.

13 MS. LAMBERTON: Yes.

14 MR. HOLAHAN: Let's go onto
15 proposed zoning ordinance.

16 MS. PICKARD: Can we get a work
17 session scheduled this fall?

18 MR. HOLAHAN: Yes. Let's talk
19 about that at our special meeting.

20 MR. MOYER: Okay.
21 MS. PICKARD: Okay.
22 MR. MOYER: Okay. Settled.
23 MR. HOLAHAN: The Tunk -- the
24 Tobyhanna/Tunkhannock engineering services
25 agreement.

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1 MS. HAASE: Attorney Lyons had
2 a few areas that they'd like some minor changes to
3 the verbiage. Mr. Armstrong addressed it and we
4 sent it back to Tunk so we're just waiting for --
5 for their signature.
6 MR. HOLAHAN: We're moving the
7 Aqua Resources contract operations agreement to the
8 special meeting or do we want to address that now?
9 MS. HAASE: Yes. I've had some
10 discussion with Aqua today pertaining to the sewer
11 plant and the direction we thought we might go down
12 seems to have changed. Aqua is looking into
13 potentially acquiring the plant and presenting an
14 offer to the board of supervisors for

15 consideration. So initially Mr. Charles Primrose
16 was going to meet with us this evening to
17 discuss -- as you recall at our last meeting, we
18 had discussed potential financing through a public
19 and private partnership of extending the lines into
20 and up to the spur road.

21 It's my understanding that
22 they've come up with another proposal for the
23 township that perhaps they will acquire and then
24 extend the lines themselves. So they will
25 hopefully be at our special meeting for further

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1 discussion.

2 MR. HOLAHAN: That would be
3 neat.

4 MS. LAMBERTON: That would be
5 very neat.

6 MR. KERRICK: I have a question
7 with that. Do we have to put that out for bid?

8 MS. HAASE: It's what I'm --
9 what I was told from Aqua today and Pat can confirm

10 this, since it's through the authority, there is
11 other regulations we would have to follow than if
12 it was just strictly the supervisors, but Pat would
13 have to --

14 MR. ARMSTRONG: Yeah. I'm
15 going to need to look at that is my answer, my
16 official answer tonight. I just -- I'm learning of
17 this as we speak, but, you know, there is the
18 Tobyhanna Township Municipal Sewer Authority out
19 there, which we've dealt with a few months ago
20 because it's been sitting idle for a long time.
21 There's Tobyhanna Township who has been the entity
22 that has basically been, you know, maintaining the
23 sewer system for a certain period of time.

24 So, yeah, the intricacies of
25 that potential avenue needs to be looked at and I

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1 haven't looked at it before tonight.

2 MS. PICKARD: I just had one
3 question about getting an appraisal, is that
4 something we should at least start looking for

5 somebody to --

6 MR. ARMSTRONG: Absolutely.

7 MS. PICKARD: -- fin -- I don't

8 know who --

9 MS. HAASE: I don't know if this

10 is something --

11 MR. KERRICK: If we go down

12 that path, I would hope we would have that

13 discussion at a night meeting so the public could

14 attend.

15 MR. HOLAHAN: Certainly.

16 Thanks, John.

17 MS. HAASE: Is that something

18 that the board would like me to look into, to get

19 an appraisal or would you like to rather speak --

20 MS. PICKARD: This will be a

21 lengthy process, we're not doing this at our

22 special meeting in --

23 MR. MOYER: When are we going

24 to --

25 MR. KERRICK: You can't rush

1 this.

2 MS. LAMBERTON: They're coming
3 to our special meeting.

4 MS. HAASE: They're going to
5 come to our special meeting. This is going to take
6 some time to go through this process.

7 MR. MOYER: When will the other
8 two members join us?

9 MS. HAASE: We're accepting
10 letters of intent beginning of September.

11 MR. MOYER: Until -- until when?

12 MS. HAASE: Beginning of
13 September.

14 MS. LAMBERTON: Now until then.

15 MR. MOYER: Oh, now until then.

16 MS. HAASE: We've actually had
17 the advertisement out since June, I believe, the
18 middle of June.

19 MR. MOYER: Yeah, okay.

20 MS. LAMBERTON: Nobody's
21 jumping all over it?

22 MR. MOYER: Have you received

23 any?

24 MS. LAMBERTON: Come on,

25 people.

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1 MR. HOLAHAN: John, would you

2 like to hear this at the September meeting then?

3 MR. KERRICK: It's up to --

4 it's up to everyone, but this is a complex thing.

5 I don't know how we can hurry it.

6 MR. HOLAHAN: Oh, I agree.

7 MS. HAASE: Oh, it's not

8 something that's going to move along quickly.

9 There's due process we'd have to go through.

10 MS. PICKARD: I think Charlie

11 Primrose was -- said he'd have something together

12 in about a week, so whether he comes in

13 and explains that, that's just a --

14 MS. LAMBERTON: Let's hear what

15 he says in August.

16 MR. KERRICK: Oh, absolutely.

17 MS. PICKARD: Exactly.

18 MS. LAMBERTON: I think that's
19 great.

20 MR. HOLAHAN: Let's put that on
21 the September's agenda and what -- in the meantime
22 perhaps what we can do is kind of map out some of
23 the steps that we've spoken about the -- at the
24 last meeting, how we need to proceed, because we
25 did have a proposal in front of us on wetlands and

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1 wurings and topos and all that kind of stuff.

2 MS. HAASE: Right. What I have
3 done is I've reached out to RETTEW and asked them
4 to place that on hold at this particular point.
5 Did not feel it was acceptable to spend the money
6 on those supplementary reports and ancillary
7 reports until we found out the direction the board
8 would like to go. If in fact Aqua does acquire the
9 plant, then they would do the engineering studies
10 themselves.

11 Just to be clear, do you want
12 Aqua to attend the September meeting then and not

13 the special meeting?

14 MS. LAMBERTON: I say the
15 special meeting.

16 MS. PICKARD: No, the special
17 meeting just to get some information together and
18 then if we need other information, we can ask them
19 to have it by the September meeting.

20 MS. LAMBERTON: I agree.

21 MR. HOLAHAN: Looks like we
22 need you after all there, Patrick.

23 MR. MOYER: It might help with
24 the public meeting if they are there.

25 MS. PICKARD: We want Pat here

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1 at eight o'clock in the morning on the 27th.

2 MS. HAASE: He's a trooper.

3 MR. ARMSTRONG: That's fine.

4 MR. HOLAHAN: He'll have Mapo
5 on his lapel after feeding the children.

6 MS. HAASE: As far as the
7 operation and the maintenance agreement, there was

8 some changes that Supervisor Kerrick had requested
9 them to make, which they did. They changed and
10 they added to the pollution insurance,
11 environmental insurance what they had. They
12 included the Chapter 9, full report of the \$500
13 that we're currently paying and then the -- there
14 was discussion pertaining to reducing the contract
15 to one year and that can occur as well.

16 MR. HOLAHAN: That's it?

17 MS. HAASE: Yes, sir. Then
18 we've got -- actually we've got a couple letters
19 here. This is in regards to the regional police
20 force commission and talking about Coolbaugh --

21 MR. HOLHANA: You probably read
22 this in the papers, folks, so bear me out, you're
23 going to do it again. But Coolbaugh has sent a
24 letter out to Toby, Mount Pocono and Tunk, and
25 they're looking to have a meeting. And what they

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1 want to do is, they're requesting a maximum of two
2 elected reps from each municipality with the

3 exception of Tunk, for whatever reason, and -- but
4 they don't want anybody that's on the commission
5 and I don't know if that means anybody's that's
6 been on the commission before, which pretty limits
7 the number of people.

8 So they're asking to have this
9 meeting, but they -- the reason that they want two
10 members and only one member from Tunk is three
11 members constitutes a quorum, then that's the
12 public meeting. Tunk has three supervisors, so if
13 they sent two, they've got a quorum and then,
14 again, it's Sunshine. And they want to have this
15 meeting to discuss the regional police.

16 MR. ARMSTRONG: That's probably
17 the reason they don't want sitting commission
18 members either.

19 MR. HOLAHAN: Well, and here's
20 -- I guess, here's my issue with this, that they
21 had sent to the commission the letter of demands.
22 And in fact one of the representatives from
23 Coolbaugh Township, Bill Widmer, at his second
24 meeting, had a list of demands that I'm surprised
25 where he would've got this information being a

1 member his second month. Where do you amass that
2 much data and have that much insight into what the
3 police commission's doing on your second meeting?

4 And when they're being -- when
5 -- questions, they're equivocal. So, anyway,
6 because they're asking for two people to go from
7 this, I, for one, think it should be a public
8 meeting. If we're looking at transparency if we're
9 discussing the transparency, of the police
10 commission, why would municipalities be meeting in
11 private to do it --

12 MS. LAMBERTON: I'm strictly --

13 MR. HOLAHAN: -- to discuss
14 this?

15 MS. LAMBERTON: I agree with
16 you, John --

17 MR. MOYER: I agree with you
18 too.

19 MS. LAMBERTON: -- I'm
20 completely opposed too, it's all or none.

21 MR. HOLAHAN: I want to meet
22 with them. I think -- I think we should be able to
23 meet with them.

24 MS. PICKARD: But they were
25 called to meet with the police commission and they

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1 did not come up with any date yet, right?

2 MR. HOLAHAN: I will not deal
3 in speculation or communicate through the
4 newspapers on this type of stuff. This is stuff
5 that the municipalities need to be working on.
6 This isn't -- this isn't our police force, folks,
7 it's the police force for our residents and the
8 police force for Coolbaugh Township residents. And
9 frankly, they should step up, but I want to hear
10 from our residents.

11 So I want to know, are we moving
12 in the right direction? Is there a problem with
13 the police commission? I've been there, the police
14 commission is -- I wish I had brought the article,
15 but it was in this month's township news that we

16 get from the Pennsylvania State Association of
17 Township Supervisors, we call it PSATS. And it
18 addressed this very thing about regionalization and
19 they're saying that regionalization is being more
20 embraced because of all of the cost savings and
21 nonredundancy of things. So there's -- there's a
22 big list of pros on it and then there was the cons.

23 You know what the number one con
24 was? It was loss of control. It was the
25 municipality was feeling a loss of control of the

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1 police force, was the biggest threat; but the
2 people that went into it and did regionalize said
3 it was worth the effort. It was a lot of effort
4 and it was worth it. But I, for one, don't want to
5 string our police force out and our residents on
6 this type of stuff.

7 Want to sit and talk?

8 Absolutely, not privately.

9 Yes, sir.

10 MR. GEORGE MENARD: My name is

11 George Menard. I've attended multiple police
12 commission meetings and Coolbaugh Township
13 meetings. If you had looked at the advertisement
14 in the Pocono Record, the back page of Section A
15 this weekend --

16 MR. HOLAHAN: We did.

17 MS. LAMBERTON: I noticed that.

18 MR. GEORGE MENARD: That ad, to
19 pay \$2500, to make sure that the residents
20 understood what was happening -- because Coolbaugh
21 Township is not doing anything to make that happen.
22 I have sat and I have listened to their concerns.
23 I don't want to use the words that I would say, but
24 I have not heard one discussion at Coolbaugh or the
25 police commission meetings about the effectiveness

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1 of the service, what's happening for the
2 businesses, what's happening to our crime rates.
3 To me, it is all a bunch of egos dragging something
4 on for three years.

5 So I don't believe that

6 Coolbaugh should dictate to you who can attend the
7 meeting, who can't attend the meeting. I think
8 it's unfortunate that we have to spend \$2500
9 because it's not in the local newspapers. In July
10 12 you saw two big articles as a result of that
11 meeting, not one thing was mentioned about the
12 seven questions from Coolbaugh and the answers.
13 Not one thing was mentioned about the
14 accreditation, the fact that there's 1290 something
15 police departments in Pennsylvania and only 96 have
16 accreditation.

17 I think it's a shame that this
18 information isn't out to the residents. In my
19 opinion that was the first step of bringing the
20 communities together and I think a lot more of that
21 has to take place. And I don't believe that
22 several supervisors should be making that kind of a
23 decision without going out to the residents for
24 their support or rejection.

25 MR. HOLAHAN: Thank you.

1 MS. PICKARD: Thank you.

2 MS. HAASE: Mr. Chairman, we're
3 fortunate that we have representatives here from
4 two different associations. We have Locust Lake
5 Village --

6 MR. HOLAHAN: Oh, Wagner.

7 MS. HAASE: Actually Wagner
8 Forest as well, but where I'm going with this is
9 the two associations, Timber Trails and Locust Lake
10 Village, they're a compartment between Tobyhanna
11 Township and Coolbaugh Township. Tobyhanna
12 Township, we have quite a few associations that are
13 bordered between the two municipalities. So I do
14 receive phone calls from our residents. I receive
15 phone calls from residents in Coolbaugh Township
16 that live in those associations that are concerned.

17 And it's definitely something
18 that the police commission has approached every
19 single meeting since January, we've asked what the
20 concerns were. We've asked, how can we help
21 resolve them. The June meeting, it was
22 recommended, actually by Mr. Holahan who was in
23 attendance to the meeting, that perhaps the best

24 route would be to have a joint meeting with the
25 police commission and the Coolbaugh Township

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1 Supervisors.

2 At that time, the representative
3 agreed to take it back to Coolbaugh Township. In
4 July we had not heard anything. We had discussed
5 that again at our meeting in July that it's
6 imperative that we sit and we meet. At that
7 particular time the representative from Coolbaugh
8 said that their board was rather apprehensive or
9 hesitant to meet with us in the open in essence.

10 So I think what Chairman Holahan
11 is stating, I think it is important that is an open
12 session; that our residents from all the
13 municipalities have the ability to come and listen
14 to the concerns and hopefully resolve them. But by
15 meeting behind closed doors, there's always going
16 to be that question, what was discussed and why
17 aren't these resolved.

18 MS. LAMBERTON: Absolutely.

19 MR. KERRICK: I agree, and I'll
20 make a motion that you send a letter back that you
21 do it in public. You offer it for the meeting in
22 the public.

23 MS. PICKARD: I agree with
24 that, I second it.

25 MS. LAMBERTON: I second that.

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1 MR. HOLAHAN: Got a motion and
2 a second.

3 MS. PICKARD: And a third.

4 MS. LAMBERTON: And a third.

5 MR. HOLAHAN: And a third.

6 Further discussion from the
7 board?

8 Anybody else have comment?

9 MS. LAMBERTON: I have a
10 comment. I think it is a shame that it has been
11 drawn out, like you had stated, for three years.
12 These folks that work within the walls of that
13 police department do not deserve this treatment.

14 And I think it's very unfair to the officers on a
15 daily basis that they don't know the longevity,
16 they don't know their future, you know -- I mean,
17 you got a young department for the most part and
18 they've got young wives, young families. I think
19 it's time that the nonsense stops and we meet, get
20 this over with and move forward.

21 MR. DAN DOUGHERTY: I'd like to
22 make one comment. Dan Dougherty, Locust Village.
23 What they tend to forget and a lot of people in
24 this room -- well, some of these people in this
25 room remember when Tunkhannock was a one cop town,

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1 Coolbaugh had three cops, Toby was a good size
2 force.

3 MS. LAMBERTON: Seven.

4 MR. DAN DOUGHERTY: Seven. I
5 started where I used to work with Chief Bambu --

6 MS. LAMBERTON: Freddie.

7 MR. MOYER: Freddie.

8 MR. DAN DOUGHERTY: -- and this

9 Pocono Mountains is not what it was back then. And
10 for Coolbaugh to go back to prehistoric era,
11 they're not gonna -- they're not gonna be able to
12 handle it.

13 MS. LAMBERTON: No.

14 MR. DAN DOUGHERTY: And I'm
15 gonna tell you right now, the only way I see us
16 solving -- our association being in both townships
17 -- is there's going to have to be a mutual land
18 agreement where Pocono Mountain Regional is still
19 gonna have to be the responding agent, because
20 they're not gonna be able to respond to us in a
21 safe manner. The timing, it would be unsafe for
22 them to respond to our development, the time just
23 -- it would be too much time. So it's still gonna
24 wind up probably being on Pocono Mountain
25 Regional's -- with their dime paying for it,

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1 Coolbaugh's dime paying for it.

2 MS. HAASE: Without going into
3 great detail, because I will leave it up to the

1 anything you read in the paper.

2 MR. HOLAHAN: Well, no, if she
3 writes it.

4 MS. JEANINE HOFBAUER: I'm
5 trying.

6 MS. LAMBERTON: You're good.

7 MS. JEANINE HOFBAUER: Thank
8 you.

9 MR. MOYER: It's kind of hard
10 when they don't even recognize the bylaws or, you
11 know, that's where it just --

12 MR. HOLAHAN: I know.

13 MR. MOYER: Very frustrating.

14 MS. LAMBERTON: So let's
15 Phyllis move forward with that.

16 MS. HAASE: One thing, if I can
17 just get clarification, at last month's meeting the
18 board had discussed sending a letter basically
19 saying the disappointment in how this is
20 proceeding. Would the board rather at this
21 particular point I don't send that letter and just

22 address this meeting?

23 MR. HOLAHAN: Yes.

24 MS. PICKARD: Yes.

25 MS. HAASE: I think that --

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1 would that be acceptable?

2 MR. HOLAHAN: Yeah, let's let

3 that stuff go away and let's move forward. All

4 right, so, I --

5 Did I call a vote?

6 MR. MOYER: No.

7 MS. LAMBERTON: No, you did

8 not.

9 MR. HOLAHAN: Right. I did not

10 call the vote.

11 Call the vote. John?

12 MR. KERRICK: In favor.

13 MR. HOLAHAN: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. HOLAHAN: Donald?

16 MR. MOYER: I vote in favor.

17 MR. HOLAHAN: Annie?
18 MS. LAMBERTON: I vote in
19 favor.
20 MR. HOLAHAN: And I vote in
21 favor. Motion carries.
22 We'll get together with you on
23 account of the language, but it will be nice. We
24 would love to meet, but it needs to be in public.
25 MS. LAMBERTON: Yes.

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1 MR. HOLAHAN: We want it --
2 they want transparency, so do we.
3 MR. MOYER: Is it going to be
4 the whole board or how --
5 MR. HOLAHAN: Oh, yeah, it's an
6 open -- it'll be an meeting, certainly.
7 MR. JOSEPH CRANDALL: Can I
8 suggest Pocono West High School and make sure that
9 there's notification ahead of time to all the
10 different communities --
11 MR. MOYER: Agreed.

12 MR. JOSEPH CRANDALL: -- which
13 is something we haven't had up until now for
14 Coolbaugh?

15 MS. LAMBERTON: Absolutely.

16 MR. JOSEPH CRANDALL: Thank
17 you.

18 MR. MOYER: The residents need
19 to know how serious it really is.

20 MR. HOLAHAN: We at Toby need
21 to reach out to other associations, they sometimes
22 feel like they're out there on their own. So let
23 them know that they're part of the fold, they're
24 part of us. Let's hold hands and sing --

25 MR. MOYER: Kumbaya.

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1 MS. HAASE: One other question
2 before you break out in song, I'm going to address
3 this to Coolbaugh Township and also going to be
4 copying the other municipalities?

5 MR. MOYER: Absolutely.

6 MS. LAMBERTON: And the

7 commission.

8 MS. HAASE: And the police
9 commission?

10 MS. LAMBERTON: I would say,
11 yes.

12 MR. HOLAHAN: Any public
13 comments? Hearing none.

14 MR. KERRICK: I have a question
15 that I want to ask and we shouldn't go back to
16 something we already voted on, but it's been
17 bothering me the whole meeting. With the tax
18 exempt for the contractor, he bid that job. He
19 knew what he was bidding and now there's possible
20 savings for him?

21 MR. ARMSTRONG: I don't -- I
22 don't know how he bid it. We're not in a contract
23 with --

24 MR. KERRICK: Understand, but
25 he's still going to have a savings. Would that

1 still -- would that go back into the TIF or does

2 that go to him?

3 MS. HAASE: It wasn't in the
4 contract.

5 MR. KERRICK: There was no tax
6 in the contract?

7 MS. HAASE: It wasn't addressed
8 in the contract.

9 MR. KERRICK: It wasn't
10 addressed in the contract.

11 MS. HAASE: It was not
12 addressed.

13 MS. LAMBERTON: The tax
14 exemption.

15 MR. KERRICK: The tax
16 exemption, so in fact --

17 MR. HOLAHAN: Any six percent
18 savings --

19 MR. KERRICK: Yes.

20 MR. HOLAHAN: -- you realize
21 would be his?

22 MR. KERRICK: Now, if it went
23 back in the TIF, I'm okay with it; but if it goes
24 in his pocket, I have a little problem with that.

25 MR. HOLAHAN: I never thought

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1 of that.

2 MR. KERRICK: I thought about
3 it the whole meeting. Maybe I'm --

4 MS. LAMBERTON: Better late
5 than never, John.

6 MS. HAASE: I --

7 MR. KERRICK: We've already
8 voted on that, I understand that.

9 MS. HAASE: It's my
10 understanding --

11 MR. HOLAHAN: We can pull it.

12 MS. HAASE: -- that this would
13 go back in front of them if they do not get the
14 exemption because it was not discussed. From what
15 I'm hearing from Kalahari's end of it, that they
16 need to have that exemption.

17 MS. PICKARD: They may have
18 assumed that the exemption --

19 MS. HAASE: Fehlinger has never

20 contacted me. Mr. Pine and that group has

21 contacted me requesting the certification.

22 MR. HOLAHAN: Could they be on

23 a cost plus? Are they a fixed contract or cost

24 plus?

25 MR. KERRICK: I have no idea

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1 and I just -- and if -- I don't know.

2 MS. LAMBERTON: No, that's a

3 valid question. I understand that.

4 MR. HOLAHAN: But they would

5 realize if it's fixed price; if they're cost plus,

6 then Kalahari receives the additional savings.

7 MR. KERRICK: That's fine, but

8 I just didn't --

9 MR. HOLAHAN: Good point.

10 MR. KERRICK: Enough said.

11 MR. ARMSTRONG: Yeah, I mean --

12 MS. LAMBERTON: Yeah, maybe you

13 should look, see how the contract is.

14 MR. ARMSTRONG: -- there's

15 nothing -- yeah, I don't know how the contract
16 between the contractor and Kalahari is worded.
17 There's nothing requiring you clearly to issue this
18 certification. I do know that in the event that a
19 contractor doesn't receive a certification for a
20 tax exempt transaction within, I think it's like,
21 60 days or something like that, I think there's
22 another avenue they can take to try and prove their
23 case that it was a tax exempt transaction.

24 So even if you were -- and I'm,
25 not talking -- if you want to make another motion,

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1 John, to receive the money --

2 MR. KERRICK: No, no. I'm just
3 -- maybe I'm over thinking the whole thing.

4 MR. ARMSTRONG: It's a very
5 valid point.

6 MS. LAMBERTON: I think what
7 you need to find out to satisfy -- and correct me
8 if I'm wrong, you want to know where the proceeds
9 get refunded back to --

10 MR. KERRICK: Well, I would
11 hope it would stay in the TIF, that they could use
12 it to develop more --

13 MS. LAMBERTON: You're saying
14 you're hoping it's Kalahari.

15 MR. KERRICK: Yes.

16 MR. MOYER: Not walk away.

17 MR. KERRICK: Not walk away in
18 the contractors's pocket --

19 MS. LAMBERTON: I understand, I
20 understand.

21 MR. KERRICK: -- that's what
22 I'm trying to say.

23 MS. HAASE: The purchases have
24 been occurring and the vendors are being told that
25 the tax certification is soon to be coming and

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1 that's what Kalahari has requested from us. So
2 they have begun the purchase of the piping and
3 supplies and they have been told --

4 MS. LAMBERTON: There's already

5 some installed.

6 MS. HAASE: Yeah.

7 MR. KERRICK: Understood, but
8 there still could be --

9 MS. LAMBERTON: You want to
10 know where the money goes.

11 MS. HAASE: I could speak to
12 Mr. Nelson or Mr. Pine tomorrow and tell them you
13 had some concerns about it and try to get the
14 answer.

15 MR. HOLAHAN: Okay.

16 MR. ARMSTRONG: I mean, clearly
17 the ball is in the township's court. If you want
18 to direct Phyllis to hold off and reach out --

19 MR. KERRICK: That wasn't my
20 intent.

21 MR. ARMSTRONG: -- and see what
22 the status of that is, there's nothing on our end.

23 MR. HOLAHAN: Do I have a
24 motion to ask Phyllis to hold back yet till we find
25 out what's going on?

1 MS. PICKARD: We could correct
2 it in August if we --

3 MR. KERRICK: We have a special
4 meeting on the 27th.

5 MS. PICKARD: Special meeting.

6 MR. KERRICK: It was just a
7 concern.

8 MS. HAASE: I could try calling
9 Todd tonight.

10 MR. KERRICK: No, it can wait
11 till tomorrow.

12 MR. MOYER: We'll leave it.
13 Let's let it ride. We can always correct it here
14 on the 27th.

15 MR. HOLAHAN: Anything else?
16 I'm ready to bang this gavel.

17 MS. LAMBERTON: Motion to
18 adjourn.

19 MS. PICKARD: Second.

20 MR. ARMSTRONG: There was an
21 individual in the audience that did not hear the
22 call for public comment.

23 Please identify yourself for
24 purposes of the record.

25 MR. JOSEPH CRANDALL: Joseph

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1 Crandall, C-r-a-n-d-a-l-l. Resident of Pocono
2 Pines. What I need is some help, over 20 years
3 I've put up with neighbors and dogs and now that
4 I'm retired, it's really getting too much. Aside
5 from the dogs, these neighbors have been very good,
6 keep their property nice, as far as I know they
7 never had any police activity there other than
8 coming to tell the dogs to be quiet.

9 You have a Chapter 54 under
10 prohibited acts, Tobyhanna Township, and obviously
11 you don't have it memorized and I don't expect you
12 to. In talking to the police, this resident has
13 been cited, he's been fined and nothing happens.
14 And the police are getting frustrated, I am too
15 because, I mean, had to call them numerous times
16 several of my neighbors. I'm upset about the fact
17 I'm pulling the police away from police work to go

18 tell somebody to tell their dogs to be quiet. I
19 don't think that's right because I think our guys
20 and girls are better qualified than doing that.

21 Anyway, in my latest
22 conversation with police was, okay, they're fined,
23 they're told to keep the dogs quiet; but it doesn't
24 stop. What does the township want to do next? In
25 other words, what's the next step? It doesn't

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1 really address that in this ordinance. So I would
2 like the township supervisors in one of their
3 meetings to kind of study that and say okay, what
4 do we do with a habitual offender, that's my
5 request.

6 MR. HOLAHAN: Okay. What do we
7 with habitual offender there, Patrick?

8 MR. JOSEPH CRANDALL: I mean, I
9 can read it, read it to you.

10 MS. WENDI FREEMAN: The person
11 that he's speaking of does not live in Lake Naomi.

12 MS. LAMBERTON: Oh, it just

13 borders it.

14 MS. WENDI FREEMAN: If he did
15 live in Lake Naomi, then we would have --

16 MS. LAMBERTON: That's my one
17 question, that was my only question, I didn't know.

18 MS. HAASE: I've reached out to
19 our intern chief and discussed this matter with him
20 because there was some information that was given
21 to Mr. Crandall that I wasn't happy about. There
22 was some contact made, as our intern chief had
23 stated, they will continue to cite the property
24 owner. I think Mr. Crandall was hoping that there
25 was something that he could just go do himself with

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1 the magistrate.

2 After speaking with our
3 solicitor, I believe he does have that right to go
4 down to file something civilly.

5 MR. ARMSTRONG: Yeah. First,
6 it sounds like the regional police is -- they have
7 cited this individual, right?

8 MR. JOSEPH CRANDALL: Yes.

9 MR. ARMSTRONG: So it sounds
10 like the regional police is -- they are, you know,
11 enforcing the ordinance as written. Maybe it's not
12 -- maybe it's not --

13 MR. JOSEPH CRANDALL: Well,
14 here's the problem --

15 MR. ARMSTRONG: -- change his
16 habits which --

17 MR. JOSEPH CRANDALL: Go ahead.
18 I'm sorry.

19 MR. ARMSTRONG: I mean, maybe
20 it's not making him change his habits which means
21 maybe the fine isn't significant enough. I don't
22 know exactly what the fine is, so there's that.
23 There's also, you prob -- I mean, I haven't done
24 specific research, but just because our ordinance
25 in the nuisance section gives us the right to

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1 enforce a -- you know, a fine against someone for a
2 barking dog, it doesn't prohibit you from filing

1 trying to go hire a lawyer.

2 MR. ARMSTRONG: They may -- one
3 of the people in the office -- obviously not the
4 district magistrate, but someone may direct you in
5 the right direction. Maybe they can say oh, yeah,
6 this is a nuisance, we see these civil claims all
7 the time; what's the problem, no, you don't have a
8 claim, don't even bother doing it; or they may say,
9 okay.

10 But for purposes of the
11 township, it sounds -- you have an ordinance, it's
12 enforceable because it sounds like the individual
13 has been cited. He's been cited and pays fines,
14 it's just that he's not changing his course of
15 conduct, which maybe you want to revisit the actual
16 amount of the fine. Maybe it's a \$50 fine, which
17 maybe for some people isn't a big deal. Maybe it
18 needs to be --

19 MR. JOSEPH CRANDALL: It's my
20 understanding that's what it was, but in here it

21 says no less than 500, no more than a thousand.

22 MS. HAASE: Well, that's going
23 to be up to the magistrate.

24 MR. ARMSTRONG: So if the
25 magistrate to that point --

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1 MR. JOSEPH CRANDALL: And one
2 hearing that I know of, he never showed up for.

3 MR. ARMSTRONG: Well, to that
4 point, in the event that he's cited and he goes
5 back to the magistrate and the officer -- or if you
6 attend, I would attend -- and if someone points out
7 to the magistrate this is the fifth time he's
8 before you straight, maybe the fine will be a
9 thousand dollars, which is probably the --

10 MR. JOSEPH CRANDALL: Let me
11 clarify that. I tried to attend one of the
12 hearings and unfortunately the prosecuting officer
13 changed the date because my address was wrong on
14 the subpoena. I was not informed; so therefore I
15 wasn't there to testify or say anything. And you

16 can't just walk in, you have to be subpoenaed
17 according to the magistrate's office, because I had
18 some neighbors who had the same complaint and were
19 not even listed and they said, well, you're not
20 allowed to attend that meeting 'cause you're not on
21 the subpoena.

22 MR. ARMSTRONG: I'm assume --
23 I'm assuming, sir, that when you called -- you or
24 your neighbors called the police on this
25 individual, correct?

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1 MR. JOSEPH CRANDALL: Yes.

2 MR. ARMSTRONG: When the cops
3 come out and they talk to you, say, by the way,
4 please notify me and I want to testify or I want to
5 attend the hearing.

6 MR. JOSEPH CRANDALL: I've done
7 that.

8 MR. ARMSTRONG: 'Cause you'd be
9 a witness for the prosecution.

10 MR. JOSEPH CRANDALL: I've done

11 that.

12 Here's the other problem, the
13 police, in the course of their duties, they can't
14 get there as soon as I pick up the phone and ask
15 them to keep the dogs quiet; sometimes an hour,
16 sometimes more. And if there's an accident in
17 Blakeslee or something else going on, that's where
18 I want them to be, I don't want them hassling
19 somebody with noisy dogs. But the police say we
20 can't cite him, at least several of them told me
21 this, unless we hear the dogs. Twice they didn't
22 bark.

23 The only citations they've been
24 able to issue is when they sat there and physically
25 heard the dogs barking. So they're -- they're very

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1 frustrated and as I said, I am too. It's not fair
2 to the police department, it's not fair to me.
3 Okay?

4 MR. HOLAHAN: Okay. Thank you,
5 sir.

6 MR. JOSEPH CRANDALL: Thank you
7 for your time.

8 MS. RASHINE (phonetic) LAMBERT:

9 My name's Rashine Lambert, I'm Joe's neighbor and I
10 live closer to the physical house than Joe does,
11 but we've called the police, I'd say, at least 25
12 times within the past year. And they've only been
13 cited once. I think it's very unfair that when we
14 call the police, they go out, the dogs are barking,
15 they speak to the individuals and there's no
16 citations. I've gone to Joe -- to court once,
17 there's been one citation.

18 Last weekend we called police
19 again, the police came out and they timed for nine
20 minutes that the dogs were barking nine times. At
21 11 o'clock, 12 o'clock, 3 o'clock, whatever time in
22 the middle of the night it is, that they constantly
23 wake me, constantly wake me up, that is excessive.
24 And I think as a township something needs to be
25 done.

1 You know, there's many times
2 where I have to go in late to work because I'm so
3 exhausted because I haven't slept the night before;
4 or I'm worried because I'm so exhausted that I'm
5 gonna fall asleep at the wheel because I haven't
6 slept because of these 13 dogs that live outside
7 and they bark.

8 MR. HOLAHAN: Well, isn't that
9 against our ordinance?

10 MR. JOSEPH CRANDALL: No.

11 MR. MOYER: Reach out to the
12 police again.

13 MS. HAASE: I just spoke to them
14 on Friday.

15 (Inaudible discussion.)

16 MR. HOLAHAN: The police got to
17 be just absolutely nuts over this because that's
18 another call on the dogs.

19 MR. JOSEPH CRANDALL: I mean, I
20 can give you the names of every officer I've talked
21 to, it's frustrating.

22 MR. HOLAHAN: We'll take a look
23 and see what we can do here.

24 MR. JOSEPH CRANDALL: Thank
25 you.

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1 MR. HOLAHAN: Anything else?

2 Okay. I'm going to bang the
3 gavel again. We are going into executive session.

4 (Meeting concluded at 8:45 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

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, September 8, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

2

1 MR. HOLAHAN: Let's call the
2 meeting to order. Start with the pledge of
3 allegiance.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Good evening.
7 Welcome to the regular business meeting of the four
8 supervisors, September 8, 2014.

9 Do we have any announcements?

10 MS. HAASE: I just want the
11 board -- to remind the board and our residents that
12 October 4 we have Fall Festival at the Blanche
13 Price Park from 10 to 5. It should be an exciting
14 event for everybody to attend.

15 MR. HOLAHAN: Okay. Is that
16 it?

17 MS. HAASE: That's it for the
18 moment, sir.

19 MR. HOLAHAN: All right. Thank
20 you.

21 Let's consider the minutes of
22 the July 23, 2014, special meeting and --

23 MS. HAASE: Mr. Chairman, I had
24 one correction for that day.

25 MR. HOLAHAN: Okay.

3

1 MS. HAASE: Page 29, Line 13,
2 big, should be b-e-i-n-g.

3 MR. HOLAHAN: Do I have a
4 motion to approve the --

5 MS. LAMBERTON: So moved.

6 MS. PICKARD: Second.

7 MR. HOLAHAN: I have a motion
8 and second.

9 Further discussion from the
10 board?

11 Anything from the public?

12 Hearing none. I'll call the
13 vote.

14 John?

15 MR. KERRICK: In favor.

16 MR. HOLAHAN: Heidi?
17 MS. PICKARD: I vote in favor.
18 MR. HOLAHAN: Annie?
19 MS. LAMBERTON: I vote in
20 favor.
21 MR. HOLAHAN: And I vote in
22 favor. Motion carries.
23 Let's consider the minutes for
24 the August 11, 2014, regular business meeting.
25 Do I have a motion?

4

1 MS. LAMBERTON: I'll make that
2 motion.
3 MR. HOLAHAN: Do I have a
4 second?
5 MS. PICKARD: I'll second the
6 motion.
7 MR. HOLAHAN: I've got a motion
8 and second.
9 Further discussion from the
10 board?
11 Anything from the public?

9 motion.
10 MR. HOLAHAN: Okay. Got a
11 motion.
12 Do I have a second?
13 MR. HOLAHAN: Can I second
14 this, Patrick?
15 MR. ARMSTRONG: Umm-hmm.
16 MR. HOLAHAN: Yes. I'll second
17 the motion.
18 I've got a motion and second.
19 Further discussion from the
20 board?
21 Anything from the public?
22 Hearing none. I'll call the
23 vote.
24 John?
25 MS. LAMBERTON: That gentleman

6

1 has --
2 MR. HOLAHAN: Oh, I'm sorry.
3 MR. TOM CRUZ: Yes, just --
4 THE REPORTER: May I just have

5 your name, please?

6 MR. TOM CRUZ: Excuse me?

7 THE REPORTER: May I just have

8 your name?

9 MR. TOM CRUZ: Tom Cruz,

10 C-r-u-z.

11 THE REPORTER: Thank you.

12 MR. TOM CRUZ: I just to -- I'm

13 new here, okay, so -- and I just moved to the area,

14 so this is my first time here. And I'd like to

15 know what's this considered the treasurer report

16 for \$500,000. What is that toward?

17 MR. HOLAHAN: General operating

18 fund.

19 MS. HAASE: Sewer.

20 MR. HOLAHAN: Sewer. You want

21 to kind of go down the list?

22 We have the bills up front here

23 that you're welcome to take a look at as well.

24 MS. PICKARD: Well, that's not

25 what they --

1 MR. HOLAHAN: Pardon?

2 MS. PICKARD: I'm sorry. He
3 was asking me a question.

4 MR. HOLAHAN: Okay. There's a
5 bunch here, Tom. Did you want me to list all the
6 bills or --

7 MR. TOM CRUZ: I just -- I just
8 -- I don't need to know every detail, I just would
9 like to know how it's being distributed.

10 MS. PICKARD: Well, the police
11 was a hundred and thirty-two thousand every month.

12 MS. HAASE: Mr. Cruz, there's
13 monies that are distributed to different funds,
14 which are -- be our general account, our fire, our
15 library, capital, liquid fuels. I don't think we
16 have any monies being spent out of liquid fuels on
17 there; but prior to each meeting, the expenditures
18 are at the front with the board and you're more
19 than welcome to go through those prior to the
20 meeting and you can see each bill and the
21 instrument to pay it.

22 MR. TOM CRUZ: Is this every
23 month or is it just throughout the year?

24 MS. HAASE: Every month there
25 is a request for the board to make payments and are

1 usually our general obligations.

2 MR. TOM CRUZ: Okay. Thank
3 you.

4 MR. ARMSTRONG: It's not always
5 in that amount though.

6 MS. HAASE: No, it fluctuates.

7 MR. HOLAHAN: This is a nice
8 one this time. Now, when you start hitting 500,000
9 you have -- people should start asking questions,
10 so that's certainly okay.

11 Further discussion?

12 Hearing none. I'll call the
13 vote.

14 John?

15 MR. KERRICK: I vote in favor
16 with the exception of line item Papillion and
17 Moyer.

18 MR. HOLAHAN: Heidi?

19 MS. PICKARD: I vote in favor.

20 MR. HOLAHAN: Anne?

21 MS. LAMBERTON: I'll abstain.

22 MR. HOLAHAN: And I vote in

23 favor.

24 Now, what do we do with P&M?

25 MR. ARMSTRONG: What's happened

9

1 is Supervisor Lamberton and Supervisor Kerrick have
2 both abstained to a certain extent. Supervisor
3 Kerrick has abstained for only the line item for
4 Papillion and Moyer, correct?

5 MR. KERRICK: That's correct.

6 MR. ARMSTRONG: Pursuant to the
7 Second Class Township Code and the appropriate
8 statutes, when you have a number of supervisors
9 sitting at your table in attendance at a meeting
10 and you cannot secure a quorum due to the
11 conflicts, which is the case this evening, becau --
12 specific to the Papillion and Moyer bills, the two
13 -- in this case the two abstaining members, after
14 disclosing the conflict, which they've done to an
15 extent -- they may want to do it a little bit more
16 in detail -- may vote on the -- the -- the matter
17 at hand. In this case, specifically, the Papillion
18 and Moyer bill.

19 So you have -- right now you

20 have a motion. Unfortunately it did not pass, you
21 don't have -- well, do you want to consider
22 revising the motion for just the bills absent the
23 Papillion and Moyer bill and then do the Papillion
24 and Moyer bill separate?

25 MR. HOLAHAN: Yes, let's do

10

1 that.

2 MR. ARMSTRONG: Maybe that's
3 what you want to do.

4 MS. PICKARD: We need to
5 subtract that amount out of the bill pack?

6 MS. HAASE: I don't -- do you
7 have the bills in front of you?

8 MR. HOLAHAN: The amount being
9 \$89,125.

10 MR. ARMSTRONG: How much?

11 MR. HOLAHAN: 89,125.

12 MS. PICKARD: That's the exact
13 amount?

14 MR. HOLAHAN: Yes.

15 Are you doing the math? Are you

16 subtracting it from the --

17 MR. ARMSTRONG: So my
18 understanding is the Papillion and Moyer bill is
19 for \$89,125, correct?

20 MR. HOLAHAN: That's correct.

21 MR. ARMSTRONG: We're going to
22 take that amount and subtract the 504.

23 Would you like me to -- do you
24 trust me with math?

25 MR. HOLAHAN: I guess I've seen

11

1 the bill from your firm.

2 MR. ARMSTRONG: I have to use
3 my phone.

4 MS. PICKARD: Are we all going
5 to check our answers?

6 MR. ARMSTRONG: The revised --
7 the revised bill, which would be minus the
8 Papillion and Moyer bill -- I'm sorry, the revised
9 treasurer's report amount totaling all the bills
10 with the exception of the Papillion and Moyer bill
11 is \$415,639.38.

12 MR. HOLAHAN: I concur.

13 MR. ARMSTRONG: So if --
14 MS. PICKARD: I'll make that
15 motion to approve the bills in the amount of four
16 fifteen six thirty-nine thirty-eight, which is the
17 full bill pack minus the Papillion and Moyer.
18 MR. HOLAHAN: So I've got a
19 motion for approving \$415,639.38.
20 Do I have a second?
21 MS. LAMBERTON: I'll second.
22 MR. ARMSTRONG: Okay. I may
23 just -- I was just informed that there is a Locust
24 Ridge --
25 MR. HOLAHAN: Material bill.

12

1 MS. HAASE: There is a Locust
2 Ridge bill in there if there's any issues with any
3 of the supervisors.
4 MR. ARMSTRONG: I just wanted
5 to make everyone aware.
6 So my understanding is, there
7 has been a motion to approve the revised
8 treasurer's report with the \$415,639.38 amount,

9 which is everything but the Papillion and Moyer
10 bill.

11 And that motion has been made,
12 correct?

13 MR. HOLAHAN: Yes.

14 MR. ARMSTRONG: Has it been
15 seconded?

16 MS. LAMBERTON: Yes.

17 MR. ARMSTRONG: And I think you
18 can call the vote.

19 MR. HOLAHAN: Motion and
20 seconded.

21 Further discussion from the
22 board?

23 Tom, anything?

24 MR. TOM CRUZ: You going to
25 pick on me now?

13

1 MR. HOLAHAN: Yes, I am.

2 Anybody else?

3 MR. TOM CRUZ: Don't worry, I
4 can take it.

5 MR. HOLAHAN: Okay. Good.

2 conflict, they can vote on this particular bill.

3 MR. HOLAHAN: Do I have a
4 motion to approve the Papillion and Moyer bill for
5 the amount of \$89,125?

6 MR. ARMSTRONG: What I would
7 suggest is, I know you abstained, you may just want
8 to state what the actual conflict is.

9 MS. LAMBERTON: Okay.

10 MS. PICKARD: I'll make the
11 motion to approve the Papillion and Moyer invoice
12 for \$89,125.

13 MR. HOLAHAN: Have a motion.

14 Do I have a second?

15 I'll second.

16 Have a motion and second.

17 Further discussion from the
18 board?

19 Anything from the public?

20 I wasn't going to say anything
21 to you, Tom. Just looking at you.

22 MR. TOM CRUZ: Are we -- can we
23 ask what was the conflict?

24 MS. LAMBERTON: I am an
25 employee of Papillion and Moyer; therefore I

1 abstain from any bill that is paid to the company
2 that I work for. And I actually have a document
3 that I put in and they attach to the minutes of
4 every meeting if monies are paid to my employer.

5 MR. HOLAHAN: Hearing no
6 further discussion. Call the vote.

7 John?

8 MR. KERRICK: I have a
9 conflict, but I will, as directed by the
10 solicitor -- I still have a conflict of interest,
11 which is stated and recorded, but I will vote in
12 favor.

13 MR. ARMSTRONG: Right. Just to
14 be clear, you don't -- I'm not requiring you to
15 vote. It's just you can vote after the --

16 MR. KERRICK: Well, the man has
17 to be paid.

18 MR. HOLAHAN: The man has to be
19 paid.

20 MS. PICKARD: The work was
21 done.

22 MR. HOLAHAN: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. HOLAHAN: Anne?

25 MS. LAMBERTON: I vote in

16

1 favor.

2 MR. HOLAHAN: And I vote in
3 favor. Motion carries.

4 Well, that was easy.

5 MS. LAMBERTON: I'll attach
6 this disclosure. That was easy.

7 MR. ARMSTRONG: Sorry to be --
8 cumbersome.

9 MS. LAMBERTON: It boggles my
10 mind, but I --

11 MR. HOLAHAN: Okay.
12 Solicitor's report.

13 Mr. Armstrong?

14 MR. ARMSTRONG: Thank you, Mr.
15 Chairman. I have a number of -- well, not a
16 number, I have three litigation matters to discuss
17 following the meeting in executive session;
18 however, I do want to just bring up one more item.
19 You had a special meeting probably a little under

20 two weeks ago with respect to a release request
21 from the Kalahari TIF Funds for public
22 improvements. Since that -- and you made a
23 conditional approval of that release conditional
24 upon the township's professional engineering firm,
25 T&M, to review and recommend and approve certain

17

1 releases for the sewer, as well as the access road
2 accounts.

3 Since that time, you know, we've
4 realized that T&M was not -- number one, we still
5 have not received confirmation on a release number
6 for the sewer account, but we have received a
7 specific number from T&M for the access road
8 account. The iss -- not really an issue, but the
9 access road account, at least recommended by T&M,
10 is not the amount that has been requested. I spoke
11 with Phyllis a little before the meeting and it's
12 our position that, you know, so long as T&M has
13 recommended the approval of the -- the actual
14 amount that they're approving is the \$69,583.27,
15 which is different from the \$83,104.81 that was
16 requested.

17 Given -- we've also discussed --
18 I had a discussion with counsel for Kalahari this
19 afternoon, he's aware of this. And they're really
20 looking just to get whatever T&M is comfortable
21 with, which is the actual construction of the
22 improvements, so they can pay their contractors.
23 And so long as -- it's my understanding that T&M
24 has approved this 69,583 number. I'm okay with the
25 board still moving forward with releasing that

18

1 number based upon T&M's recommendation.
2 The sewer amount, we don't have
3 an amount from T&M yet, so it wouldn't be
4 appropriate for you to approve any amount from that
5 fund without having a recommendation from your
6 engineer. My understanding is we're going to
7 follow up with T&M to get whatever that amount's
8 going to be in the not too distant future. And
9 again, that needs to be associated with the actual
10 sewer improvements that have or will be completed
11 satisfactory to the township and the township's
12 engineer T&M.

13 So with that, if you want to --
14 this would be more of a reiteration of your motion
15 from the last meeting -- with the understanding
16 that the release is, at this point in time, only
17 going to be with respect to the access road account
18 for the \$69,583.27 amount that has been recommended
19 for release by T&M.

20 MR. HOLAHAN: So would you like
21 us to do that in the form of a motion then?

22 MR. ARMSTRONG: Let's do that
23 first and then we'll probably have a little bit
24 more discussion on another item.

25 MR. HOLAHAN: So we've already

19

1 approved that in our special meeting?

2 MR. ARMSTRONG: You approved
3 the eighty-three 104 eighty-one subject to the
4 approval from T&M, but we don't have that.

5 MS. LAMBERTON: Okay.

6 MR. ARMSTRONG: So we just want
7 to make sure that the amount is clear for purposes
8 of the record and when we -- when we respond,
9 'cause what we're going to do is, we're going to

10 request Kalahari submit a revised release request
11 to us with this number in it so it's clear.

12 MS. HAASE: Just to clarify
13 what our solicitor has stated, the amount that
14 they're requesting, 83,000, is correct. My problem
15 is, I do not want to sign off on that amount
16 because the paperwork, how it has been filled out,
17 is incorrect. And how the monies are being shown,
18 it's moving from one account to another.

19 So T&M will always be signing
20 off solely on Haines & Kibblehouse, Locust Ridge
21 Quarry Construction and Fehlinger for the sewer.
22 And then I will be signing off on behalf of the
23 board on the additional monies. What the issue
24 that came at hand was, the paperwork is incorrect
25 and I'm not comfortable with signing that on behalf

20

1 of the board until it's corrected. So that is
2 where our solicitor has helped us walk through this
3 process.

4 MR. HOLAHAN: So do you want
5 that in form of a motion or by consensus because

6 we've already approved before, or do you want to go
7 through and just -- for the minutes?

8 MR. ARMSTRONG: I would do it in
9 a motion.

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

12 MS. LAMBERTON: Sixty-nine five
13 eighty-three twenty-seven.

14 MR. HOLAHAN: -- sixty-nine
15 five eighty-three twenty-seven?

16 MS. PICKARD: That's for the
17 access road?

18 MR. HOLAHAN: Yes.

19 MS. LAMBERTON: Yes.

20 MS. PICKARD: So moved.

21 MS. LAMBERTON: Second.

22 MR. HOLAHAN: Motion and
23 second.

24 Further discussion from the
25 board?

21

1 Anything from the public?

2 Hearing none. I'll call the

3 vote.

4 John?

5 MR. KERRICK: In favor.

6 MR. HOLAHAN: Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: Anne?

9 MS. LAMBERTON: I vote in

10 favor.

11 MR. HOLAHAN: And I vote in

12 favor. Motion carries.

13 MR. ARMSTRONG: Thank you. And

14 just so you know, you may be getting an email from

15 someone in the not too distant future with a

16 potential request for a special meeting once we get

17 T&M's review and potential recommendation on that

18 sewer amount.

19 Right?

20 MS. HAASE: That is correct.

21 MR. ARMSTRONG: Thank you. And

22 like I said, I do have some executive session items

23 with respect to litigation. That's all I have.

24 Thank you, Mr. Chairman.

25 MS. LAMBERTON: Wow.

1 MS. HAASE: You were surprised
2 there, weren't you?

3 MS. LAMBERTON: I was.

4 MR. HOLAHAN: Manager report.

5 MS. HAASE: Yes, sir. Mine's
6 going to be just slightly a little longer, but not
7 much. I wanted the board to be aware of that
8 Shoprite is going to continue this year with Feed
9 the Hungry and the Help Hands -- Help Bag Hunger
10 Program. September 17th they're looking for
11 managers, county officials, local municipal elected
12 officials as well to join them to donate at least
13 an hour of your time to help bag groceries.

14 MS. LAMBERTON: What's the
15 date?

16 MS. HAASE: September 17.
17 That's on the board's portal under correspondence.
18 So if you're interested, you can let me know and I
19 will sign you up for that.

20 MR. HOLAHAN: Thank you,
21 Phyllis.

22 MS. HAASE: Our current ICC
23 membership is going to be expiring in September and

24 this membership also has a representative of the
25 township. In the past it was Heidi Pickard and I

23

1 think it would be appropriate now that we put Mr.
2 Holahan on there. He'll be getting the information
3 for the changes in the billing code and with his
4 experience, we could move that forward with the
5 board.

6 We did receive the permit from
7 PennDOT to begin the installation of our two
8 additional signal heads on 423 and 940
9 intersection. So we'll be moving forward with that
10 project most likely in the next three weeks as soon
11 as Telco can get out here to begin the project.

12 Our vegetation management
13 program for 2014 is going to begin the end of this
14 month. We're going to be spraying some roads and
15 we're also going to be cutting back on certain
16 roads of the western end of Blakeslee. On October
17 8, we're going to have a lunch and learn, our next
18 lunch and learn.

19 And this is related to actually
20 something you brought up today, Annie, as well.

21 We've had this in the works.
22 It's expanding of volunteer recruitment and
23 retention for fire services. So we're going to be
24 sending out an email inviting some individuals to
25 come from surrounding municipalities to come join

24

1 us. Definitely we know this is a concern, we're
2 losing our volunteer base for our emergency
3 services. So this may be something, a way for us
4 to help see how we can have retention of our
5 recruitment.

6 I had the opportunity, I was
7 invited to Lake Naomi Club for a meeting with some
8 local associations that are part of Coolbaugh
9 Township, as well as Tobyhanna Township. They had
10 representation of Arrowhead, Timber Trails, Locust
11 Lake Village, Lake Naomi. There was another
12 community manager there from Coolbaugh Township.
13 And their concern is how is the potential withdraw
14 of Coolbaugh Township going to affect their
15 communities, their budgeting process. Will they
16 need to bring on more security? What direction

17 that they are going to go. So there was multiple
18 discussions and options that were brought forth at
19 that meeting.

20 As the residents are aware of,
21 there was a request for a meeting from the Police
22 Department of Coolbaugh Township. There was also a
23 request from this board responding to Coolbaugh
24 Township's letter for having a few select members
25 of governing body attend. Coolbaugh Township has

25

1 not responded, but they have basically noted in
2 their minutes that they did receive our letter.
3 But they have not received -- sent anything us
4 directly.

5 So one of the discussions that
6 came up at our meeting was, would it benefit the
7 associations and the taxpayers to have our
8 governing body invite individuals for a meeting or
9 would our governing body then suggest that the
10 police commission do that. But we do have concerns
11 from our taxpayers. We do have some associations
12 that are here representing their associations.
13 They're kind of looking for guidance from the

14 management, as well as the governing body of
15 Tobyhanna Township.

16 So I wanted to bring that forth
17 to you and let you know what our discussion was. I
18 don't know if that's something you want to think
19 about, addressing another time? Or I don't know if
20 there's anyone here that --

21 MS. LAMBERTON: I think we
22 should get prepared for this. I mean, we should
23 have some sort of forum where we could have
24 question and answer and see where -- I'd like to
25 know what the opinion of our taxpayers is.

26

1 MS. HAASE: Absolutely.

2 MS. LAMBERTON: I mean, that's
3 what we represent. So I would not be opposed to
4 holding some sort of town hall meeting with the
5 communities and, you know, show up, tell us your
6 concerns and, you know, maybe we can come to sort
7 of ideas.

8 MR. HOLAHAN: I certainly would
9 agree.

10 MS. LAMBERTON: A fact-finding

11 --

12 MR. HOLAHAN: Because I believe
13 the only information that's going on, that's
14 getting passed on is through the newspaper and it's
15 just not relating the whole story. Not everybody
16 has the ability to get to the police commission
17 meetings to express their concerns as well. So I
18 think it's a good idea that we reach out and do
19 that. I don't want to think about this, I don't
20 want to overanalyze this. I'd like to move forward
21 with it.

22 MS. LAMBERTON: I would as
23 well. It's a shame they haven't reached out for a
24 time to meet with everyone.

25 MR. HOLAHAN: Part of the

27

1 concern is, I did speak with Chairwoman Kelly and
2 they're concerned about -- they want to discuss the
3 municipal agreement that's out there now, it's been
4 out there for some time. But they want to do it
5 with just a couple representatives so that we're
6 not deliberating. You can't have -- there cannot

7 be more than -- on this board, more than two
8 supervisors discussing anything at one time. Once
9 there's three of us, then there's a quorum and then
10 we are deliberating and that violates Sunshine --
11 the Sunshine Laws.

12 So the request from Coolbaugh
13 was just to get two representatives out from each
14 place so that way we could discuss this. The thing
15 is I don't discuss that with my whole board or
16 whoever it is. And I don't know that it's -- I
17 don't know it's being complicit, but I would like
18 to have everybody involved in it. I'm not sure how
19 we can set that up.

20 Their concern is that then all
21 these suggestions would be suggested from the
22 attendees, the audience. And sometimes --

23 MS. LAMBERTON: That is who it
24 affects.

25 MR. HOLAHAN: Sometimes you can

1 get a little ruckus, but I believe we can set some
2 kind of rules. I don't want to say rules, maybe

3 some guidelines that we could have a like public
4 discussion afterwards, so it's not -- they're
5 concerned about it being a free-for-all and I get
6 that.

7 MS. LAMBERTON: Maybe we could
8 have a drop point for questions that are submitted
9 and have them as topics of concern.

10 MR. HOLAHAN: That's a good
11 idea.

12 MS. HAASE: One of the other
13 suggestions that we had, topics we had discussed
14 is, with them being four different bodies there,
15 that perhaps somebody mediated the meeting. There
16 was a suggestion of having our former chief of
17 police there. There was also a suggestion maybe
18 the county commissioner or the district attorney or
19 someone to help mediate, and also with some
20 background that would help answer some questions.

21 MS. PICKARD: Maybe somebody
22 from Stroud would be nice.

23 MS. HAASE: You know, that
24 somebody would help answer questions.

25 MS. PICKARD: My comment on

1 this was, and it's well and good and I don't mind
2 doing that, but I don't think it should be
3 Tobyhanna Township. I don't want it to be
4 perceived that it's us against them. I think we're
5 four bodies and we invite the four bodies to all
6 attend. And whatever bodies decide to join us,
7 join us.

8 I mean, I think Tunk would be on
9 board for joining us, I would think Mount Pocono is
10 and then if we all advertise this as a joint
11 meeting, they could have a quorum of their members
12 present at the meeting as well. And it would be a
13 public meeting of the group. Because I think this
14 is going to affect Mount Pocono and Tunkhannock if
15 they pull out as well and I think their residents
16 have a concern.

17 MR. HOLAHAN: Well, you were
18 speaking of perhaps having the police commission
19 call this, correct?

20 MS. HAASE: That was the other
21 suggestion. Mount Pocono, at their last meeting,
22 they are not in favor of not including the police.
23 They're certainly are not in favor of not including
24 the mayor. So since they're in essence now the

25 council they want -- they don't want to exclude Roy

30

1 if it's only select individuals. Tunkhannock
2 Township, they are certainly in favor of doing this
3 as well.

4 So those -- those were the two
5 options that we brought up when we had our lunch
6 from the associations when we had discussions. So
7 either it could be a municipality inviting
8 individuals to either a town hall meeting,
9 certainly, or you could have a special meeting of
10 the four bodies or have the police commission --
11 now, we have a meeting tomorrow night, which I
12 certainly can ask them and bring this forth to them
13 if Tobyhanna Township wishes not to do that.
14 That's up to you folks.

15 MS. PICKARD: I think that
16 Coolbaugh has a problem with the commission this
17 time, is that correct? Is that where we're at?

18 MR. HOLAHAN: Well, I'm not
19 sure.

20 MS. HAASE: The commission has

21 requested --

22 MS. PICKARD: So if they have a
23 problem with the commission and it's brought by the
24 commission, I think that will cause more of a
25 problem. If it's brought by the municipalities, I

31

1 think that might --

2 MR. KERRICK: May I ask a
3 question --

4 MR. HOLAHAN: Sure.

5 MR. KERRICK: -- Phyllis? I
6 think everyone should be there, personally.

7 MS. LAMBERTON: I agree.

8 MR. KERRICK: But were they
9 specific, that's pretty general with the agreement?
10 Do they have three things that they don't like with
11 the agreement, the full agreement?

12 MS. HAASE: Yes. Some of the
13 items, they want to reduce the membership to seven.
14 They want to have the majority control of three,
15 Toby have two and Mount Pocono and Tunk have one a
16 piece, but they want the majority.

17 MR. KERRICK: Any particular

18 reason?

19 MS. HAASE: Commissioner Weimer
20 brought two other points --

21 MS. PICKARD: They have more
22 people than we do, but not very many more hours.

23 MR. KERRICK: Well, you can't
24 go into it with that attitude.

25 MR. HOLAHAN: Right.

32

1 MR. KERRICK: I'm sorry.

2 MS. HAASE: You're correct.

3 MS. LAMBERTON: I tend to agree
4 with you, John.

5 MR. HOLAHAN: This is the
6 difficult --

7 MS. LAMBERTON: Anyway --

8 MR. HOLAHAN: This is a
9 difficult thing that we have with this, folks, is
10 we have to have this discussion amongst all of us
11 because we can't -- I can't -- we can't talk to --
12 I can talk to Annie, but I can't talk to Annie and
13 John, and you understand what I'm saying here. So

14 bear with us a little bit on this and we'll try to
15 work through it, but I get the same feeling as --

16 MR. KERRICK: Do you think that
17 they wouldn't attend if the commission would call
18 it?

19 MS. HAASE: Well, the
20 commission at their June meeting and July meeting
21 requested a joint meeting. And then in the August
22 meet -- prior to the August meeting, the secretary
23 sent an email asking them for two dates and times
24 to meet and that wasn't received too well. So for
25 the last three months we certainly have been trying

33

1 to schedule a joint meeting with the police
2 commission and Coolbaugh Township to try to adjust
3 and resolve their concerns, but they're not being
4 responsive to that. They have counteroffered and
5 requested a meeting with two individuals from each
6 municipality and one from Tunk.

7 MS. PICKARD: That are not
8 currently on the --

9 MS. HAASE: That are not
10 currently on the board and Mount Pocono will not

11 abide by that.

12 MS. PICKARD: We would not
13 abide by that.

14 MS. HAASE: No, as well, nor is
15 Tunk.

16 MR. HOLAHAN: So that's not
17 going to work.

18 Heidi, I think you're probably
19 right with the -- it'd be nice if the commission
20 could call it, but I think that you're right that
21 if that happens, that will just alienate some
22 people. And I think we need to reach out. Perhaps
23 if this board, by consensus --

24 MS. LAMBERTON: That gentleman
25 has a question.

34

1 MR. HOLAHAN: Perhaps if this
2 board by consensus wanted to reach out to the other
3 municipalities and then find out who would buy into
4 this --

5 MR. KERRICK: How about, could
6 you give us, when you have time, everybody's email,

7 and we all send an email to every elected official
8 and commission member and ask for the meeting? If
9 we all request it?

10 MS. HAASE: We certainly could
11 if the board would like to. I certainly on behalf
12 of the board am more than happy to do that for you.
13 Or if you want to do it --

14 MS. PICKARD: We can all sign
15 something.

16 MR. KERRICK: That's fine, we
17 could all sign. I'm not a great typer, so that's
18 even better.

19 MS. HAASE: Yeah, I'm more
20 than happy to do that for you.

21 MR. KERRICK: Search and
22 destroy.

23 MR. HOLAHAN: We'll text
24 everybody.

25 Sir?

35

1 MR. GEORGE MENARD: I was also
2 at that meeting. So just as a clarification, I
3 think what we were looking for was that all four

4 townships realizing that before you could
5 participate in this, you would have to go back to
6 your township, as you're doing here tonight, agree
7 this was something you wanted to do. And the
8 feeling we had was that all four townships would
9 have this session.

10 One of the suggestions was John
11 Lamberton as a mediator because that name was also
12 thrown out by Coolbaugh Township at one point as
13 well, that would be acceptable to them. The idea
14 being that we're -- the idea being that we're
15 seeing all this stuff go back and forth in the
16 paper. We're seeing allegations, we're seeing half
17 truths, we're not seeing answers, we're not seeing
18 details.

19 The feeling was not looking to
20 make it a circus, but to have that session even if
21 -- and have it open to the public; and even if you
22 didn't have the public participate until the end,
23 that the four townships could get all of their
24 issues out on the table and also have somebody
25 there, whether it's the solicitors or whatever,

1 that could also answer the legal pieces and the
2 like and everybody could understand once and for
3 all in one forum what's happening. 'Cause the way
4 it's happening now, is just not getting us
5 anywhere.

6 You know, my other concern is,
7 and I'll bring it up at the police commission
8 meeting tomorrow, is understanding the details of
9 the money that's involved in doing this. For
10 example, if that letter goes in on December 15, my
11 understanding is, is that they can still pull out
12 anywhere up to December 31 of 2015. And the
13 question is, what kind of money is going to be
14 spent in the meantime by the different townships in
15 terms of preparing for and assuming that they were
16 going to pull out?

17 And then if that money is spent
18 and then they decide not to, who's going to pay for
19 that? What are the legal implications there? What
20 are the additional expenses that's going to hit all
21 four townships if the legal requirement is that
22 regardless that's Coolbaugh pulling out, everybody
23 has to pay for it? And how many times are we going
24 to do that? So it just seems that this information

25 is getting out half --

37

1 MR. HOLAHAN: Right.

2 MR. GEORGE MENARD: I think the
3 feeling was that if -- if everybody was invited and
4 if there was somebody there who was capable of
5 answering the detailed questions, maybe everything
6 would get out on the table once and for all.

7 Thank you.

8 MR. HOLAHAN: Did you -- do you
9 need him to identify himself?

10 MR. GEORGE MENARD: I'm sorry.
11 George Menard from Timber Trails.

12 MR. HOLAHAN: If -- each time
13 please, identify yourselves for the reporter.

14 MR. ED TUTRONE: Ed Tutrone. I
15 was also at the meeting that George was talking
16 about and something to throw back to Coolbaugh
17 would be how they handled the issue with the
18 regional ambulance. They had a meeting with
19 Thornhurst at Thornhurst firehouse with a lot of
20 public there. They made it to where they handled
21 their business first with Thornhurst and then at

22 the end took public comment.

23 I believe, John, I think you
24 were there.

25 MR. HOLAHAN: I was there, yes.

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1 MR. ED TUTRONE: I know Mr.
2 Zito called it a circus the last time and he didn't
3 want to see that, but if they had control over it
4 or you guys have control over it, the beginning and
5 let public comment for the end, then there should
6 be no problem, I don't think.

7 MR. HOLAHAN: We'll have you as
8 sergeant at arms.

9 MR. ED TUTRONE: More than
10 happy to help.

11 MR. HOLAHAN: Thank you, Ed.
12 Okay.

13 So any further discussion? So
14 do we want to put that in the form of a motion?

15 I'll put it in form of a motion.

16 Motion that we reach out to the
17 other municipalities and ask them to meet jointly

18 with us to discuss municipal agreement.

19 MR. KERRICK: I'll make that
20 motion.

21 MS. LAMBERTON: I'll second.

22 MR. HOLAHAN: We got a motion
23 and second.

24 Further discussion from the
25 board?

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1 MS. LAMBERTON: Can we put a
2 timeline on it, like by October?

3 MR. HOLAHAN: Sure.

4 MS. LAMBERTON: I think we
5 should. If we don't put some sort of deadline
6 here, this could go on forever and it's just
7 ridiculous that this continues.

8 MS. HAASE: Would the board --
9 how would the board like to handle scheduling? Did
10 you want me to schedule a meeting far enough out,
11 so everyone -- I could look at their meeting
12 schedules to make certain there wasn't a conflict?

13 MR. HOLAHAN: Yeah, 'cause they
14 may have to their meeting -- they meet the third --

15 first -- first Monday and third Monday.
16 MS. LAMBERTON: Well, we're in
17 the beginning of September.
18 MS. HAASE: I'm not quite
19 certain about Tunk.
20 MR. HOLAHAN: Yeah, we better
21 stretch it out.
22 MS. JEANINE HOFBAUER: First
23 Tuesday and third Tuesday of the month is
24 Coolbaugh.
25 MS. HAASE: How about Tunk?

40

1 MS. JEANINE HOFBAUER: Tunk is
2 the second Wednesday.
3 MR. KERRICK: The only
4 suggestion I have with the putting a date on it --
5 MR. HOLAHAN: Right.
6 MR. KERRICK: -- is I don't
7 want to --
8 MR. HOLAHAN: Right. Draw a
9 line in the sand?
10 MR. KERRICK: Yeah.

11 MS. LAMBERTON: How about by
12 the end of October, our goal is to have a meeting?
13 MS. PICKARD: I'd give them a
14 couple of dates.
15 MR. HOLAHAN: Yeah, let's give
16 them a couple -- understood your concern.
17 MS. PICKARD: Give them a
18 couple options there. Don't schedule it on the
19 night of a school board meeting neither if that can
20 be avoided.
21 MR. HOLAHAN: Further
22 discussion from the board?
23 Anything from the public?
24 Brad?
25 MR. BRAD GRAHAM: Before you

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1 set a date, look at a venue that's going to be big
2 enough to hold everybody.
3 MS. PICKARD: The high school.
4 MR. BRAD GRAHAM: That's going
5 to be an effect on what you're going to pick.
6 MS. HAASE: The high school.
7 MS. PICKARD: Well, that's

8 going to be another cause for --

9 MR. HOLAHAN: Yeah, right.

10 MS. HAASE: Yeah. I'll have to

11 coordinate that. And then the board would like to

12 move forward then to a meeting in November?

13 MR. HOLAHAN: Okay.

14 MS. PICKARD: In November? I

15 think we need to meet now.

16 MS. HAASE: Well, if you were

17 giving them to end of October to agree to it --

18 MS. LAMBERTON: No. I'd like

19 to have the meeting prior to the end of October.

20 MS. PICKARD: Prior to the end

21 of October.

22 MS. HAASE: Like to have the

23 meeting prior to the end?

24 MS. LAMBERTON: Yes, please.

25 MS. HAASE: Okay.

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1 MS. PICKARD: It's getting too

2 close to budget time.

3 MS. LAMBERTON: Yeah, we all

4 need to know.

5 MR. KERRICK: They still have

6 another year.

7 MS. PICKARD: Yeah, but still,

8 I still think there needs to be --

9 MR. KERRICK: Understood.

10 MS. PICKARD: -- planning the

11 money in the budget --

12 MS. LAMBERTON: If you could,

13 Phyllis, if it works out.

14 MS. HAASE: Absolutely.

15 MS. PICKARD: -- that we're

16 figuring out --

17 MR. HOLAHAN: Let's --

18 MS. PICKARD: Move forward.

19 MR. HOLAHAN: Okay. Further

20 discussion?

21 Hearing none. I'll call the

22 vote.

23 John?

24 MR. KERRICK: Favor.

25 MR. HOLAHAN: Heidi?

1 MS. PICKARD: I vote in favor.

2 MR. HOLAHAN: Anne?

3 MS. LAMBERTON: I vote in

4 favor.

5 MR. HOLAHAN: I vote in favor.

6 Motion carries.

7 Phyllis, did you have anything

8 else?

9 MS. HAASE: No, sir. I think

10 I've created enough for tonight.

11 MR. HOLAHAN: Is there a bake

12 sale or anything we're having?

13 MS. HAASE: Well, actually, now

14 that you mentioned it, we are going to have a pie

15 contest at Octoberfest. And I'm quite certain

16 they're some bakers out there or maybe here.

17 MS. PICKARD: I was thinking

18 that we should do that --

19 MR. HOLAHAN: John makes a --

20 MS. LAMBERTON: Chocolate cake

21 or something.

22 MR. KERRICK: She said pie.

23 MS. HAASE: Well, now, you do

24 come in place --

25 MS. LAMBERTON: How about a

1 bake-off? Let's do a bake-off.

2 MS. HAASE: -- because we are
3 -- it will be for apple pies. We also are going to
4 have the chili contest.

5 So maybe, Mr. Kerrick, you can
6 make some of your famous chili.

7 MR. KERRICK: Possibility I
8 come out of retirement.

9 MS. HAASE: There you go.

10 MR. HOLAHAN: Okay, Phyllis?

11 MS. HAASE: Yes, sir.

12 MR. HOLAHAN: Let's go to
13 committee reports.

14 Pocono Mountain Regional EMS.

15 Heidi?

16 MS. PICKARD: We just passed
17 our licensure, a three-year licensure last Friday
18 -- Thursday and I didn't get the statistics for
19 last month yet. I will forward them to the board
20 as soon as they are received.

21 MR. HOLAHAN: Okay. We hear

22 anything on Thornhurst yet? Have they reached out
23 to Thornhurst?

24 MS. HAASE: No, sir.

25 MR. HOLAHAN: No? Okay.

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1 How about the Pocono Mountain
2 Regional Police Commission?

3 MS. HAASE: Just to add to what
4 we've just recently -- just discussed, we are
5 working on our budget. We certainly are again
6 faced with the concerns we don't how many officers
7 to hire. We did agree to put an SR0 over at Pocono
8 Mountain West -- East?

9 MS. PICKARD: East.

10 MS. HAASE: So now we we're
11 kind of the feeling out the waters and how we're
12 going to move forward with replacing that officer.
13 So there's some decisions we need to make. We do
14 have a meeting tomorrow night at seven o'clock and
15 that will be at the township building, Tobyhanna
16 Township Building.

17 MR. HOLAHAN: You're all
18 invited.

19 Yes?
20 MR. GEORGE MENARD: I'm sorry.
21 Can I just raise one other point since you brought
22 up the police commission? Could we also make sure
23 that members of the police commission who are not
24 township supervisors be included, so that all of
25 the knowledge is at the meeting?

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1 MR. HOLAHAN: Thank you. Yes.
2 Yeah, we're just kind of
3 whispering up here getting the whole commission
4 there as well. Thank you.
5 Open space, Heidi?
6 MS. PICKARD: I don't have
7 anything at this time.
8 MR. HOLAHAN: Great.
9 MS. HAASE: No, well, not
10 quite.
11 MR. HOLAHAN: I thought we were
12 going to move it along.
13 MS. HAASE: Oh, not quite.
14 MS. PICKARD: I tried. We

15 didn't have a meeting.

16 MS. HAASE: We are working with
17 Tunkhannock Township with their group to help move
18 them along with submitting an HOP for an access
19 point on 115 for a parking area. So Bob and I will
20 be meeting on Friday at eight o'clock to view the
21 proposed access point.

22 MR. HOLAHAN: Okay. Thank you.
23 Let's go to old business.

24 MR. TOM CRUZ: I got a
25 question --

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1 MR. HOLAHAN: Yes, sir.

2 MR. TOM CRUZ: -- if it's okay
3 with you.

4 Phyllis, you said there's gonna
5 be some spraying along the roads?

6 MS. HAASE: Yes, sir.

7 MR. TOM CRUZ: Whereabouts? Is
8 it gonna be here at the wetlands or streams, lakes
9 and all that?

10 MS. HAASE: No, sir.

11 MR. TOM CRUZ: What type of

12 insecticide are you going to be using?

13 MS. HAASE: It's not an
14 insecticide. It is a product will help the --
15 deter the growth of the vegetation. It's through a
16 company that is permitted through the DEP and they
17 have to follow their guidelines. Most of the
18 vegetation control will be cutting back of the
19 limbs. I have the roads in here that I can
20 certainly share with you as soon as I find them.

21 Some of the roads are in Lake
22 Naomi, there's going to be some vegetation control
23 around some abutments of the bridge.

24 And, Ed, I'm sorry, you probably
25 have the information, easier access. I know I did

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1 bring it with me.

2 MR. ED TUTRONE: As far as
3 roads go for vegetation control, it's gonna be Deer
4 Trail Road, Pine Cone Road, Crestview Road, Burnt
5 Shanty Road, Burger Road, Stoney Hollow Road,
6 Thomas Road, Kerrick Road, Hudock Road, Acahela
7 Road, Cross Street and Harvest Lane. And then

8 we're gonna do the guide rails along the bridge on
9 Miller Drive and the guide rails along the bridge
10 on Old 940 and also the culvert between Stoney
11 Hollow and Third Street.

12 And as far as with the tree
13 trimming goes we're looking at Ferncrest Road, Sir
14 Bradford Road and King Arthur Road.

15 MR. HOLAHAN: Great. Thanks,
16 Ed.

17 MR. TOM CRUZ: The only reason
18 I ask because I heard some spraying was done and it
19 wasn't an approved chemical inside of Arrowhead
20 Lake. And I could see the vegetation was all brown
21 and everything else. So I'm still trying to find
22 out exactly what it was.

23 MS. HAASE: Yeah. Anything
24 inside a private development, that certainly wasn't
25 the township. PennDOT recently did some

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1 maintenance on vegetation. We're looking to do it
2 at the end of September, beginning of October and
3 that's when the leaves are going to start to change
4 color and fall off the trees. So aesthetically you

5 won't see that for a long period of time, it should
6 be quick.

7 MR. HOLAHAN: Sir?

8 MALE VOICE: You're working on
9 my road, you're spraying on my road, on Thomas
10 Road? You said you're gonna spray on Thomas Road?

11 MR. ED TUTRONE: Yes.

12 MS. HAASE: Yes.

13 MALE VOICE: What are you
14 spraying? I live there.

15 MS. HAASE: It'll be going
16 through the right-of-way. The vegetation is in the
17 right-of-way. That will be sprayed.

18 MR. HOLAHAN: Do you know what
19 the sprays we're using, what the chemical's called?

20 MS. HAASE: I do not, but we
21 certainly could get that information from the --

22 MALE VOICE: We do have a
23 stream there.

24 MS. HAASE: Everything's been
25 approved by DEP.

1 MR. ED TUTRONE: The company
2 that's doing it is one that currently does it for
3 PennDOT and all the utilities. It's a big company
4 and they have to follow all the guidelines.

5 MALE VOICE: What is considered
6 right-of-way? How many feet off the center of the
7 road?

8 MS. HAASE: West Thomas is 30
9 --

10 MR. ED TUTRONE: Thomas Road, I
11 believe, is 16 and a half feet off the center line.
12 There's a 33 foot right-of-way in there.

13 MS. HAASE: We'll be putting
14 the listing of the road on our website if you go
15 under the DPW tab, there'll be a listing of the
16 work under there, so you can refer back to it. And
17 when we get the information, we can put what
18 product they use if that's helpful to you.

19 MR. HOLAHAN: Bill?

20 MR. BILL LUCAS: Bill Lucas
21 from Arrowhead. They did come in our community to
22 spray, the MSD we have on our website. It's the
23 Department of Agriculture that actually manages
24 that, which we found out after we got hundreds of
25 complaints, 'cause it was so indiscriminately done

1 through the community on the power lines. They
2 have 20 foot easement, 10 on either side of the
3 wire.

4 MR. HOLAHAN: Right.

5 MR. BILL LUCAS: I mean, you
6 can go up 115 and see where they sprayed and didn't
7 spray. You go down 940 and see where they sprayed.
8 Arrowhead it looks like hell, where they sprayed
9 and didn't spray, they absolutely have the legal
10 right to do it and the MSD forms are on our
11 website.

12 MR. HOLAHAN: Great. Thank
13 you. Okay.

14 Where was I?

15 MR. KERRICK: Old business.

16 MR. HOLAHAN: Old business.
17 The Toby Sewer Authority.

18 MS. HAASE: Mr. Chairman, if
19 you recall, the board had requested that I
20 advertise for letters of interest to two open seats
21 on the authority. Unfortunately, I have not
22 received any, so those seats are still available.

23 If you'd like me to continue with the search until
24 next month, I'll be more than happy to do that.

25 MR. HOLAHAN: Yes. Continue,

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1 folks?

2 MS. LAMBERTON: Yes, please.

3 MR. HOLAHAN: All right. By
4 consensus.

5 Can we impose a draft or
6 something like that? Maybe people that ask a bunch
7 of questions, you know, during the meetings get put
8 on committees.

9 MS. PICKARD: Or the eye rolls
10 over here?

11 MR. HOLAHAN: Proposed zoning
12 ordinance. I say that because it's on there every
13 meeting.

14 MS. HAASE: And I have one area
15 that I think we're going to need to address. This
16 has been on our agenda for some time now. We do
17 have the proposed changes that will need to be made
18 for the Resort District for signage. We do have a

19 few projects that have been waiting on this. So if
20 it pleases the board, if you would authorize Pat
21 and I to make some minor changes on that, we can
22 then circulate it to you tomorrow and conditional
23 upon your approval, then we could advertise. We do
24 need to address this soon.

25 MS. PICKARD: Is this an

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1 overlay or is this just --

2 MS. HAASE: This is going to be
3 the existing resort ordinance that we have in place
4 now that we need to make some changes to.

5 MR. HOLAHAN: That's Article XI
6 under our --

7 MS. HAASE: Our current
8 ordinance.

9 MS. PICKARD: But it's not the
10 new --

11 MS. HAASE: This is the
12 existing.

13 MR. HOLAHAN: Well, it's on the
14 portal, so we certainly have access to it on there.

15 MS. PICKARD: That's the new

16 one. The exist --

17 MS. HAASE: Yes. This would be
18 the existing ordinance that we have.

19 MS. PICKARD: The existing's
20 not on, is it, currently or --

21 MR. HOLAHAN: I think you can
22 get that from the --

23 MS. HAASE: You can get that on
24 our website, would not be in your portal.

25 MR. ARMSTRONG: It probably

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1 takes you to Keystone or whoever your code --
2 municipal code publisher is.

3 MR. HOLAHAN: P Code 360.

4 MS. PICKARD: So the new one is
5 that tract changes from the current to the new or
6 no?

7 MR. ARMSTRONG: My
8 understanding is, Phyllis, in discussions with
9 Kalahari, there are some revisions that they are
10 requesting, not necessarily all of them are
11 agreeable to the township, but this would be

12 signage, signage regulation specific to the resort
13 use in Tobyhanna. It wouldn't be overlay, it would
14 simply be going into that resort use and having
15 some almost specific -- resort specific sign
16 requirements and restrictions or permissions
17 different than what they are right now.

18 MR. HOLAHAN: For those big
19 flashy things on the side of the road, right? That
20 will be interesting.

21 MS. HAASE: We were hoping to
22 accomplish this with the overlay, but there's been
23 delay. And they're at the point now that they do
24 need to move forward. So they have now asked if we
25 could at least address that portion and move that

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1 forward. And then we could come back and address
2 the overlay.

3 MR. HOLAHAN: Let's do that,
4 let's move forward with that.

5 MR. ARMSTRONG: I would just
6 suggest -- and I think I may have mentioned this to
7 Phyllis -- since this is something that's being
8 requested by a resort, you probably want them to

9 agree to enter into a professional services
10 contract, so they foot the bill for any
11 advertisement, any costs and fees associated with
12 preparing this amendment rather than the township.

13 MR. HOLAHAN: Yes.

14 MR. ARMSTRONG: With the
15 understanding that this is going to be an amendment
16 that the board has to be agreeable to. It'll have
17 a public hearing, it'll be -- you know, the
18 language will be acceptable to the board, but
19 because you have a property owner that's requesting
20 a specific change, if the board's agreeable to
21 moving forward with at least a portion or some of
22 it, that the cost will not be on the township.

23 MS. HAASE: If we could request
24 the board to authorize advertisement conditional
25 upon you reviewing it and being acceptable with

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1 this. It now has become a time-sensitive matter.
2 PennDOT is involved with this, so the actual
3 installation of the signage with it being adjacent
4 to 380, PennDOT is involved with it. So we -- it

5 is time sensitive now.

6 MR. HOLAHAN: Okay. Then

7 anything else, Patrick?

8 MR. ARMSTRONG: No.

9 MR. HOLAHAN: Okay. You just
10 looked like you were ready to say something.

11 Looked at me like I was one of your kids, like --
12 he's got trouble with little kids, he gives them
13 that look and I think I just got it.

14 We've got the
15 Tobyhanna/Tunkhannock engineering services
16 agreement.

17 MS. HAASE: Just to be clear,
18 is the board authorizing us --

19 MS. LAMBERTON: Yes.

20 MS. HAASE: Allowing us to
21 advertise?

22 MS. LAMBERTON: Yes. Correct?

23 MS. PICKARD: I think we need a
24 motion.

25 MS. LAMBERTON: I'll make a

1 motion to --

2 MS. PICKARD: I'll second the
3 motion.
4 MR. HOLAHAN: I've got a motion
5 and second.
6 Further discussion from the
7 board?
8 Anything from the public?
9 Hearing none. I'll call the
10 vote.
11 John?
12 MR. KERRICK: In favor.
13 MR. HOLAHAN: Heidi?
14 MS. PICKARD: I vote in favor.
15 MR. HOLAHAN: Anne?
16 MS. LAMBERTON: I vote in
17 favor.
18 MR. HOLAHAN: I vote in favor.
19 Motion carries.
20 Aqua Resources contract
21 operations agreement for the wastewater treatment
22 plant.
23 MS. HAASE: Mr. Alan Roth is
24 here today to work us through the changes that the
25 board had requested. Mr. Kerrick had requested

1 that we include the annual report, so that was
2 included in the contract. There was discussion one
3 year versus a three year, that did not get changed,
4 but that's something we can cross out and change.
5 And that certainly, with the potential movement of
6 the plant and acquisition of the plant, may be a
7 moot point regardless.

8 I'm going to pass out some
9 information that Mr. Roth had given to me prior to
10 the meeting. Mr. Charles Penrose was going to
11 attend, but unfortunately he had a medical problem
12 and was not able to join us. So Alan does have
13 some information with regards to the potential
14 acquisition and, of course, you have the
15 information for the operations and maintenance.

16 MR. ALAN ROTH: Good evening.
17 I'll start with, Alan Roth, Aqua Resources. If you
18 have ongoing questions about the O&M contract that
19 was provided, I'll be happy to answer those. This
20 kind of sums where we are up so if -- through the
21 initial change we're authorized to do that tonight.
22 It's something you want to get off your plate.

23 Furthermore, as Phyllis
24 mentioned, Charles Penrose, who is our business
25 development coordinator, has prepared what Phyllis

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1 just sent out. Really there are only a couple
2 things. One is the potential for the authority to
3 sell their sewer -- existing facilities, as well as
4 potentially enter into a public/private partnership
5 for sewer main extensions in the Blakeslee area, as
6 well as eastern, from Pine Crest area east towards
7 380, which above township desires, I believe is the
8 right term. And Aqua Pennsylvania Wastewater
9 Company, who's the utility, can certainly maybe get
10 creative and help the township achieve those goals.

11 And that's what was handed out.
12 So kind of an outline of how that -- those programs
13 would work. If you like, I can walk through that
14 or did you want to read it and then ask questions.

15 MR. HOLAHAN: What was that?

16 MS. LAMBERTON: What has
17 changed, Alan?

18 MR. KERRICK: Can I ask a
19 question before we get started? Are we on the

20 agreement or we on the piece of paper we just got
21 this evening?

22 MS. PICKARD: The agreement's
23 on the --

24 MR. KERRICK: The agreement, is
25 that what you're asking a question on?

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1 MS. LAMBERTON: Yeah. What has
2 changed on the agreement?

3 MR. ALAN ROTH: Just what was
4 asked for the last time we met, which was the
5 addition that we would perform the annual Chapter
6 94 report as your current operator does, as well
7 as, I guess, a three year change -- or a one year
8 change to a three year statement in the term which,
9 again, we can just scratch out three year, write in
10 one year. I can initial it, Phyllis or the board
11 can initial it and we can move forward.

12 MS. PICKARD: And I think that
13 was one of the changes that I had asked for was
14 that it was one year. So that was not changed in
15 the agreement?

16 MS. HAASE: That's what he was
17 saying, that could be crossed out and changed. And
18 also John had asked, even though you had the
19 pollution environmental insurance, John wanted that
20 noted in the agreement, which you did.

21 MR. ALAN ROTH: Right.

22 MR. KERRICK: I still have some
23 questions. You changed from three and a half hours
24 to three hours, that's a change?

25 MR. ALAN ROTH: Yes.

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1 MR. KERRICK: But the prices
2 aren't changed, so you're more expensive?

3 MS. HAASE: No. The price was
4 changed.

5 MR. KERRICK: No, the price is
6 not changed.

7 MS. HAASE: Initial the -- the
8 initial price was 69,000 at 3 and a half hours.

9 MR. KERRICK: Correct. First
10 of all there should be -- to me there should be an
11 RFP goes out because he already knows what the
12 other outfit -- charge, that's number one. But

13 number two, it's still more expensive. He's 60,600
14 for 12 months, we currently pay 43,000, that's with
15 Ken.

16 MS. HAASE: Okay. You still
17 have to add now the support staff, which --

18 MR. KERRICK: No. You don't
19 have to add the support staff. You still have to
20 add a support staff with him.

21 MS. HAASE: Not necessarily.

22 MR. KERRICK: It's not cheaper.

23 MS. HAASE: We also have to add
24 the \$10,000 -- or \$20,000 for the insurance.

25 MR. KERRICK: Currently it's

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1 still cheaper.

2 MS. HAASE: If it's 43,000 --

3 MS. KERRICK: Unless I'm
4 missing something here, it's cheaper.

5 MS. HAASE: That's 43,000 plus
6 20,000 insurance, that's 63,000 plus our --

7 MR. KERRICK: 97.50 an hour
8 verus \$50 an hour, a hundred and twelve fifty.

9 MS. PICKARD: We didn't have
10 the insurance.

11 MR. KERRICK: Even if you had
12 insurance it's \$10,000, we have a price on it.
13 This is more money. How can you afford -- we're
14 not in good shape with the sewer plant now and
15 you're going to charge -- you're going to get more,
16 pay more? I don't get it.

17 MS. HAASE: Well, I provided the
18 breakdown to the board a few months ago, which
19 showed that there was a savings by doing it this
20 way.

21 MR. KERRICK: In your mind.

22 MS. HAASE: Well, on historical
23 data that we pulled from the account.

24 MR. KERRICK: Historical data's
25 off because first of all, my time was in there

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1 which I'm not even there anymore, number one.
2 Number two, you're still going to have the crew on
3 either Aqua or Joe? Pumping Solutions. You guys
4 do what you want --

5 MS. HAASE: Well, that's a

6 decision --

7 MR. KERRICK: -- but I thought
8 -- I thought we were going to hold this till we
9 decided what we were going to do; sell the plant,
10 keep the plant. I mean, that was supposed to be
11 our discussion this evening.

12 MS. LAMBERTON: How do we
13 factor in the additional \$20,000 for the insurance?

14 MR. KERRICK: If there's a
15 benefit to have Aqua here, then somebody please
16 tell me because it's not price.

17 MS. HAASE: I've explained it,
18 so --

19 MS. LAMBERTON: That's where my
20 mind was at too. How do you answer the \$20,000
21 additional insurance bill?

22 MR. KERRICK: 10,000.

23 MS. LAMBERTON: 20.

24 MR. KERRICK: She said 10, I
25 wrote it down.

1 MS. HAASE: That price, if you

2 recall, I also mentioned that has been changed to
3 20,000. That quote that came from --

4 MR. KERRICK: I didn't have
5 that information. I had 10,000 at the meeting
6 'cause I wrote it right here.

7 MS. HAASE: What Brown and
8 Brown provided was not accurate. What they came
9 back as it's approximately \$20,000 for our
10 insurance.

11 MR. KERRICK: So now we're
12 getting close, but we still don't know whether
13 we're going to sell the plant, keep the plant. Why
14 are we entering into an agreement if that's what
15 our discussion was supposed to be this evening?

16 MS. HAASE: Well, the phased
17 approach --

18 MR. KERRICK: Somebody has to
19 show me a benefit here and I don't see one yet.

20 MS. HAASE: The phase approach,
21 as been discussed for months, was to bring Aqua in
22 for O&M and then to move forward with the
23 acquisition. So this has been the phased approach
24 all along with having them come in with the O&M.

25 MS. LAMBERTON: I'd like to try

1 it for at least a year if you're not happy with
2 three, I can understand trying it for a year.

3 MS. PICKARD: That's why I
4 wanted to try it for a year, if we found it wasn't,
5 we weren't moving in this direction, then we had --

6 MR. HOLAHAN: Well, could I
7 have that in form of a motion?

8 MS. LAMBERTON: I'll make a
9 motion that we --

10 MR. HOLAHAN: 'Cause we going
11 to go into discussion from that, right?

12 If I get a motion?

13 MR. ARMSTRONG: Sure. Just so
14 it's clear, I had -- back in July I had made some
15 tract changes or comments on the proposal. And it
16 doesn't look like it -- it doesn't look like it
17 ended up going into the latest proposal. So I'm
18 not sure what the motion was going to be. I just
19 want to make that clear before you make your
20 motion.

21 MR. HOLAHAN: Okay. Let's --
22 well, then we'll handle that in discussion then.
23 So I have a motion.

24 Do I have second?

25 MS. PICKARD: What was the

66

1 motion?

2 MR. HOLAHAN: To approve going
3 into this agreement for a year.

4 MS. PICKARD: I'll second it.

5 MR. HOLAHAN: Motion and a
6 second.

7 Discussion from the board?

8 MR. KERRICK: You still haven't
9 proven to me where you're going to save any money.

10 MR. HOLAHAN: Okay.

11 Patrick, do you have something?

12 MR. ARMSTRONG: I would just
13 suggest if you want to make it conditional upon
14 maybe any additional revisions that were discussed
15 earlier this evening, as well as the comments in
16 conditions in my tract change version.

17 MS. PICKARD: I thought that
18 the tract changes were part of this revision, no?

19 MR. ARMSTRONG: I don't see

20 them in here. I mean, some of mine were comments.

21 MR. ALAN ROTH: I did not
22 receive, I don't believe, any documents from the
23 township.

24 MR. ARMSTRONG: Okay. All
25 right. I mean, if that's the motion, if that's the

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1 will of the board, I would just suggest at least
2 make it conditional so we can incorporate some of
3 these changes.

4 MS. LAMBERTON: I'll amend my
5 motion.

6 MS. PICKARD: I'll amend my
7 second.

8 MR. HOLAHAN: Okay. Further
9 discussion from the board?

10 John, anything?

11 MR. KERRICK: Doesn't make a
12 difference.

13 MR. HOLAHAN: Nothing to add.
14 Okay.

15 MR. KERRICK: I have nothing to
16 add.

17 MR. HOLAHAN: Anything from the
18 public?
19 Hearing none. I'll call the
20 vote.
21 John?
22 MR. KERRICK: Opposed.
23 MR. HOLAHAN: Heidi?
24 MS. PICKARD: I vote in favor.
25 MR. HOLAHAN: Anne?

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1 MS. LAMBERTON: I vote in
2 favor.
3 MR. HOLAHAN: And I vote in
4 favor. Motion carries.
5 MR. ARMSTRONG: That was for a
6 one year term subject to the revisions to the
7 proposal and agreement to the satisfaction of the
8 township?
9 MR. HOLAHAN: Yes.
10 MS. LAMBERTON: Yes.
11 MS. HAASE: Effective? I know
12 initially I believe it was --

13 MS. LAMBERTON: As soon as you
14 straighten out the agreement.

15 MR. ARMSTRONG: There is no
16 current agreement with the current entity?

17 MS. HAASE: There is not.
18 Initially it was effective October 1.

19 Is that still doable, Mr. Roth,
20 or does that need to get moved out, since we're in
21 the middle of -- going into the middle of
22 September?

23 MR. ALAN ROTH: I will leave it
24 up to your -- if you want to --

25 MR. ARMSTRONG: What I can do

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1 is, I can -- I don't know if I have your email. I
2 can forward that.

3 MS. HAASE: I will get that for
4 you.

5 MR. ARMSTRONG: Okay. And to
6 be clear, this is a one year term for the --

7 MS. HAASE: Operations.

8 MR. ARMSTRONG: -- operations
9 agreement. There has been no acquisition,

10 discussion --

11 MS. LAMBERTON: No.

12 MR. ARMSTRONG: -- or

13 acquisition agreement at this time. Thank you.

14 MR. HOLAHAN: Okay. Let's move
15 on.

16 Blakeslee Route 940 sanitary
17 sewer extension.

18 MS. HAASE: This again is
19 something that's going to have to be addressed with
20 Aqua with -- with the acquisition. We can moved
21 forward -- I think regardless, we would have to
22 amend the 537, but if it's going to be then your
23 plan, I'm assuming, you would be involved with
24 that.

25 Correct, Alan?

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1 MR. ALAN ROTH: Absolutely.

2 MS. HAASE: Okay. So the
3 options could be that Aqua now begins that process
4 or we place that on hold or the township moves
5 forward with it and perhaps has an agreement with

6 Aqua that they help pay for the studies, the
7 ancillary studies that are required from DEP for
8 the western extension.

9 I don't know if that's agreeable
10 with you, but the end result is you're going to be
11 involved with this one way or the other.

12 MR. ALAN ROTH: Yeah. I mean,
13 our desire is to be a utility provider for
14 wastewater services in the township. We already
15 are in the area of Pine Crest. We have the
16 wastewater treatment plant in Pine Crest and the
17 water system for that matter.

18 And through discussions with you
19 folks over the years, we believe that we can get to
20 an arrangement to acquire your existing assets.
21 And then help the township expand those assets to
22 get to other areas of the township that have that
23 need through, again, what is a deemed a
24 public/private partnership, or a P3, where there
25 would be cost sharing of the folks who would

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1 benefit from that activity and Aqua would develop a
2 plan that worked for the -- for the folks involved.

3 You're not going to see the details by dollars and
4 cents in this outline, but it's a concept.

5 And the P3 options for either
6 the eastern extension or the Blakeslee extension
7 can be bifurcated from the acquisition of the
8 existing assets. So they don't necessarily have to
9 be joined together; but once we acquire the system
10 certainly we're -- we would like to add customers
11 to the system as you had intended when you built
12 the original facility. I think things have slowed
13 down considerably more than what was anticipated
14 say 10 years ago when the plant was built. So we
15 want to help regenerate that -- that activity if we
16 can.

17 So that would be -- that's
18 really what this outline kind of touches on. It's
19 about the acquisition of the existing system and
20 then two extension agreements that we would work
21 with the township and interested parties in a big
22 plate.

23 MS. PICKARD: So I had a
24 question. It just really discussed the purchasing
25 it for the remaining debt? I think we need to get

1 an independent appraisal on our system.

2 MR. HOLAHAN: Probably. And Mr.
3 Penrose was going to address that.

4 MS. HAASE: Correct, but it
5 also says pending additional financial review. But
6 I would agree that we would have to have it
7 appraised and look at what our capital
8 improvements, what we have that definitely would
9 need to be done. I know that John Kerrick had a
10 question of whether or not this had to be bid out.
11 Pat did look into it and it does not have to be put
12 out to bid. It's something that the board chooses
13 to do, you certainly could, but you are not
14 required to.

15 MR. ARMSTRONG: Yeah. Aqua's a
16 public utility, so there is no requirement that you
17 bid it out; however, it might behoove the township
18 to consider bidding it out. If that -- if you come
19 that point in time, sometime in the future that you
20 are looking to sell it.

21 MS. PICKARD: I think
22 regardless, I think we need to invest in the money
23 to get an evaluation.

24 MR. ARMSTRONG: Oh, absolutely,
25 an appraisal.

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1 MS. PICKARD: I would like to
2 make a motion that we move forward with that.

3 MR. HOLAHAN: To get an
4 appraisal now -- let me get my thoughts together
5 here. Make a motion to get an appraisal at this
6 point?

7 MS. PICKARD: Or can we just
8 direct her --

9 MR. HOLAHAN: Or to look into
10 --

11 MS. PICKARD: -- to get prices
12 on how much that's going to cost?

13 MR. HOLAHAN: I guess that's
14 what I was looking for. I didn't know how to say
15 it.

16 MS. LAMBERTON: I'll second
17 that.

18 MR. ARMSTRONG: That is to have
19 Phyllis reach out to some appraisal companies to
20 see how much an actual appraisal would be?

21 MS. LAMBERTON: Correct.
22 MS. PICKARD: Correct.
23 MS. HAASE: Yes.
24 MR. HOLAHAN: Do we need that
25 in the form of a motion or just --

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1 MR. ARMSTRONG: Yeah. I mean,
2 you can do that. Yeah, that's fine. You can --
3 you already have a motion to move forward.
4 MR. HOLAHAN: We got a motion
5 and a second.
6 Further discussion from the
7 board?
8 Whether we need it or not.
9 Further discussion from the
10 public?
11 Mr. Cruz?
12 MR. TOM CRUZ: I'm being a
13 pain, but where is the plant located at? I'm new
14 to the area, that's question number one.
15 MR. HOLAHAN: Down that way.
16 MS. HAASE: It's located in

17 Blakeslee.

18 MR. HOLAHAN: Go down yonder,
19 turn left at the big oak.

20 MS. HAASE: Mr. Cruz, it's
21 right off of 115 on a private road, Keswicke Drive.
22 If you go down to the intersection of 940 and 115,
23 you make a left. It would be approximately a mile
24 -- mile to a mile and a half on your left-hand
25 side.

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1 MR. TOM CRUZ: Okay. Now, the
2 extension on to -- is that -- that extension is
3 that coming from the plant down 940? How far down
4 140? And I guess what's the cost of that? I don't
5 think I heard the cost of that project.

6 MR. HOLAHAN: That's what we're
7 trying to figure out now. We've got in here about
8 three million, but this could be more than that,
9 but there's engineering costs. That's the
10 direction we're headed, trying to do the pro forma
11 so we can find out what those costs are going to be
12 and how it's going to keep from raising rates, but
13 maybe stabilize or even lower rates for the users.

14 We don't have enough users now, so the costs are up
15 there.

16 MR. TOM CRUZ: Yeah, 'cause I
17 was gonna ask --

18 MR. HOLAHAN: The extension's
19 going to come down 940 just past Donnie Moyer's
20 place to the spur, the diner.

21 MR. TOM CRUZ: Okay.

22 MR. HOLAHAN: Do you know where
23 that is?

24 MR. TOM CRUZ: Yep. 'Cause I
25 was gonna ask who's gonna -- well, what's the cost

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1 to the users? What's it going to be on the
2 average?

3 MS. HAASE: The user fees?

4 MR. TOM CRUZ: Yeah. When you
5 hook up to the homeowner, business or whatever, the
6 average?

7 MS. HAASE: The one benefit, of
8 course there's going to be multiple benefits to our
9 residents. For the individuals that have property

10 in that area that doesn't perk and they either
11 can't build their home or expand their business,
12 you're going to be able to use your property now.

13 The second part of it was
14 speaking with Mr. Penrose where the township,
15 unfortunately, we have to recoup certain costs. So
16 the EDUs are \$5800 at this point. So with Aqua,
17 that certainly -- from Mr. Penrose, certainly would
18 come down or not be there for the residents. So
19 those are all things that need to work out.
20 There's certain items that Aqua would not be able
21 to charge for where the township would. So you
22 would have that savings. So there's a lot of
23 things that we need to work out at this stage and
24 it's pretty early in this process.

25 MR. TOM CRUZ: How old is the

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1 plant?

2 MS. HAASE: It's less than 20
3 years old.

4 MR. TOM CRUZ: Is it too old or
5 it doesn't keep up with capacity with the new
6 extension? Is that why it's costing so much?

7 MR. HOLAHAN: Well, it has
8 capacity, there's not enough people hooked up to
9 it.

10 Do you know anything about
11 sewers? 'Cause we're looking for someone to be on
12 the authority.

13 MR. TOM CRUZ: I know it goes
14 in, goes through stages, comes out clean at the
15 other end.

16 MR. HOLAHAN: Yeah, see if he
17 fogs a mirror.

18 Bud?

19 MR. BUD COOK: Bud Cook, Wagner
20 Forest. I have attended several supervisors
21 meetings that which this subject has been
22 discussed. And the discussion has been mostly
23 about how to extend central sewer service eastward
24 in the township possibly all the way to Pocono
25 Summit. But I haven't heard much discussion about

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1 what's the actual need for sewers from one end of
2 the township to the other.

3 I'm wondering if there is some
4 statement from the supervisors somewhere about the
5 need, the benefits versus the costs, 'cause
6 ultimately a significant part of the cost will be
7 born by taxpayers, at least from the discussions
8 that I have heard.

9 MS. HAASE: Mr. Cook, actually
10 the board started to look at this because there was
11 request from taxpayers at the eastern end for sewer
12 service. So that's how it was brought forth to the
13 board for consideration. I will say, and it's
14 further down on our agenda, the eastern extension,
15 we have recently learned that that segment of the
16 sewer extension would need to be put on hold for a
17 period of time because we would need to address the
18 western extension first due to certain regulations
19 of DEP. We have an Act 537, which you're aware of.

20 The 537, if we were to begin
21 planning for the eastern extension, we would have
22 to include what's already been improved on the
23 western side of the township by DEP. So it'd
24 require then and prompt a full-blown study. We are
25 currently -- we already have approval for the

1 western extension and we only have to do a few
2 ancillary reports. So DEP has informed us that we
3 would have to include that western extension into
4 the Act 537 revision if we were to move forward
5 with it.

6 So our residents have been very
7 patient at the western end with a lot of properties
8 that they want to expand on or build on that they
9 cannot. So I believe it's the desire of the board
10 then to allow those customers to have the ability
11 to hook on and utilize their properties before we
12 move forward with the eastern extension. So that's
13 why there's not of a lot of discussion about that
14 right now, but it was brought forth from the tax --

15 MR. BUD COOK: The taxpayer
16 subsidized increase in value for those -- for those
17 property owners.

18 MS. HAASE: For the western or
19 the eastern? Both in essence, yeah.

20 MS. LAMBERTON: Also too, it's
21 always been a designated section of our 537 plan,
22 Bud. And there are a number of businesses along
23 the corridor of 940 that it has not stretched out
24 to that their -- their systems have failed over a

25 number of years. They've been replaced, even their

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1 mounds on what Sullivan Trail Hotel, got Robert
2 Christian and then you go down the whole corridor.
3 And I mean, those guys are paying commercial taxes
4 as well too. So, you know, everybody pays their
5 share as far as the real estate tax that'll have to
6 support this.

7 MR. ARMSTRONG: Keep in mind
8 if, if there is ever a sewer extension, those
9 benefited -- they're considered benefited
10 properties. If the sewer extension goes in front
11 of their property, they're going to be benefited
12 because they're going to have public sewer right
13 there. Those property owners can be assessed. The
14 idea is when they have an assessment it's to cover
15 the cost of construction. You know, it's going to
16 improve their property because they're going to
17 have the ability to connect to public sewer.

18 So in the event that the
19 township does move forward with this -- I'm not
20 telling you they are, but in the event that the

21 township does proceed with the extension, there is
22 an ability to assess those benefited properties in
23 assessment for -- to help cover the cost of the
24 construction of the line. And that's separate and
25 distinct from a tapping fee. The tapping fee is

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1 the 50 --

2 MS. HAASE: 5800.

3 MR. ARMSTRONG: \$5800 that'll
4 cost for that property to connect to the public
5 sewer, it's an EDU. One residential, I'm assuming,
6 is one EDU in the township.

7 MS. HAASE: That is correct.

8 MR. ARMSTRONG: Commercial,
9 depending upon what type of a use it is, it could
10 be more than one EDU.

11 MR. BUD COOK: That doesn't
12 come close to the total cost.

13 MR. ARMSTRONG: Well, the
14 assessment is the unknown. You don't know what the
15 -- there is different ways of calculating an
16 assessment for the different properties that'll be
17 benefited by this line. I'm not -- you know, I

18 can't sit here and go through what that
19 assessment's going to be, but that's -- you know,
20 we don't know -- I don't know that sitting here
21 tonight.

22 MR. HOLAHAN: Mr. Roth, you've
23 gone through this before, anything to add on that?
24 I'm going to put you on the spot. Anything? You
25 can say no.

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1 MR. ALAN ROTH: Reporter
2 sitting here.

3 MS. JEANINE HOFBAUER: I'm a
4 good one.

5 MR. ALAN ROTH: It's the devil
6 in the details. As this moves along, you got to --
7 I think you said it's -- you're very early in the
8 process. You're still, you know, trying to figure
9 out what things are going to cost, who's going to
10 benefit, how you're going to enforce new ordinances
11 perhaps on assessments and things like that. But,
12 you know, it's the people who are going to benefit,
13 who are gonna front the lion's share of that

14 project. And how you do things with tax
15 assessments, that's beyond my, you know --

16 MR. HOLAHAN: Right. But then
17 does the community as a whole benefit from the
18 other businesses and their ability to be able to
19 expand?

20 MR. ALAN ROTH: Sure. Well,
21 yeah, I mean, that's the economic development
22 benefit. So you have a facility that's
23 underutilized now. It's the treatment plant off of
24 115. You're paying for it, you know, it was
25 designed for a lot more users than it's seeing.

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1 And when you get to economies of scale, that -- you
2 know, that that plant was built for, overall the
3 user fees will at least stabilize, if not, you
4 know, perhaps go down.

5 So you have a lot fixed costs
6 that are going to be covered by more people and
7 that's a benefit. And then you'll do that service
8 on what you will -- you know, you do towards
9 improvements whether that's -- that service is
10 incurred by the utility that takes over or a

11 township bond or getting a loan.

12 So, you know, again, they are
13 the details that we're gonna work through as we
14 move the projects forward to see who -- you know,
15 how you carve up that pie, who's going to pay for
16 what. And if it's palatable to folks and they find
17 a benefit in improving their business or their
18 property, they're gonna sign up and they're gonna
19 connect. You're not going to get a hundred
20 percent, you probably never do on anything, but --
21 but that would be the goal in the overall benefit
22 to the township is to promote that development.

23 MR. HOLAHAN: As we do more
24 research on this, we're going to need the input
25 from residents, tell us, are there more of you out

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1 there saying that you don't want it than do? So we
2 can figure out how we're going to proceed. But we
3 certainly have to have the information in front of
4 us, the costs and things that Mr. Cook has brought
5 up, see if it makes sense. And then we'll vote
6 yes. I kid. I kid. Let's move on.

7 MR. TOM CRUZ: No further
8 questions, John.

9 MR. KERRICK: Mr. Chair, can I
10 ask Mr. Roth a question?

11 MR. HOLAHAN: Please.

12 MR. KERRICK: You had
13 mentioned, when you were here in July, that you
14 have engineering staff, obviously, and that you
15 possibly could share in some of these initial
16 expenses that we were going to incur with RETTEW.

17 Is there any possibility that
18 you could start to share some of that now so it
19 wouldn't cost us anything, if we're partnering with
20 you?

21 MR. ALAN ROTH: I think we would
22 need to know what the scope of that -- those
23 services are.

24 MR. KERRICK: That's why I'm
25 asking you, first of all, yes, and then maybe you

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1 can put a scope together. You got me on the user
2 fees, so I'm going to come after you a little
3 harder.

4 MR. ALAN ROTH: We -- you know,
5 again, I think however you want to structure
6 discussions on developing formal scope of services,
7 you know, we can certainly make an offer in that
8 regard.

9 MR. HOLAHAN: I imagine we're
10 going have to have a special meeting just for this,
11 John, on a time limit. Nobody can make it so they
12 can ask questions.

13 MR. ARMSTRONG: Again he jokes.

14 MR. HOLAHAN: I kid, yes.

15 MS. LAMBERTON: I think we're
16 in the right direction with Phyllis going out,
17 getting prices for appraisals. We find out what
18 the value of the system is and then we have
19 something at least to go to you with and say are
20 you willing to look at it at this amount and, you
21 know --

22 MR. ALAN ROTH: Well, yeah, I
23 --

24 MS. LAMBERTON: -- what we can
25 do that benefits the township.

1 MR. ALAN ROTH: Sure. And, you
2 know, you certainly want the most value or the most
3 dollars for what you have as a value of assets;
4 but, again, you want to take into consideration any
5 carrying cost, that service. So if you have a
6 facility that's already been paid for in some way,
7 shape or form, to have folks, you know, pay for
8 that again. You want to take that into
9 consideration.

10 MR. HOLAHAN: John, when you
11 came on the board, was the sewer plant already up
12 and running?

13 MR. KERRICK: Yes.

14 MR. HOLAHAN: So this is like
15 on the job training. We don't know these things,
16 it's going to take -- it's going to take the input
17 of the experts that we have, our engineering group,
18 our engineer, our solicitor and folks like
19 yourselves that might have something to offer for
20 us. So we are going to need that help.

21 Did you have something else,
22 Phyllis?

23 MS. HAASE: No, I do not.

24 MR. HOLAHAN: Let's move right

25 on here. Let's go on to another one. Here's one

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1 for you. Let's talk about the replacement of the
2 Gradall.

3 MS. HAASE: Oh, another topic
4 for us. At our last meeting I brought forth the
5 repairs that needed to be done or we anticipated in
6 the very near future that needs to be done to our
7 Gradall. At the time, Tunkhannock Township was
8 gracious enough to allow us to use their piece of
9 equipment which unfortunately we had to repair
10 something on theirs that broke while we were using
11 it.

12 I brought it forth to the board.
13 John had made a suggestion about a rubber tired
14 excavator for us to look into, which Ed had a quote
15 from --

16 MR. HOLAHAN: Don't let him go.

17 MS. HAASE: -- from months back
18 and he did ask them to look at the quote and see if
19 anything needed to be changed. Unfortunately that
20 quote came in slightly higher, \$3,000 higher.

21 MR. HOLAHAN: 2,000.

22 MS. HAASE: Almost 3,000.
23 MR. HOLAHAN: On a total amount
24 of --
25 MS. HAASE: That amount was two

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1 sixty-four two eleven and they're going to give us
2 seventeen five on our Gradall, which would bring
3 the total cost of Volvo, the rubber tired excavator
4 down to 246,711. The Gradall that was initially
5 proposed is \$261,338, reduction of seventeen five
6 for the trade-in, bring the cost down to \$243,838.
7 Our director of finance ran some figures on a loan
8 on a basis of a five, six and seven year loan on
9 \$240,000.

10 The seven year loan, we're
11 looking at a monthly payment of \$3200; on the six
12 year loan, \$3600; and on a five year loan \$4300.
13 That's an interest rate of 2.81 for the 7, for the
14 6 year, 2.62 and for the 5, 2.4. There was also
15 had requested by our vice-chair that we reach out
16 to Tunkhannock Township to see if they would be
17 interested in possibly sharing their Gradall, which

18 Ed did reach out to Tunk and Tunk certainly is --
19 is very cooperative if our machine broke down,
20 they'd be more than happy to help us; but on a
21 regular basis and other projects and would prefer
22 to be able to use it when they so choose to.
23 We would have to put this out to
24 bid. It was a recommendation we could do an RFP
25 for proposal of the interest rates to the banks;

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1 but we would have to put this out for bid. So we
2 need direction from the board. Should we move
3 forward with the purchase of the piece of
4 equipment? We're going to need to know during the
5 budget process which direction that we're going
6 need to go into.
7 Unfortunately this machine is
8 aged now, has a substantial amount of hours. We
9 did get a second opinion on this where they agreed
10 with what was being presented to me as an estimate
11 and also as a trade-in value. We put a lot of
12 hours on it this year. We anticipate next year
13 putting more hours on it due to the fact we need to
14 do some major road work. So we're not going to

15 have the additional monies to set aside for
16 drainage, so we will most likely have to do the
17 majority of it ourself.

18 MR. HOLAHAN: Phyllis, we just
19 --

20 MS. HAASE: Yes, sir.

21 MR. HOLAHAN: -- spent \$89,125
22 for road over it, was it --

23 MS. HAASE: Evergreen.

24 MR. HOLAHAN: -- Evergreen?

25 MS. HAASE: Sweet Briar?

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1 MR. HOLAHAN: Right.

2 MS. HAASE: Yes.

3 MR. HOLAHAN: That was just
4 labor? The material from Locust was --

5 MS. HAASE: That was equipment
6 rental.

7 MR. HOLAHAN: Okay.

8 MS. HAASE: I would say
9 probably 95 percent of it was equipment rental.

10 MR. HOLAHAN: With an operator?

11 MS. HAASE: With an operator.
12 We also had our machine working simultaneously.
13 That's how much work we've been doing.

14 MR. HOLAHAN: If we did this,
15 how much less would you think that we would be
16 using Papillion and Moyer? Would we be able to
17 take on a substantial amount of that or do we still
18 need them to come in?

19 MS. HAASE: I think regardless,
20 as certainly Ed can attest to, my approach this
21 year was, we were working simultaneously side by
22 side together through the summer. We started in
23 mid-June. There is so much work to be done, I
24 don't think that we can do it by ourselves with the
25 crew that we have.

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1 Ed, did you want to speak to the
2 amount of hours that you've used this, this year?

3 MR. ED TUTRONE: We've been
4 pretty much steady since -- we got a late start
5 this year, but since the middle of June we've been
6 pretty much steady almost every day with our
7 machine. The work that we needed to get done in

8 order to prep the roads that we're doing now, we
9 would not have been able to do by ourselves
10 regardless. Next year with the road budget that
11 we've been talking about in-house here, a lot of
12 the drainage we're gonna end up doing next year
13 ourselves because there's not gonna be very much
14 money for patching or overlaying streets.

15 So basically we're gonna do the
16 drainage work, we're not gonna be doing base repair
17 like we did this year. So I would say there'd be a
18 pretty substantial savings as far as using outside
19 contractor and pay for the machine. I did, when I
20 spoke to Phyllis about this and also I addressed
21 you guys at the last meeting, two day rental for
22 that machine on a subcontractor rate you could pay
23 your loan for that month based on a 10-hour day,
24 'cause that's usually how the subcontractor bills
25 us or works.

1 Plus we also have that machine
2 then all year long for the incidentals that we
3 don't take into account, not just for road work,

4 but we put our water line in, in the park, we redid
5 our water line. We did some just day-to-day stuff
6 where if we need the machine for an hour to load a
7 truck with debris, it's there; storm time, it's
8 there. So definitely be beneficial to replace what
9 we had let alone I think is the only way to do it;
10 but for the cost factor it would definitely be
11 beneficial.

12 MR. HOLAHAN: The amount of
13 roads that we have, do we have five years of
14 drainage and things like that, that we're going to
15 be taking care of? Is it like mowing a big lawn,
16 by the time you're done you got to start over
17 again?

18 MR. ED TUTRONE: Yes. Right
19 now we're starting a new -- we finished the base
20 repair with our machine that we -- we're currently
21 working with. Now we're going back and we're
22 starting to clean out -- for the last week, they've
23 been cleaning out ditches that were done probably
24 five, six years ago that are starting to grow in
25 and need to be maintained. So, in my opinion,

1 you're never gonna run out of work with that
2 machine as long as you have the crew to do it.

3 MR. HOLAHAN: I guess -- I
4 guess the thing that I wonder is once you get a
5 machine like that, do you just create work for it
6 as well? Stuff that you wouldn't've done but now
7 you got the machine, you might as well. Then are
8 we going to be adding crew to the DPW?

9 MR. ED TUTRONE: I don't know
10 necessarily if you would create work because we
11 know what the work is out there and what needs to
12 be done. I think we have a pretty good plan going.
13 I mean, the board started this plan back in --

14 What was it, John, '05, '06?

15 MR. KERRICK: Yes.

16 MR. ED TUTRONE: -- with the
17 drainage which is the biggest issue. And you need
18 to get the water away from the base of the roads
19 first. So they hit it head-on, taking care of all
20 the drainage. I would say probably 90 percent of
21 the township is complete with that now. And so it
22 will never end as far as maintenance goes. There's
23 not much more to create so to speak other than what
24 we are currently doing now.

25 MS. HAASE: So in essence we're

1 replacing a machine that we have, it's slightly
2 larger, but that's not by our choice, that's what's
3 being offered.

4 MR. HOLAHAN: The way it
5 happens, right?

6 MS. HAASE: So we're replacing
7 what we currently have and how we've been using it.

8 MR. HOLAHAN: So we're being
9 asked to spend -- what's the net amount?

10 MS. PICKARD: Quarter million
11 dollars.

12 MR. HOLAHAN: Quarter million
13 dollars? Well, Heidi, they're giving us something
14 for our machine.

15 MS. LAMBERTON: It's 17,000.

16 MR. HOLAHAN: Yes.

17 MR. BILL SCHEIBLE: Bill
18 Scheible, Lake Naomi. Do you budget for
19 maintenance and replacement costs of your equipment
20 or do you more or less live hand to mouth? If it
21 breaks, we got to get it fixed and we got to write

22 out a check? I'm just wondering, this seems like a
23 big surprise. You got a piece of equipment, you're
24 using it, there should be something set aside, it's
25 going to cost us so much to run it, it's gonna wear

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1 out eventually. We're gonna have to replace it.
2 This shouldn't be a big thing.

3 MR. HOLAHAN: It's \$250,000,
4 whether we have it set aside or not, it's still a
5 lot of money.

6 MR. BILL SCHEIBLE: If you were
7 planning replacing it and if you were maintaining
8 it, this was all in the budget, the funds should be
9 there.

10 MS. PICKARD: Theoretically
11 that would be true, but during the last five years
12 of the economy we've lost a lot of revenue at the
13 township and we haven't --

14 MR. BILL SCHEIBLE: Can't
15 operate this way, can't operate hand to mouth.

16 MS. PICKARD: I know that. I
17 know that, and that's what we are working on that
18 capital plan.

19 MR. KERRICK: We lost half of
20 percent of earned income this year.

21 MS. PICKARD: We lost a lot of
22 money. We lost about a half a million dollars over
23 the last four, five years.

24 MR. BILL SCHEIBLE: We don't
25 hear about all of this stuff.

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1 MS. PICKARD: What's that?

2 MR. BILL SCHEIBLE: We don't
3 hear about these things, these surprises.

4 MS. HAASE: Surprises as far as
5 what, sir? The loss of the revenue or the
6 replacement of the machine?

7 MR. BILL SCHEIBLE: The excess
8 debt that you're having.

9 MS. HAASE: Well, the lost of
10 our revenue that certainly has been advertised and
11 as a taxpayer you're aware of the difference of the
12 monies, how it's being allocated with the school
13 district. So that's something that's been for a
14 period of time and, yes, that has been advertised,

15 it's been in the media.

16 As far as this piece of
17 machinery, there's nobody here that's probably more
18 heartbroken in this. Became a manager a year ago
19 and I have a fleet that I need to work on to
20 replace. And I'm rather frugal and I did not want
21 to replace this till to 2016. Unfortunately the
22 best use of your taxpayers' money is to have our
23 maintenance crew do the work and work side by side
24 than having the rental.

25 MR. BILL SCHEIBLE: I agree,

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1 but it's not for free.

2 MS. HAASE: Unfortunately, it's
3 something we have to address now instead of 2016,
4 but we do agree with you, we do have to have a
5 maintenance plan and replacement plan in place.
6 You are correct.

7 MS. PICKARD: I think right now
8 from the figures you gave us before it would make
9 sense to pay the 30 to \$50,000 to buy the machine
10 than it would be to pay 80 to \$90,000 to rent a
11 second machine that would be doing that work.

12 MS. HAASE: By no means am I
13 saying that we wouldn't have to have an additional
14 subcontract to do work, but we can't have the
15 subcontractor do a hundred percent of the work. So
16 we're replacing an existing machine that we have,
17 so we're able to continue to do the work that we're
18 doing now.

19 But I would agree, I think that
20 it may be beneficial for us to go with the seven
21 years at the 2.81 and having that payment of 30 and
22 change perhaps come out of the liquid fuels for the
23 additional funding that we're going to be receiving
24 through the (inaudible) adoption of the
25 transportation bill that will allow us some extra

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1 funding to be able to use.

2 MS. PICKARD: Also we are
3 entitled to raise taxes for an equipment fund. So
4 it is possible in Mr. Scheible's case that we spend
5 up to one to mills tax increase to fund a program
6 for the equipment maintenance.

7 MS. HAASE: Certainly that's an

8 option that's a -- a board's decision, but we're
9 hoping to receive some direction from the board.

10 MS. PICKARD: Well, we talked
11 about that a lot over the last couple years, but we
12 did not want to raise the taxes at this time
13 because it was a difficult time for our residents.

14 MS. HAASE: Correct.

15 MS. LAMBERTON: Or we become
16 business friendly and we get more businesses to
17 open up in Tobyhanna Township to pay a higher rate.

18 MS. PICKARD: Correct.

19 MR. HOLAHAN: Okay. So

20 let's --

21 Yes?

22 MR. TROY COUNTERMAN: Troy
23 Counterman, Blakeslee. I'm just doing some quick
24 math.

25 Phyllis, how long was that

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1 89,000 good for? One month? Two months?

2 MS. HAASE: I'm sorry, the
3 89,000?

4 MR. TROY COUNTERMAN: Yeah,

5 that you got your bill from Papillion and Moyer.

6 Was that one month worth of work? Two months worth
7 of work?

8 MS. HAASE: That was one month.

9 MR. TROY COUNTERMAN: One
10 month. 89,000 at 3200 gives you 28 months worth of
11 payments, just throwing it out there.

12 MS. HAASE: Thank you.

13 MR. HOLAHAN: Okay. Anything
14 else?

15 MS. HAASE: No, sir.

16 MR. HOLAHAN: Then are we going
17 to move forward?

18 MS. PICKARD: I would like to
19 move forward. I think --

20 MR. HOLAHAN: Then I'm looking
21 for a motion.

22 MR. ARMSTRONG: I guess before
23 just so everyone's aware, we didn't really talk
24 about it specifically, but if do we move forward
25 with the RFPs to the financial institutions, I

1 highly recommend it; however, this is above the 125
2 DCED Unit Debt Act ceiling so you'd have to go
3 through the whole -- you'd have an ordinance to be
4 adopted and you need DCED approval for those type
5 of (inaudible).

6 MR. HOLAHAN: Okay.

7 Do I have a motion -- I've got
8 a motion?

9 MS. PICKARD: So moved.

10 MR. HOLAHAN: Do I have a
11 second?

12 MS. LAMBERTON: I'll second.

13 MR. HOLAHAN: I got a motion
14 and a second.

15 Further discussion from the
16 board?

17 From the public?

18 Yes?

19 MR. JOE CRANDALL: Joe
20 Crandall, Pocono Pines. With the economy, some
21 construction businesses have gone out of business.
22 Does it pay to look, maybe there's some equipment
23 sitting out there that would fill our needs, it
24 would be a lot less expensive.

25 MS. HAASE: We actually did,

1 Mr. Crandall.

2 MR. JOE CRANDALL: You did?

3 MS. HAASE: Yeah. We actually
4 found one in Colorado.

5 MR. JOE CRANDALL: I'll go get
6 it.

7 MS. HAASE: The problem was the
8 age and there was only a difference of like
9 \$20,000.

10 MR. JOE CRANDALL: Oh, okay.

11 MS. HAASE: But it was about
12 seven years old, I believe. Don't quote me on
13 that. It was six or seven years old so it really
14 didn't make sense to mobilize it and then pay that
15 -- the difference. It wasn't that -- it really
16 wasn't worth that while, but we did look in that.
17 Thank you.

18 MR. HOLAHAN: Any further
19 discussion?

20 Hearing none. I'll call the
21 vote.

22 John?

23 MR. KERRICK: In favor.
24 MR. HOLAHAN: Heidi?
25 MS. PICKARD: I vote in favor.

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1 MR. HOLAHAN: Annie?
2 MS. LAMBERTON: I vote in
3 favor.
4 MR. HOLAHAN: And I vote in
5 favor. Motion carries.
6 Moving right along here, folks.
7 We already talked about the 940 --
8 MS. HAASE: Yes, we did, sir.
9 MR. HOLAHAN: So we'll move on
10 from there.
11 Letters of support for House
12 Bill 2133, storm water disclosure form and Senate
13 Bill 1427, county demolition funding program.
14 MS. HAASE: Yes, sir. If you
15 recall last month, we brought these two bills
16 before the board for discussion and perhaps
17 support. House Bill 2133, Supervisor Pickard had
18 brought forward and thought this would be something

19 the board would like to consider and it's basically
20 a disclosure form that would be presented to a
21 purchaser of a piece of property pertaining to the
22 maintenance of the storm water and what's on hand.

23 The other is Senate Bill 1427,
24 it's county demolition and funding program. I
25 brought that before the board for consideration. I

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1 thing it's a much needed fund. My concern is
2 today, as it was last month, is how the monies
3 would be disbursed. And in the bill it doesn't
4 speak to that. It would be monies that would be
5 set aside by the county that transfer the recording
6 of the deeds. There would be \$15 set aside and put
7 in a fund for use of blighted properties.

8 And we certainly know that we
9 have blighted properties throughout the entire
10 county that we need to address and funding would be
11 helpful, but it's my concern how that would take
12 place and that's not spelled out in the bill.

13 Heidi did put together a
14 resolution if the board was -- or so chooses to
15 move forward with the support of that. And I

16 believe that that was in front of you. Miss Argot
17 put that in front of you.
18 MS. PICKARD: I don't think she
19 did that.
20 MS. HAASE: Did she not?
21 MR. HOLAHAN: What was the
22 resolution, Heidi? You don't remember?
23 MS. HAASE: I have the copy in
24 this.
25 MS. PICKARD: I sent it to

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1 Patrick.
2 MR. ARMSTRONG: I may have it.
3 MS. PICKARD: I can read it if
4 you want or Pat can read it.
5 MR. HOLAHAN: Let's let Heidi
6 read it because she just worked so hard on this.
7 MR. ARMSTRONG: Heidi, I
8 already talked to you before the meeting on those
9 two question marks, they're fine.
10 MS. PICKARD: Okay. Basically
11 it is to support which is currently a bill that has

12 passed the house and is in front of the senate in
13 the committee to amend Title 68 of the Pennsylvania
14 Consolidated Statutes, which regulates property
15 disclosure statements.

16 And it was: Whereas the Board
17 of Supervisors of Tobyhanna Township agree that
18 Title 68 of the Pennsylvania Consolidated Statutes
19 should be amended to require that property
20 disclosure statements contain a description of the
21 location and condition of storm water facilities
22 including, basin drains, swales and culverts. And
23 a statement disclosing whether the ongoing
24 maintenance of the facilities is a property of the
25 purchaser.

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1 Whereby the township hereby
2 intends to authorize appropriate representative to
3 prepare and present the appropriate resolutions and
4 other documents necessary to request Monroe County
5 and/or the Pennsylvania State Association of
6 Township Supervisors to submit such legislative
7 amendment requests to the appropriate legislative
8 body for consideration.

9 Therefore hereby we resolve that
10 Tobyhanna Township supports the following proposed
11 amendment to Title 68 of the Pennsylvania
12 Consolidated Statutes. And then we repeat it again
13 because that's how Pat likes it.

14 MR. HOLAHAN: That's how it
15 does.

16 MS. PICKARD: Which would --
17 contained -- the property disclosures would contain
18 a description condition of stormwater facilities
19 including basins, drains, swales and culverts.
20 Statement disclosing, but the ongoing maintenance
21 of the facility is the responsibility of the
22 purchaser.

23 And that is because most of our
24 -- especially commercial properties have these
25 stormwater maintenance facilities which the

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1 township usually has to enter into an agreement
2 with PennDOT. And we do take a maintenance for --
3 10 years inspections? We take a fee when we
4 approve these things.

5 MS. HAASE: 10 years, that is
6 correct.

7 MS. PICKARD: But a lot of the
8 things would be sold without the knowledge of the
9 purchaser that there are stormwater facilities that
10 they need to maintain.

11 MS. HAASE: It's my
12 understanding this would not just solely be
13 commercial, it would also be residential, correct?

14 MS. PICKARD: It would be
15 residential, which would make Wendi happy.

16 If the board so chooses to act
17 on that, we do have another Resolution No. 18
18 already on the agenda. So this would have to come
19 after that, it'd be No. 19.

20 MR. HOLAHAN: Okay. I'll
21 entertain a motion at this time to adopt Resolution
22 2014 dash 19.

23 MS. PICKARD: I will make that
24 motion.

25 MR. HOLAHAN: How about a

1 second?

2 I'll second it.

3 Got a motion and a second.

4 Further discussion from the
5 board?

6 I'm just wondering how this is
7 going to affect individual lot owners.

8 MS. LAMBERTON: Yeah. I don't
9 know. I just think we got too much government
10 going on here.

11 MR. HOLAHAN: Well --

12 MS. LAMBERTON: It just never
13 ends.

14 MS. HAASE: It's my
15 understanding this is not additional, but it's
16 disclosing when a new purchaser --

17 MS. PICKARD: It's just
18 disclosing at the real estate transaction.

19 MS. LAMBERTON: I understand.
20 People with residential housing right now, which we
21 just discussed with our township DPW, the swales
22 are maintained by the township. I mean, I just
23 think we're putting more burden on the property
24 owner and it just -- that's just my opinion.

25 MR. HOLAHAN: Actually in

1 Tobyhanna Township we're required as a contractor
2 doing work on a house that you have to calculate
3 the amount of water coming off the impervious
4 surface, roof, decks and then retain that, put
5 retention ponds in. And retention ponds are
6 swales, bermed up areas that I know get covered up
7 after the CO is issued. So now, does -- I would
8 wonder how they're going to police this. Does it
9 follow -- is this going to be following the deed?
10 It's a disclosure, so --

11 MS. HAASE: I believe at the
12 time of the sale it has to be disclosed. So I
13 would think it would have to be recorded with the
14 county in order to bring forth.

15 MS. PICKARD: I don't believe
16 so. I think with every real estate transaction now
17 you have like a 15, 20 page disclosure about the
18 property, about everything about your property.

19 MR. HOLAHAN: Yeah, but those
20 things --

21 MS. PICKARD: It'd just really
22 be something that would be listed on there that you

23 would understand and know that it's your
24 responsibility, which technically you should know
25 anyway.

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1 MR. HOLAHAN: The PUDs have to
2 --

3 Bill, what's that form that --
4 you know, that you issue when --

5 MS. LAMBERTON: Resale
6 certificate.

7 MR. HOLAHAN: Resale cert,
8 right.

9 MS. PICKARD: Resale cert.

10 MR. HOLAHAN: Yeah, the resale
11 cert.

12 MS. PICKARD: I don't think
13 that would be on the resale cert.

14 MR. HOLAHAN: This wouldn't.

15 MS. PICKARD: No, this would be
16 just on our seller's disclosure.

17 MR. ARMSTRONG: These are for
18 the property disclosure statements.

19 MS. PICKARD: Yeah.

20 MR. ARMSTRONG: When you sell a
21 property, there's a specific section for
22 disclosures. And this looks like it's going to be
23 requiring them to disclose the location, condition
24 of any stormwater facilities on the property or
25 servicing the property. And a statement disclosing

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1 whether any ongoing maintenance of the facility is
2 the responsibility of the purchaser.

3 So you're just -- if John was
4 selling to Jane, he'd have to disclose the fact
5 that that swale is on his property and that she's
6 -- and that Jane would be responsible for
7 maintaining it in the future. And you're correct,
8 if after John moves into the property, if he
9 covered it up with something, it may cause an issue
10 with respect to the sale; but, you know, that's
11 probably one of the reasons for this to happen.

12 It's not going to be -- I don't
13 -- I don't see anything here requiring anything to
14 be recorded as a declaration of covenants or
15 restrictions, which I have seen municipalities

16 require before. When there are on-site stormwater
17 facilities, I've seen municipalities require
18 property owners record declaration of covenants,
19 restrictions and easements at the courthouse,
20 Recorder of Deeds. So this is really just a
21 disclosures on the property.

22 MR. HOLAHAN: There's nothing
23 so simple that we can't make it complicated though.
24 So that's what we're attempting to do here.

25 MS. LAMBERTON: Yes.

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1 MR. HOLAHAN: Okay. So I've
2 got a motion and second.

3 Further discussion from the
4 board?

5 Anything from the public?

6 Hearing none. I'll call the
7 vote.

8 John?

9 MR. KERRICK: Opposed.

10 MR. HOLAHAN: Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. HOLAHAN: Annie?

13 MS. LAMBERTON: I'm opposed.
14 MR. HOLAHAN: I vote in favor.
15 Didn't pass.
16 MS. LAMBERTON: Too much
17 government for me.
18 MR. HOLAHAN: We're on to new
19 business. Fiscal 2015 minimum municipal obligation
20 of Tobyhanna Township for the nonuniformed
21 employees pension plan.
22 MS. HAASE: Yes, sir. That
23 amount for the 2015 year will be \$33,381.21.
24 MR. HOLAHAN: Do I need to have
25 that approved in form of a motion?

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1 MS. HAASE: I think that's just
2 --
3 MS. PICKARD: No.
4 MS. HAASE: It's just noted. I
5 don't believe the board has to recognize that.
6 MR. HOLAHAN: So noted.
7 Consider Resolution 2014 dash 018, appointing
8 zoning hearing board members.

9 MS. HAASE: Yes, sir. Municipal
10 Planning Code calls out for the appointment of the
11 zoning hearing board members by resolution. And
12 it's been brought to our attention that has not
13 occurred, so we would like to address that matter
14 and appoint the current zoning hearing board
15 members to note their -- also their term of office.
16 Moving forward what will occur is when one of the
17 terms expire, we will bring that in front of the
18 board by form of resolution for that particular
19 appointee.

20 MR. HOLAHAN: So I've got
21 Resolution 2014 dash 018, resolution of the
22 Tobyhanna Township Board of Supervisors appointing
23 members to the Zoning Hearing Board of Tobyhanna
24 Township; whereas pursuant to Article XV of the
25 Second Class Township Code, Tobyhanna Township

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1 Board of Supervisors has the authority to plan for
2 the development for the township through the zoning
3 regulations under the Pennsylvania Municipalities'
4 Planning Code.

5 And whereas pursuant to Article

6 IX of the Pennsylvania Municipalities' Planning
7 Code -- we're going to call that by its initials
8 the next time -- Tobyhanna Township Board of
9 Supervisors has the authority to appoint members of
10 the zoning hearing board by resolution. And
11 whereas Tobyhanna Township Zoning Hearing Board
12 currently has five active sitting members and five
13 year terms and all are residents of Tobyhanna
14 Township.

15 And whereas the board of
16 supervisors desires to confirm the appointment of
17 those residents as members of the zoning hearing
18 board and to clarify the expiration of their
19 individual terms. Now, therefore it be resolved
20 that Tobyhanna Township Board of Supervisors hereby
21 appoints the following active sitting members which
22 term shall be retroactive. Names are: Albert
23 Rinehimer, expires 2018, January of 2018; Anne
24 Sincavage, expires August 2018; John Briggs,
25 expires January 2017; Bill VanGilder, expires May

1 2016; and Denis Hatch, expires August 2015. So be

2 it resolved and adopted by the Board of Supervisors
3 Tobyhanna Township this 8th day of September 2014
4 A.D.

5 Do I have a motion?

6 MS. LAMBERTON: I'll make that
7 motion.

8 MR. HOLAHAN: I have a motion.
9 Do I have a second?

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

12 MR. HOLAHAN: I have a motion
13 and a second.

14 Further discussion from the
15 board?

16 Anything from the public?
17 Hearing none. I'll call the
18 vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. HOLAHAN: Anne?

24 MS. LAMBERTON: I vote in
25 favor.

1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.

3 MR. ARMSTRONG: Before you move
4 on, what I would suggest is I think every January
5 -- do you have like a resolution with a number of
6 appointments, right? You could probably add that,
7 just so you're not missing it, add another line. I
8 was surprised there wasn't another line for zoning
9 officer.

10 MS. LAMBERTON: A reorg?

11 MR. HOLAHAN: At our reorg
12 meeting.

13 MR. ARMSTRONG: Don't you have a
14 resolution --

15 MS. HAASE: A zoning officer?

16 MR. ARMSTRONG: Oh, I'm sorry,
17 zoning hearing board member.

18 MS. HAASE: But we wouldn't
19 know if their term expired or moved, there may be
20 other --

21 MR. ARMSTRONG: Do they all
22 typically expire in January?

23 MS. HAASE: No.

24 MS. LAMBERTON: No, it's
25 throughout the year.

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1 MR. HOLAHAN: Never mind.

2 MR. ARMSTRONG: I was just
3 trying to find a way to catch it, so you don't --

4 MS. HAASE: You were testing
5 me, weren't you, Mr. Solicitor? I passed, didn't
6 I?

7 MR. HOLAHAN: Let's move on.

8 MS. LAMBERTON: Yeah, please.

9 MR. HOLAHAN: Consider letter
10 of support for the Pocono Mountain Economic
11 Development Committee for an LSA Grant funding for
12 the I-80, 940 and Long Pond Road improvements.

13 MS. HAASE: Mr. Chairman, just
14 to refresh everyone's memory, last year the
15 township submitted a letter of support for a
16 community project to realign Long Pond through 380
17 interchange. That unfortunately that grant was not
18 funded, so the project will be submitted again by
19 the PMDEC this September. So they're asking for a

20 letter of support for our community project on the
21 road system of 940 and 380.

22 MR. HOLAHAN: Do I have a
23 motion for a letter of support?

24 MS. PICKARD: I have a question
25 on that or do I wait for discussion?

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1 MR. HOLAHAN: Yes, please.

2 MS. PICKARD: I'll make a motion
3 then.

4 MS. LAMBERTON: I'll second.

5 MR. HOLAHAN: I have a motion
6 and a second.

7 Discussion from the board?

8 MS. PICKARD: Just did we get
9 any update now? We have been hearing things that
10 they were going to be changing their plan around or
11 possibly putting another light in and having a
12 triple light through there.

13 MS. HAASE: The realignment has
14 never changed. Right now on the table it's being
15 proposed that additional light will be -- will be
16 installed. So Stillwater will still have a

17 signalized access point. It will not now be just a
18 right turn in and a restricted access point.
19 They'll have full use of that right turn in, left
20 turn out.

21 MS. PICKARD: Are we going to
22 get another plan on that soon or another update?

23 MS. HAASE: No, it's being
24 discussed right now with PennDOT.

25 MR. HOLAHAN: That was such a

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1 waste of consternation of the brouhaha that was
2 happening and now they --
3 MS. HAASE: Well, fortunately
4 there was a lot of people that sat and listened to
5 the concerns of your constituents and took it to
6 heart of what would be the best for them in
7 Stillwater. It still is not a solid plan, but
8 right now, as we know that there is a problem out
9 there and has been out there for many, many years,
10 with the Kalahari project coming in they're hoping
11 to fund and improve that and Kalahari would like to
12 do what they can to benefit our residents. So they

13 are moving forward with PennDOT hoping that they
14 will agree to allow a signalized interchange there
15 for them.

16 MR. HOLAHAN: So what happened
17 is we had a meeting here, it was a packed meeting,
18 standing room only in the back there. And this was
19 like you can't change this, this is what DEP -- or
20 PennDOT wants, and sounds like it got changed.
21 Pretty cool. Just because a bunch of active people
22 in the community came out and says we don't like
23 this, and then PennDOT says, hey, you pushed back
24 hard enough, we'll take a look at it again. Very
25 cool.

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1 All right. I've got a motion
2 and --

3 MS. LAMBERTON: Yes, second.

4 MR. HOLAHAN: -- a second?
5 Okay.

6 Further discussion from the
7 board?

8 From the public?

9 Hearing none. I'll call the

10 vote.

11 John?

12 MR. KERRICK: In favor.

13 MR. HOLAHAN: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. HOLAHAN: Annie?

16 MS. LAMBERTON: I vote in

17 favor.

18 MR. HOLAHAN: And I vote in

19 favor. Motion carries.

20 MS. HAASE: Mr. Chairman, I

21 have a few other items that was brought to my

22 attention today and actually one was from last

23 week. Annie Lamberton had sent out a letter, a

24 request from Sharon Solt, who is the supervisor

25 from Eldred Township and she was hoping to receive

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1 support from the supervisors to purchase the Eldred

2 School to be used as a community center, YMCA and

3 community based activities.

4 MR. HOLAHAN: Do I have a

5 motion to send a letter of support?

6 MS. LAMBERTON: So moved.
7 MR. HOLAHAN: I'll second.
8 We have a motion and a second.
9 Further discussion from the
10 board?
11 Anything from the public?
12 Hearing none. I'll call the
13 vote.
14 John?
15 MR. KERRICK: In favor.
16 MR. HOLAHAN: Heidi?
17 MS. PICKARD: I vote opposed.
18 MR. HOLAHAN: Annie?
19 MS. LAMBERTON: I vote in
20 favor.
21 MR. HOLAHAN: And I vote in
22 favor. Motion carries.
23 MS. HAASE: The next item that
24 I have -- actually Heidi brought this to me today
25 -- Pocono Mountain Regional EMS is looking for a

1 letter of support to purchase -- or to -- a letter
2 of support for the purchase of a generator at

3 eleven one. And they're going to be submitting for
4 an LSA grant. So they're hoping for a letter of
5 support on that as well.

6 MR. HOLAHAN: Okay. Consider a
7 motion for a letter of support for the regional
8 EMS?

9 MS. PICKARD: I'll make that
10 motion.

11 MS. LAMBERTON: I'll second.

12 MR. HOLAHAN: I got a motion
13 and a second.

14 Further discussion from the
15 board?

16 Anything from the public?
17 Hearing none. I'll call the
18 vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. HOLAHAN: Anne?

24 MS. LAMBERTON: I vote in
25 favor.

1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.

3 MS. HAASE: Then this
4 afternoon, late this afternoon, I received a
5 request from the Clymer Library and they're
6 actually not looking for a letter of support.
7 They're actually looking for the township to submit
8 for an LSA grant on behalf of the library in the
9 amount of \$20,972.

10 Our discussion, I believed, was
11 for -- was created because they had submitted to
12 Lowe's to receive monies for painting, if I'm not
13 mistaken.

14 FEMALE VOICE: It was for the --
15 a lighting (inaudible).

16 MS. HAASE: A lighting. So
17 this is request for a lighting that they're
18 requesting the township to submit for an LSA grant.
19 Speaking with Heidi, who has submitted the grants
20 in the past, she felt that there may be a better
21 chance of the grant being awarded if it went
22 through Michelle.

23 MR. KERRICK: I'm sorry?

24 MS. HAASE: If it went through
25 Michelle Bisbing.

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1 MR. KERRICK: Michelle, okay.
2 I didn't hear what you said. I'm sorry.

3 MS. HAASE: So that's going to
4 be up to the board whether you so choose then to
5 direct the submittal of the LSA grant or a letter
6 of support for the project and have Michelle do
7 this. So that's going to be up to board what you
8 so choose.

9 MR. HOLAHAN: I like Michelle.

10 MR. KERRICK: I agree. I think
11 she has a better chance.

12 MS. LAMBERTON: Yeah.

13 MR. KERRICK: They have a better
14 chance.

15 MR. HOLAHAN: Do I have that in
16 form of a motion?

17 MS. LAMBERTON: I make a motion
18 to have the -- recommendation to have Michelle from
19 Pocono Mountain Economic Development Council take
20 care of the LSA grant for the library.

21 MS. HAASE: And on the issue a
22 letter of support.

23 MS. LAMBERTON: And our
24 township to issue a letter of support --

25 MS. HAASE: Thank you.

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1 MS. LAMBERTON: -- yes,
2 absolutely.

3 MS. PICKARD: I'll second that
4 motion.

5 MR. HOLAHAN: I got a motion
6 and a second.

7 Further discussion from the
8 board?

9 Anything from the public?
10 Hearing none. I'll call the
11 vote.

12 John?

13 MR. KERRICK: In favor.

14 MR. HOLAHAN: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. HOLAHAN: Anne?

17 MS. LAMBERTON: And I vote in
18 favor. Motion carries.
19 Anything else?
20 MS. HAASE: No, sir.
21 MR. HOLAHAN: We've got to
22 discuss process to waive fees. Do we want to --
23 MS. HAASE: I lied. Yes. I
24 lied. I'm sorry. We did have --
25 MR. HOLAHAN: I didn't know if

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1 you were just -- you know, just kind of push that
2 under the table for a while.
3 MS. HAASE: No. As you all
4 know that I'm a firm believer in following policies
5 and there's one issue that it's more just I need to
6 clear up on paper than anything else. As the
7 regulations state the board of supervisors adopt
8 fees. So in order for me to waive or to remove a
9 fee, I feel I need approval from the board of
10 supervisors.
11 In the past there's been certain
12 incidents that individuals have submitted a request
13 to have late fees considered to be removed from

14 their sewer bills. And that task has been
15 accomplished in the past. I would feel much more
16 comfortable if the board gave me, if you so choose
17 to continue with this, the board grants me the
18 authority to put a form in place, that we would
19 have the information of the property owner and the
20 amount that's being waived and why. Then our
21 director of finance could sign off of it and then
22 give it to me for my consideration.

23 MR. HOLAHAN: Do I have a
24 motion to --

25 MS. LAMBERTON: So moved.

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1 MS. PICKARD: Second.

2 MR. HOLAHAN: Got a motion and
3 second.

4 Further discussion from the
5 board?

6 You all know what we're talking
7 about here?

8 MR. KERRICK: What would the
9 circumstances be, for what reason would you waive

10 it?

11 MS. PICKARD: We were mostly
12 talking about the late fees and I had -- when we
13 moved to -- from Aqua in-house, a lot of people
14 sent their payments so they sent them in a timely
15 fashion to Aqua, but had to wait to get them
16 removed. The other one was we were doing --
17 waiving them after the fact or if they were on a
18 payment plan, they weren't charging them, but we
19 usually let the system put it on and then waived it
20 after we knew that they made their payments on
21 time.

22 MR. KERRICK: This is a one
23 time thing, several time thing?

24 MS. PICKARD: Then there was
25 just the occasional one time when there was some --

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1 somebody was in the hospital, we did it one time
2 only, but that was -- it wasn't --

3 MR. KERRICK: Okay. Just
4 asking.

5 MS. PICKARD: -- a whole lot of
6 them, but that was the majority.

7 MS. HAASE: I don't
8 anticipate --
9 MS. PICKARD: We don't --
10 MS. HAASE: -- waiving too
11 many.
12 MS. PICKARD: No, but that was
13 a lot that first -- first switch over.
14 MS. HAASE: But I would prefer
15 the board grant me that authority to do that
16 instead of just taking it on ourselves.
17 MR. HOLAHAN: So I got a motion
18 to grant Phyllis the authority to waive the fees
19 and I got a second on that as well.
20 Further discussion from the
21 board?
22 Anything from the public?
23 Hearing none. I'll call the
24 vote.
25 John?

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1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. HOLAHAN: Anne?

5 MS. LAMBERTON: I vote in

6 favor.

7 MR. HOLAHAN: I vote in favor.

8 Motion carries.

9 MS. HAASE: And Mr. Chairman,
10 just to be clear, I would at no time be waiving
11 user fees.

12 MS. PICKARD: Since we brought
13 that up, just as an aside, we still have a couple
14 of cleanup things that I see -- where I see an
15 assessment was not taken off when it was paid. So
16 I know I have one of those currently that we are
17 still researching out. So there are some things
18 when there's a duplicate of something or an error
19 of something that came from years ago, especially
20 on those assessment fees, that we would need to be
21 able to clear them up.

22 MR. HOLAHAN: Talk to Phyllis
23 because she's got the authority to handle that.

24 MS. PICKARD: I just want to
25 make sure that there is authority. We started

1 rebilling somebody who has sold a couple of years
2 ago, we would need to waive that as well.

3 MR. HOLAHAN: Okay. We wield a
4 lot of power up here folks, but that's one thing we
5 don't need to deal with.

6 Anything else?

7 MS. HAASE: No, sir. That
8 really was it, really.

9 MR. HOLAHAN: Okay. How we
10 doing the budg -- how are we doing with the budget?

11 MS. HAASE: We are -- actually
12 there is a draft that's almost completed. We're
13 waiting till the end of the month. We're going to
14 be sitting with Bob and Ed to go over the final
15 projects that they're proposing for 2015. We would
16 -- perhaps this is a time that we could consider
17 where our next meeting -- scheduling our budget
18 sessions for October and -- end of October,
19 beginning of November. We could do it at the
20 October meeting, but we would like to schedule at
21 least three just to make certain the board is fully
22 aware of what we are proposing.

23 MS. PICKARD: When is our
24 meeting next? Did we determine that was October 6

25 and not October 13?

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1 MS. HAASE: I did not --

2 MS. PICKARD: Is it on our
3 website?

4 MS. HAASE: I believe we moved
5 it a week in advance because of the holiday.

6 MR. HOLAHAN: Okay. That's
7 right, it's Columbus Day.

8 MR. ARMSTRONG: So -- I'm
9 sorry, the budget meeting or the regular meeting --

10 MS. HAASE: Budget.

11 MR. ARMSTRONG: -- is on
12 October 6?

13 MS. HAASE: No, sir. We
14 haven't scheduled it yet. Our regular meeting will
15 be October 6 because of the holiday. I'll verify
16 that.

17 MR. HOLAHAN: You going to be
18 okay with that, Patrick?

19 MR. ARMSTRONG: I may have a
20 conflict, but we'll have to work it out. It's at

21 seven o'clock?

22 MS. PICKARD: It's October 6 at
23 seven o'clock.

24 MR. HOLAHAN: Okay. Anything
25 from -- anybody want to saying anything?

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

2 MR. HOLAHAN: John?

3 MR. KERRICK: No.

4 MR. HOLAHAN: Heidi?

5 MS. PICKARD: No, I'm good.

6 MR. HOLAHAN: How about from the
7 public?

8 Bill Lewis?

9 MR. BILL LUCAS: Lucas.

10 MR. HOLAHAN: Lucas, sorry.

11 Bill Lewis is with ESSA.

12 MR. BILL LUCAS: That's okay.

13 I'm Bill Lucas with Arrowhead Lake Community
14 Association.

15 MR. HOLAHAN: There we go.

16 MS. HAASE: Just so the board

17 --

18 Before you start speaking.
19 -- in front of you there is a --
20 some information pertaining to the topic that he's
21 going to bring forth. And there's also a brief
22 recap. I've asked Mr. McHale to took in that. Mr.
23 Lucas and I had a conference call this morning and
24 discussed some items. So he's coming this evening,
25 he'd like to discuss it with you as well.

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1 MR. BILL LUCAS: I wanted to
2 share with the board the -- we all know that
3 there's a lot of bridges in Pennsylvania that need
4 rebuilt. About a year ago we were told that the
5 bridge between our gates on Locust Ridge Road was
6 on the top 500, or whatever, of the bridges that
7 are bad in the state. And I reached out to some
8 officials and they said we're at the bottom of the
9 list.

10 Lo and behold, 11 months later
11 we get served papers that our bridge has risen to
12 the top. We must be the cream of the crop and
13 they're looking to replace the bridge on Locust

14 Ridge Road between our two entrances. And at first
15 blush, when we got the notice, we took a look at it
16 and it's what I call and they call a cookie cutter
17 P-3 bridge replacement. That's like kind -- I
18 don't want to say like kind in quality because the
19 bridge is obviously deteriorating.

20 Arrowhead has multiple achilles
21 heels in this community. One of the biggest ones
22 is the fact that you can't go around the lake
23 without walking, riding or jogging on Locust Ridge
24 Road. There is absolutely no place at all to walk
25 on that bridge right now and yet people do it

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1 daily. When we spoke to the young engineers and I
2 said what year was the bridge built, he said it was
3 1939. In 1939 if you jogged, walked or rode your
4 bike -- if it was your bike, it was probably to go
5 to work. Nobody as a family exercised probably
6 back then.

7 We as a community want to work
8 with PennDOT and are looking for support from the
9 township on a bridge that better serves our
10 community in terms of safety. The bottom line for

11 us in Arrowhead is safety. Luckily one of our
12 officials in the state -- and it's a bulls-eye
13 right on his website -- used the term, safety has
14 to be our main priority in our bridge replacements.

15 We don't think the state and
16 PennDOT took into consideration of Arrowhead at all
17 or development in the area at all. It affects our
18 EMS when they go to replace this bridge. We all
19 endured the other bridge replacement that took
20 forever. They're saying if they replace this
21 bridge with the P-3 in 2015, it's a six to eight
22 week project. Well, I don't know, that's from
23 PennDOT and we're worried about that.

24 We would like to see them have a
25 little bit of concern for safety. The road

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1 alignment is terrible approaching that bridge and
2 leaving the bridge. The far side entrance, the
3 Orono gate is our primary entrance, even though we
4 all call the first entrance the main gate because
5 the welcome center is at the main gate. The other
6 side of the bridge is in a flood plain, there's

7 four dams above it.

8 We're looking for a construction
9 of a bridge next to the bridge that's there, build
10 the new bridge, leave the old bridge open. At the
11 end of the project, then demo the old bridge so
12 that we never have a shutdown other than the
13 realignment of entrance and exit to the bridge.
14 Its a big leap, it's all about safety. I found it
15 very difficult in the meeting for them to say that
16 -- the gamelands is the property that we're asking
17 the state to use to build a bridge next to us.

18 And one of the engineers sat
19 across from me and said, we would've been a heck of
20 a lot better if the gun club stilled owned it
21 because the gun club we could grab the property and
22 take it. Now that it's the gameland, it's almost
23 never occurred that the game -- another state
24 commission would give another part of the state a
25 small piece of ground for the betterment of the

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1 community. It just -- just drives me crazy.

2 Safety is our big concern. We
3 have an active community. Our community is

4 evolving, it's turning over. We -- on the resales
5 -- I mean, the matrix of our new buyer is a 40 year
6 old, two and half kids, double income, coming from
7 suburban Philadelphia and New York and they are the
8 joggers, the bikers and the exercise people. And I
9 being in the insurance business for years have
10 always thought and seen the people walking on that
11 road and how we've been able to dodge a death on
12 Locust Ridge Road with the amount of people that
13 use that boggles my mind. I mean, thank God.

14 But here we have an opportunity
15 to do the right thing, not replace a bridge the
16 exact same way that it was 60 years ago. It's just
17 incomprehensible to me that you would put back a
18 bridge exactly the way that it was 60 years ago. I
19 don't understand it.

20 It's state, I know they're tough
21 on money. The guy looked at me and said, well,
22 what you're talking about is the bridge wouldn't be
23 replaced until 2016. And I'm like, isn't it worth
24 doing right with no comment. Of course we took all
25 six engineers from PennDOT out, put plastic vests

1 on them and said come on, let's walk down, let's go
2 stand on that bridge while the dump truck goes by.
3 Nobody would do that and yet our people, our
4 members in order to walk around the lake or
5 exercise or bike ride have to do that regularly.

6 We're looking for support with
7 the PennDOT program to better that road in the
8 angle of attack to it and the slope, get it out of
9 the flood plain a little bit and build a bridge,
10 then demo the bridge so that the road's not closed
11 the way that it was before. And at the end of the
12 program have a much safer road for the community to
13 use.

14 It's all popped out in the past
15 month and a half really. July was when we were
16 notified first. We had a meeting three weeks ago.
17 Arrowhead has formed a small nucleus team. I, as
18 president, form these little boards, so that we
19 have like five people that are working with PennDOT
20 on a regular basis on this process. I have been
21 reaching out to public representatives for support
22 on this and will be until we get PennDOT to move
23 off the button and say, we've got to do something
24 safer. It's all about safety.

1 out. I did talk to John, I did talk to Phyllis
2 about it. I did send them our powerpoint. Our
3 powerpoint is an extreme wish list, without a
4 doubt; but if we got half of what was in that, we
5 would be in a much better place for the community
6 in the future.

7 MS. LAMBERTON: Can I ask a
8 question?

9 MR. BILL LUCAS: Absolutely.

10 MS. LAMBERTON: The bridge is
11 in between your two entrances, is what you're
12 telling me?

13 MR. BILL LUCAS: Yes.

14 MS. LAMBERTON: What is the
15 distance from entrance to entrance?

16 MALE VOICE: It's about 3,000
17 feet.

18 MS. LAMBERTON: Wouldn't it be
19 nice if we could put together a walking path right
20 alongside. That might be a way to approach the
21 state.

22 MR. BILL LUCAS: Someone once
23 said from your lips to -- now, I'm told that
24 they're giving us an extra two foot on each side of
25 the road. Well, I'm almost two foot wide. I mean,

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1 the trucks that -- I'm sorry, you know. The trucks
2 that are going by -- in 1939 you didn't need a
3 side-view mirror.

4 MS. LAMBERTON: It's kind of
5 like our ordinances.

6 MR. BILL LUCAS: In 2014,
7 side-view mirrors stick out two foot almost
8 nowadays. So, yeah, they're giving us a two foot
9 -- that's not -- we need more, we need more. I
10 don't want to read in Pocono or whatever that
11 somebody got run over.

12 MR. BRAD GRAHAM: Can I just
13 make a quick comment?

14 MR. BILL LUCAS: Sure.

15 MR. BRAD GRAHAM: Brad Graham.
16 I'm from Lake Naomi. We built along with the
17 township a walking and bike bridge adjacent to the

18 one lane bridge on 423.

19 MR. BILL LUCAS: I'm very
20 familiar with it.

21 MR. BRAD GRAHAM: I'm looking
22 at an aerial photograph here. Take your people
23 completely off Thornhurst Road, put a walking
24 bridge at the narrow below the dam between Creek
25 Trail and your administration building. That would

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1 be a better idea. That way nobody's going out on
2 Locust Ridge Road.

3 MALE VOICE: There are other
4 safety issues. Anybody -- any -- all the driveways
5 with the exception of, I think, one do not have the
6 safe sight distance so that they can get out of
7 their driveway at the current speed of 35 miles an
8 hour.

9 MR. BRAD GRAHAM: Are we
10 talking about the people or are you talking about
11 walking along around the lake?

12 MALE VOICE: Talking about cars.
13 There's more than one issue here, okay? And that's
14 right out of the Pennsylvania Code. And we've got

15 a flooding issue, our evacuation routes come out
16 both of those driveways and we have the bridge
17 analysis of one of the dams. Our Orono driveway
18 goes under water.

19 MR. BILL LUCAS: We're just
20 looking for some support. I mean, I think John
21 said early Stillwater filled your room.

22 MR. HOLAHAN: Is that a threat?

23 MR. BILL LUCAS: No, no, no,
24 no, no, no. I believe in small teams, John.

25 MR. HOLAHAN: Okay.

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1 MR. BILL LUCAS: But I will --
2 you will need the gymnasium if that's what it
3 takes.

4 MS. LAMBERTON: I don't think
5 it's a township issue, I think it's a state issue.

6 MR. BILL LUCAS: No, it most --
7 it most definitely is --

8 MS. LAMBERTON: But I would
9 support whatever our residents would --

10 MR. BILL LUCAS: -- much higher

11 up the food chain than what we are.

12 MS. LAMBERTON: Yeah, we have
13 no say over the state roads.

14 MR. BILL LUCAS: But as
15 president of the association, I'm working every
16 angle that I can so that we're safer at the end of
17 the project.

18 MS. HAASE: Bill, just to be
19 clear, PennDOT was at the meeting. So we hosted
20 the meeting and PennDOT was here. My governing
21 body doesn't have the ability to make those
22 decisions because this is a state route. Just so I
23 can touch base with the board, this morning I had
24 the pleasure to speak with Mr. Lucas. We had a
25 conference call with their township engineer. When

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1 I found out about this, I had asked our engineer to
2 get me some information so I was well versed on
3 this and what if anything the Tobyhanna Township
4 board or management could do to help them with
5 this.

6 The unfortunate part of this is,
7 if the -- what Mr. Lucas is saying is correct is

8 the fact that it's DCNR -- it's owned by DCNR.
9 When Bob had spoke to the inspectors and also some
10 individuals from PennDOT, they're looking at five
11 to six year period to obtain any type of easement
12 from DCNR. So with that being stated, you're going
13 to push the project out most likely 10 years. The
14 bridge is what we were being told and the reason
15 why it was moved up is because how quickly it has
16 deteriorated and the age of it.

17 So even if they were to go
18 through another alternative to attempt to reline
19 the road, they would have to have some repair work,
20 immediate repair work prior to this six to ten year
21 period, so, which could affect your traffic flow
22 regardless. But we did reach out to see what
23 information we could get, but the bottom line to
24 this is really a PennDOT decision unfortunately.

25 MS. LAMBERTON: Have you

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1 approached PennDOT?

2 MR. BILL LUCAS: Oh, no, we've
3 already met with them, yeah. And they have what

4 you were (inaudible) with. The 423 bridge was put
5 through gamelands also.

6 MR. HOLAHAN: Right.

7 MR. BILL LUCAS: So I mean --

8 MS. LAMBERTON: 423 Lake
9 Naomi's.

10 MS. PICKARD: No, by Water
11 Town.

12 MS. LAMBERTON: Oh, oh, oh. I'm
13 sorry. Okay. Okay.

14 MR. BILL LUCAS: The shortcut
15 to Coolbaugh -- up that way.

16 MS. LAMBERTON: That township.

17 MR. BILL LUCAS: I'm not -- you
18 know, when I talked to Phyllis and I talked to
19 John, I just wanted to bring it out into the public
20 arena we've got this issue, it's a burning issue
21 for us. It is a fight between us and PennDOT,
22 there's no about it. It's in your township, which
23 is our township, which is why I'm here tonight
24 representing the homeowners.

25 Thank you.

1 MR. HOLAHAN: Thank you, Bill.

2 Yes, sir.

3 MR. KEN GASMAN: I have a

4 question too --

5 THE REPORTER: Your name, sir,

6 please?

7 MR. KEN GASMAN: I'm sorry.

8 Name is Ken Gasman, Lake Naomi. I'm sitting here
9 and I'm hearing questions about a safe -- a two
10 foot distance on the side of the road and the
11 safety issues. And I'm wondering why the township
12 is digging up all the roads in Lake Naomi for these
13 storm drains. And we're lucky to have a foot of
14 clearance on the side of the road to walk. And
15 they don't close the trenches, these are the open
16 storm drains for water -- for rain runoff.

17 I mean, and first of all it
18 devalues the faces of the property. It's unsafe
19 for people and it's unsafe for motorists because
20 you have a tendency to swerve, you swerve into the
21 ditch that this township just created. It's been
22 going on for two years. I called when they started
23 on a road called Lake View Drive. I left a
24 voicemail with Mr. Kerrick, never returned the
25 call. He never returned the call. The

1 construction is going on continually. All it's
2 doing is ripping up the area, you can't walk.

3 My granddaughter was in one of
4 these ditches because she's told to ride on the
5 shoulder of the road, there is no shoulder of the
6 road. And if this gentleman knows safety and he's
7 saying two feet, I think you people ought to look
8 into seeing what you're doing.

9 MR. HOLAHAN: Okay. We'll do
10 that.

11 Anybody else?

12 Ma'am?

13 MS. JOYCE OLMSTEAD: Joyce
14 Olmstead, Riverside Estates. I just want to add my
15 comment to the comment of safety. If and when that
16 bridge is removed, if that road is closed, that
17 also shuts down access for police, fire and rescue
18 to everything that's beyond, including Arrowhead
19 and Riverside Estates. And I don't know that
20 PennDOT has made any allowances to deal with
21 police, fire safety issue.

22 MR. HOLAHAN: That's certainly
23 something that I'm sure will be brought up to them.
24 We had to deal with it when they put the bridge
25 across --

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1 MS. JOYCE ONSTEAD: Exactly.

2 MR. HOLAHAN: -- over to
3 Thornhurst, I believe.

4 Now, who wants to talk next?
5 Who's jumping up and down?

6 MR. TOM CRUZ: Pick me, Mr.
7 Carter. I'd like to address something here.
8 Again, my name's Tom Cruz. I'm a owner of a small
9 business at Liberty Plaza, just opened up about a
10 year ago. And I got a sign permit for the top of
11 the store and also for the marquis in front of the
12 shopping center.

13 Around late June, maybe early
14 July a young lady from the township named Maureen
15 Minnick -- I think I'm pronouncing her name right
16 -- come up and told me I had to take my flags down.
17 I tried to reason with her as to why. Her response
18 was because it's been on the books for a long time.

19 And I said, I need a little bit more definition
20 of -- you know, of that law. She goes well, I
21 don't know that's -- that's what it was -- that's
22 what it is.

23 So I went around, took pictures
24 and everything. Then I showed her, I emailed to
25 her of all the flags that are out on 940. Never

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1 got a response from her. So I am here hopefully
2 that -- that you all can consider taking that law
3 out and just have -- because right now I have lost
4 40 percent of my business by me not having the flag
5 out there. If I keep losing more business every
6 day, I might as well go out.

7 Then I ask her, is the township
8 chasing business away? Oh, no, we love to have
9 businesses, in that type of voice she said. I
10 said, well, right now there's been several
11 businesses, because they couldn't put their flags
12 out there -- all I'm asking is for a period of
13 time, you know, to establish, hey, we're here,
14 let's do business. And if the township can't allow

15 that, then I'm moving out.

16 My wife started a business in
17 Honesdale, they promoted her business. They turned
18 around, put her on the web, called the local
19 newspaper, radio station and had a ribbon cutting
20 over there. And they were happy to greet her. I
21 feel that Tobyhanna Township here is not friendly
22 with new people coming in. So I'm just pleading
23 with you all that can we look into that and have
24 that either removed or have a temporary having the
25 flags up there so people will know I'm in town.

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1 'Cause if you just drive by, you won't see them,
2 okay? Those flags, people say, oh, antiques, come
3 in here. So I'm at you all's mercy.

4 MR. HOLAHAN: Okay. Thanks.
5 We do have zoning ordinances. Did you get a copy
6 of the --

7 MR. TOM CRUZ: I got -- I got a
8 zoning ordinance right here.

9 MR. HOLAHAN: Chapter 11 for
10 signs?

11 MR. TOM CRUZ: I got several

12 people that wants to have that changed.

13 MR. HOLAHAN: Great.

14 MR. TOM CRUZ: Would you like
15 to have this? I'll give you this copy.

16 MALE VOICE: They're all
17 business owners down 940.

18 MR. HOLAHAN: Certainly.

19 MR. ARMSTRONG: Just so you're
20 aware, the zoning officer she's tasked with the
21 lovely job of enforcing the zoning ordinance. And
22 unfortunately this board cannot waive zoning
23 requirements that are set forth in the zoning
24 ordinance. However, like you just indicated, this
25 board does have the ability to consider amendments

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1 to the zoning ordinance which it sounds like what
2 you're suggesting this board consider.

3 MR. TOM CRUZ: That would be
4 great, 'cause, look, right here on this Chapter 15
5 and 155, Zoning Article XI, signs, prohibit signs,
6 okay? No. 1 over here snipe sign, what's a snipe
7 sign?

8 MS. HAASE: If you go in the
9 definition, the section -- I'd be more than happy
10 to meet with, you Mr. Cruz. I know you and I have
11 discussed this at community somewhat, but I'd be
12 more than happy to sit down and go through all of
13 that with you. There are proposed ordinances that
14 the board is considering. And in the proposed
15 ordinance they allow a flag to say open on it. So
16 that is being proposed at a certain size and height
17 so there is a proposal for that.

18 We certainly recognize the fact
19 that you need to advertise to draw your business
20 in. We do offer on our website -- you certainly
21 could fill out the form and have your business on
22 our website. So we'd more than happy to help you
23 with that, but there is a proposal, an amendment to
24 our zoning ordinance that the board is considering.

25 MR. TOM CRUZ: The other thing

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1 when new businesses come into the area, I would
2 like for the board, you know, to put a package
3 together. All the dos and don'ts before you start
4 a business. When I came and I applied for the

5 permit, applied for an occupancy permit, nothing
6 was given to me. Give me your check, okay, go
7 ahead, start your business, at least that's how I
8 felt the whole process went through.

9 No one's bothered to say hey,
10 let's sit down and talk about your business. What
11 type of business is it, what do you plan for your
12 future of your business? Is it going to benefit
13 the community or, you know, the township at all?
14 Nothing. They just got my check and that was it
15 and then I get a visit saying take that flag down.

16 MR. HOLAHAN: Snipe sign is a
17 sign which is tacked, nailed, posted, pasted, glued
18 or otherwise attached to trees, poles, stakes,
19 fences or other objects on which advertising a
20 directional matter appearing thereon is not
21 applicable to the present use or activity upon such
22 sign is located.

23 MR. TOM CRUZ: Does --

24 MR. HOLAHAN: I mean, I was
25 interested in knowing what a snipe sign is. Now

1 you know.

2 MR. TOM CRUZ: Is having a flag
3 in front of your store a hazardous --

4 MR. HOLAHAN: No. I
5 understand.

6 MR. TOM CRUZ: Because if it
7 is, then you might as well take all the signs down
8 on 940 because people aren't looking at them going
9 like this. One second away from that wheel can
10 cause an accident.

11 MR. HOLAHAN: Mr. Cruz, that's
12 what this board has tried to -- we've sat down with
13 this sign ordinance and tried to figure out what's
14 fair for business owners and what's fair for the
15 residents that are looking at some of the signs
16 that some businesses want to put up. And some are
17 not appropriate. Hand-painted signs posted, just
18 nailed to the edge of properties and not regulated
19 become an eyesore. And I think we've all been
20 witness to areas that there was nothing but
21 homemade signs put out there.

22 MR. TOM CRUZ: I understand.

23 MR. HOLAHAN: So now, we are
24 trying to -- this place has to look good so we're
25 trying to address that. So we'll address the

1 banners that you're speaking of and we've all had
2 this discussion. We don't like the sign ordinance,
3 something needs to be done with it. We've got a
4 bunch of things that we need to be able to take care
5 of there, but if you heard earlier, we need to
6 address signs because Kalahari's looking for
7 something. So we'll be looking at this ordinance
8 again, but it needs to be done.

9 So, you know, what I think looks
10 pretty and you think looks pretty could be
11 different. This cannot be capricious and
12 arbitrary. It has to be processed, this is
13 acceptable and this is not; but is there something,
14 is there some gray air in there that says you can
15 put a temporary banner up for sometime? I think
16 that's certainly something that we would take a
17 look at.

18 MS. HAASE: It does speak to
19 that.

20 MS. PICKARD: We do allow grand
21 opening.

22 MR. TOM CRUZ: I tried looking

23 for a straightforward definition, but it's kind of
24 gray. It's a lot like John said there.

25 MS. HAASE: Well, Mr. Cruz, I'm

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1 going to give you my business card and you can call
2 me and we'll set up an appointment and I'll be glad
3 to help you.

4 MR. HOLAHAN: I want to see if
5 anybody else has anything, Mr. Cruz, before we
6 continue this conversation. Just so anybody that
7 has something to say, can say it and anybody that
8 doesn't want to listen anymore can leave.

9 Anybody else?

10 Mr. Lucas?

11 MR. BILL LUCAS: My tech rep
12 reminded me of just one thing. How about a letter
13 of support for us on our project of building a
14 bridge next to the bridge?

15 MR. HOLAHAN: The other board
16 members just received this information tonight, so
17 you all want to look at it first?

18 MS. LAMBERTON: Yeah, I would

19 like to review it, please.

20 MR. BILL LUCAS: Absolutely.

21 Thank you.

22 MR. HOLAHAN: Certainly.

23 Anybody else have anything?

24 If anybody wants to leave, can

25 leave. We'll get back to Mr. Cruz.

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1 Mr. Crandall?

2 MR. JOE CRANDALL: Joe Crandall,

3 Pocono Pines. Last month I addressed the board

4 about some relief regarding barking dogs we had. I

5 was wondering if the board had a chance to discuss

6 the problem?

7 MS. HAASE: It was my

8 understanding our solicitor had spoke to -- one

9 remedy was for you to contact the district justice.

10 I don't know if you moved forward with that.

11 MR. JOE CRANDALL: No, I

12 haven't. That was not totally my understanding.

13 Okay.

14 MR. ARMSTRONG: Yeah. My

15 understanding from the issue was, the police have

16 been called. The police did actually enforce or
17 issue a citation against the property owners
18 pursuant to the ordinance on the books. The issue
19 from you is that it's not really resolving the
20 matter so the suggestion was for you to look into
21 maybe a private complaint you can file with the
22 district justice against this individual. There's
23 nothing prohibiting you from doing that.
24 The township, you know, we could
25 look -- it sounds like the ordinance is working

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1 because he's been -- it sounds like they've been
2 cited. It's just not -- the fines he's paying must
3 not be resolving --
4 MR. BILL LUCAS: Not enough in
5 my opinion, the fine.
6 MR. HOLAHAN: Listen, sir, we
7 have -- we've discussed this just couple of us, we
8 were thinking maybe a phone call or something like
9 this to --
10 MS. LAMBERTON: The property
11 owner.

12 MR. HOLAHAN: I mean, we're
13 trying to -- it's not a whisper campaign, but we're
14 going to see if we can just reach out to somebody
15 -- the property owner and say --

16 MR. JOE CRANDALL: I had tried
17 that years ago too.

18 MR. HOLAHAN: Maybe if we did.

19 MR. JOE CRANDALL: Because
20 nothing's happened. I've refrained from calling
21 the police all this month because, again, I just
22 think that's not something that should be high on
23 their list of priorities. And I hate to take them
24 away from business that they should be doing. And
25 every night, every morning we have a recording if

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1 you want to hear it.

2 MS. RASHINE LAMBERT: I have
3 many recordings and -- Rashine Lambert. Actually
4 it was only one citation in the past year and a
5 half. And all the calls that my boyfriend and I
6 had made and I'm sure --

7 MR. JOE CRANDALL: And all that
8 I have made.

9 MS. RASHINE LAMBERT: Yeah. I
10 mean, I called at least 20 times, it's -- and one
11 citation, that's nothing.

12 MR. JOE CRANDALL: We're
13 finding that the calls are not being registered
14 with the police department.

15 MS. HAASE: Well, your calls
16 are going to control center, which all your calls
17 are recorded.

18 MR. JOE CRANDALL: Okay.
19 They're recorded --

20 MS. HAASE: Yeah, recorded and
21 documented.

22 MR. JOE CRANDALL: When I talk
23 to some of the officers, they come back to me,
24 well, geez, you only made six complaints in the
25 past four months, which is not true. There have

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1 been several more than that. So there's games
2 being played here, it's getting very -- it's like a
3 Chinese water torture if you want to know the
4 truth. It is just unbelievable that we have to put

5 up with this stuff. I don't understand why there
6 isn't some sort of zoning ordinance about the
7 number dogs in a certain amount of square feet. I
8 don't think it's fair to the dogs, they're out
9 there 24/7. This last winter was bitter cold,
10 they're outside. I have a dog, I wouldn't treat my
11 dog this way.

12 MR. HOLAHAN: Well, don't we
13 have a county humane or --

14 MR. JOE CRANDALL: Humane won't
15 touch a barking dog if --

16 MR. HOLAHAN: No, when they
17 were out there in the winter.

18 MR. JOE CRANDALL: That could
19 be, but they won't talk about a barking dog, they
20 said that's your township.

21 MR. ARMSTRONG: How many dogs
22 are on the property, do you know?

23 MR. JOE CRANDALL: There's at
24 least 13.

25 MR. HOLAHAN: Do they have a

1 sign on the fence or something?

2 MR. JOE CRANDALL: No.

3 MR. HOLAHAN: Maybe we can get

4 them for that.

5 MS. LAMBERTON: The sign.

6 MR. BILL LUCAS: The sign says

7 barking dog.

8 MR. TOM CRUZ: Is that a snipe

9 sign?

10 MR. HOLAHAN: It would be.

11 MR. JOE CRANDALL: Township

12 ordinance against signs, but they just put up a

13 wooden fence around the thing. The other night my

14 wife's sitting out on the deck trying to read, the

15 dogs are barking like crazy. Next thing, the woman

16 who lives there comes out, she's yelling, "Shut up

17 dumb dogs, shut up, shut up."

18 My wife said, "I don't know

19 what's worse, listening to the dogs or listen to

20 her telling them to shut up."

21 MS. RASHINE LAMBERT: Would you

22 like to listen some of the audio?

23 MR. HOLAHAN: No.

24 MS. LAMBERTON: I feel bad for

25 you. I sympathize with you.

1 MR. HOLAHAN: I know we're up
2 here giggling a little bit, but it's not funny. I
3 can imagine it's tortuous.

4 MS. RASHINE LAMBERT: I mean, I
5 even have an officer last Thanksgiving who called
6 my boyfriend back because he was recording
7 everything and he said, I'm going to cite them, but
8 he never cited them.

9 MR. HOLAHAN: Patrick, but you
10 suggested that they go to the magistrate, correct?

11 MR. ARMSTRONG: Yeah. There's,
12 I believe -- I mean, I can't provide legal advice
13 to you, but I think there's a private nuisance
14 complaint that you could probably look into.

15 MR. JOE CRANDALL: Well, where
16 would I find this? It's not in the township
17 ordinances. Alls you have --

18 MR. ARMSTRONG: It would be a
19 private cause of action. It wouldn't be based
20 upon --

21 MR. JOE CRANDALL: So this is a
22 state law?

23 MR. ARMSTRONG: It would be --

24 MR. HOLAHAN: You might Google

25 it and find out because we pay him \$180 an hour to

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1 tell us this stuff. Well, a hundred and fifty-five
2 tonight, it's a hundred and eighty for another
3 things, so -- how many times have we talked about
4 this?

5 MR. JOE CRANDALL: Thank you
6 for your time.

7 MR. HOLAHAN: You're welcome.
8 We will make a phone call and see if we could find
9 something out.

10 Anybody else have anything?

11 Anybody else have anything

12 'cause I'm going to hit this bangy thing?

13 We're adjourned.

14 (Meeting concluded at 9:26 p.m.)

15 ---

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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

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of the same.

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TARA WILSON, C.R.

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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
Thursday, September 25, 2014, beginning at
8:00 a.m.

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

ALSO PRESENT: Phyllis Haase, Township Manager

Robert McHale, P.E., Township
Engineer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: I have eight
2 o'clock. Let's call the meeting to order. Start
3 with the Pledge of Allegiance, please.

4 (Pledge of Allegiance was
5 recited.)

6 MR. HOLAHAN: Good morning.
7 Hi, Steve.

8 MR. STEVE PINE: Good morning.

9 MR. HOLAHAN: Good morning,
10 Mr. McHale.

11 MR. McHALE: Good morning.

12 MR. HOLAHAN: Let's start off
13 with new business. Consider the Kalahari
14 Resorts' letter of credit reduction request of
15 \$326,330.82.

16 Do I have a motion?

17 MS. PICKARD: I'll make the
18 motion.

19 MR. HOLAHAN: I've got a
20 motion.
21 Do I have a second?
22 MR. KERRICK: Second.
23 MR. HOLAHAN: I have a motion
24 and second.
25 Further discussion from the

3

1 board?
2 MS. PICKARD: Has this been
3 approved, Phyllis, or were you good to go?
4 MS. HAASE: Bob, I believe,
5 circulated --
6 MR. McHALE: Yes.
7 MS. HAASE: -- a --
8 MR. McHALE: I did a site visit
9 as well.
10 MS. HAASE: He did a site
11 visit, yes.
12 MS. PICKARD: What is this
13 reduction?
14 MS. HAASE: This is Category 1
15 improvement --

16 MR. McHALE: On-site
17 improvements.
18 MS. HAASE: Um-hum.
19 MR. HOLAHAN: Yeah. Do you
20 have the letter in front of you, Heidi? No?
21 MS. PICKARD: No.
22 MR. HOLAHAN: Okay.
23 MS. PICKARD: I don't have any
24 letter in front of me.
25 MR. HOLAHAN: It's on the

4

1 portal.
2 MS. PICKARD: Oh. I don't --
3 MR. HOLAHAN: That's okay. So
4 anyway, it's on the invoice at a request for
5 Category 1 improvements for Kalahari Resorts and
6 what's included.
7 MS. HAASE: John, do you have
8 one?
9 MR. KERRICK: I read it on the
10 thing.
11 MS. HAASE: Okay.

12 MR. KERRICK: Thank you.
13 MR. HOLAHAN: Further
14 discussion from the board?
15 Hearing -- from the public?
16 Hearing none, I'll call the
17 vote.
18 John?
19 MR. KERRICK: In favor.
20 MR. HOLAHAN: Heidi?
21 MS. PICKARD: I vote in favor.
22 MR. HOLAHAN: Anne?
23 MS. LAMBERTON: I'm going to
24 abstain. My company could possibly be working
25 directly for Kalahari, so I am going to

5

1 abstain -- abstain.
2 MR. HOLAHAN: So noted.
3 MS. LAMBERTON: Thank you.
4 MR. HOLAHAN: And I vote in
5 favor. Motion carries.
6 Next, consider transferring
7 funds held in the revenue bonds from the sewer
8 account for the access road account.

9 MS. HAASE: Yes. If the board
10 recalls, last month we had to work through some
11 issues with the reduction of monies that was in
12 the sewer account and the access road; and we
13 have worked through everything. What we are
14 proposing is to move \$300,000 from the sewer
15 account to the access road account. Both of them
16 are secured funds. Then Kalahari will be taking
17 the legal fees and engineering fees related to
18 the access road out of the project fund. So the
19 access road should not be further depleted with
20 any other expenditures with the exception of
21 items related to the construction of the access
22 road.

23 This has been reviewed by
24 MuniCap as well and has been sent over to the
25 IDA.

6

1 MS. PICKARD: Is this an
2 amendment to an agreement that -- this is all --

3 MS. HAASE: What will happen
4 is, once the board -- if the board considers the

5 transfer of funds --

6 MS. PICKARD: Okay.

7 MS. HAASE: -- then I will

8 notify MuniCap. They will have the form put

9 together --

10 MS. PICKARD: Okay.

11 MS. HAASE: -- that we sign and

12 then the money is officially transferred from one

13 account to the other.

14 MS. PICKARD: Okay. Thank you.

15 MR. HOLAHAN: Okay. So do I

16 have a motion for approving the transferring of

17 the funds?

18 MS. PICKARD: I'll make that

19 motion.

20 MR. HOLAHAN: I have a motion.

21 Do I have a second?

22 MR. KERRICK: Second.

23 MR. HOLAHAN: I have a motion

24 and second.

25 Further discussion from the

2 Anything from the public?
3 Hearing none, I'll call the
4 vote.

5 John?

6 MR. KERRICK: In favor.

7 MR. HOLAHAN: Heidi?

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

10 MR. HOLAHAN: Anne?

11 MS. LAMBERTON: I'll abstain.

12 MR. HOLAHAN: And I vote in
13 favor. Motion carries.

14 MS. HAASE: If it pleases the
15 board, I have one other item that, if we could,
16 discuss. Kalahari is proposing to erect a
17 digital sign adjacent to 380. And it's been sent
18 to PennDOT for consideration and approval. It's
19 waiting right now in the township.

20 The township has discussed at
21 numerous times to amend the signage that we have,
22 and specifically in our resort district; so this
23 would be a good time to address that, to allow
24 the project to move forward with their signage
25 and also amend the requirements.

1 Currently a project holder is
2 allowed to have two billboards up to 800 square
3 feet adjacent to a state route or an interstate,
4 which they are going to be within the dimensional
5 requirements of that signage. The only thing is,
6 the current ordinance does not speak to digital.

7 Now, I know there's been
8 discussion about restricting the amount of size
9 per acre -- signs per acre. The one thing I'd
10 just like the board to keep in mind is, down the
11 road Kalahari may be considering putting signs up
12 for their convention center inside the complex,
13 perhaps if they have concerts or events going on
14 at the water park, to let their clientele know,
15 their guests know, what's going to be going on,
16 on their campus.

17 So that's the one item I'd like
18 the board to keep in mind when you're restricting
19 the amount of signs, digital signs.

20 MS. LAMBERTON: Can I ask a
21 question?

22 MS. HAASE: Um-hum.

23 MS. LAMBERTON: Could we get
24 the current sign ordinance from their two other
25 locations?

9

1 MS. HAASE: We could do that --

2 MS. LAMBERTON: Just to read
3 it. I'd like to read it to see how yours is
4 written.

5 MR. STEVE PINE: I will tell
6 you how the one in Lake Delton -- and I'm not as
7 familiar with the one in Ohio; but because I live
8 right there in Lake Delton is, one of the things
9 with any property, as long as the sign is not
10 visible to a public roadway, it's unlimited. We
11 could put up as many signs as we want as long as
12 it's not visible to the public. Once it becomes
13 visible to the public road, even at the
14 turnaround at the end of the boulevard, then we
15 would have to follow the restrictions; but if
16 we're putting a sign up --

17 MS. LAMBERTON: In pass --

18 MR. STEVE PINE: -- a billboard
19 as you're leaving, saying --

20 MS. LAMBERTON: Okay.
21 MR. STEVE PINE: -- thank you
22 for visiting, please return, that's not subject
23 to any kind of sign --
24 MS. LAMBERTON: Ordinance.
25 MR. STEVE PINE: -- ordinance

10

1 because it's not visible to the public, only
2 those people who are visiting our property.
3 MS. LAMBERTON: That's
4 sensible.
5 MR. STEVE PINE: That's --
6 that's in -- in Lake Delton. I can certainly get
7 the one from Erie County for you, and -- more
8 specifically, here on the township.
9 MS. LAMBERTON: The only reason
10 is, it's what you've already done.
11 MR. STEVE PINE: Yeah.
12 MS. LAMBERTON: So that
13 obviously --
14 MR. STEVE PINE: Yeah.
15 MS. LAMBERTON: -- meets your

16 needs.

17 MR. STEVE PINE: Um-hum.

18 MS. LAMBERTON: So, I mean, we
19 have to take that into --

20 MR. STEVE PINE: I will tell
21 you, when Phyllis shared with me what the sign
22 ordinance was -- well, I shouldn't say that. She
23 reitified (phonetic) it for me because I had
24 already read the ordinance about a year ago, but
25 she reminded me of it recently and I was like,

11

1 oh, that's real different, because when it
2 doesn't affect the public -- if it's visible
3 from -- from Kalahari Boulevard, which is going
4 to be public, or 314 or 380 or 940, I certainly
5 understand that.

6 But, you know, we have several
7 things asking you to come back or moving you to
8 another part of it. Specifically once we get
9 like the steakhouse open, we might want to remind
10 you that if you're running out for lunch, maybe
11 you want visit our steakhouse that evening. But,
12 again, it's only visible -- it's only faced

13 inward toward the people leaving our property.

14 MS. LAMBERTON: Which makes
15 sense.

16 MR. STEVE PINE: So, anyway,
17 that's just what I know of the ones now; but I
18 could certainly get my hands on both of those
19 ordinances for you.

20 MS. LAMBERTON: I would like to
21 read that, to be honest.

22 MS. HAASE: And I respect that.
23 The only item I do want to bring to the board's
24 attention is, this ordinance will have to be to
25 the county for a minimum of 30 days.

12

1 MS. LAMBERTON: Okay.

2 MS. HAASE: So Kalahari was
3 hoping to get this sign on the ground by the end
4 of October.

5 MS. LAMBERTON: Okay.

6 MS. HAASE: So if we wait until
7 the October meeting, that's not going to
8 accomplish the construction plans to get it in by

9 the end of October --

10 MS. PICKARD: That doesn't
11 affect the interior, if we work on the others
12 today, get a direction on that?

13 MS. HAASE: It doesn't -- it
14 will affect the ones adjacent to 380.

15 MR. STEVE PINE: Yeah. We're
16 not planning on erecting any more signs until --
17 once this one up -- is up on 380, until the
18 spring, so, you know, when we start to get ready
19 to open. We'll want some -- a lot of directional
20 signage, asking you to turn here for the
21 convention center, here for employment and et
22 cetera, deliveries, those types of things are --
23 they're more directional signs and they're
24 smaller, but we'll also have some other signs
25 saying, registration straight ahead, water park,

13

1 retail, restaurants, those type of things.

2 MS. LAMBERTON: So what changes
3 in our current ordinance to allow them to do what
4 they are proposing? What do we need to change, I
5 guess?

6 MS. HAASE: To add the ability
7 for a digital sign.

8 MS. LAMBERTON: Okay.

9 MS. HAASE: Language that
10 speaks to the digital sign. There was some
11 suggestions from Pat with regard to restricting
12 the signage a separation distance.

13 MS. LAMBERTON: Wasn't that up
14 to PennDOT, though, out there, on the digital?

15 MR. STEVE PINE: On that one,
16 yeah.

17 MS. LAMBERTON: That's what
18 we're talking about right now, in my right mind,
19 right?

20 MR. STEVE PINE: That one, yes.

21 MS. PICKARD: No, I don't think
22 so. As far as the separation distance, it could
23 be on adjacent parcels or things across the
24 highway or --

25 MS. LAMBERTON: No, but we're

1 talking about the digital sign out on 380 right

2 now.

3 MR. STEVE PINE: I believe it
4 has to be a hundred and fifty feet, if I'm not
5 mistaken, by PennDOT.

6 MS. LAMBERTON: Okay.

7 MS. PICKARD: But we're talking
8 about two, so one's on Kalahari or 314 or 940.

9 We're looking at one on 940?

10 MS. HAASE: No.

11 MR. STEVE PINE: No.

12 MS. HAASE: No.

13 MR. STEVE PINE: We're only --

14 MS. PICKARD: There was two.

15 MS. HAASE: Their property
16 doesn't abut 940.

17 MS. LAMBERTON: The entrance
18 onto 380 makes sense to me.

19 MS. PICKARD: Yeah.

20 MS. LAMBERTON: Okay.

21 MR. STEVE PINE: 314 and 380
22 are the only ones --

23 MS. LAMBERTON: Right.

24 MR. STEVE PINE: -- we're
25 looking at as far as public signs. We believe

1 that --

2 MS. LAMBERTON: And you need
3 that addressed now so you guys can go ahead --
4 okay. I understand.

5 MR. STEVE PINE: The 314 sign
6 that we currently have up is within your
7 current --

8 MS. LAMBERTON: Okay.

9 MR. STEVE PINE: Obviously,
10 'cause we wouldn't have been able to put it up.
11 It's within --

12 MS. LAMBERTON: Right.

13 MR. STEVE PINE: -- your
14 current ordinances right now.

15 MS. HAASE: The sign -- the
16 temporary sign up on 314 is not a digital sign.

17 MR. STEVE PINE: Right.

18 MS. HAASE: That's an
19 off-premise sign.

20 MR. STEVE PINE: Right.

21 MS. HAASE: So if they were to
22 elect to make that a digital sign, we'd have to
23 address that under a separate section in our

24 ordinance --

25 MS. LAMBERTON: Okay.

16

1 MS. HAASE: -- for off-premise
2 signs, which recently one was approved on 940 for
3 Adams signs.

4 MS. LAMBERTON: Okay.

5 MS. HAASE: So this primar --
6 right now it's important that they were able to
7 get the sign up by the end of October.

8 MS. LAMBERTON: I understand
9 that.

10 MS. HAASE: If the board is
11 unclear on how they want to move forward, then
12 perhaps this is something we can address and
13 amend it again, if that's what you want to do;
14 but it would need to be addressed prior to
15 spring.

16 MR. KERRICK: The -- excuse me,
17 the e-mail that Pat sent, is that addressed? The
18 thing we read on the --

19 MS. PICKARD: Yeah.

20 MS. HAASE: What Pat's
21 addressing is, he's speaking to a separation
22 district -- distance of 3500 feet, which I think
23 is pretty severe. He's also speaking of some
24 discussion that has taken place about limiting
25 it, so like a sign per so many acres. It was

17

1 discussed at 50, which only allowed them two
2 signs.

3 MS. PICKARD: Electronic?

4 MR. KERRICK: So we're not
5 addressing it --

6 MS. PICKARD: We're talking
7 about electronic?

8 MR. HOLAHAN: And that's
9 where --

10 MS. HAASE: That is correct.

11 MR. HOLAHAN: -- I was
12 misunderstood, because I thought we were talking
13 about the big electronic signs.

14 MS. PICKARD: And that's
15 what --

16 MR. HOLAHAN: The directional

17 ones they're speaking of. I mean, that's --
18 MS. HAASE: Electronic --
19 MR. HOLAHAN: -- I don't want
20 to restrict them to that.
21 MS. HAASE: -- you're limiting
22 electronic signs, that means a smaller sign --
23 MR. HOLAHAN: Yeah. We
24 can't --
25 MS. HAASE: -- with a

18

1 convention center or what's going on at the water
2 park, that's electronic sign.
3 MS. PICKARD: Those are
4 interior signs --
5 MS. HAASE: They're still
6 permitted.
7 MR. HOLAHAN: And are they
8 digital?
9 MS. PICKARD: But that's --
10 MS. HAASE: Well, they would,
11 if that's what they proposed to do.
12 MR. STEVE PINE: Right now

10 the ordinance. So I think we're just trying to
11 make it a little broader as far as digital signs.
12 I will tell you that in both of our current
13 locations, we have no additional digital signage
14 other than what's on the highway, and then
15 smaller ones that are inside the building.

16 MS. PICKARD: Well, I'm not
17 comfortable now because now I'm totally lost, so
18 I need to get back up to speed on what --

19 MS. HAASE: As in any project,
20 any signs --

21 MS. PICKARD: Our discussion
22 was before, we were looking at limiting the
23 electronic signs.

24 MS. HAASE: Correct. And
25 that's what we're speaking to, electronic signs.

20

1 MS. PICKARD: And I think there
2 should be a separation distance and a limitation
3 on the number, and I'd like the suggestion of one
4 and a conditional use for the second, for the
5 electronic --

6 MS. HAASE: Yeah --
7 MS. PICKARD: -- large signs.
8 MS. HAASE: I got that from
9 Pat's --
10 MR. KERRICK: What do you
11 consider large?
12 MS. HAASE: -- from Pat's --
13 MS. PICKARD: 800 square feet
14 or, you know --
15 MR. KERRICK: So if it's 600
16 square feet then they don't have to? I mean --
17 MS. PICKARD: I don't know.
18 Well, that's what we're saying.
19 MR. KERRICK: I think we're
20 going the wrong way here.
21 MS. LAMBERTON: Yeah.
22 MR. KERRICK: They've got one
23 sign, we've got to stick with that. That's my
24 opinion.
25 MS. LAMBERTON: I agree.

21

1 MR. KERRICK: I visited Ohio; I
2 never was to Wisconsin. You don't -- you're not

3 oversignage.

4 MS. LAMBERTON: No. I don't
5 think we -- exactly. I don't -- I don't see why
6 we need to dictate what signs you put inside your
7 facility.

8 MS. PICKARD: No, but I'm
9 saying also, with the separation distance, I'm
10 talking about somebody else down the street,
11 depending -- and I'm looking at this not just for
12 Kalahari -- if they've got a smaller sign here
13 that we don't have a stacked up -- like Pocono
14 Manor has one and then the next place has one,
15 and Long Pond Road across the way has one.
16 That's where I think -- I was looking at the 3500
17 square feet separation distance from not just
18 him, interior, but other businesses --

19 MS. LAMBERTON: We're
20 classifying this as resort, though.

21 MS. PICKARD: Yeah.

22 MS. LAMBERTON: So how many
23 resorts do you think we're going to have on 380?

24 MS. HAASE: The only resort
25 district would be the property next -- Pocono

1 Manor's property and Kalahari's property.

2 MS. LAMBERTON: Right. See, in
3 my mind, that's what I was picturing.

4 MS. PICKARD: So there still
5 should be separation distance, in my mind; so I
6 don't know if the project that Pocono Manor has
7 is considered part of their resort.

8 MS. HAASE: We currently have a
9 separation distance of 1500 feet. I don't know
10 where the 3500 feet came from.

11 MS. PICKARD: That was just a
12 number, I think, that came --

13 MR. HOLAHAN: Are we just
14 going --

15 MR. KERRICK: Where did that
16 magic number come from?

17 MR. HOLAHAN: I was just going
18 to ask that, yeah.

19 MS. PICKARD: -- from another
20 ordinance.

21 MS. HAASE: Yeah, that's pretty
22 severe.

23 MR. KERRICK: Too restrictive.

24 MS. LAMBERTON: Yeah.
25 MR. HOLAHAN: Well, it sounds

23

1 like -- I was under the impression that we were
2 talking about multiple signs that were going to
3 be visible from the roads and --
4 MS. PICKARD: Me too.
5 MS. LAMBERTON: That's not the
6 case.
7 MR. HOLAHAN: -- that's -- and
8 at this point, I don't care interior.
9 MS. PICKARD: No, I don't
10 either.
11 MR. HOLAHAN: But -- so now do
12 we want to look at -- I mean, how many signs
13 could there be?
14 MR. STEVE PINE: Well, if
15 you're familiar with the layout, which I assume
16 you are after looking at it for two years, we
17 will currently have -- are asking for the one on
18 380. When you get off onto 940, we're assuming
19 that if you saw the 380 sign, you know not to
20 come back south. There will be another one right

21 at the entrance where the small current one is.

22 MR. HOLAHAN: Right.

23 MR. STEVE PINE: Whether that's
24 digital or not -- right now we're not planning on
25 it. We have -- we have a pretty good sign

24

1 concept of what we're doing. I will say it looks
2 very much like Great Wolf's --

3 MS. LAMBERTON: Monument.

4 MR. STEVE PINE: -- it's sort
5 of -- it's rock, it's landscaping, it's wood.

6 MS. LAMBERTON: Yeah. We saw
7 that.

8 MR. STEVE PINE: But once you
9 turn onto the boulevard, we did wire the center
10 of the boulevard for things once the retail
11 development -- to be able to turn here. It's not
12 planning on being a reader board, but they're
13 little signs telling you where you to turn and et
14 cetera.

15 And then once you hit the
16 property line, then, of course, we start with our

17 directional signs to go to the convention center,
18 to go to the employment office, straight ahead
19 for registration, Double Cut Steakhouse --

20 MS. LAMBERTON: You should be
21 able to --

22 MR. STEVE PINE: -- all of
23 those type of things.

24 MS. PICKARD: But directional
25 signs are a different --

25

1 MR. STEVE PINE: Right, once
2 they're inside.

3 MS. PICKARD: They're
4 different. They're directional signs.

5 MR. STEVE PINE: And, again,
6 they're not planning on being reader boards, but
7 you just don't know what the next technology is,
8 and I don't want to be coming back to you every
9 six months and asking you --

10 MS. PICKARD: And I don't care
11 about the directional signs --

12 MR. STEVE PINE: -- hey, we
13 found this really new cool sign.

14 MS. LAMBERTON: No. I --

15 MS. PICKARD: The directional

16 signs have other limitations in our ordinance.

17 I --

18 MS. HAASE: Well, what they're

19 considering directional signs and what we

20 consider directional signs are different. So,

21 again, in -- just like any other property in

22 Tobyhanna Township, they're allowed to have a

23 sign on their building, they're allowed to have a

24 freestanding sign. We restrict the signage on

25 the property. This would be no different. When

26

1 the ordinance was written years ago, with regards

2 to resorts, it allows them to have more signage

3 than any other type of use in the township --

4 MS. LAMBERTON: They should.

5 MS. HAASE: -- as they should.

6 MS. LAMBERTON: Yeah.

7 MS. HAASE: So that is just the

8 concern that -- the amount of signage.

9 Now, if the digital sign is the

10 concern, that what's facing the state route of
11 the interstates, then as our ordinance states
12 right now, they're restricted to two that faces
13 the interstate. So you can address that, if
14 that's your concern.

15 MS. PICKARD: Um-hum.

16 MS. LAMBERTON: Well, that's
17 what you need to get in the ground --

18 MS. PICKARD: Yeah.

19 MS. LAMBERTON: -- by October,
20 so --

21 MS. PICKARD: That's what I
22 would assume.

23 MR. STEVE PINE: That's the
24 first thing we need to do, and maybe it just
25 needs like some kind of subcommittee to sit down

27

1 and look at the overall sign ordinance in the
2 next month or two and make some decisions on
3 that. You know, that's -- and I'll be happy to
4 get the ordinances from both here, on Ohio --

5 MS. LAMBERTON: I think we --

6 MR. STEVE PINE: -- and Lake

7 Delton, Wisconsin.

8 MS. LAMBERTON: -- should have

9 Bob look at that.

10 MR. McHALE: I can pull

11 together ordinances that --

12 MS. LAMBERTON: I think that --

13 MR. McHALE: -- are in the area

14 and what Steve provides from those other --

15 MS. PICKARD: So we have a

16 draft of our new one --

17 MR. McHALE: -- locations and

18 summarize it.

19 MS. PICKARD: -- we'll work

20 with that and then --

21 MR. STEVE PINE: You look like

22 a good subcommittee, Bob.

23 MS. PICKARD: And then what

24 was --

25 MR. McHALE: Thank you, Steve.

28

1 MS. HAASE: Yeah. I would ask

2 that you bring our zoning officer involved in

3 that as well.

4 MS. LAMBERTON: Oh, I'm sorry,
5 of course. Maureen. That will be our committee,
6 Bob and Maureen.

7 MR. HOLAHAN: And, yeah, let
8 Phyllis put together the -- some of the players
9 that --

10 MS. LAMBERTON: Yeah, whatever
11 you feel --

12 MR. HOLAHAN: -- you think are
13 important.

14 MS. LAMBERTON: Just so -- I
15 mean --

16 MR. HOLAHAN: So can we address
17 what needs to be taken care of now for -- so do
18 we need to amend anything currently?

19 MS. HAASE: Yes, sir.

20 MS. PICKARD: Yes.

21 MR. HOLAHAN: So what do we
22 need --

23 MS. HAASE: We need to add the
24 definition. Pat had sent out a draft, which was
25 the definition of signage --

1 MR. HOLAHAN: Right.

2 MS. HAASE: -- for digital
3 signs. That would need to be amended. And then
4 if you're addressing a separation distance, then
5 you're going to have to give me the guidance
6 there of what you so chose.

7 MS. LAMBERTON: Why don't you
8 just leave it at what it is?

9 MS. HAASE: That's really going
10 to be governed by PennDOT.

11 MR. HOLAHAN: Right.

12 MS. PICKARD: Do we have a copy
13 of that?

14 MS. HAASE: Pat did e-mail it
15 to everyone.

16 MR. HOLAHAN: I'll look here.

17 MS. HAASE: In the draft that
18 Pat put together, it was allowing -- it allows
19 two signs, as we current -- as it currently
20 states in our ordinance, adjacent to interstate
21 with only one being digital. And there's not a
22 separation distance with the exception of --
23 off-site premise signs are separated 1500 feet
24 apart, which this would not be off-site.

25

MS. LAMBERTON: And that would

30

1 work for you?

2 MR. STEVE PINE: Um-hum. Yes.

3 MS. PICKARD: It says only one.

4 MS. HAASE: The current

5 ordinance allows two signs. One -- Pat is

6 proposing one of the two signs to be digital.

7 MR. HOLAHAN: One --

8 MS. PICKARD: Oh, okay.

9 MR. HOLAHAN: -- electronic

10 graphic sign or video sign shall be permitted as

11 part of the resort use within the commercial

12 zoning district.

13 MS. PICKARD: But there's no

14 size limitation on this, so a resort is --

15 MS. HAASE: 800 square feet

16 it's limited to. That's what our current

17 ordinance states.

18 MS. PICKARD: I'm talking about

19 a small resort that's on -- what's the minimum

20 size of a resort?

21 MS. HAASE: 250 --
22 MS. PICKARD: We have a 10
23 acre --
24 MR. KERRICK: That won't be a
25 resort in the resort district?

31

1 MS. HAASE: It's 250 rooms.
2 MS. PICKARD: We don't have a
3 resort district --
4 MS. HAASE: 250 --
5 MS. PICKARD: -- currently.
6 MS. HAASE: -- rooms is
7 considered a resort.
8 MS. PICKARD: We don't have it,
9 though.
10 MR. KERRICK: We can.
11 MS. LAMBERTON: Yep, yes, we
12 can.
13 MS. PICKARD: I know, but we're
14 talking about --
15 MR. HOLAHAN: Hold on a second.
16 Let's -- I wanted to hear from Phyllis, as she
17 was --

18 MS. LAMBERTON: I'm sorry.
19 MS. HAASE: We have a
20 commercial resort in our ordinance. You have to
21 have 250 rooms or more to be considered a
22 commercial resort. This is considered a
23 commercial resort. They are allowed to have two
24 signs, 800 in square feet, adjacent to an
25 interstate or state highway, maximum height of 50

32

1 feet.

2 So that's what they can have
3 now. The only difference is they're requesting
4 one of them to be digital/electronic.

5 MS. LAMBERTON: Sounds like a
6 no-brainer.

7 MR. HOLAHAN: And this --

8 MR. KERRICK: So it's a simple
9 fix for this?

10 MS. LAMBERTON: Yeah, just
11 fix -- change the one digital.

12 MS. HAASE: Yeah.

13 MR. KERRICK: I don't know.

14 MR. HOLAHAN: Okay.
15 Do I have a motion?
16 MR. KERRICK: How do you
17 want to --
18 MR. HOLAHAN: I know. How do
19 you phrase that?
20 MR. KERRICK: How do I make
21 that motion?
22 MR. HOLAHAN: To amend -- well,
23 let's see, with Patrick's --
24 MS. LAMBERTON: Recommendation.
25 MR. HOLAHAN: -- Patrick's

33

1 writing about what the amendment -- or the change
2 to make it one digital instead of electronic. So
3 we can adopt this ordinance --
4 MS. PICKARD: What?
5 MR. HOLAHAN: -- and change the
6 language. Do you have the language in front of
7 you?
8 MS. PICKARD: But you said one
9 digital instead of electronic? You lost me
10 there.

11 MR. HOLAHAN: No, one could be
12 digital.

13 MS. HAASE: Now, today --

14 MS. LAMBERTON: You're just
15 allowing one digital.

16 MS. HAASE: -- you would be
17 authorizing advertisement.

18 MS. LAMBERTON: The rest stays
19 the same.

20 MS. HAASE: We would then send
21 that over to the law library and we'd also send
22 it down to the county within 30 days and the
23 board can consider adoption, unless we can get
24 the county to review it and issue a letter prior
25 to 30 days.

34

1 MR. HOLAHAN: I've got a
2 question on -- what's the -- the difference
3 between -- it's called an electronic graphic sign
4 or video sign as opposed to digital?

5 MS. HAASE: I had the same
6 question on that. And I believe --

7 MR. HOLAHAN: So he's
8 looking -- and the definitions are further down?
9 I didn't get down to that. Electronic, right
10 here.

11 MS. HAASE: Yeah. And here's
12 the video. I think the video is more of a -- of
13 a picture type, is the way I'm --

14 MR. HOLAHAN: Right, and
15 we'd -- because we'd limited -- shall not
16 include -- video sign shall not include LED --
17 oh, LED gas price illuminations. Never mind.
18 Video signs shall only be permitted in
19 association with the resort use.

20 I think all of our intention is
21 to make sure this does not look like the Vegas
22 strip.

23 MS. PICKARD: Exactly.

24 MR. HOLAHAN: But it's within
25 the grounds, within the confines of the property,

1 of the resort properties of which we've only got
2 two anyway. I think we're making this a little
3 more --

4 MS. LAMBERTON: Than it needs
5 to be.

6 MR. HOLAHAN: -- cumbersome
7 than it needs to be.

8 MS. LAMBERTON: Yeah, I agree.

9 MR. HOLAHAN: How can we --

10 MR. STEVE PINE: John, can I
11 ask you just a quick question? What did you say
12 about LED, though? I didn't hear it.

13 MR. HOLAHAN: Well, it was
14 electric gas illuminations.

15 MR. STEVE PINE: Okay, because
16 all digital signs are now LED.

17 MR. HOLAHAN: Are LED, of
18 course.

19 MR. STEVE PINE: Okay.

20 MR. HOLAHAN: Yep. Video signs
21 shall not include LED gas price illuminations.
22 That's the one restriction.

23 MR. STEVE PINE: Yeah, yeah.

24 MR. HOLAHAN: If you start
25 selling gas out there, you're not going to be

1 able to put the price up there. You're going to
2 have to get out there and change it with a big
3 pole.

4 MR. STEVE PINE: We're going to
5 have a lot more issues than that if we try to
6 sell gas out there. I think carrying a gas tank
7 that close to a stream --

8 MS. PICKARD: So, John, you
9 said you said you were changing electronic sign
10 to digital sign?

11 MR. HOLAHAN: I'm -- or -- or
12 we add that, so one electronic graphic, video or
13 digital shall be permitted in the association.

14 MS. PICKARD: Where's digital?
15 That's not on the definition --

16 MR. HOLAHAN: There's no
17 definition for it.

18 MS. PICKARD: So what will the
19 definition of that be?

20 MR. HOLAHAN: We'll have
21 Patrick make one up.

22 MS. HAASE: I believe
23 electronic does include digital.

24 MR. HOLAHAN: I mean, it sort

25 of looks -- it certainly looks like that because

37

1 if you look at electronic graphic sign, it sounds
2 like it's digital, because it's using different
3 combinations of LEDs, fiber optics, light bulbs.
4 We went through all of this when we were doing
5 the Adams sign, and this is where this came from?

6 MS. HAASE: Yes. Some of the
7 requirements Pat took out of the findings from
8 the zoning hearing board.

9 MR. STEVE PINE: I don't
10 believe all digital signs can be video signs, but
11 I believe all video signs can be digital.

12 MS. HAASE: Digital.

13 MR. STEVE PINE: I believe
14 that's how --

15 MS. PICKARD: It says
16 electronic graphic signs include computer
17 programmable, microprocessor-controlled
18 electronic or digital displays.

19 MR. STEVE PINE: Yeah, yeah.

20 MR. HOLAHAN: So we may not
21 even have to change the definition.

22 MS. PICKARD: Yeah.
23 MR. HOLAHAN: It looks like
24 that's covered.
25 MS. PICKARD: Yeah.

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1 MR. HOLAHAN: So we should be
2 able to approve this as written.
3 MS. HAASE: For advertisement?
4 MR. HOLAHAN: Yes.
5 MS. HAASE: Okay.
6 MR. HOLAHAN: Do I have a
7 motion?
8 MR. KERRICK: Now -- well, I'll
9 wait till we have the -- I'll ask the question
10 afterwards. I'll make the motion.
11 MR. HOLAHAN: Okay. I have a
12 motion.
13 Do I have a second?
14 I'll second.
15 We have a motion and a second.
16 Discussion?
17 MR. KERRICK: I'm not a hundred

18 percent clear of what the motion is. Is it what

19 Pat had? Because --

20 MR. HOLAHAN: Yes.

21 MR. KERRICK: -- I'm not into

22 the restriction of 3500 feet.

23 MS. LAMBERTON: No, that's

24 going to be 1500.

25 MS. PICKARD: That was just a

39

1 suggestion on the --

2 MR. KERRICK: Okay. I thought

3 so, but I just wanted to make sure.

4 MS. LAMBERTON: It's everything

5 we have now except we're going to allow a

6 digital.

7 MR. KERRICK: So it's very

8 simple. We're just adding a -- wow. That took

9 us a long time to get to that point. Answered my

10 question.

11 MS. LAMBERTON: You're very

12 welcome, John.

13 MR. HOLAHAN: Further

14 discussion? So this is -- do you have an

15 ordinance number for us?
16 MS. PICKARD: No. It's not --
17 MS. HAASE: I do not.
18 MS. PICKARD: -- until we
19 approve it.
20 MS. HAASE: So this is just
21 to --
22 MR. HOLAHAN: Oh, gotcha.
23 MS. HAASE: -- authorize to
24 advertise it.
25 MR. HOLAHAN: Just to authorize

40

1 for advertisement. Okay.
2 MS. PICKARD: Just to authorize
3 advertising.
4 MR. HOLAHAN: You say
5 advertisement, I say advertisement.
6 MS. LAMBERTON: You say
7 tomato --
8 MR. HOLAHAN: You say tomato --
9 MS. LAMBERTON: I say tomato.
10 MS. PICKARD: It's too early

11 for this.

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

14 Further discussion?

15 Discussion from the audience?

16 Hearing none, call the vote.

17 John?

18 MR. KERRICK: In favor.

19 MR. HOLAHAN: Heidi?

20 MS. PICKARD: I vote in favor.

21 MR. HOLAHAN: Annie?

22 MS. LAMBERTON: I'll abstain.

23 MR. HOLAHAN: And I vote in
24 favor. Motion carries. Go ahead and advertise
25 it.

41

1 MS. HAASE: Thank you, sir.

2 I just have two announcements.

3 Representative Scavello is going to be having a
4 breakfast here this Saturday from 8 to 10:30, to
5 have a discussion group, to answer questions from
6 constituents in our area; and also the fall
7 festival is going to October 4 from 10 to 5.

8 MR. KERRICK: This isn't for
9 the record, but --
10 (Discussion off the record.)
11 MR. HOLAHAN: Do we have
12 anything else to come before the board?
13 Hearing none, call for a motion
14 to adjourn?
15 MS. LAMBERTON: So moved.
16 MR. HOLAHAN: Second?
17 All in favor?
18 MS. LAMBERTON: Aye.
19 MR. HOLAHAN: We're adjourned.
20 (Meeting concluded at 8:26
21 a.m.)
22 ---
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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.

JESSICA L. HOLT, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, October 6, 2014, beginning at 7:00 p.m.

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

JONATHAN J. REISS, ESQUIRE,
Solicitor

ALSO
PRESENT: Phyllis Haase, Township Manager
Robert McHale, P.E., Township
Engineer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: Okay. It's seven
2 o'clock; time to get started. Let's call the
3 meeting to order. Start with the Pledge of
4 Allegiance, please.

5 (Pledge of Allegiance was
6 recited.)

7 MR. HOLAHAN: Good evening.
8 Welcome to the board of supervisors meeting for
9 October 6, 2014. Let's start with announcements.
10 Phyllis?

11 MS. HAASE: The only
12 announcement I had is, yesterday the township had
13 their first fall festival, which was a huge
14 success; and we look forward to having many more.

15 And I have a few other items,
16 but I'll put them under my manager's report.

17 MR. HOLAHAN: Very good. Next
18 let's go to, consider the minutes of the August

19 27 special meeting.

20 MS. HAASE: I have no

21 corrections.

22 MR. HOLAHAN: Do I have a

23 motion?

24 MS. LAMBERTON: So moved.

25 MR. HOLAHAN: I have a motion.

3

1 Do I have a second?

2 MS. PICKARD: Second.

3 MR. HOLAHAN: I have a motion

4 and a second to approve the minutes from the

5 August 27 special meeting.

6 Further discussion from the

7 public?

8 Hearing none, I'll call the

9 vote.

10 Heidi?

11 MS. PICKARD: I vote in favor.

12 MR. HOLAHAN: Donald?

13 MR. MOYER: I'll vote in favor,

14 but I wasn't here.

15 MR. HOLAHAN: Anne?

16 MS. LAMBERTON: I'll vote in
17 favor.

18 MR. HOLAHAN: And I vote in
19 favor. Motion carries.

20 Next we'll consider the
21 treasurer's report. I'm looking for a motion to
22 approve the treasurer's report in the amount of
23 \$394,046.93.

24 MS. PICKARD: Motion to
25 approve.

4

1 MR. HOLAHAN: I have a motion.
2 Do I have a second?
3 I'll second.

4 I have a motion and a second.
5 Further discussion from the
6 board?

7 Anything from the public?
8 Hearing none, I'll call the
9 vote.

10 Heidi?

11 MS. PICKARD: I vote to approve

12 with the exception of an invoice from Mountain
13 Lakes Abstract, because I have a work conflict.

14 MR. HOLAHAN: So noted.

15 Donald?

16 MR. MOYER: I'll vote in favor,
17 for that.

18 MS. LAMBERTON: I'll abstain.

19 MR. HOLAHAN: Motion does not
20 carry. Okay. Let's -- let's -- let's go back to
21 this again. We can subtract the Mountain Lakes.

22 MR. MOYER: Yeah, I wasn't here
23 for --

24 MR. HOLAHAN: You don't need to
25 be here to approve the treasurer's report, Don.

5

1 Did you get --

2 MR. MOYER: I'll get that on
3 there. That's why --

4 MR. HOLAHAN: Okay. Yeah, all
5 right.

6 MR. MOYER: -- and then redo
7 it.

8 MR. HOLAHAN: Okay. I'm going

9 to look for -- how much is the Mountain Lakes?
10 Do you have a --
11 MS. PICKARD: \$200.
12 MR. HOLAHAN: \$200?
13 (Inaudible discussion between
14 Mr. Moyer and Ms. Lamberton.)
15 MR. HOLAHAN: Okay. So I'm
16 looking for a motion to approve the amended
17 amount \$393,846.93.
18 Do I have a motion?
19 MS. PICKARD: I'll make that
20 motion.
21 MR. HOLAHAN: I have a motion.
22 Do I have a second?
23 MR. MOYER: I'll second.
24 MR. HOLAHAN: I've got a motion
25 and second.

6

1 Further discussion from the
2 board?
3 Anything from the public?
4 Hearing none, I'll call the

5 vote.

6 Heidi?

7 MS. PICKARD: I vote in favor.

8 MR. HOLAHAN: Donald?

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

10 MR. HOLAHAN: Anne?

11 MS. LAMBERTON: I'll abstain.

12 MR. HOLAHAN: And I vote in

13 favor. Motion carries.

14 Now, I'm looking for a motion

15 to approve the \$200 for Mountain --

16 Heidi, which one was that?

17 MS. PICKARD: Mountain Lakes

18 Abstract Company --

19 MR. HOLAHAN: To Mountain Lakes

20 Abstract Company.

21 MS. LAMBERTON: So moved.

22 MR. MOYER: Second.

23 MR. HOLAHAN: I've got a motion

24 and second.

25 Further discussion from the

2 Anything from the public?
3 Hearing none, call the vote.
4 Heidi?
5 MS. PICKARD: I'll abstain.
6 MR. HOLAHAN: Donald?
7 MR. MOYER: I'll approve.
8 MR. HOLAHAN: Anne?
9 MS. LAMBERTON: I vote in
10 favor.
11 MR. HOLAHAN: And I vote in
12 favor. Motion carries. Thank you.
13 Solicitor's report?
14 MR. REISS: I have nothing to
15 report.
16 MR. HOLAHAN: Perfect.
17 MS. LAMBERTON: Wow. That is a
18 first. You can put that on the record.
19 MS. HAASE: Mr. Chairman, that
20 was exciting news, but if I could just go back to
21 one item on the treasurer's report.
22 MR. HOLAHAN: Okay.
23 MS. HAASE: I'm very pleased
24 to -- to let everyone know, since we brought in
25 the bill -- the billing for our sewer, our sewer

1 billing, the collection on the delinquent
2 accounts have increased by 172 percent --

3 MS. LAMBERTON: Wow.

4 MS. HAASE: -- by bringing in
5 excessive collection from that department, so I'm
6 really pleased to say it's increased by 172
7 percent.

8 MR. HOLAHAN: Great job.
9 Thanks.

10 MS. LAMBERTON: Yeah.

11 MR. HOLAHAN: Okay. How about
12 we segue right into your report there?

13 MS. HAASE: That was easy.

14 The first item, I just wanted
15 to announce to the board is that TEC is going to
16 be having their Halloween parade. And the route
17 is going to be down Old Route 940 to Firehouse
18 Road, and then the children will turn around and
19 go back. TEC has decided not to petition PennDOT
20 to allow them to close a section of 423, so we're
21 happy to accommodate them; so it's only going to
22 be on Old Route 940 and Firehouse Road.

23 MR. HOLAHAN: Right.

24 MS. HAASE: So they submitted
25 the insurance and the proper information, so I

9

1 can review that, as emergency management
2 coordinator, and we're going to move forward with
3 that.

4 MS. PICKARD: What date was
5 that? I'm sorry.

6 MS. HAASE: The date is going
7 to be on November 1, at 10 a.m.

8 We have an outstanding item
9 with the school district pertaining to the
10 traffic signal at Panther Lane. It went in
11 almost 10 years ago. There's an agreement that
12 they will continue with maintenance until they
13 finalize all the requirements of PennDOT.

14 Bob McHale, our engineer, is
15 joining us this evening; so we're -- we're
16 thankful that he's with us. I was away when he
17 met with PennDOT and the school district.

18 So, Bob, I'm going to let you
19 kind of catch us up on what was discussed and

20 then we're going have to follow into getting an
21 agreement to extend it for one year.

22 MR. McHALE: Yes. We met with
23 PennDOT and several officials of PennDOT and the
24 school district; and PennDOT pretty much outlined
25 in the field their expectations as far as what

10

1 they need to do to become ADA compliant. There
2 are a few things that PennDOT can allow due to
3 the topographic situation there, where we have a
4 relief fall-off on the opposite side of 940; and
5 so the Pocono Mountain School District has
6 retained services of a traffic engineer to put
7 together drawings and get that re-permitted
8 through PennDOT.

9 So the -- we will need an
10 extension of probably a year because they would
11 not, I don't believe, begin those improvements
12 until probably next June or July. And that's
13 about where they're at.

14 MS. HAASE: What was discussed,
15 I was really trying to push it, to get it

16 completed this year. And since it was not
17 budgeted, and their budget cycle is from July to
18 July, they're looking at the summer to do these
19 improvements. So if it's acceptable to the
20 board, we'll have to ask our solicitor to put
21 another agreement together. I'd like it just to
22 go to December of 2015. The last one was for 10
23 years, and where the due date -- so that has to
24 be done -- I think it needs to be force -- needs
25 to be done by December of next year --

11

1 MR. HOLAHAN: I agree with
2 that.

3 MS. HAASE: -- if that's
4 acceptable to the board.

5 MS. LAMBERTON: I don't have a
6 problem with that.

7 MR. HOLAHAN: Is everybody else
8 okay?

9 MS. LAMBERTON: Um-hum.

10 MR. HOLAHAN: Okayed by
11 consensus.

12 MS. HAASE: Thank you.

13 Red Cross notified me that on
14 May 17, 2015 they're going to have the red for
15 the run -- Run for the Red, and I'm going to
16 begin the paperwork for the closures and the
17 detours that are going to be needed.

18 Kalahari Resort, as you know,
19 there was some issues with their last draw, and
20 we've worked them all out. The only thing I did
21 want to bring forward to the board is, the board
22 initially approved \$267,503.48 to be drawn from
23 the sewer -- secured sewer account when, in fact,
24 we only withdrew \$51,160.44. \$216, 340 --
25 \$216,343.04 would be coming out of the project

12

1 fund. And the project fund is not a secured
2 account with the township, so that's acceptable.

3 MR. HOLAHAN: Okay.

4 MS. HAASE: So it's less money
5 that was taken out of our account.

6 This past week I attended an
7 informational discussion with Representative
8 Brown pert -- and DEP pertaining to some changes

9 in Chapter 105 with the dams. They brought
10 forward the changes. There's going to be a
11 registration fee for the dam owners, a yearly
12 registration fee, and they will have to put some
13 financial securities in place in case there is a
14 failure or there needs to be releasing of some
15 waters. So they're still working to fine-tune
16 its draft legislation right now, but we're
17 appreciative that we were included in the
18 discussion.

19 MS. PICKARD: Of course.

20 MS. HAASE: Also I'd like the
21 board to consider authorizing advertisement for a
22 few bids that we need to put out. One is going
23 to be a material bid, an equipment bid, and also
24 the bid for the rubber tire excavator.

25 MR. HOLAHAN: Okay.

13

1 MS. HAASE: So if it's
2 acceptable to the board, I'll advertise?

3 MS. LAMBERTON: You need a
4 motion?

5 MS. PICKARD: So just to

6 clarify, we're doing the rubber tire excavator,
7 not the Gradall?

8 MS. HAASE: We cannot
9 specifically request a Gradall.

10 MS. PICKARD: Oh, it's --

11 MS. HAASE: We will have --

12 MS. PICKARD: -- a rubber
13 tire --

14 MS. HAASE: That is correct.

15 MS. PICKARD: -- excavator. Do
16 you need a motion to approve?

17 MR. HOLAHAN: Yes.

18 MS. HAASE: Yes, please.

19 MR. HOLAHAN: Could I have a
20 motion to that?

21 MS. PICKARD: I'll make that
22 motion.

23 MR. HOLAHAN: Okay.

24 MR. MOYER: Second.

25 MR. HOLAHAN: I've got a motion

1 and second.

2 Further discussion from the
3 board?
4 Anything from the public?
5 Hearing none, I'll call the
6 vote.
7 MR. HOLAHAN: Heidi?
8 MS. PICKARD: I vote in favor.
9 MR. HOLAHAN: Donald?
10 MR. MOYER: I vote in favor.
11 MR. HOLAHAN: Anne?
12 MS. LAMBERTON: I vote in
13 favor.
14 MR. HOLAHAN: And I vote in
15 favor. Motion carries.
16 MS. HAASE: Thank you. That's
17 all I have at this time.
18 MR. HOLAHAN: Great. Let's
19 keep going while we've got the inertia here.
20 Let's go for committee reports, Pocono Mountain
21 Regional EMS.
22 Heidi, do you have something
23 for that?
24 MS. PICKARD: I have Denise and
25 Austin here. I don't know if Denise had the

1 September figures yet. We didn't receive them.

2 MS. DENISE DOREMUS: I do have
3 them for Toby. I did them real quick.

4 MS. PICKARD: Okay. Thank you.

5 MS. DENISE DOREMUS: You're
6 welcome.

7 This month there was 73 calls,
8 and a total up to date is 705 calls. And Pocono
9 Mountain Regional right now has a total of
10 300,748 calls.

11 MR. HOLAHAN: Denise, how's
12 that -- do you know how that's trending over last
13 year?

14 MS. DENISE DOREMUS: No,
15 because I didn't grab that one.

16 MR. HOLAHAN: It's okay.

17 MS. DENISE DOREMUS: But we are
18 up from last month, 1.7; and Tobyhanna Township
19 is so far up almost 4 percent --

20 MR. HOLAHAN: Okay.

21 MS. DENISE DOREMUS: -- from
22 last year. Okay.

23 MS. PICKARD: I wanted to

24 mention that Denise and one of our paramedics,
25 Lenny Dever, went to Arrowhead's meeting on

16

1 Saturday; and Denise and Lenny gave a bit of a
2 presentation and explained to the residents there
3 the difference between advanced life support and
4 basic life support.

5 So do you think you had some
6 good --

7 MS. DENISE DOREMUS: Yes.

8 MS. PICKARD: -- feedback?

9 MS. DENISE DOREMUS: And we had
10 a lot of questions, and I think they were
11 answered. So hopefully they -- they kind of
12 spread the word, because there was about 40
13 people there.

14 MS. PICKARD: Yes. And
15 Arrowhead had arranged that and we were grate --
16 grateful to have that opportunity. We were
17 hoping to get together with some of the residents
18 from Riverside, but they're all in Coolbaugh
19 Township, so --

20 MS. DENISE DOREMUS: Yeah.
21 MS. PICKARD: So thank you for
22 doing that.
23 MR. HOLAHAN: All right. Very
24 good. Thanks.
25 MS. PICKARD: We do -- do you

17

1 have anything, Austin, that -- we're approaching
2 our budget and I think we're really looking --
3 MR. AUSTIN GRAMMES: Okay,
4 yeah. Heidi asked me to look at the
5 subscriptions for this year. Our subscriptions
6 run 2014 through 2015. And this year so far we
7 have 894.
8 MS. PICKARD: From Tobyhanna
9 Township?
10 MR. AUSTIN GRAMMES: From
11 Tobyhanna Township, which is approximately 200
12 off of last year.
13 MS. PICKARD: Okay.
14 MR. AUSTIN GRAMMES: Last year
15 we had 1,061.
16 MS. PICKARD: Okay. So how

17 much money did that come in donations?
18 MR. AUSTIN GRAMMES: All right.
19 With the 864, it was \$67,050.
20 MS. PICKARD: Okay.
21 MR. AUSTIN GRAMMES: That's
22 what we got in donations. Number of calls, both
23 ALS and BLS, for the time period of 9/1/13
24 through 8/31/14, all right, I had to take a --
25 MS. PICKARD: Yeah.

18

1 MR. AUSTIN GRAMMES: -- look at
2 the year, it's 1,031. The number of calls is
3 equivalent to the last time that I looked at this
4 for a year study.
5 MS. PICKARD: Yeah.
6 MR. AUSTIN GRAMMES: It's
7 really close. If -- you're averaging about the
8 same as we always have. Okay?
9 MS. PICKARD: And the problem
10 is that with the insurance changes, we're not
11 getting as much money back. The board's been
12 talking and wants the townships to look at the

13 possibility of helping to subsidize an ambulance
14 for the station in their area.

15 MR. AUSTIN GRAMMES: Yes. The
16 last financial audit that I did on the three
17 stations, Tobyhanna Township was the only station
18 that lost money. We didn't lose a lot; we lost
19 6,400--some dollars in a year's time. All the
20 other station -- the other two stations, I made
21 some money.

22 I'm not saying that we are
23 well-healed; we're not, all right? But it's just
24 a -- at Coolbaugh, I had 23 -- 2400 calls. The
25 more calls you have, the more revenue you're

19

1 gonna get. All right?

2 I was disappointed last year
3 with Coolbaugh as far as my subscriptions. This
4 year I think they're doing better.

5 MS. PICKARD: But we also have,
6 out of 11/2, we are covering a piece of Cool --
7 pieces of Coolbaugh Township, which needs to be
8 addressed as well.

9 MR. AUSTIN GRAMMES: Yes, you

10 are.

11 MS. PICKARD: So it's
12 Tunkhannock, Tobyhanna and parts of Coolbaugh.

13 MR. AUSTIN GRAMMES: Right.
14 You have a -- you have a section of Coolbaugh
15 that you do cover, yes.

16 MS. PICKARD: But we're --
17 we're just looking to help fund, you know, trucks
18 and some --

19 MR. AUSTIN GRAMMES: Right.

20 MS. PICKARD: -- support.
21 We're looking for extra consideration.

22 MR. AUSTIN GRAMMES: What I'm
23 looking at, under this ACA, the Affordable Care
24 Act, is a lot of people -- more people do have
25 insurance; I'm not going to dispute that. Very

20

1 high deductibles, some that have it. Others that
2 have it have no coverage for ambulances. It's
3 covered for emergency rooms, covered for the
4 hospital, but not the ambulance; so the patients
5 are stuck with the bill. We all know how hard it

6 is to collect money from these patients, okay? I
7 see it getting worse, personally.

8 But are we in dire straits?

9 No, we're not. I'll make that claim. Could we
10 use some help? Yes. You know, that's up to the
11 board to look at that, okay? If anybody wants to
12 sit down and look at everything that we have, I'm
13 more than willing to open everything up and we
14 can go from there.

15 MR. HOLAHAN: Austin, what are
16 you asking of the board? Anything at this point?

17 MR. AUSTIN GRAMMES: I would
18 like to see my funding increase, all right? I
19 know it's tight for you folks. It's tight for
20 everybody. I don't have a figure in mind, I
21 really don't. To me, any help is help. That's
22 how I look at it.

23 I did approach another township
24 already and the other township is giving us some
25 more help. Now, the deal I made with that

21

1 township is, the help they're going to give us is
2 going to go into a truck fund. That's what the

3 money is gonna be earmarked for, they're going to
4 give me a separate donation for a truck.

5 I'm willing to sit and talk
6 with anybody and we can hash things out.

7 MS. HAASE: Austin, I'm sorry,
8 you stated that our station was down 6,000 last
9 year?

10 MR. AUSTIN GRAMMES: Yeah,
11 6,400 and some odd dollars, yeah.

12 MR. HOLAHAN: Well, we're
13 working on the budget now, so we'll --

14 MS. PICKARD: And that's just a
15 number that we have with our revenue and
16 expenses. I think one of the things that Tunk is
17 looking at, with helping with the truck, and
18 what -- one of the things we're trying to look at
19 is, you know, the payment -- we didn't want to
20 pick up another truck payment --

21 MR. AUSTIN GRAMMES: Exactly.

22 MS. PICKARD: -- and put us in
23 a bad position. So we're looking at a little
24 less than 20 -- \$20,000 maybe for a truck payment
25 for the year.

1 MR. AUSTIN GRAMMES: Anywhere
2 from 20 to 24.

3 MS. PICKARD: And we were
4 looking to see how much the municipalities can
5 chip in to cover that expense towards the truck.

6 So I'm not sure what the others
7 are willing to do at this point in time, but that
8 was --

9 MR. AUSTIN GRAMMES: Yeah, I --

10 MS. PICKARD: -- just what the
11 discussion was --

12 MR. AUSTIN GRAMMES: I haven't
13 gotten any feedback from anybody else yet.

14 MS. PICKARD: Our trucks are
15 getting old --

16 MR. AUSTIN GRAMMES: We're
17 going to every township.

18 MS. PICKARD: -- and that's
19 what happens, really.

20 MR. AUSTIN GRAMMES: You know,
21 I'm just -- I'm not picking on one township.
22 Every township is going to be approached. I -- I
23 have -- I have qualms about two of them, because

24 we have contracts with two of them; but I was
25 told to come and talk to them, and they will see

23

1 what they can do and we know we have contracts --

2 MS. PICKARD: The contracts are
3 paying more money --

4 MR. AUSTIN GRAMMES: Yeah, they
5 are paying more money.

6 MS. PICKARD: -- for the
7 services, basically.

8 MR. HOLAHAN: Okay.

9 MR. AUSTIN GRAMMES: Thanks.

10 MR. HOLAHAN: Yep. You're
11 welcome.

12 MS. PICKARD: Thanks, Austin.

13 MR. HOLAHAN: How about Pocono
14 Mountain Regional Police Commission?

15 MS. HAASE: Last month I
16 distributed to the board of supervisors a draft
17 budget. That's the only budget that I had
18 received. I was hoping that I would have an
19 updated draft for you. Unfortunately our police
20 commission meeting is next Tuesday and I do not

21 have one to provide.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: I will say that,
24 pertaining to the meeting with Coolbaugh Township
25 that we had thought we could coordinate,

24

1 Coolbaugh still has yet to respond to the request
2 from the police commission with regard to setting
3 up a meeting. That, of course, just to refresh
4 your memory, the board responded to their request
5 and they have not come back with an offer.

6 We have reached out to other
7 municipalities hoping that we could get a group
8 meeting together. The issue with that is, each
9 municipality has to agree to the meeting because
10 it has to be advertised, because their board
11 would be present. So most of them agree that
12 they would meet; however, Coolbaugh Township has
13 to agree to it as well, and that's the concern,
14 that they will not, and what really are we going
15 to gain from this?

16 So I'm hoping that on Tuesday,

17 next Tuesday, we can have a further discussion
18 and we can try to push this forward.

19 MS. LAMBERTON: What's the --
20 the date of the deadline for Coolbaugh to present
21 a letter to withdraw?

22 MS. HAASE: As per the
23 agreement, it's between December 15 to December
24 30. It's a two week window.

25 MS. LAMBERTON: Maybe --

25

1 MS. PICKARD: For the
2 following --

3 MS. HAASE: That's -- well, it
4 would be for 2016.

5 MS. LAMBERTON: So at that
6 time, if that does occur, I think we should maybe
7 have a meeting with the other municipalities so
8 we can get some sort of consultant to tell us --

9 MS. HAASE: Agreed. And that
10 was brought up at our last meeting. We had a
11 representative from Timber Trails, actually,
12 who's present tonight at our meeting; and his
13 question was, if in fact a municipality submitted

14 a letter to withdraw, who would be responsible
15 then for the cost involved to bringing in a
16 consultant? And our attorney from the commission
17 clearly stated it would be the individual that's
18 putting in the letter to withdraw, and all the
19 expenses would belong to them. And then whether
20 or not they de -- that municipality decides to
21 change their mind, it would be up to the
22 commission then whether they so choose to allow
23 them to come back in.

24 MR. HOLAHAN: Okay. I have
25 a -- it's too bad we can't speak to residents of

26

1 Coolbaugh Township to ask them to attend meetings
2 and get their board to do something, but they're
3 not here. It's you all. Maybe you know some
4 folks.

5 Anyway, let's proceed. Let's
6 go on to old business, Tobyhanna Township Sewer
7 Authority.

8 MS. HAASE: Yes, sir. We had
9 sent some advertisements out, letter of intent --

10 requesting a letter of intent from individuals
11 wishing to be on our sewer authority. We
12 extended it another month. I made some phone
13 calls to some individuals I thought would --
14 might be interested in joining us, but their
15 schedule's too busy at the moment and they can't
16 commit to it. So at this particular time we
17 still have two seats available and I have no
18 letters of interest.

19 MS. LAMBERTON: We need to
20 extend it one more month?

21 MS. HAASE: We will have to.

22 MR. HOLAHAN: We'll certainly
23 have to.

24 Okay. Proposed zoning
25 ordinance. Do you have anything for that?

27

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

2 MR. HOLAHAN: Proposed resort
3 signage amendment?

4 MS. HAASE: I do. A few weeks
5 ago, the board had taken into consideration an
6 amendment to the zoning ordinance for -- that

7 specifically speaks to resort signage.

8 Speaking with some individuals
9 that are in that district, it is now our -- our
10 ordinance speaks to an 800 square foot single
11 face sign. Speaking with some individuals that
12 are in that district, it appears that it may be
13 more helpful if we considered a double face sign,
14 if we took it, maybe, and necked it down to 600
15 square feet and made it double-sided.

16 I do have -- I think I have --
17 MR. HOLAHAN: Did you put some
18 out over here?

19 MS. HAASE: Yes, I do, right
20 here. I have an example of what one would look
21 like and this would be double-faced.

22 So that's an example. We did
23 consider amending it to allow a certain portion
24 to be digital. And on this particular one, there
25 is a digital illumination on a smaller scale.

28

1 And that would be -- for this would be a 14 foot
2 by 27, just for the digital --

3 MR. HOLAHAN: Right.

4 MS. HAASE: -- portion.

5 MR. HOLAHAN: Right.

6 MS. HAASE: We're not asking it
7 to be restricted to that; we're asking the board
8 to consider if they would allow double-sided.
9 And of course that would cause us to amend what
10 we currently have, sending out to law library, as
11 well as the Monroe County Planning Commission;
12 and that will start the 30 day process over
13 again.

14 MR. HOLAHAN: So as long as
15 it's still meeting the distance requirements and
16 things like that, from either side, that we were
17 addressing before with the digital; correct?

18 MS. LAMBERTON: Um-hum.

19 MS. HAASE: We did not put in a
20 separation. I know there was some discussion
21 about a separation of 3500 feet between signs.
22 The board did not address that and move forward
23 with that.

24 At the last meeting the board
25 agreed that the current ordinance that speaks to

1 single-sided signage would allow it to be
2 digitalitized, as long as it was adjacent to a
3 state -- to 380 or an interstate. This would be
4 necking it down to 600 square feet per side
5 instead of 800 per single-sided.

6 MR. HOLAHAN: I'm still okay
7 with that.

8 MS. LAMBERTON: Me too.

9 MR. MOYER: Um-hum.

10 MS. HAASE: I -- I would
11 request the board to make a motion to authorize
12 the change, and we'll have our solicitor make
13 that change and then submit it back out, if
14 that's acceptable.

15 MR. HOLAHAN: Okay.

16 Do I have a motion?

17 MR. MOYER: So moved.

18 MR. HOLAHAN: I have a motion.

19 Do I have a second?

20 I'll second.

21 Further discussion from the
22 board?

23 Anything from the public?

24 MALE VOICE: Is that a digital

25 sign you're referring to or just a painted sign?

30

1 MR. HOLAHAN: No. It's a
2 digital sign. In fact, if you want to see it --

3 MALE VOICE: No, that's okay.

4 MR. HOLAHAN: It's going to be
5 a real flashy thing. It's a nice sign.

6 Further discussion?

7 Hearing none, I'll call the
8 vote.

9 Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. HOLAHAN: Donald?

12 MR. MOYER: I vote in favor.

13 MR. HOLAHAN: Anne?

14 MS. LAMBERTON: I'll abstain.

15 MR. HOLAHAN: I vote in favor.

16 Motion carries. Thank you.

17 MS. HAASE: Thank you.

18 MR. HOLAHAN: Okay. We've got
19 the Tobyhanna/Tunkhannock engineering services
20 agreement. Where do we stand on this?

21 MS. HAASE: Oh, this is
22 exciting. This is so exciting. Finally, since
23 last February, we have now zeroed down and we
24 have an agreement that all parties would like to
25 move forward with. So in front of you -- I'm

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1 sorry, I actually got notification from
2 Tunkhannock Township this afternoon, so I was not
3 able to put it on your portal. I did place a
4 copy in front of you. There was very, very few
5 changes that was made to it. Their attorney had
6 some questions. Pat spoke to them and he had no
7 issues with the minor changes.

8 MS. LAMBERTON: Okay.

9 MS. HAASE: So if the board is
10 in agreement, it's something that you could
11 authorize our chairman to sign and we will
12 forward two copies to Tunkhannock Township,
13 requesting one original to be returned.

14 MR. HOLAHAN: Okay. So I'm
15 looking for a motion to authorize the --

16 MS. LAMBERTON: I'll make a
17 motion to authorize the chairman of the Board of

18 Supervisors of Tobyhanna Township to sign a
19 memorandum of understanding for limited
20 engineering services with Tunkhannock Township.
21 MR. HOLAHAN: I have a motion.
22 Do I have a second?
23 MR. MOYER: I'll second.
24 MR. HOLAHAN: I have a motion
25 and second.

32

1 Further discussion from the
2 board?
3 Anything from the public?
4 Hearing none, I'll call the
5 vote.
6 Heidi?
7 MS. PICKARD: I vote in favor.
8 MR. HOLAHAN: Donald?
9 MR. MOYER: I'll vote in favor.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I vote in
12 favor.
13 MR. HOLAHAN: And I vote in

14 favor. Motion carries.

15 MS. HAASE: Mr. McHale, you can
16 sleep better this evening.

17 MR. HOLAHAN: Okay. Okay.
18 Let's talk about the Blakeslee Route 940 sanitary
19 sewer extension.

20 MS. HAASE: Yes, sir. At this
21 time, I have no updates. I think we tabled that
22 the last few meetings, as we were having some
23 discussions with Aqua, with regard the -- regards
24 to the potential acquisition of the plant, so
25 we've tabled that. We do have a representative

33

1 from Aqua that will be giving us a presentation
2 shortly.

3 MR. HOLAHAN: Okay. Then let's
4 move on. Let's look at the Route 940 sanitary
5 sewer eastern extension.

6 MS. HAASE: Yes. That I would
7 like to discuss. Mr. Hendricks was asked to put
8 together a proposal on the cost of the extension.
9 It's been brought to our attention over the last
10 few months that if we move forward with the

11 eastern extension, we'll have to include the
12 proposed run on the western extension into their
13 studies, which it would not be beneficial of us,
14 at this point, to do that.

15 I -- Mr. Hendricks contacted me
16 and said for me to go -- to put a complete
17 proposal together, that I'll need -- that he
18 would need to go down to speak with DEP and have
19 multiple meetings. I did not want to spend any
20 more money on this because I believe at this
21 particular point we're going to have to hold up
22 on this section.

23 MR. HOLAHAN: Yes.

24 MS. HAASE: So I asked him,
25 could you just kind of give me a rough estimate

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1 in an e-mail, and he was fine with that. He's
2 estimating between 80 and 120,000 just to do the
3 studies for that. I asked him to include what
4 was required from DEP, and the 14 pages that are
5 attached is just --

6 MR. HOLAHAN: The beginning --

7 MS. HAASE: It's double-sided,
8 seven pages, so it's 14 in total; it's just the
9 beginning of what's required. It's just so you
10 have an idea.

11 MR. HOLAHAN: Okay.

12 MS. HAASE: So if it pleases
13 the board, perhaps at this time it might be
14 beneficial for us to remove that off of our old
15 business and revisit that at a later date.

16 MR. MOYER: Okay.

17 MR. HOLAHAN: I agree.

18 What do you think, folks?

19 MS. PICKARD: I agree.

20 MR. HOLAHAN: Okay. Yes by
21 consensus.

22 MS. HAASE: Thank you.

23 MR. HOLAHAN: Okay. Let's talk
24 about the potential sale of the wastewater
25 treatment plant.

35

1 MS. HAASE: Yes. This evening
2 we have Mr. Penrose -- Charles Penrose from Aqua,
3 and he's going to give us a little

4 presentation --

5 MR. CHARLES PENROSE: I'll try.

6 MS. HAASE: -- and have some
7 discussion on the finances.

8 Before he does begin, last
9 month the board had requested that I reach out
10 and get some prices for appraisals --

11 MR. HOLAHAN: Yes.

12 MS. HAASE: -- appraisers to
13 come in. That has not been an easy task. The
14 individuals that I've reached out to do not do
15 this type of appraisal. So then I turned to
16 engineering firms. They don't do appraisals;
17 they do evaluations, which that they're going to
18 value what the cost would be for us to replace
19 something we currently have, not the value of it
20 as it stands at this point.

21 I did speak to Pat Armstrong
22 last week and, fortunately, Mr. Reiss is with us
23 this evening, and he's the guru of the sewers.
24 He does have some suggestions that he's going to
25 share with me, and I can reach out to those

1 companies.

2 MS. PICKARD: Okay.

3 MR. HOLAHAN: Perfect.

4 MS. HAASE: I don't know how
5 many we're looking at. This is kind of a
6 specialty, as Pat was stating, so I don't know --
7 is it something that we look at two, three? How
8 does this generally work?

9 MR. REISS: I'm going to have
10 to make some phone calls and then hopefully I
11 have at least two for you.

12 MS. HAASE: Okay. Okay. I
13 didn't think it was that --

14 MS. PICKARD: How much does
15 that usually cost to get done?

16 MR. REISS: We'll get the cost
17 estimates, I assume, for her.

18 MS. PICKARD: Okay.

19 MR. REISS: It's not something
20 that's done every day. Normally for accounting
21 purposes you just take the cost to construct it
22 and then depreciate it. It's not often that you
23 have to actually reach it -- find someone to
24 actually appraise market value of it.

25

MS. HAASE: Is that generally a

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1 step that is done for the acquisition?

2 MR. REISS: Well, it's
3 something you need to know because you need to
4 know whether you're getting a fair market price.

5 MS. HAASE: Exactly. Okay.

6 So, Mr. Penrose, we'll turn it
7 over to you.

8 MR. CHARLES PENROSE: Okay.
9 Thank you all very much tonight for -- for having
10 me here. Again, my name is Charles Penrose. I'm
11 the director for corporate development for Aqua
12 America. We're based out of Bryn Mawr,
13 Pennsylvania, but we have a number of service
14 locations; and we actually operate Pine Crest's
15 wastewater system in your township at the eastern
16 end. I believe we have an O&M agreement to
17 operate the western end system as well.

18 And in discussions, in looking
19 at that proposal, we -- we thought it might be
20 a -- a value to the township for us to present to
21 you some options going forward of maybe looking

18 MS. HAASE: Yes.

19 MR. PENROSE: Okay. So we
20 bring that down, we depreciate that, okay. And
21 then we look at what we have to do to put money
22 into the system that maybe you haven't
23 considered. One of the things we're considering
24 is -- is trying to improve your I&I, so, water
25 going -- infiltrating into the system, a heavy

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1 rainstorm where it overworks your system and
2 whatnot. And we would be willing to make that
3 investment, other improvements as well throughout
4 the next so many years.

5 So we take all of that, we look
6 at that, we look at your current debt and
7 somewhere in between there we come up with the
8 number. So I think your current debt is 4.4
9 million. And I went to our board and basically
10 said, just as a rough number, okay, if we use
11 that, we still don't have the estimates back for
12 capital improvements, okay? Alan is working on
13 the O&M to operate the whole system and not just,
14 in other words, all the materials that go into

15 it.

16 The board came back and said
17 that works out to about \$6,000 a customer. It's
18 a little on the high side for what we normally
19 pay per customer for -- for a system such as
20 yours; however, we would consider and at least
21 make that offer. Once we get your net value back
22 and we have -- we can evaluate that a little bit
23 better, we may or may not be able to improve upon
24 that. Okay?

25 So for right now, we're willing

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1 to take and remove your debt, pay -- pay your
2 debt off and take care of the -- the -- the
3 system. We can come back to you within probably,
4 I'd say, a month with what our capital is going
5 to be that we -- we will guarantee that we will
6 put into the system and what those improvements
7 would be.

8 In addition to that, we would
9 hold rates -- well, actually we don't have to --
10 we would hold rates through 2000 -- to January of

11 2018. I can tell you now, your rates are higher
12 than ours; so the chance of it going up in 2018
13 is -- they will more than likely stay the same
14 until our next rate case, whichever that is, two
15 to three years after that. Okay? So, but I can
16 promise you up to 2018 at this point.

17 MS. LAMBERTON: When you're
18 talking about price per customer, you're talking
19 existing, not projected?

20 MR. CHARLES PENROSE: Just the
21 existing. Correct.

22 MS. PICKARD: So you don't
23 factor in the potential customers in the
24 capacity?

25 MS. LAMBERTON: Well, there is

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1 the cost of building it, so I understand that.

2 MR. CHARLES PENROSE: We -- we
3 can, we -- we -- we do, and they're --

4 MS. PICKARD: We're only at
5 like a third capacity.

6 MR. CHARLES PENROSE: Correct,
7 okay; however -- however, to bring on more

8 customers, we have to build out the system.

9 Okay?

10 You have other developments
11 that can be hooked in today?

12 MR. HOLAHAN: What do we have,
13 250?

14 MS. PICKARD: We have like a
15 proposed -- we have an approved development that
16 has another -- Keswick Pointe has 170, we have
17 approved land developments for warehousing in
18 Blakeslee.

19 MR. CHARLES PENROSE: Okay.
20 Typically what happens there is that if -- if a
21 developer puts new construction in, they will put
22 infrastructure in and we normally make a deal
23 with the then developer to -- to reimburse him,
24 usually somewhere around \$2,000 a household or an
25 EDU for the infrastructure he has put in and then

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1 we hook -- hook that into the -- into
2 the treatment system.

3 MS. PICKARD: Well, we already

4 have agreements with that customer. There are a
5 couple customers already in that development.

6 MR. CHARLES PENROSE: So let me
7 speak a little bit to that, okay? And I'm having
8 the same exact discussion with six other
9 townships, because they -- they all say, well,
10 wait a minute, that's -- that's not very fair,
11 we're not getting paid for the growth. And yet
12 one of the -- one of the principles with the PUC,
13 which regulates us, is that, for example, if that
14 developer billed out the 170 units and then gave
15 that to you, and then we were to buy that from
16 you, there is no value. We can't recoup anything
17 in our, what's called, rate base, okay, from the
18 PUC.

19 So what we are suggesting is
20 that you make a -- an arrangement with -- with
21 your developer to actually say, hey, if we're
22 going to transfer over to the township, there is
23 a transfer fee of X, whatever -- whatever you
24 should determine that to be, let's say \$1500, we
25 still pay the developer; but the developer then

1 pays you as well. So that is -- we get full
2 value of what we've paid for the asset and we can
3 depreciate it, okay, from there, in our rate base
4 over a period of time.

5 The other way, it has no value,
6 we get no depreciation and it makes it a
7 difficult scenario, if we -- if we try to buy it
8 from you, okay? So that's -- it's --

9 MR. REISS: I'm sorry,
10 Charles --

11 MR. CHARLES PENROSE: It's a
12 new wrinkle. I'm kind of -- kind of looking down
13 your way there, yes.

14 MR. REISS: It's -- I mean,
15 it's something to consider. I think you need to
16 see the whole package, so to speak.

17 MR. HOLAHAN: Right.

18 MS. PICKARD: Um-hum.

19 MR. CHARLES PENROSE: Okay.
20 And that's -- that's -- that's a relationship you
21 need to have with the developer and not,
22 obviously, with us. Our -- our agreement would
23 be with the developer at that time. All right?

24 So that's for existing
25 communities on -- that will -- will tie into that

1 existing main. That's what we're talking about
2 here.

3 MR. HOLAHAN: That are already
4 on the central sewage?

5 MR. CHARLES PENROSE: Yes.

6 MR. HOLAHAN: So -- so what
7 about people coming online afterwards? Because
8 right now we're charging a tapping fee.

9 MR. CHARLES PENROSE: Right.

10 MR. HOLAHAN: Is there a
11 tapping fee at that point?

12 MR. CHARLES PENROSE: Aqua,
13 under our tariff, does not charge a tapping fee,
14 okay, for our water or sewer systems. Okay? So
15 that, again, is regulated. And -- and -- and so
16 there -- that brings us to another topic, but
17 before I move over there, okay --

18 MR. HOLAHAN: Okay.

19 MR. CHARLES PENROSE: Okay --

20 MS. PICKARD: Just to make the
21 point that Keswick Pointe has prepaid over half a

22 million dollars in tapping fees for --
23 MR. CHARLES PENROSE: Yes.
24 MS. PICKARD: -- for that.
25 MR. CHARLES PENROSE: And so

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1 Phyllis and I had talked about, okay, us
2 purchasing your current system and then extending
3 it out to pick up another -- I think there was
4 240, 250 that are now on-lot septic. Again, we
5 run in -- a little bit into the same problem. We
6 can't charge a tapping fee.

7 So what we -- what we would
8 recommend to you is that we purchase your
9 existing system, if you are willing to sell that
10 to us, and we can come to a fair value of that,
11 we'll show you the capital improvements, and then
12 we use another vehicle that is a public-private
13 partnership. It's P -- we refer to it as a P3,
14 okay? They're becoming more and more, I guess,
15 en vogue or popular right now.

16 And what that is, is that we
17 have a service agreement with the township to
18 finance, construct and maintain that expansion,

19 that extension, to those 240 new EDUs -- houses.
20 All right? And I can show you a little bit of
21 what that looks like. Sorry for the -- I can't
22 get that any smaller, unfortunately.

23 So what -- what I've done here
24 is, I've taken -- let's get in a little further
25 to our sustenance. So I looked at your

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1 engineering firm's median project cost. It was
2 about \$3,000,000 to build that out, okay? And it
3 would have approximately 240 EDUs, not to mention
4 that with a mandatory ordinance, connection
5 ordinance, you probably connect those over a 24
6 month period. It may be longer than that, you
7 may not connect them all; but in a perfect -- in
8 my perfect world, you connected them all in 24
9 months, okay?

10 Connection fees were at your
11 existing connection fee.

12 MR. HOLAHAN: Yes.

13 MR. CHARLES PENROSE: And that
14 is up to you. And then the quarterly usage fee

15 is your current rate, which is, I believe, about
16 \$200.

17 MR. MOYER: Okay.

18 MR. CHARLES PENROSE: Our
19 quarterly fee, from the financing of the
20 \$3,000,000 and the ongoing maintenance and
21 treatment of the -- of the flow, okay, would be
22 \$60,000 a quarter.

23 So if we go back up -- and I
24 can make this all available to you so you can
25 have a further look at it. I just hypothetically

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1 took, here's the number of EDUs over a period of
2 time. It goes out. The second line down here,
3 okay?

4 So sewer revenue, you get your
5 collection fees -- connection fees, rather, from
6 the 40 times the 58. You have your usage fees
7 the following quarter. In this case, it bills at
8 8,000; 6,000. So the more customers you're
9 adding, the higher that goes. Minus our fee for
10 carrying the cost of the 3,000,000 and then
11 you're left down here with your net sewer revenue

12 and paying down the balance of the -- of the
13 three.

14 Now, what I did not account
15 for, okay, is the fact that your -- that 60
16 grand, \$60,000, will go down because if you're
17 paying the principle down --

18 MR. HOLAHAN: Right.

19 MR. CHARLES PENROSE: --
20 obviously -- okay? I -- I didn't have the
21 calculation to do that, but I can get somebody to
22 do that for us. Okay?

23 As it works out then, at the
24 end of that 24 month period there's approximately
25 \$1.8 million left here. That probably might be a

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1 little less than that. At that time, what we
2 would do then is offer to buy that \$1.8 million.
3 In other words, we're going to give you enough
4 money to pay off the P3.

5 MR. HOLAHAN: Right.

6 MR. CHARLES PENROSE: Okay?
7 We've now bought the asset, all right, and it's

8 already being depreciated down.

9 MR. HOLAHAN: Right.

10 MR. CHARLES PENROSE: All
11 right. So that -- that is a mechanism. And
12 this -- this way -- and in some ways, I know
13 somewhat -- sometimes it's easier to spare
14 individuals paying the -- the connection fee;
15 however, in the -- in the first part, your
16 existing system, people did pay a connection fee
17 there. It would seem kind of unfair for the
18 other people not to pay something, okay, towards
19 that.

20 This -- this gets it then,
21 again, down. That number there works out to be a
22 little over \$7,000, okay, a customer. Again, I'm
23 thinking this number here will go down a little
24 bit at a time. And that's not to say that I took
25 your estimate of \$3,000,000 to build this out. I

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1 don't know; we haven't really looked at it. But
2 I took your engineers and took their median cost
3 and I used that for the -- for the cost.

4 If that is something that is

5 attractive or something we want to go down the
6 way with, we would recommend that your
7 township -- you know, your engineering firm,
8 okay, they -- they're the ones that should have
9 the plans. We will work with them, we'll make
10 recommendations if we see that, you know, you can
11 make improvements or whatever. They will oversee
12 the project, okay, so they -- they have to sign
13 off on it, making sure they hold us accountable
14 to build what you said -- you know, what we
15 agreed to build. That's how that kind of works.

16 MS. HAASE: The ancillary
17 reports that are required through DEP to run that
18 eastern extension that we're speaking of is
19 between 30 to \$40,000. Is that something that
20 would be funded through Aqua?

21 MR. CHARLES PENROSE: It is
22 something -- what we do is, we'll provide you the
23 documents. You still have to -- you file them
24 because you own the system still.

25 MS. LAMBERTON: I guess you're

1 asking, can we get funding for it; correct?

2 MR. HOLAHAN: It sounds like
3 they're going to give us the information and it's
4 going to cost them to get the information
5 together that we'll submit.

6 MR. CHARLES PENROSE: And when
7 you're saying eastern, is that the 9 --

8 MS. HAASE: The western
9 section --

10 MR. CHARLES PENROSE: The
11 western section --

12 MS. HAASE: -- what you're
13 speaking about right now --

14 MR. CHARLES PENROSE: Right.

15 MS. HAASE: -- there's
16 ancillary reports that DEP are still requiring,
17 testing that they're requiring, reports they're
18 requiring.

19 MR. CHARLES PENROSE: Oh. If
20 we were to purchase the ori -- the existing
21 system, that's all us, but --

22 MS. HAASE: Even though it's
23 our 537?

24 MR. CHARLES PENROSE: We --
25 okay. So we supply you the -- basically the --

1 their reports.

2 MS. HAASE: So you would do all
3 of the reporting and supply it to us?

4 MR. REISS: Sounds like they
5 would prepare the reports and then --

6 MR. CHARLES PENROSE: Yeah.

7 MR. REISS: -- they would --

8 MR. CHARLES PENROSE: We'll
9 give you all the information and prepare them and
10 then you have to submit them.

11 MR. HOLAHAN: But the only way
12 they can do it is by doing the testing to be able
13 to fill in the reports. Yes.

14 MS. HAASE: Perfect.

15 MR. HOLAHAN: Good point. All
16 right.

17 MR. CHARLES PENROSE: But I
18 will make a note and make sure I am correct on --
19 I'm pretty sure, because we just took over Penn
20 Township's wastewater system and we're doing the
21 same thing there where we're giving them
22 basically the reports and they're putting them

23 in; but I will double-check.

24 MR. HOLAHAN: Call Penn

25 Township; see how it's going.

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1 MR. CHARLES PENROSE: It's
2 going great. Come on. Telephone calls are
3 expensive.

4 MS. HAASE: Not when I make
5 them. Okay.

6 MS. LAMBERTON: Interesting.

7 MR. CHARLES PENROSE: And then
8 the -- the same plan that we -- I just pushed --
9 pushed out there for the 940, if and when you're
10 ready for the eastern side, okay, we -- we can
11 look at the same type of mechanism to do that as
12 well, okay? And then you have as much of the
13 township that you want sewered at that particular
14 time.

15 The -- when we were to purchase
16 either the first part, second part, we will only
17 carve out that portion of the service territory;
18 so therefore it leaves the rest of it still in

19 your control until you desire -- decide that you
20 want to extend sewer to there or build another
21 treatment plant or something to that effect. You
22 own the 537; correct?

23 MR. HOLAHAN: Right.

24 MS. PICKARD: So being that you
25 own the --

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1 MS. HAASE: Bob, do you have
2 any questions at this point?

3 I'm sorry, Heidi.

4 MR. McHALE: I was going to ask
5 if they could move forward with those reports for
6 the eastern side, for that 100 -- 80 to 120,000
7 that it was going to take for the Act 537 with an
8 agreement in place to construct that line and do
9 like you're doing on the west side.

10 MS. HAASE: Well, we were told
11 by DEP if we begin anything for the eastern
12 extension, we have to include everything that's
13 already been reviewed into the studies; so it was
14 looked at that it wouldn't benefit us to start
15 with the eastern side --

16 MR. McHALE: Until the
17 western's done or complete?
18 MS. PICKARD: But being that
19 you own the Pinecrest plant, we would be talking
20 about line being --
21 MR. CHARLES PENROSE: Right.
22 MS. PICKARD: -- that would be
23 treated at your plant.
24 MR. CHARLES PENROSE: Correct.
25 MS. PICKARD: So why would you

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1 not do that? Why would we need to get involved,
2 is my question there. Is it beneficial for us to
3 get involved in some way? We're trying to get
4 out of the sewer business.
5 MR. CHARLES PENROSE: Well, I
6 know, I know.
7 MS. LAMBERTON: It's just that
8 the process goes through DEP, if the township
9 didn't want it in the beginning --
10 MR. McHALE: Because you'd be
11 expanding your service area.

12 MS. PICKARD: Because before
13 when we started this several years ago, Aqua was
14 paying for the 537 Plan, which I don't think ever
15 happened, but --

16 MR. CHARLES PENROSE: Okay.

17 MR. REISS: It sounds like they
18 would be paying for the -- I mean, they're going
19 to pay for it --

20 MS. PICKARD: Yeah.

21 MR. REISS: -- you're just
22 going to file it.

23 MR. CHARLES PENROSE: You have
24 to file it.

25 MS. PICKARD: But we were

55

1 looking at expanding it, we were looking at
2 helping you to figure out how to expand your
3 plans.

4 MR. CHARLES PENROSE: I'm not
5 as familiar with the eastern side, I know Alan
6 is; but we kind of run into somewhat of the
7 same -- there's a cost issue here in which it's
8 just like here, if it's \$3,000,000 and there's no

9 offset of that, okay, and then we -- it's like
10 we're paying 10,000, \$12,000 a customer.

11 MS. PICKARD: But you need more
12 customers --

13 MR. CHARLES PENROSE: I realize
14 that, I do. We're trying to kind of meet in the
15 middle here a little bit.

16 MS. PICKARD: I hear what
17 you're saying.

18 MR. CHARLES PENROSE: Okay.

19 MS. PICKARD: I just --

20 MS. LAMBERTON: I think too
21 with the township backing this theory, it helps
22 the process as well too.

23 MR. CHARLES PENROSE: Yeah.
24 There are more and more -- and also with the
25 growth, you know, address the growth, you should

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1 get paid something. We're all for that. It's
2 just we have to find the mechanism in order to do
3 that, okay?

4 So this is a way for -- for us

5 to work in -- in cooperation. Again, we still,
6 you know, are putting a fair amount of money in
7 at 6 or \$7,000 a customer. It takes a long time
8 to recoup that. And that's okay; that's the
9 business we're in and there's no -- you know, I'm
10 not complaining, so --

11 MR. HOLAHAN: What do we need
12 to do next here, Mr. Reiss?

13 MR. REISS: Well, first, to go
14 back to the proposal about dealing with existing
15 developments that aren't built out, there is a
16 potential problem with what was proposed because
17 you already have development agreements and
18 probably sewer service agreements in place; so in
19 order to amend those agreements, you would have
20 to have a developer whose willing to pay you this
21 extra money now, which they may or may not be
22 willing to do. So that's a potential issue. The
23 other issue is for the people who've already paid
24 a tapping fee. Those are issues that would have
25 to get worked out.

2 almost hand in hand with negotiating the
3 agreement with Aqua, you would need to go back to
4 those developments and work out those -- those
5 issues with those particular developers.

6 MR. HOLAHAN: How many
7 developers are we speaking about?

8 MR. MOYER: Who've already
9 paid?

10 MR. HOLAHAN: Right.

11 MS. HAASE: There is one
12 developer that has paid the tapping fees.

13 MR. MOYER: Right.

14 MS. HAASE: I can't think of
15 anybody else out there, Bob, can you?

16 MS. PICKARD: I don't know
17 whether we have agreements with Arcadia.

18 MR. McHALE: The New Ventures
19 Park was in a preliminary land development stage,
20 and I don't know that the agreements were
21 finalized for that portion.

22 MS. HAASE: Yeah.

23 MS. LAMBERTON: So it's
24 minimal.

25 MR. REISS: People who haven't

1 paid the developers, the tapping fee would be
2 pretty easy to work out because basically you're
3 going to be cutting a fee they're paying to the
4 township and they're going to be getting
5 reimbursed by Aqua; so it's -- but it should
6 be -- break even for them as opposed to having to
7 pay that connection fee.

8 MR. CHARLES PENROSE: Right.
9 On the other hand -- yes, I agree, for your
10 existing one. You've already collected tapping
11 fees --

12 MR. HOLAHAN: Um-hum.

13 MR. CHARLES PENROSE: -- is
14 what I understand? Okay. Let me see if we can
15 work that out. In other words, as part of our
16 purchase of the existing system, running a
17 whatever -- take a line out there to connect.
18 Now, we would not --

19 MS. PICKARD: Well, they are
20 connected. I'm not sure what --

21 MR. McHALE: Keswick Pointe
22 is --

23 MR. CHARLES PENROSE: They are
24 connected?

25 MR. McHALE: It was done in

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1 phases.

2 MS. PICKARD: We have houses
3 there already --

4 MR. McHALE: Keswick Pointe was
5 approved in phases and they have a portion of the
6 sewer system installed already.

7 MR. CHARLES PENROSE: Oh, okay.

8 MR. McHALE: So we would have
9 to look at how much is remaining to be installed
10 and how much it's worth and just evaluate each of
11 the major projects.

12 MS. HAASE: Their first home is
13 under construction.

14 MR. CHARLES PENROSE: Okay.

15 MS. HAASE: They have a few
16 models but their first home is under
17 construction.

18 MR. CHARLES PENROSE: Okay.
19 And they -- that development or another phase of

20 that development is already connected into the --

21 MR. McHALE: Yes.

22 MR. CHARLES PENROSE: Okay. So

23 it's just a matter of that developer connecting

24 into that -- that system. Yeah. That's more --

25 that's actually just more customers to us and

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1 you've already gotten connection fees. They're

2 yours.

3 MS. PICKARD: But we're

4 collecting also assessment fees now as they hold

5 the permit.

6 MR. McHALE: Correct, the \$1500

7 per lot --

8 MS. PICKARD: Because it was a

9 subdivision so the assessments are being paid

10 every time they connect, which we usually do that

11 up front and we don't tap -- if we did it in

12 reverse a little bit.

13 MR. CHARLES PENROSE: Right.

14 MS. PICKARD: They bought them

15 before the price went up.

16 MR. HOLAHAN: Right.
17 MR. CHARLES PENROSE: Okay.
18 So, but that is -- that is monies that have come
19 in to you.
20 MS. PICKARD: Yes.
21 MR. CHARLES PENROSE: And
22 that's in whatever fund that's in and that's --
23 that's yours.
24 MS. LAMBERTON: You let that
25 go.

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1 MS. PICKARD: I don't want to
2 be responsible for paying something back.
3 MR. HOLAHAN: Understood.
4 MS. LAMBERTON: No, apparently
5 we don't have to. That's what he's trying to
6 say.
7 MR. HOLAHAN: Okay. Do we have
8 anything else that we can add to the conversation
9 that will make this move along or is this up to
10 us now? Well, we still need to take a look at --
11 you're going to make a couple phone calls --
12 MR. REISS: Right.

13 MR. HOLAHAN: -- about
14 valuations and appraisal. Maybe we need to talk
15 to the developer, although it doesn't sound like
16 that's going to be much of an issue.

17 MS. LAMBERTON: We need to see
18 what it's worth --

19 MS. PICKARD: Yeah. We need
20 to --

21 MR. REISS: I would wait to do
22 that. Let's look at the value. Let's see how --
23 how your negotiations go before you talk.

24 MR. HOLAHAN: Talk -- speak
25 with him? Okay.

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1 MS. HAASE: Because you are
2 somewhat restricted under the PUC as well, is
3 what you're explaining to me.

4 MR. CHARLES PENROSE: Right.
5 But I can come up with a more formal -- now that
6 I understand a little bit more. If we continue
7 to work, Phyllis, I can -- I can construct this
8 in such a way financially more and more so that

6 else that you can think of, Charles, that you
7 think would be prudent for the board to know at
8 this time?

9 MR. CHARLES PENROSE: Not --
10 not currently. I do need to go back, the capital
11 of what we're going to put in and some things
12 like that; but that's on our side of the -- the
13 ledger. So when I have that, I'll put that into
14 a plan, we'll come up. I'll bring Alan, probably
15 Mark Bubel back and we'll give you a -- a
16 full -- kind of a full plan, if you will, with
17 some -- some numbers, a little harder numbers.

18 MR. HOLAHAN: Okay.

19 MS. LAMBERTON: Good.

20 MS. HAASE: Okay. Thank you
21 for coming out.

22 MR. CHARLES PENROSE: I
23 certainly appreciate the time. Thank you very
24 much.

25 MR. MOYER: Thank you.

1 MS. PICKARD: Thank you.

2 MR. HOLAHAN: Anybody familiar
3 with buying and selling sewer systems?

4 MR. FRANK CACCIONE: We've
5 dealt with Aqua extensively at Arrowhead, looking
6 at the same situation, and -- different
7 situation, but similar in one regard is, if
8 you're going to be extending and if Tobyhanna's
9 growing, generally speaking, you're still in the
10 sewer business until they take that over, if I'm
11 not mistaken.

12 MR. HOLAHAN: Um-hum.

13 MR. FRANK CACCIONE: Which is
14 why these extensions tend to work that way. We
15 had a situation then there that it just wasn't
16 going to work because of that, but -- but they're
17 a fine firm.

18 MR. HOLAHAN: Great.

19 MR. CHARLES PENROSE: Thank
20 you.

21 MR. FRANK CACCIONE: So if you
22 want to get out of the business, you know that
23 you're going to be in the business a lot longer
24 if -- as this place grows with the kind of
25 program he just explained. Aqua, I don't think,

1 likes to build out as much as they like to buy
2 what you got.

3 MR. HOLAHAN: It's okay.

4 MR. CHARLES PENROSE: Right.

5 We --

6 MR. HOLAHAN: We'll work that
7 out.

8 MR. CHARLES PENROSE: We'll
9 meet you halfway. We'll meet you halfway.

10 MR. HOLAHAN: Sounds good.

11 MR. CHARLES PENROSE: Thank
12 you.

13 MR. HOLAHAN: Let's move along
14 then. We're on to news business. Let's consider
15 the Kalahari Boulevard relocation of the
16 construction road.

17 MS. HAASE: Mr. Chairman, I'm
18 going to allow Bob McHale to discuss this with
19 the board.

20 MR. HOLAHAN: Okay.

21 Mr. McHale?

22 MR. McHALE: It's my
23 understanding that the Monroe County Conversation

24 District would like to see the existing
25 construction entrance that's currently being

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1 utilized to be abandoned and that the access for
2 the remainder of the construction phase be from
3 and through Kalahari Boulevard. There's a few
4 things that come to mind as we begin to look at
5 this.

6 The developer and their
7 engineer are in the process of putting together
8 some alternatives to look at because one of the
9 current proposals is to hold off on placing the
10 wearing course, which is an inch and a half of
11 9.5 millimeter superpaved, and construct only the
12 2A subbase and the binder course. What that does
13 is, it increases the stresses on the lower
14 portion of the soil subgrade over a short period
15 of time, but that short period of time is going
16 to take us through the winter, and we could have
17 wet conditions that create some problems that may
18 not show up readily within the first year or two.
19 So that's something we want to be cautious of.

17 that abandoned? Was that the plan all along or
18 has the timing changed?

19 MS. HAASE: Conservation
20 district, I believe, is --

21 MS. PICKARD: Yeah, but why?

22 MR. McHALE: It's just -- it's
23 a -- it's a difficult task to maintain,
24 especially through winter conditions and if you
25 have a lot of rainfall events. It depends, it --

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1 just with the amount of construction vehicles
2 that they have, it just makes it challenging; so
3 they would like to see it abandoned as quickly as
4 possible in the process. It doesn't mean it has
5 to be, necessarily, but it's just something.

6 I do have just a little handout
7 here that's just a one page spec sheet of a type
8 of geogrid that may be considered. And as you
9 can see that it provides some benefit, it picks
10 up, you know, tensile stresses within the pave
11 structure at or in the stone base or in between
12 the interface -- or at the interface of the stone

13 base and the subgrade.

14 And this would be kind of an
15 alternative that would help to maintain maybe the
16 current cross section that's already been
17 approved, but maybe you add a geogrid like this
18 to offset the additional loads that would be
19 anticipated during that next 10-month period and
20 possibly those wetter conditions that you might
21 encounter during that process. So anyway, I just
22 wanted to give that to you so you can kind of be
23 thinking about different alternatives.

24 And, Phyllis, I'm not sure how
25 this is going to work as far as timing, I'm not

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1 sure; but I would anticipate within the next week
2 or so we should have some kind of alternatives.

3 Steve, I don't know if you have
4 anything to comment regarding that or --

5 MR. STEVE PINE: Well, I was
6 thinking about it, and the only thing I can think
7 of is that I believe, as part of our developer's
8 agreement, we already have a bond in place to --
9 to cover any kind of issues that happen; but I

10 believe we also have to have a maintenance bond
11 when we build Phase 2 and Phase 3 and everything.
12 So if any road damages are going to occur or we
13 find out that they're happening, I think those
14 bonds already cover it; so I guess I didn't ever
15 understand the need for this because there are
16 several times, as many as three or four times,
17 that the township, if they are finding the road
18 is not holding up, has the ability to hold some
19 bond money to repair those issues so --

20 MR. McHALE: That's --

21 MR. STEVE PINE: -- we would
22 have to look at the developer's agreement.

23 MR. McHALE: That's another
24 alternative. Instead of an 18 month bond, maybe
25 you do a five or seven year maintenance bond.

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1 MR. STEVE PINE: What I'm
2 saying, there are maintenances bonds that are
3 going to occur because we will do a Phase 2 and
4 we will do a Phase 3.

5 MR. REISS: The maintenance

6 bonds --

7 MR. STEVE PINE: They're
8 already in there.

9 MR. REISS: The maintenance
10 bonds only cover 18 months from the date of
11 dedication of the specific assets. So if that
12 boulevard is dedicated on October 15, that's when
13 the 18 months start, regardless of the fact that
14 there may be other phases still to be developed.

15 MR. PINE: But I think our
16 developer's agreement says we have to provide a
17 bond, a maintenance bond, each time we start
18 another phase. And our phase -- the plan right
19 now is to start that phase within about two or
20 three months of the dedication of -- actually it
21 will probably happen before the road is even
22 dedicated, the actual maintenance of --

23 So I'm just saying that there's
24 that alternative to think about. I don't imagine
25 that you have enough information to make a

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1 decision tonight, but I just wanted to throw that
2 out there too, that that's always something that

3 we should probably look back at our developer's
4 agreement. It was so lengthy that I don't
5 remember all of out, but that flashed in my mind
6 that each time we're doing another phase, we're
7 going to be required to add the bond in there
8 each time to protect the road that if, in fact,
9 it's dedicated over to you and your engineer at
10 any time can say, even October, November,
11 December of next year, I'm concerned about a few
12 things here, and we're not going to accept this
13 yet. And then of course that's ours to fix until
14 that is acceptable.

15 So I'm just not sure it's
16 necessary. I just -- that's all I'm saying.

17 MS. PICKARD: Do you know what
18 the cost is that it would be to add to that or --

19 MR. McHALE: It would be -- one
20 of the alternatives that they could price out,
21 but it -- it might fall in line with -- one of
22 the ideas that had come about was to trade out
23 and add an extra inch of asphalt and deduct an
24 inch of stone base. And the cost of doing that
25 would be about the same as a -- a TX140 material.

1 It wouldn't handle the -- you know, a heavier
2 gauge geogrid, but it would --

3 MR. STEVE PINE: I know you had
4 requested something, Bob, from Pennoni as far as
5 numbers. Have you gotten those back yet?

6 MR. McHALE: No, sir.

7 MR. PINE: Okay. All right.

8 MS. HAASE: So they were
9 proposing an additional inch, and -- and you
10 believe that this would be somewhat equivalent
11 costwise?

12 MR. McHALE: Well, they would
13 be converting an inch. Right now they have an
14 inch and a half of wearing course, four inches of
15 the binder material, which is also asphalt, and
16 then six inches of a 2A stone. What they were
17 looking at is adding an extra inch of asphalt to
18 make that five inches and deducting an inch of
19 stone to make it five inches also. But
20 structurally that one inch of asphalt they're
21 swapping for is about a .4 structural coefficient
22 versus the stone of .11, so you subtract the two
23 and you get a .29.

24 So your benefit is a little bit
25 and the cost would be about the same as the

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1 geogrid or something close to a geogrid that
2 could be proposed in this fashion.

3 MS. HAASE: And -- and your
4 concern is the base beneath because with the
5 movements --

6 MR. McHALE: Yes, because what
7 happens --

8 MS. HAASE: -- and this would
9 help secure that --

10 MR. McHALE: Yes --

11 MS. HAASE: -- correct?

12 MR. McHALE: -- exactly. When
13 you run the heavier trucks over a lighter section
14 and you couple that with the potential of, you
15 know, the subgrade becoming somewhat wet, because
16 that median is going to be open as well. If
17 you're just running car traffic over it, it's not
18 a big deal; but when you start running these
19 heavy trucks over it, you -- you induce loads
20 that at the bottom of that stone, it begins a

21 pumping action as the tensile loads --
22 And, John, you know what I'm
23 speaking to here --
24 -- that that wheel load pushes
25 down into that subgrade and eventually the stone

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1 will pump into and become weaker. We don't know
2 how much that effect would be. We're not going
3 to be able to see down into the -- the -- the
4 paved section.

5 MS. LAMBERTON: Can I ask a
6 question?

7 MR. McHALE: So, again, there's
8 a number of alternatives that can come about,
9 extension of (inaudible) agreement, time periods,
10 swapping out, you know, materials, geogrids,
11 geotextile fabrics. There's a number of things
12 that can be looked at.

13 MS. LAMBERTON: When Phase 1 is
14 complete, isn't that when the construction access
15 road was going to be retired?

16 MR. McHALE: Yes.

17 MS. LAMBERTON: So regardless,
18 for Phase 2 and 3 they'd be driving on Kalahari
19 Boulevard regardless?

20 MR. McHALE: Somewhat, yes --

21 MS. LAMBERTON: I'm just -- I'm
22 trying to understand the difference.

23 MR. McHALE: Any new
24 development out front, though, they were speaking
25 to getting a separate access. And you would want

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1 to minimize that -- that -- those construction
2 vehicles as much as possible.

3 MS. LAMBERTON: We've also --
4 I mean, what if Pocono Manor does something?
5 They're going to be using Kalahari Boulevard too?

6 MR. McHALE: That's what I'm
7 speaking to.

8 MS. HOLAHAN: Right.

9 MR. McHALE: We would ask them
10 to get a construction entrance directly off of
11 314 --

12 MS. LAMBERTON: Okay.

13 MR. McHALE: -- into the site

14 because it's out front.

15 MS. LAMBERTON: But for the
16 continuing phases, they -- by all -- what I
17 remember from the agreements, they have the right
18 to use that Kalahari Boulevard.

19 MR. STEVE PINE: If I may,
20 we're required to put a maintenance bond in
21 place.

22 MS. LAMBERTON: Understood.
23 But you'd still be driving the same traffic in.

24 MR. STEVE PINE: That's
25 correct.

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1 MS. LAMBERTON: That's kind of
2 what I'm trying to understand --

3 MR. STEVE PINE: Of our
4 development only; but Bob's right, the intent was
5 to create another temporary access off of 314 for
6 Pocono Manor Investors development somewhere
7 between 9 -- 940 and Kalahari Boulevard.

8 MS. LAMBERTON: Right.

9 MR. STEVE PINE: Yeah.

10 MS. LAMBERTON: I understand.
11 I was just thinking of your two additional
12 phases.
13 MR. McHALE: Yes.
14 MS. LAMBERTON: You still
15 have --
16 MR. McHALE: With those two
17 additional phases, you'll also have the inch and
18 a half of wearing course over the top of it,
19 which is like a -- by leaving it off is almost a
20 20 percent reduction of the strength of that
21 cross section. So by leaving off that wearing
22 course --
23 Pardon?
24 MS. LAMBERTON: Maybe that
25 should be installed.

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1 MR. McHALE: Well, but then
2 you -- you kind of beat up that wearing course
3 and it's not nice and clean and slick for that
4 grand opening. Either that or you'd mill it off
5 and then have to reinstall it and it gets to be
6 more expensive.

7 MR. HOLAHAN: When they
8 abandon --

9 MR. McHALE: So we're trying to
10 look at, you know, the grand opening being a
11 nice, clean, smooth, paved surface without
12 damaging that subbase subgrade interface that we
13 might not see effects for years to come.

14 MS. HAASE: Bob, have you
15 provided this? I believe there was some
16 discussion with Pennoni with -- regarding this
17 geotextile fabric, or no?

18 MR. McHALE: I did mention.
19 They're looking at that as an alternative.

20 MS. HAASE: Okay. They are
21 looking at it?

22 MR. McHALE: Yes.

23 MR. HAASE: Okay.

24 MR. HOLAHAN: When they abandon
25 the construction, does it have to be restored as

1 well, back to original? When the conservation
2 district is asking for that construction drive to

3 be abandoned --

4 MR. McHALE: Yes.

5 MR. HOLAHAN: -- does it have
6 to be restored?

7 MR. McHALE: They would restore
8 that to the original conditions of the land or
9 what was being proposed on the approved D&S plan.

10 MR. HOLAHAN: Okay. All right.
11 So we -- what kind of action do we have to take
12 here?

13 MR. McHALE: There is no action
14 tonight really because we're -- we're still
15 waiting on information.

16 MR. HOLAHAN: Okay.

17 MS. HAASE: We just wanted to
18 bring it to the board so you have a chance now to
19 start to -- to think about this. I know that
20 they were hoping, it's my understanding -- Steve,
21 you can correct me -- at the end of October they
22 were hope -- hoping to get that buttoned up --

23 MR. STEVE PINE: Yes. I --

24 MS. HAASE: -- around there?

25 MR. STEVE PINE: Yeah. I do --

1 just on the last question that somebody asked
2 about removing that road, I believe that since
3 that road belongs -- the property that is on the
4 temporary one belongs to Pocono Manor Investors,
5 that should they -- should they decide to build
6 something down there, I think they can go back to
7 Monroe County Conservation District and ask to
8 leave that; but I would believe that it wouldn't
9 need to be as extensive as it is now because of
10 the size. They haven't had two-way semi traffic
11 on it. They could have it be partially left in
12 there, but that's a totally different permit and
13 everything else --

14 MR. HOLAHAN: Right.

15 MR. STEVE PINE: -- that they
16 would take -- that they would handle. And that's
17 something that wouldn't have to come to this
18 board because I believe that happens to be in
19 Pocono Township.

20 MR. HOLAHAN: Okay.

21 MR. STEVE PINE: We're
22 literally sitting right on the line there.

23 MS. LAMBERTON: Okay.

24 MR. HOLAHAN: Anything else?

25

MS. HAASE: No, sir. So I

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1 guess the next step is, we'll wait till Pennoni
2 submits the information to Bob to review. Bob
3 can then submit his review to myself and the
4 board. And then, if need be, the board perhaps
5 can consider a special meeting if we have
6 anything at the end of the month, if that will
7 help --

8 MS. LAMBERTON: Sure.

9 MS. HAASE: -- move this along.

10 MR. HOLAHAN: Okay.

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

13 MR. HOLAHAN: Good? All right.

14 MR. McHALE: Maybe Pat should
15 look at the development agreement regarding the
16 maintenance plan --

17 (Inaudible comment by Ms.
18 Lamberton.)

19 MR. HOLAHAN: Okay. Let's
20 consider Item B, Pinecrest Phases 1 -- I mean, 5

21 and 6, site cost estimate release.

22 MS. HAASE: Yes, sir. We have
23 an individual that's interested in a portion of
24 Pinecrest Phases 5 and 6.

25 MR. HOLAHAN: Yes.

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1 MS. HAASE: Initially we've --
2 we understood it was going to be the remaining
3 areas that need to be developed. Bob and I met
4 with the developer and his contractor this past
5 week and they're actually looking at just one of
6 the buildings. And they had wanted some type of
7 direction from Bob and myself, and of course we
8 could not make that decision, it was the board's
9 decision, of how much monies it currently -- we
10 called in a bond for approximately \$247,000 that
11 we now have an account, and they are requesting
12 the board to consider a portion of it to be
13 released -- yes.

14 The portion of the approved
15 project is in the packet Bob just passed out. So
16 they are looking for monies to be released to
17 help them pave the section that is highlighted.

18 There's a few islands that is shown on this plan
19 that they are proposing to pave and not construct
20 vegetation on.

21 MS. LAMBERTON: How does that
22 work with the developer's agreement that's
23 already in place?

24 MS. HAASE: Well, we would have
25 to have a new developer's agreement with this

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1 particular project --

2 MS. LAMBERTON: Could you do
3 that, do limited portions of something like that?

4 MS. HAASE: Well, it's -- I
5 guess you can. It's unusual. We were hoping
6 that it would be -- they would come in and take
7 over the remaining project; but that was not what
8 was being proposed.

9 But, Bob, you might want to add
10 something --

11 MR. McHALE: The page following
12 the little site plan that shows the highlighted
13 section of what they're looking to pave. It also

14 has the 2003 cost estimate for infrastructure,
15 and the stone base and paving base course, what
16 it comes down to be is about 4 to \$5 a square
17 yard at that time when they proposed and put
18 monies into escrow or a letter of credit.

19 So what we're looking to do is
20 kind of hold or maintain those numbers, and the
21 developer would have to compensate for the
22 difference between the two. And if you look back
23 at the second sheet, you'll see that the unit
24 price for the two inch BCBC is twelve twenty,
25 whereas the -- and that's per square yard. And

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1 if you look at the cost estimate, it's only \$5,
2 so they have to make up that difference.

3 Well, some of it is that if
4 they were to do the whole project and the larger
5 numbers, mobilization, demobilization of
6 equipment, you know, the smaller quantities --
7 and that's what drives that cost up higher than
8 what would normally be expected if the whole
9 project was done at one time.

10 So what we thought would be

11 fair, when Phyllis and I had looked at this, was
12 to take the old unit price, because that's what
13 we're holding monies for, is based on these older
14 prices, and just release funds consistent with
15 the amount that they bill based upon unit prices.
16 And if he wants to make up the difference and
17 build the five units -- the only thing is, the
18 board's going to have to look at some sort of an
19 agreement, I guess, as Phyllis was indicating,
20 because you don't want to see five units --

21 MR. MOYER: Yeah.

22 MR. McHALE: -- this year and
23 two to three years later another five -- you
24 know, there has to be some kind of --

25 MS. HAASE: We're happy to see

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1 this move forward. We were disappointed that it
2 wasn't the entire project, to be perfectly honest
3 with you.

4 MS. LAMBERTON: These are the
5 ones that are partially completed?

6 MS. HAASE: That is correct.

7 MS. LAMBERTON: Okay.

8 MS. PICKARD: So they're just
9 buying this portion of the 5 and 6 or are they --

10 MS. HAASE: They are working
11 with the bank right now. There is some issues
12 with regards to taxes, so they're trying to work
13 through some of those issues. If in fact down
14 the road, with the assessment and the taxation of
15 those properties, it can be worked out with the
16 county, the developer may go back and reconsider
17 purchasing the remaining project. But until
18 that's worked out with the bank and the county,
19 the assessment, they are not interested in moving
20 forward.

21 MR. HOLAHAN: I would let them
22 move forward with this, with the calculations
23 that you have here. And this -- this might need
24 be the first step that they need to get this
25 thing going.

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1 MR. MOYER: Yeah, as far as
2 the --

3 MR. McHALE: That's what we

4 were hoping, if they can sell those five units
5 and create --

6 MR. MOYER: Rather than --

7 MS. LAMBERTON: Makes sense.

8 MS. HAASE: I'd ask the board
9 to consider requesting a professional service
10 agreement with the contractor so any engineering
11 or legal fees pertaining to this, the contractor
12 would pay and not the taxpayers. That is one
13 thing I would request when you do consider this.
14 And then also the figure that Bob came up was the
15 \$9,365, we felt that that was a fair number to
16 help them move forward with the project.

17 MS. PICKARD: And we would
18 release that upon completion of them doing that
19 work?

20 MR. McHALE: Yes.

21 MS. HAASE: Upon Bob inspecting
22 it, yes.

23 MS. PICKARD: I think it makes
24 perfect sense to reduce that.

25 MR. REISS: I would say you

1 also want it to be subject to a developer's
2 agreement to be entered into as well.

3 MR. MOYER: Yeah. Yeah.

4 MR. HOLAHAN: Okay. So let's
5 make that in the form of a motion.

6 MS. PICKARD: I will.

7 MR. HOLAHAN: Okay. Do you
8 know what you -- how you're going to say it?

9 MS. PICKARD: No.

10 MR. HOLAHAN: We just kind of
11 understand --

12 MS. PICKARD: I know.

13 MR. HOLAHAN: Okay.

14 MS. LAMBERTON: Why don't we
15 have John put it into the form of a motion?

16 MS. PICKARD: I don't even know
17 what those units are. Do they have units numbers
18 or something we can reference to, on this or --

19 MR. McHALE: They're labeled on
20 the sketch plan.

21 MS. HAASE: Yeah, they're on
22 the sketch, so it's 145 to 149.

23 MR. REISS: At this point, I
24 think it's really just a consensus that you

25 need --

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1 MR. McHALE: Yeah.

2 MR. REISS: -- to move forward.

3 MS. PICKARD: Until they --

4 MR. REISS: Because they
5 haven't even entered into a professional services
6 agreement yet.

7 MS. PICKARD: Okay.

8 MR. MOYER: Yes.

9 MR. HOLAHAN: So we need to get
10 them to do that first.

11 MS. HAASE: But we will require
12 that professional service agreement and then
13 moving forward into a developer's agreement.

14 MS. LAMBERTON: Yes.

15 MS. HAASE: And the board would
16 be comfortable with releasing the 9365 as being
17 proposed by the township engineer.

18 MR. HOLAHAN: Are we okay?

19 MS. PICKARD: After they
20 completed that.

21 MR. HOLAHAN: All right by

22 consensus.

23 MR. MOYER: Very good.

24 MR. HOLAHAN: Item C, Kalahari

25 Resorts land development revisions.

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1 MS. HAASE: Yes, sir. Kalahari
2 had submitted recently some minor changes to
3 their approved land development project. Our
4 township engineer has begun the process -- not
5 quite completed, so we're going to ask the board
6 to table this.

7 MR. HOLAHAN: So moved. So
8 tabled.

9 Next, TEC PTO Halloween parade
10 donation request.

11 MS. HAASE: Yes. TEC had
12 submitted a letter, as they do every year,
13 requesting us to consider a donation. I believe
14 that it's been \$250.

15 Is that correct, Heidi?

16 MS. PICKARD: (Ms. Pickard
17 nodded her head.)

18 MS. HAASE: 250, I believe, is
19 what it has been historically in the past.
20 MR. HOLAHAN: Do I have a
21 motion to --
22 MS. LAMBERTON: I'll make a
23 motion.
24 MR. MOYER: Second.
25 MR. HOLAHAN: I've got a motion

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1 and second.
2 Further discussion from the
3 board?
4 Anything from the public?
5 Hearing none, call the vote.
6 MR. HOLAHAN: Heidi?
7 MS. PICKARD: I vote in favor.
8 MR. HOLAHAN: Donald?
9 MR. MOYER: I vote in favor.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I vote in
12 favor.
13 MR. HOLAHAN: And I vote in
14 favor. Motion carries.

15 MS. HAASE: One thing I do want
16 to mention is, we are going to be approaching TEC
17 and the school district, since we had such a
18 fabulous turn out at our fall festival, that
19 we're going to see if they would be interested in
20 perhaps having the parade in our area, so -- and
21 include that with the fall festival to help them
22 and help us.

23 MR. HOLAHAN: Very good. And I
24 think we've approached -- what we're looking for
25 here is the last item.

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1 Consider approving the
2 certificate of developer and request for Payment
3 No. 3 for Kalahari Resorts access road account
4 for \$537,312.87.

5 MS. HAASE: Yes, sir. This has
6 been reviews -- reviewed by T&M Engineering and
7 myself, and we're in agreement that it would be
8 acceptable for the board to release those funds.

9 MR. HOLAHAN: Do I have a
10 motion to release the funds?

11 MS. PICKARD: So moved.
12 MR. MOYER: Second.
13 MR. HOLAHAN: I've got a motion
14 and a second.
15 Further discussion from the
16 board?
17 Anything from the public?
18 Hearing none, call the vote.
19 Heidi?
20 MS. PICKARD: I vote in favor.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: I vote in favor.
23 MR. HOLAHAN: Anne?
24 MS. LAMBERTON: I'll abstain.
25 MR. HOLAHAN: And I vote in

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1 favor. Motion carries.
2 Okay. Next we've got --
3 Do you have anything else,
4 Phyllis?
5 MS. HAASE: I do not, sir.
6 MR. HOLAHAN: Okay.
7 MS. PICKARD: Did we announce

8 Halloween?

9 MR. HOLAHAN: Yes.

10 MS. PICKARD: Okay.

11 MR. HOLAHAN: November 1? Or

12 that's the parade?

13 MS. PICKARD: The parade.

14 MS. HAASE: Yeah. The trick or

15 treat is going to be October 31 from six to

16 eight.

17 The one thing -- I do have one

18 other item. I just want to let the board know, I

19 had mentioned last month that we're -- we are in

20 the process of completing our vegetation

21 maintenance program. There were certain roads

22 that were reviewed. Some will be trimmed back,

23 some are going to be sprayed.

24 Lake Naomi had approached --

25 actually contacted me yesterday and I met with

1 them first thing this morning. They had

2 requested that I consider them -- to allow them

3 to cut back the roads in Lake Naomi and they

4 would pay the difference; so we will pay up to
5 the \$782 that it would cost to spray the roads
6 and Lake Naomi would pay the difference. It's
7 going to be about 4 or \$5,000 to cut those trees
8 back, so they agreed they will pay the difference
9 for 2014.

10 Besides that, the maintenance
11 program for the spring is almost under completion
12 and they'll begin cutting back the trees as fall
13 will be coming in, in the next few weeks. Okay?

14 MR. HOLAHAN: Did we provide
15 the specifications of what we want to have cut
16 back, distance and heights and things like that?

17 MS. HAASE: Yes. They'll have
18 the roads, the right of ways, and they'll know
19 exactly what needs to be done. We have mileage
20 right now on the roads that have been given to
21 them and then we have somebody from DPW out with
22 them when they're cutting and when they're
23 spraying, just to guide them.

24 MR. HOLAHAN: How about
25 disposal of the trimmings?

1 MS. HAASE: They take that.

2 MR. HOLAHAN: They're taking

3 care of that as well?

4 MR. ED TUTRONE: The vegetation

5 control spraying was completed today.

6 MS. HAASE: It was completed

7 today.

8 MR. HOLAHAN: Great. Very

9 good.

10 MS. HAASE: So that's the only

11 other item I have.

12 MR. HOLAHAN: Okay.

13 Do you all have anything else?

14 Heidi? Don? Annie?

15 MS. LAMBERTON: We're all good.

16 MS. PICKARD: I'm good.

17 MR. HOLAHAN: Anything from the

18 public?

19 MS. PICKARD: I did have one,

20 just to talk about where we're going to -- have

21 any budget meetings --

22 MS. HAASE: I'm very sorry.

23 Correct. We do need to schedule some budget

24 meetings.

25 MR. HOLAHAN: Okay.

1 MS. HAASE: We'd like to shoot
2 for -- I know, favorite time -- perhaps the last
3 week in October; if not, the first, second and
4 third week in November?

5 MS. LAMBERTON: Okay.

6 MS. HAASE: You like November
7 better?

8 MR. HOLAHAN: We've got to get
9 it taken care of.

10 MS. LAMBERTON: Yeah.

11 MS. HAASE: Yes, we do.

12 MR. HOLAHAN: Perhaps by then
13 we'll know what's going on with the police
14 commission, so we can --

15 MS. PICKARD: Yeah.

16 MR. HOLAHAN: -- handle that as
17 well?

18 MS. PICKARD: That would be
19 helpful.

20 Make it Wednesday for you?

21 MS. HAASE: We can make it

22 Wednesday. In the past we've done Wednesdays so
23 Mr. Moyer can join us.
24 MR. MOYER: Yeah.
25 MR. HOLAHAN: Let's make sure

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1 that Donald's there.
2 MS. PICKARD: You're looking at
3 the 22nd and the 29th or --
4 MR. HOLAHAN: You're not
5 getting out of this one, buddy.
6 MR. MOYER: Yeah. Thanks.
7 MS. HAASE: I'm sorry, Heidi?
8 MS. PICKARD: Was that the 22nd
9 or the 29th or both?
10 MR. MOYER: 29th.
11 MR. HOLAHAN: 29th of October.
12 MS. HAASE: We can do 22nd,
13 29th and then the 5th, if needed.
14 MR. MOYER: Okay.
15 MS. PICKARD: And what time
16 is --
17 MS. LAMBERTON: Let's do it
18 early.

19 MR. HOLAHAN: Seven o'clock.
20 MS. HAASE: So we'll advertise
21 it October 22, 29 and November --
22 MR. HOLAHAN: I'll be out of
23 town on the 29th, but you may not need me for
24 that. We'll probably work it all out on the
25 22nd.

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1 MS. PICKARD: Yeah.
2 MS. HAASE: I'm -- I'm very
3 happy with the confidence in us.
4 MR. HOLAHAN: Okay.
5 MS. LAMBERTON: 7 a.m.?
6 MR. HOLAHAN: Yep.
7 MS. HAASE: 7 a.m.
8 MS. LAMBERTON: I'm going to
9 put the first one in, because I know what's going
10 to happen.
11 MS. PICKARD: I just want to
12 mention that we -- we did talk last month about
13 the zoning ordinance, if -- if we were going to
14 have a special meeting or discuss whether or not

15 we could have a special work session.

16 MR. HOLAHAN: We should do that
17 as well. As long as we're going to beat
18 ourselves up over the budget, we should throw
19 zoning in there as well.

20 MS. HAASE: Okay.

21 MR. HOLAHAN: Let's see if we
22 can't -- let's not resolve that now --

23 MS. HAASE: All right, sir.

24 MS. HAASE: -- get some dates
25 together later.

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1 MR. HOLAHAN: Yes?

2 MS. RUTH BURKE: I'm Ruth
3 Burke. I'm an Arrowhead Lake/Tobyhanna resident
4 full time. This summer on Locust Ridge Road, at
5 least four different occasions there were
6 bicyclists coming down the road from Thornhurst.
7 When I say bicyclists, it looked like a tour
8 group ranging from 10 to 20 individuals coming
9 down the road, single file.

10 Now, my understanding is that
11 the bridge is going to be replaced and it's

12 looking like DOT is going to replace it with the
13 original plans that are more than 60 years old,
14 that were put in there -- that bridge was put in
15 there before this became a very busy
16 thoroughfare. It is much busier than it was 60
17 years ago, I'm sure.

18 MR. HOLAHAN: It's much busier
19 than it was 10 years ago.

20 MS. RUTH BURKE: But my point
21 is, if this has become part of a bicycle tour, I
22 really need to go and do some research; but I'm
23 suspecting that it may be part of Tour of
24 Pennsylvania now, Bike Tour of Pennsylvania.
25 They are encouraging people to come down it.

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1 But even if it isn't, even if
2 it's private clubs doing it, there's so much
3 bicycling, et cetera, it can't be allowed to
4 continue that we keep that old structure bridge.
5 Forget the fact that there are 2500 homes in
6 Arrowhead Lake, forget that Thornhurst is up the
7 road, it's just -- it's a disaster waiting to

8 happen.

9 So basically I'm here as an
10 individual requesting that the Township of
11 Tobyhanna put their weight towards DOT and try to
12 get them to give us a more modern, wider access
13 bridge. That's it.

14 MR. HOLAHAN: You bring up a
15 good point. I don't know if -- last meeting we
16 had, Bill Lucas had done a presentation and
17 giving -- given us some information that we
18 weren't able to do anything with because we just
19 received it that day, but did anybody get to view
20 that? Did you take a look at that information?

21 MR. FRANK CACCIONE: As an
22 update, we did receive -- we just did receive the
23 letter from PennDOT basically saying, sorry,
24 we're going to put that bridge in anyhow.

25 And the funny thing about it --

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1 not funny, but funny thing about it is, they
2 said, to accommodate the bicyclists and the --
3 and the walkers they would narrow the lanes by 10
4 feet so that there was a wider margin there; so

5 we'll have two 10 foot lanes as opposed to the
6 standard lanes.

7 So our game plan at
8 Arrowhead -- and that's why your support would be
9 great, is, we're going full court press, some to
10 PennDOT, to talk to them again about the reasons
11 for that. By the way, that bridge is in a
12 floodplain. It floods --

13 MR. HOLAHAN: Right.

14 MR. FRANK CACCIONE: -- you
15 know, also. But -- and then pulling out the
16 stops in Harrisburg, and the rest to just try to
17 get people's attention that this P3 solution just
18 doesn't make any sense. It makes no sense
19 whatsoever.

20 MR. HOLAHAN: So you all were
21 pretty much -- I believe Mr. Lucas was looking
22 for even just a letter of support --

23 MR. FRANK CACCIONE: Yeah.

24 MR. HOLAHAN: -- from the
25 township.

1 MR. FRANK CACCIONE: The
2 township.

3 MR. HOLAHAN: Because there's
4 not a whole heck of a lot we can do about it
5 other than say we're in favor of the proposal
6 that you've put out there and see if that would
7 do any good.

8 MR. FRANK CACCIONE: You know,
9 every little bit's going to help, you know, in
10 this upward battle, uphill battle; but as Ruth
11 said, it's just a terrible mistake to replace
12 that in kind.

13 MS. PICKARD: It may look like
14 we weigh a lot, but we really don't when it comes
15 to PennDOT.

16 MR. HOLAHAN: To PennDOT?

17 MS. HAASE: Right.

18 MR. FRANK CACCIONE: I don't
19 know that any of us do, but -- but --

20 FEMALE VOICE: But I think if
21 we all get together, maybe there is something
22 that somebody might listen.

23 MS. PICKARD: Sometimes the
24 noise does make the difference --

25 MR. HOLAHAN: Well, we did have

1 a meeting at this facility here just a couple of
2 months ago when they were proposing the
3 realignment of Long Pond Road on 940. And -- and
4 the understanding was, this was just pretty much
5 set in stone and then -- then they went and
6 changed their mind.

7 Now, maybe they already had
8 that alternative, but just couldn't speak at
9 that, at the meeting at that time but --

10 MS. PICKARD: Somebody else was
11 paying for it.

12 MR. HOLAHAN: Somebody else is
13 paying for it. Right.

14 MS. HAASE: One of the issues,
15 as my board has just stated, they're correct, we
16 don't have much say; it's PennDOT's decision.
17 But it's a little complicated where that bridge
18 is located due to the fact easements would be
19 required. It was requested of Arrowhead to
20 perhaps realign that road. And they're looking
21 at perhaps seven to ten years before that that
22 could be accomplished. And the condition of the

23 bridge, they would have to do improvements prior
24 to that.

25 So it -- it becomes a little

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1 complicated due to the safety of the bridge and
2 the length of time with them being able to
3 accomplish what you would like them to do.

4 MR. FRANK CACCIONE: Right.
5 Yeah, it's an uphill battle. It's just -- it's a
6 mistake that will likely happen. From an
7 engineering standpoint, it just made no sense;
8 and from a safety standpoint it makes absolutely
9 no sense.

10 MS. PICKARD: Did anybody look
11 at the pedestrian bridge and whether there was
12 grant monies and things available for that?

13 MR. FRANK CACCIONE: We're
14 starting that process, but, you know, there
15 again, if it's not grant money, it's not going to
16 happen very quickly with us. But other than
17 that --

18 MS. PICKARD: I will make a

19 motion to send a letter of support to PennDOT
20 regarding the widening of the Arrowhead Lakes' --

21 MR. HOLAHAN: Yeah.

22 MS. PICKARD: -- bridge on
23 Locust Ridge.

24 MR. HOLAHAN: We'll send to
25 PennDOT or do we send it to Arrowhead to have

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1 them include in their packet? Do you want to
2 just send it directly --

3 MS. PICKARD: Oh, I don't --

4 MR. HOLAHAN: -- both ways?

5 MS. PICKARD: -- know. I'm
6 looking --

7 MR. HOLAHAN: I'll take a
8 motion.

9 Do I have a second?

10 MS. LAMBERTON: Second.

11 MR. HOLAHAN: I've got a motion
12 and second.

13 Further discussion from the
14 board?

15 Anything from the public?

16 MS. RUTH BURKE: Thank you.
17 MR. HOLAHAN: Hearing none,
18 I'll call the vote.
19 Heidi?
20 MS. PICKARD: I vote in favor.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: I'll vote in favor.
23 MR. HOLAHAN: Anne?
24 MS. LAMBERTON: I vote in
25 favor.

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1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.
3 MS. RUTH BURKE: Thank you.
4 MR. FRANK CACCIONE: I'd like
5 to bring you up a little bit -- Frank Caccione,
6 Clymer Library, not -- not Arrowhead. Just --
7 MS. HAASE: Do I understand,
8 congratulations, you're now the --
9 MR. FRANK CACCIONE: That's
10 part of the update. Yes, thank you.
11 MS. HAASE: I'm sorry --

12 MS. LAMBERTON:

13 Congratulations.

14 MR. FRANK CACCIONE:

15 Organizationally we had our election.

16 Unfortunately Mark Tieszen stepped down as
17 president, he's going to remain on the board; so
18 we had our election. I'm going to be the
19 president, Terry Staff is going to be vice
20 president, Andrea McGuire will remain as
21 treasurer. Unfortunately, Mary Tod Gray, after
22 nine years with us, has decided to retire from
23 the board, so we're going to need -- we don't
24 have a secretary. She's still on the board.

25 The other good news there,

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1 because I did consider my being president a good
2 news, is, if you don't know, our director, Laura
3 Laspee, has received her master's degree, so now
4 we have a master of library sciences; and that's
5 after evenings and long weekends of hard work on
6 the part of Laura. But we're really just tickled
7 pink that she has -- has her master's degree now.

8 One other thing, I want to

9 thank you for your support with our grant
10 program. You've supported us a couple times. A
11 little context, since 2008 state aid, township
12 tax revenue is down eight percent. Patron growth
13 is up five percent. And we have to fill that gap
14 with funds, fund raising, okay, and we're working
15 on filling that gap with the paver program. In
16 case any of you haven't seen John's paver with
17 the quote from his good friend, Albert Einstein
18 on it?

19 MR. HOLAHAN: Yes.

20 MR. FRANK CACCHIONE: It's one
21 of our neater ones. The grant program is pivotal
22 now to anything that we want to do for
23 improvements, along with the paver program for
24 fundraising and the other things that we do, to
25 fill that gap. So, thank you, John. But thank

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1 you for your continued support of our grant
2 proposals and appeals because, fingers crossed,
3 something's going to pop for us.

4 That's it.

5 MR. HOLAHAN: Okay. Very good.

6 Anybody else?

7 Sir?

8 MR. KEN GASSMAN: Yes. My name
9 is Ken Gassman, from Lake Naomi.

10 Last month I brought to the
11 attention with the board here, in reference to
12 these drainage ditches that you're constructing
13 throughout Lake Naomi. I understand that it's
14 the township's responsibility and it's a --
15 township owns the road and an easement past the
16 road; however, it's also the responsibility of
17 the township to create a safe environment of the
18 shoulder of the road.

19 The construction of these two
20 or three feet ditches on the side does not
21 constitute a safe area on the side of the road.
22 I'm wondering why is it not -- why are they not
23 filled with stone to create some type of a French
24 drain which would alleviate the problem of them
25 being a open ditch?

1 On the other hand, also, this

2 is unsafe for pedestrians and also for cars.

3 This was brought up last month and you, John, had
4 mentioned you would look into it.

5 MR. HOLAHAN: That's right. I
6 recall that.

7 MR. KEN GASSMAN: I'm assuming
8 on my part that you had -- nothing was looked
9 into it.

10 MR. HOLAHAN: I did not look
11 into it, no.

12 MR. KEN GASSMAN: Right.
13 Why -- why are we constantly doing it? Because
14 first of all, by you making this ditch there,
15 you're creating a catastrophic situation as far
16 as maintenance because debris only goes in these
17 ditches and block up at each driveway that has a
18 12 or 14 inch tube in it. So it's got to be a
19 problem with you, with the township having
20 maintenance problems trying to maintain these
21 things. Once the grasses and other material grow
22 on these ditches, they become almost a trip
23 hazard because you cannot see them.

24 MR. HOLAHAN: Well, that's one
25 of the things we're trying to do now with the

1 spraying and the cut back into the -- into the
2 easements.

3 But, Bob, how -- how much room
4 or -- do we need to have on these roads for -- is
5 there a required minimum distance between the
6 edge of the roadway and the ditches?

7 MR. McHALE: Back to answer, I
8 guess, the question that Mr. Gassman brought up
9 regarding the pipe and the rock over the top of
10 it, we have in some cases done something similar
11 to that where we have perforated pipe wrapped in
12 geotextile fabric with an over-graded (phonetic)
13 stone; but if we do that throughout the entire
14 development, obviously that expense just keeps
15 accruing. It's less paving that we can put in.
16 So it's a --

17 MR. HOLAHAN: Right.

18 MR. McHALE: -- balancing of
19 budget.

20 As far as the two to three foot
21 ditch, that's fairly common, not only in
22 townships and municipalities but state roads and

23 things like that. What we try to go by also is
24 PennDOT guidance and their specifications,
25 regulations; and typically a roadside ditch like

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1 that would not warrant like guide rails and
2 things. But we do want to make it as beneficial
3 to pedestrians as we can as well.

4 Again, what it would come back
5 to doing is placing a pipe, wrap it in
6 geotextile, maybe do that whenever the budget
7 would allow, to do certain areas. The further
8 the ditch is away from the shoulder, the better.
9 Maybe what we should see in the field where we
10 would install some of that pipe and where we
11 could leave it as it is.

12 MS. HAASE: I don't think it's
13 uncommon what we have done this year, what's
14 being done throughout the community or, like Bob
15 said, even with PennDOT.

16 MR. HOLAHAN: I think we were
17 discussing with -- maybe you were there, Eddie,
18 we were discussing with Dave Moyer, because the
19 concern was some of those pipes getting

20 blocked --

21 MR. ED TUTRONE: Yeah.

22 MR. HOLAHAN: -- up with the
23 leaves and all.

24 MR. ED TUTRONE: We actually
25 had an issue on Lakeview Drive -- and actually,

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1 Mr. Gassman, is that your house that comes down
2 behind the one on Deer Road? We had some issues
3 along that whole stretch with -- with leaves
4 getting clogged in there from when we put -- I
5 believe those ditches were installed two, three
6 years ago. Because the other problem we were
7 having was not so much the water flow coming off
8 the road, it was the over land flow coming down,
9 getting on the shoulder, ripping the shoulders
10 and the fronts of the driveways out. We were
11 getting called. We were going in, putting stone
12 back in, and every rainfall we got that.

13 And then on top of that, the
14 water sitting there on the edges of the road
15 seeping down just saturated the road bases and --

16 which caused deterioration, which is kind of what
17 Bob was talking about the Kalahari project
18 before. You get the subgrade that fails, where
19 these ditches take that away from there, and it
20 maintains your road for a lot more years than if
21 you didn't have them there. And also it gives
22 the water somewhere to go that it's not going to
23 wash out everybody's driveway where we have to
24 come back and repair.

25 We did go through -- in the

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1 last few weeks we had some downtime in between
2 the base repair and the paving that we're doing
3 now in Lake Naomi, and cleaned out a lot of the
4 leaves out of the ditches, et cetera, especially
5 on Lakeview where we had a problem. It's just a
6 matter of general maintenance. That was one of
7 the reasons why we asked for the -- for the
8 purchase of the new Gradall; and as long as we
9 keep up with them, I don't really see it being an
10 issue. We try, when we put the ditches in, to
11 actually go on a slope so they're not just a
12 straight down ditch. It kind of tapers down in.

13 MR. McHALE: A lot of what
14 we're dealing with too is the fact that when Lake
15 Naomi was approved 30, 40 years ago as a
16 subdivision, there was essentially no storm water
17 management as we know today. If this kind of
18 development was going in today, there'd be
19 inlets, there'd be storm sewer systems, there'd
20 be detention basins, there'd be, you know, all of
21 that --

22 MR. HOLAHAN: Right.

23 MR. McHALE: -- and what we're
24 left with is a -- for a very deficient
25 subdivision that we're trying to make the best we

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1 can out of, you know, the funds we have to put
2 toward it.

3 MR. HOLAHAN: I agree.

4 MR. ED TUTRONE: And the more
5 pipe you put in, like what Bob was talking about
6 before, or Mr. Gassman, and the more pipe you put
7 in, that's more of a chance of it getting clogged
8 up and then you can't get in there to clean it

9 out. The longer run you have, the more problems
10 you have; so that's another reason why we chose
11 to open the ditch.

12 MR. HOLAHAN: Wendi?

13 MS. WENDI FREEMAN: Yeah. I
14 know on the west side of 423 we used some
15 delineators, the yellow and the white
16 delineators, and we stuck them. We went out and
17 did it like every 15, 20 feet. I mean, that's
18 a -- that at least shows people where they are
19 when they're driving, when they're walking, when
20 they're riding their bike. Especially if they do
21 get grown up with vegetation, you still know that
22 by that delineator, there is definitely something
23 there that will warn you about.

24 So that might be a thought for
25 us to do some more delineation work, if that --

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1 if that's a solution.

2 MR. HOLAHAN: Yep. Okay.

3 MR. MOYER: Ken, you had
4 something else?

5 MR. KEN GASSMAN: Yes. You

6 know, I agree with what we're all saying, and I
7 agree that the benefit of it is beneficial to the
8 construction of the roads. I don't feel that the
9 construction of the pits have been designed
10 properly. Bob's saying that it's okay, we
11 can't -- you know, we can't put the pipe in, we
12 can't cover it with stone because of the cost to
13 the township.

14 However, if one person gets
15 hurt as a direct result of this, what's the cost
16 to the township? I mean, what's the value can
17 you put on something if someone gets hurt or if
18 someone gets killed by falling into this thing,
19 breaking a leg or being crippled for life? Then
20 it's a different issue. I think it's something
21 that should be addressed.

22 Lake Naomi is a residential
23 community. They have a number of people jogging,
24 bicycling, walking and whatever you have; and the
25 township has taken a stand to create an unsafe

1 condition on a road that you're under obligation

2 to maintain, because they're your roads, and also
3 the easement past the macadam of the road. The
4 regulation calls for too that you cannot have
5 more than three inches of drop between the
6 macadam of the road and the shoulder.

7 There is other statutes out
8 there, and I think Bob had tried to touch on it,
9 but he was not there, is the distance you have to
10 maintain for the shoulder of the road. I don't
11 believe you're maintaining that. I believe the
12 township just arbitrarily start digging up and
13 start making a drain system to protect the road
14 without researching this project for other
15 alternatives.

16 MR. HOLAHAN: I'm not sure
17 that's the case. I'm not sure that's the case at
18 all.

19 MR. KEN GASSMAN: I beg your
20 pardon?

21 MR. HOLAHAN: That's not the
22 case at all. We've got a limited budget, and you
23 want roads taken care of in Lake Naomi. So now
24 we want to take care of roads so people aren't
25 leaving and going onto the shoulder to avoid

1 potholes and where the road is falling. So we --
2 if we keep the traffic going straight down the
3 road by repairing the roads, then we get a chance
4 to take care of the shoulders and the drainage.

5 MR. KEN GASSMAN: However, you
6 can't keep bicycle traffic on the road. Bicycle
7 traffic is supposed to be off the road and --

8 MR. HOLAHAN: No, it isn't.

9 MR. KEN GASSMAN: Are you
10 advocating that you want bicyclists, you want
11 three-year-old kids to be riding on the road? I
12 don't believe that's what you're advocating.

13 MR. HOLAHAN: Not unsupervised,
14 but share the road is what it's called. We do a
15 lot of biking. Share the road, so -- and what's
16 the speed limit in there?

17 MS. PICKARD: Twenty-five.

18 MR. KEN GASSMAN: If the speed
19 limit is not posted in the state of Pennsylvania
20 on a specific road, it's 55 miles an hour.

21 MR. HOLAHAN: Not in a
22 residential area.

23 MR. ED TUTRONE: All our roads

24 are currently in regulation with the posted speed
25 limits.

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1 MR. HOLAHAN: But the thing is,
2 I think -- you know, in all fairness here,
3 Mr. Gassman has a good point on the concern of
4 the residents out there. We need to take a look
5 at how -- when we're doing these roads, taking a
6 look and saying, are we leaving enough space for
7 somebody to get by each time?

8 And I don't think they're out
9 there just indiscriminantly digging up; but that
10 being said, if we talk to DEP and say, guys --
11 over at DEP -- DPW, guys, watch that stuff when
12 you're doing it and we'll figure out how to
13 proceed.

14 MR. MOYER: Can we mark it like
15 Wendi was saying?

16 MR. HOLAHAN: Yeah. I think
17 that's a great idea.

18 MR. ED TUTRONE: I have --
19 actually that's one of the things on our list to

20 do, is delineate the ditches.

21 MR. MOYER: Why don't we do
22 that?

23 MR. ED TUTRONE: At home, my
24 wife ordered (inaudible) -- my office right now.

25 MR. HOLAHAN: Okay. Well, it's

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1 dark now, so --

2 MR. ED TUTRONE: We'll wait
3 until tomorrow.

4 MR. HOLAHAN: Thank you, sir.

5 MR. KEN GASSMAN: You're
6 welcome.

7 MR. HOLAHAN: Okay. Anything
8 else?

9 Wendi?

10 MS. WENDI FREEMAN: I just
11 wanted to publicly thank the township manager and
12 the supervisors for working with Lake Naomi
13 whenever we have an issue that involves the
14 township. Phyllis and Ed Tutrone, this morning,
15 were -- worked with Lake Naomi with a frantic
16 call to them yesterday, which isn't even a day

17 that they should really be working; and we just
18 want everybody to know that we worked out the
19 spraying and -- and we're going to cut, and it made
20 our residents extremely happy.

21 And I just wanted to thank you
22 for always be willing to work with us, and we're
23 very happy for the relationship that we have not
24 only with the township supervisors, but with the
25 township manager, so thank you.

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1 MS. HAASE: Thank you, Wendi.

2 MR. HOLAHAN: Thank you.

3 Anybody else?

4 MR. KEN GASSMAN: Yes.

5 MR. HOLAHAN: Sir.

6 MR. KEN GASSMAN: Let me just
7 say one other thing. Beings that we're giving
8 thanks, I would like to give Tobyhanna Township
9 thanks too. I've been here 41 years plus and I
10 had the opportunity of have to using the medical
11 assistance, the ambulance system, last week. And
12 I have to say it was such a professional system,

13 that everyone that came was very professional,
14 and I really see the benefit of subscribing to
15 the fire department and the medical system; and
16 I'm really thankful that it was there for me.

17 MR. HOLAHAN: Thank you, sir.

18 Tell your friends and neighbors as well so that
19 these guys can continue. Appreciate it.

20 MR. KEN GASSMAN: Right.

21 MR. HOLAHAN: We're adjourned.

22 Oh --

23 MS. LAMBERTON: Motion.

24 MS. HAASE: So close.

25 MR. HOLAHAN: Motion to

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1 adjourn?

2 MS. LAMBERTON: So moved.

3 MR. MOYER: Second.

4 MR. HOLAHAN: All in favor,
5 aye?

6 THE BOARD: Aye.

7 (Meeting concluded at 8:47
8 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

10

notes taken by me, at the meeting in the above

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matter; and that the foregoing is a true and

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correct transcript of the same.

13

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JESSICA L. HOLT, C.R.

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**Board of Supervisors
Budget Meeting
October 22, 2014**

Chairman Holahan called the meeting to order at 7:04 AM

Following in attendance:

John Holahan, III Chairman

Anne Lamberton, Vice Chair

Heidi Pickard, Member

Donald Moyer, Member (Arrived 8:10 AM)

Phyllis Haase, Manager

Announcements:

Officer John Brogan will be retiring on October 31, 2014 after serving the Township of Tobyhanna on a full time basis for 26 years (May 9, 1988 to October 31, 2014). John will return as part time Sewer Enforcement Officer effective November 17, 2014 at a rate of \$38.00 per hour.

Officer Maureen Minnick will move from her role as Assistant Zoning Officer effective November 1, 2014 to Zoning Officer. Officer Minnick's rate will increase to \$ 18.50 per hour.

The Board acknowledged these two employee changes.

New Business:

Consider approval of the September 25, 2014 Special Meeting Minutes

Motion Pickard/Lamberton

Motion Passed 3/0

Authorized Chairman Holahan to enter into agreement with Highway Equipment and Supply Co. for the purchase of Gradall XL3300III Hydraulic Excavator in amount of \$ 261,338.00 minus trade in of Gradall XL2300 S/N 0235418 valued at \$ 17,500.00

Motion Pickard/Lamberton

Motion Passed 3/0

Proposed 2015 Budget

The Board reviewed the proposed 2015 Budget with general discussion pertaining to lines items in the General Fund.

Adjourned 8:55 AM

**Board of Supervisors
Budget Meeting
November 5, 2014**

Chairman Holahan called the meeting to order at 7:07 AM

Following in attendance:

John Holahan, III Chairman
Anne Lamberton, Vice Chair
Heidi Pickard, Member (Arrived 7:40 AM)
Donald Moyer, Member (Arrived 7:15 AM)
John Kerrick, Member
Phyllis Haase, Manager

New Business:

Consider Kalahari Resorts Category One letter of Credit Reduction in the amount of \$ 234,262.33

Motion Kerrick/Holahan
Abstention Lamberton
Motion Passed 2/0

Consider Kalahari Resorts Access Road Reduction No.4 in the amount of \$ 200,162.92

Motion Kerrick/Holahan
Abstention Lamberton
Motion Passed 2/0

Consider Kalahari Resorts Sewer Account Reduction No. 2 in the amount of \$ 45,085.03

Motion Kerrick/Holahan
Abstention Lamberton
Motion Passed 2/0

Consider Kalahari Resorts Sewer Account Reduction No. 3 in the amount of \$ 443,040.61

Motion Kerrick/Holahan
Abstention Lamberton
Motion Passed 2/0

Proposed 2015 Budget

The Board reviewed the proposed 2015 Budget with general discussion pertaining to lines items in the Sewer Fund, Capital Reserves Fund and Highway Aid Fund. Board of Supervisors is in agreement that the purchase of the Fuel Management System and a Large Format Scanner with Printer will be purchased out of the Capital Reserve 2014 Budget.

Adjourned 8:55 AM

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, November 10, 2014 beginning at 7:00 p.m.

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

PATRICK M. ARMSTRONG, ESQUIRE
Solicitor

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

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1 MR. HOLAHAN: Call the meeting
2 to order. We'll start with the pledge of
3 allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Good evening,
7 folks. How you all doing?

8 Call the meeting to order for
9 November 10, 2014 and be right with you. Okay.

10 Announcements. Let's consider
11 the meeting -- the minutes for the meetings
12 September 8, 2014, regular business meeting --

13 You want to take these all at
14 one time?

15 MS. LAMBERTON: Yes.

16 MS. HAASE: Mr. Chairman, I
17 have one correction for September 8, Page 75, Line
18 11, cots, c-o-t-s, should be cost.

19 MR. HOLAHAN: Page 75?
20 MS. HAASE: Umm-hmm. And
21 October --
22 You're doing this all at once,
23 sir?
24 MR. HOLAHAN: Yes. Let's go on
25 to the other --

3

1 MS. HAASE: October 6, Page
2 117, Line 19, spring, should be spraying. And
3 those are the only corrections.
4 MR. HOLAHAN: Okay.
5 Do I have a motion to accept the
6 minutes for the September 8, October 6, October 22,
7 November 5 meetings?
8 MS. LAMBERTON: So moved.
9 MR. MOYER: Second.
10 MR. HOLAHAN: We've got a
11 motion and a second.
12 Further discussion from the
13 board?
14 Anything from the public?
15 Hearing none. I'll call the

16 vote.
17 Heidi?
18 MS. PICKARD: I vote in favor.
19 MR. HOLAHAN: Donald?
20 MR. MOYER: I'll vote in favor.
21 MR. HOLAHAN: Anne?
22 MS. LAMBERTON: I vote in
23 favor.
24 MR. HOLAHAN: And I vote in
25 favor. Motion carries.

4

1 MR. HOLAHAN: Next, this one's
2 going to be a little tricky. We're going to
3 consider the treasurer's report.
4 MS. HAASE: Mr. Chairman?
5 MR. HOLAHAN: Yes.
6 MS. HAASE: We separated
7 Papillion and Moyer --
8 MR. HOLAHAN: Did you do that
9 already?
10 MS. HAASE: -- and Moyer's.
11 MR. HOLAHAN: I've got

12 Papillion out, but I didn't take out Donald.
13 MS. HAASE: Okay.
14 MR. HOLAHAN: So what I'm going
15 to do first is ask for -- well, I'm going to ask
16 for a motion to approve the treasurer's report in
17 the amount of \$805,688.38.
18 MS. PICKARD: So moved.
19 MR. HOLAHAN: Okay. What I did,
20 Don, you've got a bill in there, I've separated
21 that out. That does not include yours.
22 And, Annie --
23 MS. LAMBERTON: And Papillion
24 and Moyer.
25 MR. HOLAHAN: -- I've pulled

5

1 Papillion and Moyer out.
2 MS. LAMBERTON: I'll second.
3 MR. HOLAHAN: Okay. I've got a
4 motion and a second.
5 Further discussion from the
6 board?
7 MR. MOYER: So I'm good?
8 MS. LAMBERTON: You're good.

9 MR. HOLAHAN: You're good.
10 Anything from the public?
11 Hearing none. I'll call the
12 vote.
13 Heidi?
14 MS. PICKARD: I vote in favor.
15 MR. HOLAHAN: Donald?
16 MR. MOYER: I'll vote in favor.
17 MR. HOLAHAN: Anne?
18 MS. LAMBERTON: I'll vote in
19 favor.
20 MR. HOLAHAN: And I vote in
21 favor. Motion carries.
22 Next, let's consider approving
23 the bills for Papillion and Moyer in the amount of
24 \$72,475.58.
25 Do I have a motion?

6

1 MS. PICKARD: So moved.
2 MR. MOYER: Second.
3 MR. HOLAHAN: Got a motion and
4 a second.

5 Further discussion from the
6 board?
7 Anything from the public?
8 Hearing none. I'll call the
9 vote.
10 Heidi?
11 MS. PICKARD: I vote in favor.
12 MR. HOLAHAN: Donald?
13 MR. MOYER: I'll vote in favor.
14 MR. HOLAHAN: Anne?
15 MS. LAMBERTON: I'll abstain.
16 MR. HOLAHAN: And I vote in
17 favor. Motion carries.
18 Lastly, I have a motion to
19 approve \$400 to Donald Moyer.
20 MS. LAMBERTON: So moved.
21 MS. PICKARD: Second.
22 MR. HOLAHAN: Motion and
23 second.
24 Further discussion from the
25 board?

1 Anything from the public? Are

2 you all with me?

3 Hearing none. Call the vote.

4 Heidi?

5 MS. PICKARD: I vote in favor.

6 MR. HOLAHAN: Donald?

7 MR. MOYER: I'll abstain.

8 MR. HOLAHAN: Annie?

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

11 MR. HOLAHAN: And I vote in
12 favor. Motion carries. Not bad.

13 MR. ARMSTRONG: Well done.

14 MR. HOLAHAN: Thank you,
15 Patrick. Would like to take over solicitor's
16 report?

17 MR. ARMSTRONG: Sure. Thank
18 you, Mr. Chairman.

19 The first item under my report
20 is the public hearing for the proposed resort
21 signage ordinance. As the board may be aware, if
22 you recall, at your last meeting you approved the
23 -- or you authorized for advertisement a proposed
24 electronic signage ordinance that would permit
25 electronic graphic signs for a resort use within

1 the commercial district in the township with
2 certain requirements and limitations associated
3 therewith.

4 It has been advertised for the
5 public hearing this -- this evening. It was
6 advertised in the Pocono Record on October 27 and
7 November 3. It's been available at the township
8 office for public availability. You do have a
9 review letter from the Monroe County Planning
10 Commission. And in that letter there are some
11 comments and suggested revisions to the ordinance
12 Phyllis Haase and myself have discussed. We
13 actually do agree that there should be a revision
14 to clarify the video sign portion of the -- of the
15 proposed ordinance.

16 The catch is, if we were to
17 amend the ordinance this evening, we have to
18 forward it back to the Monroe County Planning
19 Commission for review, pursuant to the MPC and
20 provide for an additional 30-day review period.
21 The issue was, you know, in the definition section,
22 we have a definition for video sign, but then in

23 the actual specific requirements and limitations
24 within the actual body of the substantive
25 ordinance, it pretty much prohibits video signs.

9

1 So it's a way to clean up the proposed ordinance.
2 And I agree that the video sign aspect of the
3 ordinance should be taken out.

4 The question is, does the board
5 want to continue with the public hearing this
6 evening and amend it and revise it at next month's
7 -- at next month's meeting, but still hold the
8 hearing and potentially adopt the ordinance as is
9 this evening; or wait, send it back to the county
10 and proceed in that fashion?

11 I would -- I mean, I -- I -- I
12 think I understand the board may want to proceed
13 with the public hearing this -- this evening. I
14 would indicate that if there's no time crunch, it
15 would probably make sense to wait. But I guess
16 before I open the public hearing, what's the
17 board's pleasure on this?

18 MR. HOLAHAN: Move forward with
19 it?

20 MS. LAMBERTON: Yeah, I think
21 we should.

22 MR. MOYER: Yeah.

23 MR. ARMSTRONG: Everyone
24 understands the potential issue of the video sign
25 --

10

1 MR. HOLAHAN: Yes.

2 MS. LAMBERTON: Umm-hmm.

3 MR. ARMSTRONG: -- when and if
4 you adopt it?

5 Okay. What I will say is,
6 before we open the public hearing, there's such a
7 thing as the Pending Ordinance Doctrine. And it's
8 my understanding that this evening you will be
9 authorizing an amendment to this ordinance,
10 amending the ordinance that you may adopt this
11 evening to -- to remove the video sign. And by
12 doing so, you're making the public aware that the
13 ordinance will be corrected and amended in a timely
14 fashion next month to -- to cure any potential
15 issues that may come about.

16 MR. HOLAHAN: Right.
17 MR. ARMSTRONG: Okay? So with
18 that, I think we can open the public hearing.
19 Are there any questions or
20 comments from the board of supervisors at this time
21 with respect to the proposed electronic signage
22 ordinance that's before you?
23 MR. HOLAHAN: I have none.
24 MR. MOYER: I have none.
25 MS. LAMBERTON: I have none.

11

1 MR. ARMSTRONG: Are there any
2 questions or comments from the public on the
3 proposed ordinance?
4 Seeing none.
5 MR. HOLAHAN: Do I have a
6 motion to close the hearing then?
7 MS. LAMBERTON: So moved.
8 MR. MOYER: Second.
9 MR. HOLAHAN: Got a motion and
10 a second.
11 Further discussion from the
12 board?

13 Anything from the public?
14 Hearing none. I'll call the
15 vote.
16 Heidi?
17 MS. PICKARD: I vote in favor.
18 MR. HOLAHAN: Donald?
19 MR. MOYER: I vote in favor.
20 MR. HOLAHAN: Anne?
21 MS. LAMBERTON: I vote in
22 favor.
23 MR. HOLAHAN: And I vote in
24 favor. Motion carries.
25 MR. ARMSTRONG: Was that to

12

1 close?
2 MR. HOLAHAN: That was to
3 close.
4 MS. LAMBERTON: Yes.
5 MR. HOLAHAN: Okay. Do I have
6 a motion to adopt the Ordinance 517 permitting
7 electronic graphic -- we're going to amend that.
8 Well, let's just go through it. Permitting an

9 electronic or a video sign for the resort use and
10 establishing restrictions for the same in amending
11 Section 155 dash 20 to include a definition for
12 electronic graphic signs, monument sign and video
13 sign.

14 So do I have a motion?

15 MR. MOYER: So moved.

16 MR. HOLAHAN: Do I have a
17 second?

18 I'll second.

19 We've got a motion and second.

20 Further discussion from the
21 board?

22 How do we go about amending this
23 after we pass it?

24 MR. ARMSTRONG: Well, let's --
25 you have the motion and a second --

13

1 MR. HOLAHAN: Right.

2 MR. ARMSTRONG: -- vote on that
3 and then we can proceed thereafter.

4 MR. HOLAHAN: Okay.

5 Further discussion from the

6 board?
7 Anything from the public?
8 Hearing none. I'll call the
9 vote.
10 Heidi?
11 MS. PICKARD: I vote in favor.
12 MR. HOLAHAN: Donald?
13 MR. MOYER: I'll vote in favor.
14 MR. HOLAHAN: Anne?
15 MS. LAMBERTON: I'll abstain.
16 MR. HOLAHAN: I vote in favor.
17 Motion carries.
18 MR. ARMSTRONG: Okay. Now,
19 it's been up -- the board has been informed of a --
20 a correction that is needed -- an amendment that is
21 needed that has been pointed out by the Monroe
22 County Planning Commission. And therefore, at this
23 point in time, if the board would like to authorize
24 the amendment to the Ordinance 517 to eliminate any
25 and all references to video sign and the definition

2 county planning commission's review letter, it
3 would be appropriate at this time.

4 MR. HOLAHAN: Okay. So --

5 MS. PICKARD: I'll make a
6 motion to authorize the advertising?

7 MR. ARMSTRONG: Yes.

8 MS. PICKARD: The amendment to
9 --

10 MR. ARMSTRONG: To eliminate
11 the reference to video signs in the letter.

12 MR. HOLAHAN: We've got a
13 motion.

14 Do I have a second?

15 MR. MOYER: I'll second.

16 MR. HOLAHAN: We have a motion
17 and a second.

18 Further discussion from the
19 board?

20 Anything from the public?

21 Hearing none. Call the vote.

22 Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. HOLAHAN: Donald?

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

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: And I vote in
4 favor. Motion carries.

5 MR. ARMSTRONG: Okay. With
6 that being said, I'll be forwarding the legal
7 notice and revised ordinance to Phyllis for -- to
8 be advertised for your next meeting.

9 MR. HOLAHAN: Great. Thank
10 you, Patrick.

11 MR. ARMSTRONG: There is
12 nothing else under my report, Mr. Chairman. I do
13 have some executive session items to discuss after
14 the meeting with respect to litigation, you know,
15 potential legal issues moving forward.

16 MR. HOLAHAN: Okay.

17 MR. ARMSTRONG: And I will have
18 some comments on additional items on the agenda,
19 but I can wait until they come up.

20 MR. HOLAHAN: Thank you. Okay.
21 Let's go to committee reports.
22 Pocono Mountain Regional EMS.
23 Do you have anything, Heidi?

24 MS. PICKARD: As I mentioned,
25 we did move to order a new vehicle, so we're

16

1 excited about that. And just we're taking a look
2 at some things, we have had, you know, some
3 difficulty with our budget this year because we're
4 seeing a substantial decline in billing revenue.

5 So that's all.

6 MR. HOLAHAN: Okay. Thank you.

7 Anything from the Pocono
8 Mountain Regional Police Commission?

9 MS. HAASE: Yes, sir. First
10 I'd like to announce that the meeting in observance
11 of Veteran's Day has been moved to this Thursday,
12 at seven o'clock and the meeting will be held here
13 at Tobyhanna Township. A few months ago we
14 received amortization schedule for the current loan
15 that initially was taken out approximately 10 years
16 ago for \$2 million. That loan is at five
17 percent -- 4.9 percent interest rate.

18 Tobyhanna Township had
19 approached the commission members requesting that

20 they look in refinancing the loan. And I'm happy
21 to say they've come back with a rate of three
22 percent. So we'll be saving approximately \$800 per
23 month on the loan payment. We will be re -- need
24 to adopt a resolution for ESSA. That needs to be
25 reworked with our solicitor, so we may need to have

17

1 a special meeting before the end of the month, but
2 I do anticipate a draw request from Kalahari. So
3 we could handle it at that time.

4 MR. HOLAHAN: Great.

5 Anything on open space?

6 MS. PICKARD: No, not at this
7 time.

8 MR. HOLAHAN: Good. Let's go
9 to old business. The sewer authority letters of
10 interest.

11 MS. HAASE: Yes, sir. We've
12 advertised and we have received one letter as of
13 this date. The position that's currently being
14 held by Mr. Holahan, his term will be up at the end
15 of December. So we're suggesting that we keep that
16 open until December and then appoint all three

17 positions.

18 MR. HOLAHAN: Okay. Proposed
19 zoning ordinance. This is just something we do
20 every month.

21 MS. HAASE: But with that being
22 said, the board has been looking at the digital
23 signage in our commercial districts. We've been
24 receiving interest from new business owners, the
25 direction the board would like to go. I've advised

18

1 them that you are looking at it and addressing
2 their concerns. However, it would be helpful to
3 know your feedback, to know -- so I have some idea
4 of what type of ordinance to start working on with
5 our zoning officer and also our solicitor.

6 I don't know if anyone's had the
7 chance to really think through of what they would
8 like to see out there, but we need some kind of a
9 direction in order to put the ordinance together.

10 MS. LAMBERTON: Could we get
11 some feedback from the business owners and maybe
12 some visual signs that we could look at?

13 MS. HAASE: Yes, ma'am. I
14 actually spoke to one of the business owners today
15 and they were going to forward me the sign that
16 they're looking at. However, I had not received
17 that by the time of our meeting.

18 MS. LAMBERTON: Okay.

19 MS. HAASE: So as soon as I do
20 receive that, I'll circulate that and then maybe
21 you could just forward me your comments.

22 MS. PICKARD: We just received
23 that information that Maureen had sent out for what
24 that was worth on those too, but I haven't had a
25 chance to look at that.

19

1 MS. LAMBERTON: I didn't get
2 through them all either.

3 MS. HAASE: That's something
4 we're not going to be focusing on exactly the way
5 it's written because we're going to have to take
6 your comments of what you'd like to see and work
7 that into an ordinance. We cannot find anything
8 that I think is going to fit us --

9 MS. PICKARD: Well, we have --

10 what about the proposed ordinance that we already
11 had gone through --
12 MS. HAASE: It's -- we're going
13 to have to --
14 MS. PICKARD: -- is that a
15 starting point?
16 MS. HAASE: I would --
17 MS. PICKARD: What is the
18 problem with what is missing there? 'Cause I know
19 I went through a lot of those --
20 MS. HAASE: I can circulate
21 that to the board again.
22 MS. PICKARD: Hmm?
23 MS. HAASE: I can circulate
24 that to the board again, it's quite restrictive.
25 MS. PICKARD: Well, it's on our

20

1 portal.
2 MS. HAASE: If you -- yeah, it
3 is on the portal.
4 MR. HOLAHAN: It's been on the
5 portal.

6 MS. PICKARD: With the rest of
7 the --

8 MR. HOLAHAN: I think it's one
9 of those things that it's -- I think there was a
10 Supreme Court Justice said, referring to something,
11 I'll know it when I see it, if I like it or not.
12 So that -- I mean, that's the difficulty with the
13 signs knowing the -- the multitude of choices that
14 people can do with digital signs.

15 Frankly, we just don't want to
16 light up the road, so we're trying to figure out
17 the best way to take care of this. I think we're
18 just going to have to go back to the zoning
19 ordinance or the sign ordinance again and take a
20 look at that.

21 MS. HAASE: Okay.

22 MR. HOLAHAN: Right? We're not
23 going to be -- we can't solve that now.

24 MR. MOYER: No.

25 MR. HOLAHAN: All right. Let's

21

1 move on.

2 The Blakeslee Route 940 sanitary

3 sewer extension.

4 Do you have any update on --

5 MS. HAASE: No, sir. I think
6 that that actually is kind of on a hold until we
7 know what direction we're going with the wastewater
8 treatment plant.

9 MR. HOLAHAN: Okay. So the
10 same thing with the potential sale of the
11 wastewater treatment plant?

12 MS. HAASE: Well, the board had
13 requested that I get quotes on an appraisal for the
14 sewer plant.

15 MR. HOLAHAN: Yes.

16 MS. HAASE: That's -- I'm not
17 able to find anyone to do an -- a certified
18 appraisal. What they actually would provide to us
19 is a valuation, which is somewhat different. We
20 did receive a proposal from RETTEW, who is also
21 working with us as an engineering firm, so they
22 submitted their proposal. The board had asked for
23 multiple quotes, so I am still waiting on two other
24 ones.

25 MR. HOLAHAN: Okay.

1 MS. PICKARD: Did you talk to
2 BCM?

3 MS. HAASE: I have been in
4 contact with them.

5 MS. PICKARD: Okay. I just had
6 a question for Pat as far as, if we were selling
7 the plant, would we need an appraisal or a
8 valuation would be sufficient?

9 MR. ARMSTRONG: Well, when this
10 came up, you know, we were thinking the term would
11 be an appraisal, but the actual term of art is a
12 valuation. We looked into it and it's a valuation
13 for a sewage plant -- for a sewage treatment plant
14 like your -- like Tobyhanna.

15 MS. PICKARD: Do they require
16 to valuation or --

17 MR. ARMSTRONG: No. Believe it
18 or not, there's no requirement to bid it out.
19 Obviously you want to get a valuation and obviously
20 you may want to bid it out, irregardless of the
21 fact that it's not required. And the reason I say
22 that is, because the -- if the potential purchaser
23 is a public utility, which this may be, it's one of

24 the exemptions with respect to bidding. But it's
25 still recommended -- I mean, I'd still recommend

23

1 you get a valuation and bid it out. It just makes
2 sense, you get a better bang for your buck.

3 MR. MOYER: Yeah.

4 MR. HOLAHAN: Well, we pretty
5 much know what we need to crack the nut.

6 MS. LAMBERTON: Right.

7 MR. MOYER: Yeah.

8 MS. LAMBERTON: We need to see
9 where that fits in with the valuation.

10 MR. HOLAHAN: Absolutely.

11 Okay. Let's go on to the next
12 thing under here.

13 Kalahari Resorts land
14 development revisions.

15 MS. HAASE: We have not
16 received the resubmittal, so I request the board to
17 consider tabling.

18 MR. HOLAHAN: Okay. Let's
19 table it.

20 Go to new business. Old Route

21 940 bridge rehabilitation project, Phase 9.

22 MS. HAASE: Mr. Chairman, you
23 skipped over my report.

24 MR. HOLAHAN: Why would I do
25 that?

24

1 MS. HAASE: I know you would
2 prefer not to hear --

3 MS. LAMBERTON: There's a
4 reason.

5 MS. HAASE: -- this lengthy
6 list, but --

7 MR. MOYER: You said you were
8 going to do that.

9 MR. HOLAHAN: I mean, it's
10 pretty easy, it's one, two, three, four and I just
11 skipped right over to seven.

12 MS. HAASE: I understand that
13 --

14 MR. HOLAHAN: Let's go to that
15 before we get into the real -- real stuff.

16 MS. HAASE: Thank you. I

17 appreciate that. I have a few items that, of
18 course, I'm certain everyone is aware, that our
19 Pennsylvania 40th State District, Senator Elect
20 will be Mario Scavello and Pennsylvania's State
21 Representative District 176, our State
22 Representative Elect was Jack Rader. And
23 Representative Mike Carroll will no longer be in
24 this district. If it would be the pleasure of the
25 board to send him a letter thanking him for his

25

1 service.

2 MS. LAMBERTON: Yes,
3 absolutely.

4 MR. MOYER: Yes. He was a lot
5 of help.

6 MS. HAASE: Umm-hmm.

7 MS. HAASE: We --

8 MR. HOLAHAN: Let's make --
9 let's make that -- let's make this an auspicious
10 occasion. Let's make that in form of a motion,
11 that we'll motion to write a letter to Mike Carroll
12 thanking him for the service he's provided to this
13 township.

14 MS. LAMBERTON: So moved.
15 MS. PICKARD: Second.
16 MR. HOLAHAN: Okay. Motion and
17 a second.
18 Further discussion from the
19 board?
20 Anything from the public?
21 Hearing none. I'll call the
22 vote.
23 Heidi?
24 MS. PICKARD: I vote in favor.
25 MR. HOLAHAN: Donald?

26

1 MR. MOYER: I'll vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: I vote in
4 favor.
5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.
7 MS. HAASE: Thank you, sir.
8 The next item, we've had an
9 issue at the wastewater treatment plant with

10 regards to the Headworks building. We have an
11 issue with the condensation inside of the building.
12 Due to the methane gas in the building, we have
13 certain requirements with the electrical code in
14 order to safely install what is needed. It is one
15 of the highest ranking, it's a Class 1, Division 1.

16 RETTEW has put together a
17 suggestion for us and actually Mr. Jim Hendricks is
18 with us this evening as a resident, but I'm going
19 to ask him to chime in a little bit. The
20 condensation that is occurring in the Headworks
21 building is what our biggest concern is. We had an
22 issue last year with the sand filter, which caused
23 us actually to build the entire new structure. It
24 certainly is something that I don't want to be
25 faced with especially during our current

27

1 negotiations.

2 In front of you, I have placed
3 the email from Mr. Hendricks today. And they are
4 proposing a budget amount of 2300 for the mat -- to
5 include general service phase of time and materials
6 based with a recommended budget of \$2300. And this

7 would include the site visits and providing the
8 sketches.

9 I don't know, Jim, is there
10 anything else you wanted to add to that situation
11 that we have out there? I know I'm putting you on
12 the spot when you're off tonight, but --

13 MR. JIM HENDRICKS: Oh, no
14 that's fine. Would you like more explanation?

15 MR. HOLAHAN: Sure.

16 MR. JIM HENDRICKS: The ongoing
17 problem with the -- both of the buildings was the
18 condensation in the buildings with the high
19 humidity environment especially when the time of
20 the year changes and you start gathering that
21 condensation. My understanding is that the
22 Headworks building at some point in time is going
23 to need to be replaced or rebuilt, but we want to
24 prolong that until perhaps even the township
25 doesn't even own that and we need more time.

28

1 So one of the things that we've
2 recommended is, to adjust the controls in the

3 building, which are set up now because of life
4 safety, that if anyone enters that building, the
5 supply fans and exhaust fans must be on. Those
6 fans are controlled strictly from the light switch.
7 So if you turn on the lights to go in the building,
8 you are entering a safe environment. However,
9 there's no way to run those fans other than that
10 except to leave the lights on 24/7.

11 So we are recommending that we
12 look at installing some other controls perhaps
13 operated by humidistat. We'll still have to
14 provide the life safety controls, but a timer or
15 humidistat, it would keep the humidity and the
16 condensation down and perhaps prolong the life of
17 that building. So that's what we're proposing. We
18 have a consultant that we work with on many sewer
19 treatment plants who's well qualified for this
20 work.

21 I do not have any confidence in
22 the drawings that we have as as-builts. And, you
23 know, besides the normal problems, sometimes you
24 don't get built what's on the plans. The plans are
25 relatively inadequate, so we would like to bring

1 him out, have him take a look at the plant and the
2 controls and then come up with a sketch just to go
3 over it, then give to an electrician or maybe you
4 have someone that's qualified in-house to do that
5 work. There would be a plan of what to do and you
6 know you'd have it right, it'd be engineered. So
7 at the same time we would also take a look at a
8 humidistat in the sand filter building.

9 MR. HOLAHAN: Okay. We still
10 own this. We still own this building.

11 MS. LAMBERTON: It doesn't
12 sound too extreme though.

13 Any idea of cost, Jim, or am I
14 being premature?

15 MR. JIM HENDRICKS: You're not
16 being premature, but I don't have the answer to
17 your question.

18 MS. LAMBERTON: It doesn't
19 sound that intense, that's the only reason I'm
20 saying --

21 MR. JIM HENDRICKS: No. We had
22 proposed at one a time a dehumidifier for the sand
23 filter building and that was going to be on the
24 order of several thousand dollars. I think now

25 what we're talking about is some controls and

30

1 equipment that are going to be a one day project
2 installed by someone. So probably you're looking
3 at maybe two grand or something of that nature.

4 MR. MOYER: Right, right.

5 MS. LAMBERTON: Thank you.

6 MR. JIM HENDRICKS: Any other
7 questions?

8 MR. HOLAHAN: Just a regular
9 bath fan isn't going to cut it on this thing?

10 MR. JIM HENDRICKS: We already
11 tried that.

12 MR. MOYER: Thanks, Jim.

13 MR. HOLAHAN: So, Phyllis,
14 you're looking for us to let you know if -- keep
15 moving forward with RETTEW on this?

16 MS. LAMBERTON: I don't think
17 we have a choice.

18 MS. HAASE: That is correct,
19 sir.

20 MR. HOLAHAN: I'll agree.

21 MS. LAMBERTON: Do we need a
22 motion?
23 MR. HOLAHAN: Yeah. Let's take
24 it as a motion.
25 Do I have a motion to have

31

1 RETTEW move forward, recommended budget not to
2 exceed \$2300?
3 MS. LAMBERTON: So moved.
4 MR. MOYER: Second.
5 MR. HOLAHAN: Got a motion and
6 a second.
7 Further discussion from the
8 board?
9 Anything from the public?
10 Hearing none. I'll call the
11 vote.
12 Heidi?
13 MS. PICKARD: Vote in favor.
14 MR. HOLAHAN: Donald?
15 MR. MOYER: I'll vote in favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I vote in

18 favor.

19 MR. HOLAHAN: And I vote favor.

20 Motion carries.

21 Thanks, Jim.

22 MS. HAASE: Thank you, sir.

23 I just want to remind the board

24 Tuesday, November 18, from 5 to 7, Randall Arendt

25 will be conducting a workshop at the township,

32

1 reinventing the commercial corridor. They'll be

2 looking at the eastern end of the township with

3 suggestions of maybe how we can proceed.

4 MR. HOLAHAN: Okay.

5 MS. HAASE: In September I was

6 tasked with arranging a meeting with Coolbaugh

7 Township with the hopes of getting all of the

8 municipalities together, the police commission. I

9 just wanted to report back to the board that I've

10 made numerous attempts; however, I've been unable

11 to be successful there.

12 MR. HOLAHAN: Are you

13 capitulating or are you going to stay on top of

11 on it, so me and you. I'll go.

12 MS. PICKARD: Okay. Good.

13 MR. HOLAHAN: We'll take care
14 of it then.

15 MS. HAASE: Thank you.

16 Two months ago I reported that
17 the emergency operation plan, the updates to the
18 NARM needed to be done. I have completed it.
19 However, upon my completion, I was informed by the
20 county that FEMA has changed the template. So I
21 will begin that task once again. So hopefully I
22 will have it to you by January.

23 The township was informed
24 September 4 from Coolbaugh Township that they would
25 not be renewing our current intermunicipal

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1 agreement for our township residents and the
2 township itself to use the Beast. This piece of
3 machinery was purchased in 2004 through a grant.
4 In the grant application, it was noted in many
5 areas that the equipment would be used by
6 surrounding municipalities.

7 So since that agreement is going
8 to be ending next month, I'll report once again in
9 December to the board. If in fact we have not
10 received a new agreement, then perhaps we should
11 have Pat look into this. So at least we can know
12 what direction we're going to go and advise our
13 residents they'll no longer be allowed to use that,
14 if that's the case.

15 The roof at the wastewater
16 treatment plant has been completed. And I'd like
17 to announce to the board that it will be
18 advertising for a per diem CDL driver for this
19 winter. I had the opportunity on October 8 to meet
20 with Tunkhannock Township, Pocono Mountain Fire
21 Department, Pocono Summit, of course Toby. We
22 participated in a lunch and learn. We had some
23 representation from our board as well that
24 attended.

25 The goal is to look at

1 recruitment and retention of volunteers, which we
2 know we have an issue right now. So certainly the
3 concern of our governing body and myself is the

4 safety of our residents in our community. So we're
5 going to be looking at how we can proceed with
6 making certain that we have the quality of service
7 that we have currently.

8 I have reached out to a PR firm
9 and once I get the quote back from that, I will
10 consider if that is something that I can encumber
11 through our budget. Even though it may be
12 recruiting volunteers for surrounding
13 municipalities, it's still vitally important. So I
14 think it's something that we'll look at taking on.

15 And that is all I have at this
16 point.

17 MR. HOLAHAN: Okay. Let's move
18 on to new business then. Item A, Old Route 940
19 bridge rehabilitation project, Phase 9.

20 MS. HAASE: Yes, sir. We are
21 at the point that we can proceed with Phase 9. The
22 cost of that phase is \$2700. And that will be
23 putting the bid packets together, RETTEW will put
24 that together and present it to my office and then
25 we can advertise. We hope to have everything back

1 by -- by either end of February or March, the bids,
2 so the construction can begin the end of the
3 spring.

4 MR. HOLAHAN: Very good. Move
5 on to consider the Blakeslee Home Improvements land
6 development plan.

7 MS. HAASE: The board is
8 comfortable with the fee of \$2700, I'm authorized
9 to move forward?

10 MR. HOLAHAN: Oh, yeah. I'm
11 sorry, yes.

12 MS. HAASE: Okay. Thank you.

13 MR. HOLAHAN: Yes?

14 MS. LAMBERTON: I'm sorry.

15 MR. MOYER: Yeah, okay.

16 MR. HOLAHAN: Okay. Next, the
17 Blakeslee Home Improvement.

18 MS. HAASE: Yes, sir. This
19 project has been in front of the planning
20 commission. The planning commission has
21 recommended approval upon certain conditions. It's
22 a pretty straightforward plan. The surveyor, Mr.
23 Courtright, is here if there's any questions, but
24 it appears to be a pretty straightforward approval.

25

I don't know, Brian, is there

37

1 anything you wanted to add?

2 MR. BRIAN COURTRIGHT: No, just
3 the basic turning a house into an office, put a
4 parking lot in, that's about it.

5 MR. HOLAHAN: They needed you
6 for that?

7 MR. BRIAN COURTRIGHT: Can you
8 believe it?

9 MR. HOLAHAN: Okay. So do we
10 need to --

11 MR. ARMSTRONG: If the board is
12 --

13 Anne, you were at the planning
14 commission last week. The board should receive the
15 correspondence with respect to the recommendation
16 from the planning commission.

17 The recommendation from the
18 planning commission, if the board of supervisors
19 were willing to entertain a motion approving a plan
20 conditional thereon, would be conditional upon the
21 applicant complying with the requirements and

22 restrictions set forth in the October 29, 2014
23 township engineer review letter; as well as the
24 applicant providing the additional landscaping,
25 including some deciduous trees and shrubbery to be

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1 arranged in a staggered manner along the back and
2 front yard of the property; as well as installing
3 the required shields and shielding for the light
4 posts --

5 MR. BRIAN COURTRIGHT: Along
6 the lights.

7 MR. ARMSTRONG: -- in the
8 parking lot.

9 MR. HOLAHAN: Right.

10 MR. BRIAN COURTRIGHT: I did
11 drop off revised plans this morning. I'm sure Bob
12 didn't have a chance to look at them.

13 MR. ARMSTRONG: What I -- what
14 I would suggest is if -- if that's the direction
15 the board is going to go, at least make it
16 conditional upon the township engineer approving
17 the revised landscaping plans as submitted by the

18 applicant.
19 MS. LAMBERTON: So moved.
20 MR. MOYER: Second.
21 MR. HOLAHAN: We've got a
22 motion and second to approve the land development
23 plan for the Blakeslee Home Improvement.
24 Further discussion from the
25 board?

39

1 Anything from the public?
2 Hearing none. I'll call the
3 vote.
4 Heidi?
5 MS. PICKARD: I vote in favor.
6 MR. HOLAHAN: Donald?
7 MR. MOYER: I'll vote in favor.
8 MR. HOLAHAN: Anne?
9 MS. LAMBERTON: I vote in
10 favor.
11 MR. HOLAHAN: I vote in favor.
12 Motion carries.
13 MR. ARMSTRONG: The one other
14 item with respect to this is, they did request

15 waivers of the subdivision and land development
16 ordinance. And those waivers would be from section
17 -- SALDO Sections 135-15.A(15), Section 135-17.I,
18 Section 135-12.D(2) and Section 135-17.L and M.

19 MR. HOLAHAN: Okay. Next,
20 let's get on to --

21 MS. LAMBERTON: Well, you need
22 a motion.

23 MR. HOLAHAN: Oh, do we need --
24 okay.

25 Do I have a motion?

40

1 MS. LAMBERTON: So moved.

2 MR. HOLAHAN: And a second?

3 MR. MOYER: I'll second.

4 MR. HOLAHAN: Got a motion and
5 a second to approve with the SALDO waivers as
6 stated by our solicitor.

7 Any further discussion from the
8 board?

9 Anything from the public?

10 Hearing none. I'll call the

11 vote.

12 Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Donald?

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

16 MS. LAMBERTON: I'll vote in
17 favor.

18 MR. HOLAHAN: Annie? And I
19 vote in favor. Motion carries.

20 MR. ARMSTRONG: There's just
21 one other item. The reason I'm bringing it up is
22 before the meeting I started to -- I actually spoke
23 with Mr. Courtright. And typically with land
24 development projects, you know there's always a
25 financial security requirement for the applicant.

41

1 For this particular project, it's my understanding
2 there's no storm water management improvements
3 being proposed or required. There is some paving,
4 which I don't know if -- if the board wanted to
5 require a financial security for that and the
6 landscaping along the backside and the front of the
7 property.

8 Mr. Courtright was inquiring as
9 to what --

10 I believe, you were going to ask
11 what the board wanted to require with respect to
12 financial securities. At the planning commission I
13 think we mentioned maybe the landscaping. The
14 pavement, is there existing pavement there, it's --

15 MR. BRIAN COURTRIGHT: It's all
16 stone.

17 MR. ARMSTRONG: It's all stone.
18 So it's really the will of whatever the board of
19 supervisors wants at this point.

20 MS. LAMBERTON: Well, they
21 won't get their certificate of occupancy unless
22 it's done, right?

23 MR. ARMSTRONG: Yeah, but
24 remember when -- I mean, the real -- I guess the
25 real issue from the township's perspective, as Bob

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1 indicated, was the screening requirement and the
2 plantings. And what the -- the financial security,
3 yes, it ensures that they actually install it, but

4 also don't forget after they get their C of O,
5 there's still an 18 month maintenance period that a
6 portion of that security will be maintained by the
7 township for 18 months.

8 So in the event one of those --

9 MR. BRIAN COURTRIGHT: A tree
10 dies.

11 MR. ARMSTRONG: -- a bunch of
12 those trees died and they're already in the
13 building, and you come back to them, if you don't
14 have the financial security and say, hey, you got
15 to replace them; if they say no, you don't have any
16 security there. That's the only thing I'll say
17 with respect to that.

18 MS. LAMBERTON: So what's a
19 fair dollar amount?

20 MR. ARMSTRONG: I think he's in
21 the process of looking.

22 MR. BRIAN COURTRIGHT: Unless
23 you want to think of something. There's not that
24 many trees, I tell you the truth.

25 MR. HOLAHAN: One million

1 you.

2 MS. LAMBERTON: Do we need a
3 motion for that or are we okay?

4 MR. ARMSTRONG: No, I think --
5 I think you're okay.

6 MR. BRIAN COURTRIGHT: Thank
7 you, folks.

8 MR. MOYER: Thank you.

9 MS. LAMBERTON: Have a good
10 night.

11 MR. HOLAHAN: Consider
12 Resolution 2014 dash 19, authorization to submit
13 the PennDOT application for Routes 115/940 existing
14 traffic signal and retiming. It's for the Arcadia
15 Project. All right. Let's open that one up.

16 MS. LAMBERTON: I'll make a
17 motion.

18 MS. PICKARD: I'll second it.

19 MR. ARMSTRONG: If --

20 MS. LAMBERTON: I'm sorry.

21 MR. ARMSTRONG: That's okay.

22 I'll just -- these are -- this
23 is for the traffic signals, right?
24 MS. HAASE: Yes.
25 MR. ARMSTRONG: The one is for

45

1 the intersection at 115 and 940, which you should
2 -- you should vote on separately.
3 MR. HOLAHAN: Okay.
4 MR. ARMSTRONG: I will just
5 note that these application for traffic signal, the
6 blue forms are, you know, the routine forms from
7 PennDOT; but some things you should be aware of,
8 when you move forward with this, you're committing
9 that the township's going to own, operate and
10 maintain these traffic signals. And from all --
11 and from the perspective of PennDOT, the township
12 will be responsible for these traffic signals. And
13 that you're required to -- you know, there's a
14 whole maintenance schedule with respect to how the
15 township maintains these traffic signals.
16 The next one, and I'll talk
17 about them both even though they'll be separate
18 motions. The next one is for the State Route 115

19 and the Commercial Boulevard.

20 MR. HOLAHAN: Right.

21 MR. ARMSTRONG: That traffic
22 signal, there's actually an agreement that the
23 township entered into back in December of 2012 with
24 S.I.D.E. and Arcadia, that they will be responsible
25 for the ongoing maintenance of those traffic

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1 signals, which is great. But just be aware that
2 when you apply with PennDOT, PennDOT's going to
3 look at you as the applicant. Granted, we're going
4 to look back to S.I.D.E. and Arcadia, but from the
5 perspective of PennDOT, they're going to be looking
6 towards the township for the maintenance
7 requirements if they're the same.

8 MR. HOLAHAN: Got it.

9 MS. HAASE: To be clear, one is
10 for retiming and the other application is for a new
11 signal.

12 MR. HOLAHAN: Okay.

13 MR. ARMSTRONG: Yeah, 115 and
14 Commercial Boulevard would be for the new signal.

15 MR. HOLAHAN: Okay. So do I
16 have a motion approving Resolution 2014-19,
17 authorization for the retiming?
18 MS. LAMBERTON: So moved.
19 MS. PICKARD: I'll second.
20 MR. HOLAHAN: I've got a motion
21 and second.
22 Further discussion from the
23 board?
24 Anything from the public?
25 Hearing none. I'll call the

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1 vote.
2 Heidi?
3 MS. PICKARD: I vote in favor.
4 MR. HOLAHAN: Donald?
5 MR. MOYER: I'll vote in favor.
6 MR. HOLAHAN: Anne?
7 MS. LAMBERTON: I vote in
8 favor.
9 MR. HOLAHAN: I vote in favor.
10 Motion carries.
11 Next, consider Resolution 2014

12 dash 20, application for the new traffic signal for
13 the Arcadia Project at 115 and Commercial
14 Boulevard.

15 MS. LAMBERTON: So moved.

16 MR. HOLAHAN: Hold up.

17 MR. ARMSTRONG: Sorry, guys.

18 Phyllis just reminded me, she indicated earlier
19 that Arcadia Properties has an outstanding balance
20 for purposes of reimbursing the township for their
21 land development plan.

22 MS. LAMBERTON: We'll approve
23 when they pay it?

24 MR. ARMSTRONG: So what you may
25 want to do with the --

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1 MS. LAMBERTON: We'll approve
2 it --

3 MR. ARMSTRONG: Make it
4 conditional --

5 MS. LAMBERTON: -- upon their
6 payment?

7 MR. ARMSTRONG: Bringing their

8 balance up to speed.

9 MS. LAMBERTON: Okay.

10 MR. HOLAHAN: Is that part of

11 your motion?

12 MS. LAMBERTON: That'll be part

13 of my motion.

14 MR. HOLAHAN: And a second?

15 MS. PICKARD: Yeah, I'll second

16 it.

17 MR. HOLAHAN: Further

18 discussion from the board?

19 Anything from the public?

20 Hearing none. I'll call the

21 vote.

22 Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. HOLAHAN: Donald?

25 MR. MOYER: I vote in favor.

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1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I vote in

3 favor.

4 MR. HOLAHAN: I vote in favor.

5 Motion carries.

6 Now we're on to Arcadia
7 Properties, New Ventures Park reimbursement
8 agreement discussion. We're just dominating this.

9 MS. LAMBERTON: Umm-hmm.

10 MS. HAASE: PennDOT had sent
11 over in October a reimbursement agreement they've
12 put together with New Ventures and Arcadia -- for
13 New Ventures and Arcadia Properties. I skimmed
14 through the agreement and I had multiple concerns
15 with this document. I forwarded it to our
16 engineer, as well as our traffic engineer. They
17 all came back with the same concerns and some
18 additional concerns.

19 We forwarded that to Mr.
20 Armstrong, he has multiple items too that he's
21 tagged. Yesterday I had a conference call with
22 Andy Baldo from Arcadia Properties. He agrees with
23 many of the concerns that we have. He said that
24 PennDOT did not forward this agreement to them
25 prior to forwarding it to the township.

1 So our recommendation is for Pat
2 to go through this document, to note his concerns,
3 as well as already been presented to him. And then
4 we would forward that to PennDOT, as well as
5 Arcadia and S.I.D.E. Corp. Because as it stands
6 right now, it wouldn't be acceptable for the board
7 to adopt.

8 MR. HOLAHAN: Looks like Bob
9 did a pretty thorough job on his --

10 MS. LAMBERTON: Yeah, his
11 comments.

12 MR. HOLAHAN: Which was noted
13 by their engineer.

14 MR. MOYER: Once everybody's in
15 the loop, we'll look at it again.

16 MR. HOLAHAN: Okay. Let's go
17 on to the next thing then.

18 MR. ARMSTRONG: So the board
19 wants -- you want me to incorporate Bob's in my
20 comments --

21 MR. HOLAHAN: Yes.

22 MR. ARMSTRONG: -- and the
23 issues with those, put into the agreement and
24 forward that on to PennDOT?

25 MR. HOLAHAN: Yes, please.

1 MR. ARMSTRONG: Just so I'm
2 clear, because in my correspondence I should
3 probably take the definitive position, the
4 township -- you don't want to own or be responsible
5 for the ongoing maintenance on Commercial
6 Boulevard?

7 MR. HOLAHAN: No.

8 MS. LAMBERTON: That was never
9 discussed.

10 MS. HAASE: I did reach out to
11 S.I.D.E. Corp. just to confirm and he said at no
12 time was that ever discussed --

13 MS. LAMBERTON: No.

14 MS. HAASE: -- presenting it to
15 the township for dedication.

16 MR. HOLAHAN: Consider
17 Resolution 2014 dash 021, approving the Slutter
18 property to be added to the Jackson Township
19 Agricultural Security Area.

20 MS. HAASE: Yes, sir. In May
21 of 2014, this was in front of the board. The board
22 did adopt this by resolution.

23 MR. HOLAHAN: Umm-hmm.

24 MS. HAASE: It was sent to
25 Tunkhannock Township because they would have to do

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1 the same. Tunkhannock Township on June 16 issued a
2 letter and basically stated that they were unable
3 to accept the application to include the property
4 in Tunkhannock Township Agricultural Secured
5 Area. They do not give a reason, but they said in
6 -- in the future time if they decided to address
7 it, that they would let the Slutters know.

8 The Slutters had reached out to
9 the county and the county had recommended they
10 contact Jackson Township, which is part of this.
11 Jackson did approve and submit the resolution
12 allowing the property to be joined into the area.
13 So the next step would be for Tobyhanna Township to
14 adopt a resolution as well. My one question I had,
15 the regulation speak to the properties need to be
16 contiguous. We did reach out to the county and the
17 county did confirm today in writing that the
18 Slutter property may be joined. The state does

19 allow this within the language of the state
20 guidelines.

21 MR. HOLAHAN: Okay.

22 MS. PICKARD: I'll make that
23 motion.

24 MS. LAMBERTON: Second.

25 MR. HOLAHAN: We got a motion

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1 and a second to approve the resolution approving
2 the Slutter property to be added to the Jackson
3 Township Agricultural Security Area.

4 Further discussion from the
5 board?

6 Anything from the public?

7 Hearing none. I'll call the
8 vote.

9 Heidi?

10 MS. PICKARD: I vote in favor.

11 MR. HOLAHAN: Donald?

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

13 MR. HOLAHAN: Anne?

14 MS. LAMBERTON: I vote in
15 favor.

16 MR. HOLAHAN: I vote in favor.
17 Motion carries.
18 Aaron, it does get more exciting
19 than this actually.
20 MR. MOYER: All the good stuff
21 is coming.
22 MR. HOLAHAN: There's her ride.
23 MALE VOICE: What kind of
24 timing are they gonna put on that traffic light at
25 115 and 940? I mean, is it gonna favor 940 or is

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1 it gonna favor 115?
2 MR. HOLAHAN: They've already
3 done the study on it, so I don't know what the --
4 MS. HAASE: The study's already
5 been conducted and that was through the guidelines
6 of PennDOT, so PennDOT regulates that.
7 MR. HOLAHAN: Yeah, I don't
8 know what they are.
9 MALE VOICE: Based on the
10 traffic they --
11 MR. MOYER: Yeah, whatever aims

12 the traffic --

13 MS. HAASE: Thank you.

14 MR. HOLAHAN: I'll call you
15 later. Nice folks.

16 MS. LAMBERTON: Apparently.

17 MR. HOLAHAN: They bailed out
18 pretty quickly.

19 MALE VOICE: The Eagles are on
20 at eight o'clock.

21 MR. HOLAHAN: Well, let's make
22 this quick. Consider Resolution 2014 dash --

23 MALE VOICE: Keep going, it's
24 going good, we're doing good.

25 MR. HOLAHAN: Consider

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1 Resolution 2014 dash 022, appointing code
2 enforcement officer.

3 MS. HAASE: Yes, sir. I am
4 still tagged also as the zoning officer and code
5 enforcement officer. With the retirement of Mr.
6 Brogan, we now have appointed Maureen Minnick as
7 our zoning officer and now she will also need to be
8 appointed as the code enforcement officer.

9 MS. LAMBERTON: I'll make the
10 motion to approve Resolution 2014 dash 022
11 appointing the code enforcement officer.
12 MS. PICKARD: I'll second that.
13 MR. HOLAHAN: I've got a motion
14 and second to appoint Maureen Minnick as the code
15 enforcement officer.
16 Further discussion from the
17 board?
18 Anything from the public?
19 Hearing none. I'll call the
20 vote.
21 Heidi?
22 MS. PICKARD: I vote in favor.
23 MR. HOLAHAN: Donald?
24 MR. MOYER: I vote in favor.
25 MR. HOLAHAN: Anne?

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1 MS. LAMBERTON: I vote in
2 favor.
3 MR. HOLAHAN: I vote in favor.
4 Motion carries.

5 Congratulations, Maureen.

6 MS. LAMBERTON: Yes.

7 MR. HOLAHAN: Consider first
8 addendum to the Pocono Mountain School District
9 agreement regarding the traffic signal at 940 and
10 Panther Lane.

11 MS. HAASE: I'm proud to say
12 that after 10 years, we're getting close to
13 resolving this matter. Due to budgeting
14 constraints and not being budgeted with the school
15 district's 2014 into '15 budget, they have asked us
16 to extend the agreement. The township was in
17 agreement to that as long as it was only until
18 December of 2015, to take care of the issues that
19 are outstanding with PennDOT.

20 MR. HOLAHAN: Do we need a
21 motion for the addendum then --

22 MR. ARMSTRONG: Yes.

23 MR. HOLAHAN: -- Patrick?
24 Okay.

25 MS. LAMBERTON: I'll make a

1 motion to accept the first addendum to Pocono

2 Mountain School District agreement regarding the
3 traffic signal at State Route 940 and Panther Lane.

4 MR. MOYER: I'll second.

5 MR. HOLAHAN: I have a motion
6 and a second.

7 Further discussion from the
8 board?

9 Anything from the public?

10 Hearing none. I'll call the
11 vote.

12 Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Donald?

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

16 MR. HOLAHAN: Anne?

17 MS. LAMBERTON: I vote in
18 favor.

19 MR. HOLAHAN: And I vote in
20 favor. Motion carries. Okay.

21 We're at township auditors. We
22 need to advertise for letters of interest.

23 MS. LAMBERTON: Should we make
24 a motion?

25 MS. PICKARD: Do we need a

1 motion for that?

2 MS. HAASE: No. I don't know
3 if we need a motion, but I just wanted to make
4 certain the board was aware that we had two seats
5 that are open and we will be advertising for that.

6 MR. MOYER: Go for it.

7 MR. HOLAHAN: Aaron should've
8 stuck around, he could've had a shot at this.

9 Consider letter of support to
10 the Pocono Mountain Chamber of Commerce for an LSA
11 Grant Funding. Now, that's something --

12 MS. LAMBERTON: Yeah.

13 MR. HOLAHAN: That's something
14 I put out there. The Chamber of Commerce is
15 looking for a \$72,000 LSA Grant or they want us to
16 recommend the grant. They're going to use that
17 money to, for lack of a better word, use as an
18 incubator so they're going to renovate the second
19 and third floor of their building for start-up
20 companies that -- often it's difficult to start a
21 new business with all the capital needs that are
22 necessary, so they'll provide an office, equipment

23 and mentors that will assist in a start-up
24 business. They're just looking for us to give them
25 a letter.

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1 So do I have a motion?

2 MS. LAMBERTON: So moved.

3 MR. MOYER: Second.

4 MS. LAMBERTON: You good?

5 MS. PICKARD: No, it's all
6 right. I was going to second it, but I did do want
7 to know if we had a tally or a list of all these
8 that we have supported because I think we probably
9 already supported more than they will be awarding
10 this year.

11 MR. HOLAHAN: There's a hundred
12 and thirty applications out there for LSA Grants.
13 This is -- it's a long shot, but it's -- it --

14 MS. LAMBERTON: Worth a shot.

15 MR. HOLAHAN: It's worth a
16 shot.

17 We've got a motion and a second.
18 Further discussion from the
19 board?

20 Anything from the public?
21 Hearing none. I said that a
22 little too fast, sorry.
23 Anything from the public?
24 MALE VOICE: The Eagles.
25 MR. HOLAHAN: But the Eagles

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1 are on.
2 Hearing none. I'll call the
3 vote.
4 Heidi?
5 MS. PICKARD: I vote in favor.
6 MR. HOLAHAN: Donald?
7 MR. MOYER: I'll vote in favor.
8 MR. HOLAHAN: Anne?
9 MS. LAMBERTON: I vote in
10 favor.
11 MR. HOLAHAN: And I vote in
12 favor. Motion carries.
13 If you got a copy of that
14 template, if you could send that. Get that
15 prepared and I'll find out how Bobby wants it. I

16 think we can just email it to him.

17 MS. HAASE: Will do.

18 MR. HOLAHAN: Thank you.

19 MR. MOYER: We're on K.

20 MR. HOLAHAN: We're on K,

21 consider financing for the Gradall purchase.

22 MS. HAASE: Yes, sir. We've
23 reached out for some RFPs for the interest rates
24 for five, six and seven years. ESSA came back with
25 a rate of 2.66 at a seven year term. Now, we still

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1 will need to get Pat involved for the Unit Debt Act
2 and the paperwork that needs to be put together.

3 MR. ARMSTRONG: Yeah, this is
4 above the small capital borrowing section of the
5 Unit Debt Act, so you'll need DCED approval. It'll
6 have to be by ordinance rather than resolution,
7 which ESSA is most likely aware of.

8 MR. HOLAHAN: Okay. Consider
9 Resolution 2014 dash 023, budget reappropriations
10 and appropriations.

11 MR. ARMSTRONG: I -- I --

12 MR. HOLAHAN: Yeah. Do we have

13 to act on moving forward?

14 MR. ARMSTRONG: Yeah. They're
15 -- if you look at ESS -- there's three proposals
16 from the three separate banking institutions and
17 each of them have -- ESSA is the -- it's -- came in
18 at a low percentage. What is it?

19 MR. HOLAHAN: Two six six.

20 MR. ARMSTRONG: Two -- well,
21 two six -- two two five for five years, two four
22 six for six years and two six six for seven years.

23 MR. HOLAHAN: Right.

24 MR. ARMSTRONG: I guess if the
25 -- if the board wants to proceed with this

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1 financing, as well as the purchase of the Gradall,
2 we need to: Number one, if you read the offer from
3 ESSA expires November 15, 2014, so you have to
4 notify them that if you're accepting their offer,
5 we have to do that by November 15. And then you'll
6 have until December 30 to close on the -- on the
7 note, which would be subsequent to securing DCED
8 approval.

9 MR. HOLAHAN: Okay.

10 MR. ARMSTRONG: I'm not sure,
11 you know, we'll have to --

12 (Discussion off the record
13 between Ms. Haase and Mr. Armstrong.)

14 MR. ARMSTRONG: So with respect
15 to the ESSA proposal, there should -- if the board
16 wants to proceed with it, you'll have to --
17 there'll have to be a motion to proceed with the
18 requirements, the procedural requirements
19 associated with this loan notifying ESSA that you
20 want to -- that you're accepting their proposal.
21 And basically, you know, letting Phyllis and I know
22 how many years you want to go with; the five, the
23 six or the seven.

24 MS. PICKARD: I'll make a
25 motion that we accept the seven year rate with ESSA

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1 for 2.66 percent financing per the purchase of the
2 Gradall.

3 MR. HOLAHAN: I have a motion.
4 Do I have a second?
5 I'll second.

6 Got a motion and a second.

7 You know, Suze Orman said any

8 car loan over six years is just foolish.

9 MS. LAMBERTON: Yeah.

10 MR. HOLAHAN: But we pretty

11 much budgeted this thing on -- based on the seven

12 years.

13 MS. LAMBERTON: Oh, for the

14 seven years?

15 MR. HOLAHAN: Right.

16 MS. LAMBERTON: That was my

17 question. I'm sorry. I was going to ask.

18 MR. HOLAHAN: Not that I do

19 everything Suze has to say, but just wanted to

20 bring that up. Okay.

21 Further discussion from the

22 board?

23 Anything from the public?

24 Hearing none. I'll call the

25 vote.

2 MS. PICKARD: I vote in favor.
3 MR. HOLAHAN: Donald?
4 MR. MOYER: I'll vote in favor.
5 MR. HOLAHAN: Anne?
6 MS. LAMBERTON: I'll vote in
7 favor.
8 MR. HOLAHAN: And I vote in
9 favor. Motion carries.
10 MS. PICKARD: Do we need to
11 authorize advertising for the Unit Debt Act or
12 anything, Pat, or is this --
13 MR. ARMSTRONG: I took that
14 motion as authorizing everything that's needed
15 procedurally. And with that is an ordinance
16 entering into the actual loan.
17 MR. HOLAHAN: That was your
18 intention, Patrick, so very good.
19 Consider --
20 You okay? You all right?
21 MR. MOYER: Yeah, I'm good. Go
22 to the next one.
23 MR. HOLAHAN: Consider
24 Resolution 2014 dash 023, budget reappropriations
25 and appropriations.

1 MS. LAMBERTON: I'll make a
2 motion to approve Resolution 2014 dash 023, budget
3 reappropriation and appropriations.

4 MS. PICKARD: I'll second the
5 motion.

6 MR. HOLAHAN: We've got a
7 motion and a second.

8 Further discussion from the
9 board?

10 Anything from the public?
11 Hearing none. I'll call the
12 vote.

13 Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. HOLAHAN: Donald?

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

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I'll vote in
19 favor.

20 MR. HOLAHAN: And I vote in
21 favor. Motion carries.

22 Now, we're down to public
23 questions and comment. Anybody have anything?

24 Frank?

25 MR. FRANK CACCIONE: Just a

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1 quick question --

2 THE REPORTER: Can I just have
3 your name, please?

4 MR. FRANK CACCIONE: Oh, Frank
5 Caccione. I'm sorry. Clymer Library.

6 We're, as you are, in the middle
7 of our budgeting process and you remain our most
8 significant contributor to revenue. Any idea when
9 we might be hearing from you what -- what we should
10 be looking at for budget purposes next year?

11 MS. PICKARD: I don't think
12 there's going to be much difference, to be quite
13 honest with you, but we don't get an official tally
14 of the assessment from the county until about this
15 week from -- so it's really, we'd just be guessing.
16 But I'd say pretty much it's going to be
17 comfortably the same as it was.

18 MR. FRANK CACCIONE: We were --
19 we were guessing that too, but then there was that

20 little thing that you identified last year that we
21 got. And I don't know if that was gonna -- is that
22 going to be another few thousand more every year or
23 not? We don't know.

24 MS. PICKARD: I don't think
25 it's that much to be that significant.

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1 MR. FRANK CACCIONE: You don't
2 know our budget, in terms of what's significant,
3 but that's okay. All right. So we'll go along
4 with pretty much the same, roughly.

5 MS. PICKARD: I mean, we'll
6 look at that and I'll give Laura a call. We
7 haven't really looked at the library fund
8 specifically, but I think we wanted to identify
9 or --

10 MR. FRANK CACCIONE: Yeah,
11 super. That would be great.

12 MS. PICKARD: You know, hone in
13 on what our --

14 MR. FRANK CACCIONE: Appreciate
15 it.

16 MS. PICKARD: -- millage is.

17 MR. FRANK CACCIONE: Yeah. The
18 other thing just as a heads-up, we're gonna be
19 coming back to you soon. We're in the process of
20 some significant detail planning for the future and
21 we want to ask the township for ideas in terms of
22 what we might be doing beyond books as a resource
23 to the community down the road.

24 As an example, we're already
25 working on a technology initiative because that's a

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1 pretty big thing now relative to what libraries are
2 providing for the community beyond what we're
3 already doing, things like that. And we just want
4 to make sure that we're getting input from
5 everyone, most importantly from you all, in terms
6 of what we might be doing to serve the community
7 better.

8 So we're just going to be coming
9 back to you, I just wanted to give you a heads-up,
10 if you want to be thinking about it. We'll be
11 talking to you in the next few weeks, months.

12 MR. HOLAHAN: Great. I know

13 that that was kind of the long-term vision of the
14 library to somehow become a focal point in the
15 community, which you've been doing, so --

16 MR. FRANK CACCIONE: Yeah, we
17 have a theme sort of resourced to the community to
18 make it broader than being a place where you go get
19 books or DVDs and the like. Now we just need to
20 flesh that out, okay. It's easy just to have a
21 little phrase or a word, but knowing exactly what
22 the community might need, even down to, we have
23 census data, but we don't -- we -- you might have
24 more detailed information on the demographics of
25 Tobyhanna Township than we can get our hands on.

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1 Don't know, Phyllis, but maybe
2 we'll be asking you for that kind of stuff too, so
3 we have a better idea. Kind of know who our
4 patrons are, but there's a lot more people here to
5 be served and we want to make sure that we're
6 paying attention to it.

7 MR. HOLAHAN: Well, maybe we'll
8 be reaching out to the library as a resource to do
9 some research for us as well.

10 MR. FRANK CACCIONE: That would
11 be great, we'd love to -- super.

12 MR. HOLAHAN: Cool.

13 MR. FRANK CACCIONE: All right.
14 We'll be back.

15 MR. HOLAHAN: All right.

16 MR. FRANK CACCIONE: Thank you.
17 Anything else?

18 MR. HOLAHAN: You guys in the
19 back have anything?

20 MS. PICKARD: John, I just had
21 one comment. Margie sent us out an email today
22 about the sale at the food bank from 10,000
23 Villages. I don't have the date of that, but
24 they're having that sale to raise money for the
25 food bank. Just wanted to make that -- if people

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1 want to look for that information, that should
2 probably be on our township website at some point.

3 MR. FRANK CACCIONE: I have the
4 dates. It's the 19th, 20th, 21st and 22nd, it's
5 four days.

6 MS. PICKARD: Thank you very
7 much.
8 MR. FRANK CACCIONE: But I don't
9 know the times.
10 MS. PICKARD: Okay. And that's
11 on Firehouse Road at --
12 MR. FRANK CACCIONE: It's
13 right -- yeah, it's at that the old restaurant.
14 MS. PICKARD: The Five Loaf
15 House.
16 MR. HOLAHAN: Okay. Anything
17 else?
18 Then we're going into executive
19 session.
20 (Meeting concluded at 8:00 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

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, December 1, 2014 beginning at 7:00 p.m.

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

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

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1 MR. HOLAHAN: Call the meeting
2 to order, the meeting of December 1. Start with
3 the pledge of allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Okay. Start with
7 announcements. We have the special meeting on
8 December 22, 11 o'clock, to adopt the 2015 budget
9 and any other business. Okay?

10 Let's consider the minutes from
11 the November 10, regular business meeting.

12 Do I have a motion?

13 MS. HAASE: Mr. Chairman, I
14 have one correction, Page 70, Line 14 should read
15 Five Loaf, L-o-a-f, House. And that's the only
16 correction.

17 MR. HOLAHAN: So noted.

18 Do I have a motion?

19 MS. LAMBERTON: I'll make a
20 motion to approve the minutes of the November 10,
21 2014, regular business meeting.

22 MR. HOLAHAN: Second? Do I
23 have a second?

24 MR. MOYER: I'll second.

25 MR. HOLAHAN: We've got a

3

1 motion and second.

2 Further discussion from the
3 board?

4 Anything from the public?

5 Hearing none. I'll call the
6 vote.

7 John?

8 MR. KERRICK: I'll abstain, I
9 was not present.

10 MR. HOLAHAN: Thank you.
11 Heidi?

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

14 MR. HOLAHAN: Donald?

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

16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I vote in
18 favor.
19 MR. HOLAHAN: And I vote in
20 favor. Motion carries.
21 Let's go to the treasurer's
22 report. I'm going to make an adjustment here,
23 okay? So the total amount -- I'm going to do this
24 in two.
25 Looking for a motion to approve

4

1 the treasurer's report in the amount of a
2 \$136,154.95.
3 MS. PICKARD: So moved.
4 MS. LAMBERTON: Second.
5 MR. HOLAHAN: Got a motion and
6 second.
7 Further discussion from the
8 board?
9 What I did is, I subtracted out
10 -- and I guess, I could have just abstained from
11 the vote, but I subtracted out Hal Rice, he's a

12 contractor for us, a painting contractor.
13 Discussion from the board?
14 Anything from the public?
15 Hearing none. I'll call the
16 vote.
17 John?
18 MR. KERRICK: Abstain.
19 MR. HOLAHAN: Heidi?
20 MS. PICKARD: Vote in favor.
21 MR. HOLAHAN: Donald?
22 MR. MOYER: I'll vote in favor.
23 MR. HOLAHAN: Anne?
24 MS. LAMBERTON: I vote in
25 favor.

5

1 MR. HOLAHAN: And I vote in
2 favor.
3 Next, I'm looking for approval
4 in the amount of \$7,250 to pay Hal Rice.
5 MS. LAMBERTON: So moved.
6 MS. PICKARD: Second.
7 MR. HOLAHAN: Got a motion and
8 second.

9 Further discussion from the
10 board?
11 Anything from the public?
12 Hearing none. I'll call the
13 vote.
14 John?
15 MR. KERRICK: In favor.
16 MR. HOLAHAN: Heidi?
17 MS. PICKARD: I vote in favor.
18 MR. HOLAHAN: Donald?
19 MR. MOYER: I'll vote in favor.
20 MR. HOLAHAN: Annie?
21 MS. LAMBERTON: I vote in
22 favor.
23 MR. HOLAHAN: And I'll abstain.
24 Motion carries.
25 Hey, no solicitor, so let's go

6

1 right on to the manager.
2 MS. HAASE: I have one more
3 thing.
4 MR. HOLAHAN: Do you?

5 MS. HAASE: As far as the
6 manager's report, I just have a few items. One,
7 the 2015 budget will be available for public review
8 beginning tomorrow.

9 I had mentioned to the board a
10 few months ago --

11 MS. PICKARD: Phyllis, we
12 usually do a motion for that. We don't need a
13 motion for that this time?

14 MS. HAASE: To present the
15 budget?

16 MS. PICKARD: Umm-hmm.

17 MS. HAASE: If that's what the
18 board has done in the past.

19 MS. PICKARD: That's what we've
20 done in the past.

21 MR. HOLAHAN: I don't recall,
22 it was a year ago.

23 MS. PICKARD: Yeah.

24 MR. HOLAHAN: Let's go ahead.

25 Do I have a motion?

1 MS. PICKARD: We just usually

2 have a motion --

3 MS. LAMBERTON: So moved.

4 MS. PICKARD: -- to authorize

5 advertising for the budget.

6 MR. MOYER: Second.

7 MR. HOLAHAN: Okay. We have a

8 motion and a second.

9 Further discussion from the

10 board?

11 Anything from the public?

12 Hearing none. John?

13 MR. KERRICK: In favor.

14 MR. HOLAHAN: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. HOLAHAN: Donald?

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

18 MR. HOLAHAN: Anne?

19 MS. LAMBERTON: I vote in

20 favor.

21 MR. HOLAHAN: And I vote in

22 favor. Motion carries.

23 MS. HAASE: Okay. Moving on,

24 the township has an intermunicipal service

25 agreement or had with Coolbaugh Township.

1 Coolbaugh Township in 19 -- I'm sorry, in 2004
2 applied for a grant. Throughout the document it
3 speaks to the grant was being used for the beast,
4 as they so call it, which is the grinder. And in
5 the grant, it speaks in many areas that it's going
6 to be used by surrounding municipalities for their
7 residents.

8 In October and November of 2013,
9 we contacted Coolbaugh Township because our
10 agreement was going to expire at the end of the
11 year. Coolbaugh Township acknowledged that they
12 received it; however, it was never addressed. In
13 September, I received a letter from their
14 supervisor and secretary Mr. Robert Zito basically
15 informing us that the intermunicipal agreement that
16 will be expiring, they're extending it to December
17 31, 2014, that they're not intending to renew it
18 until they analyze the cost of the beast.

19 My question to the board is our
20 residents use the facility and at the end of this
21 month will no longer be able to do. So I have not
22 had much luck in getting figures or a new

23 agreement. Is this something that you would like
24 our solicitor to move forward with, to try to
25 obtain the agreement and renew the intermunicipal

9

1 agreement? If not, then I need to advise our
2 residents they're no longer going to be able to use
3 the facility.

4 MR. HOLAHAN: Anybody?

5 MR. MOYER: I guess we can give
6 that a shot. I don't know what --

7 MS. PICKARD: Have we tried
8 approaching them again? I know that's --

9 MS. HAASE: We've approached
10 them many times and then we got the letter.

11 MS. HAASE: Are they saying
12 that they're going to get figures together and come
13 up with agreement or they're saying no, they're
14 just saying --

15 MS. HAASE: Well, the letter
16 that I submitted to -- received says, we are
17 currently forming analysis of the cost related to
18 the operation facility and they will let us know
19 when the analysis has been completed. So it ends

20 in three weeks.

21 MS. PICKARD: They've been
22 doing that analysis for a long time.

23 MS. HAASE: Each year we're in
24 at least a thousand dollars that we help pay
25 towards the taking of the grinder. So we have paid

10

1 what they have requested, but again we're getting
2 into a time period where it's now the holiday
3 season and there's going to be Christmas trees,
4 where many of our residents will take them over
5 there to be grinded. They're not going to have
6 that ability.

7 I've reached out to the
8 municipal waste authority to see if we could have a
9 drop station here at the township at some point;
10 however, they do not take the trees and grind them
11 themselves. All they do is simply advertise. So
12 we can advertise and accept the trees; however, we
13 have no place to take them to at that point.

14 MR. KERRICK: Lake Naomi
15 usually takes them.

16 Still want them?
17 MS. WENDI FREEMAN: I don't
18 know if we do or not anymore.
19 MS. LAMBERTON: You used to for
20 like the lake and fish --
21 MS. WENDI FREEMAN: Habitat, I
22 know.
23 MS. LAMBERTON: -- habitats and
24 -- yeah, right?
25 MS. WENDI FREEMAN: I can

11

1 definitely check into it.
2 MS. LAMBERTON: But you need
3 direction now?
4 MS. HAASE: But the point is, I
5 need direction -- exactly -- from this because it's
6 the branches, it's et cetera that our residents use
7 the facility for.
8 MS. LAMBERTON: What's the name
9 of a facility that is similar to that in the area,
10 do we know?
11 MS. HAASE: I cannot answer
12 that.

13 MS. LAMBERTON: Do we know of
14 any? Do you guys know of any?

15 MR. HOLAHAN: Forest Glen's
16 Beach where they burn them all. Why don't we have
17 Neil Marrs draft a --

18 MS. LAMBERTON: Hey, Locust
19 Lake.

20 MS. PICKARD: Report?

21 MR. HOLAHAN: Why don't we have
22 Neil Marrs draft a report for --

23 MS. LAMBERTON: Oh, dear Lord,
24 that'd be laughable.

25 MR. KERRICK: There was other

12

1 things that they used our name to for grants. I
2 don't know whether they were ever awarded through
3 our name, but with that whole recycling thing, not
4 just the beast, over the years.

5 MR. HOLAHAN: Right.

6 MS. LAMBERTON: So do we have a
7 link there with that information?

8 MS. HAASE: What I have that

6 MR. HOLAHAN: From who? From
7 Phyllis?
8 MS. HAASE: It has come from
9 the township.
10 MS. PICKARD: From John.
11 MR. HOLAHAN: Oh, yeah, I carry
12 a whole lot more power than Phyllis.
13 Just tell me what to say,
14 Phyllis.
15 MS. HAASE: I think that they
16 certainly are aware.
17 MS. PICKARD: I don't want to
18 sub it out to a committee or --
19 MS. LAMBERTON: No, dear God,
20 no.
21 MS. HAASE: They have been put
22 on notice.
23 MS. LAMBERTON: No.
24 MS. PICKARD: Come from --
25 directly from the board of supervisors.

14

1 MS. HAASE: My only concern is

2 that they receive this piece of equipment by also
3 recognizing that other municipalities are going to
4 use it. So I think it would be somewhat of an
5 injustice to our residents if they had now to take
6 their waste branches, trees to a facility and have
7 to pay for it.

8 If, in fact -- but, then again,
9 we need to also -- once that they give us the
10 figure of how much it's going to cost look at it
11 and see how realistic it's going to be as well. So
12 it's kind of like two-sided.

13 MS. LAMBERTON: And we have an
14 agreement with them?

15 MS. HAASE: We had an
16 agreement, an intermunicipal agreement and it's now
17 going to expire.

18 MR. MOYER: And they're not --

19 MS. LAMBERTON: And in that
20 does it state upon expiration that we're entitled
21 to -- I don't know, I'm just guessing, I'm
22 reaching.

23 MS. HAASE: It was
24 automatically renewed for a period of time.

25 MS. LAMBERTON: Oh, okay.

1 MS. HAASE: The last signed
2 agreement I have is from 2006. And it was just
3 being extended.

4 MR. HOLAHAN: I think things
5 are going so well with them that we should reach
6 back out to them again.

7 MR. KERRICK: I don't think
8 they could cut us off.

9 MR. HOLAHAN: Right.

10 MR. KERRICK: But I think they
11 could charge more and we may not want to, it may
12 not be feasible. I mean, a thousand dollars
13 probably doesn't even buy the teeth that we needed
14 to buy for a year, but that's not our fault, that's
15 what they asked for.

16 MS. PICKARD: No, and they said
17 they were going to get us a new agreement for the
18 last five years --

19 MR. KERRICK: Or more.

20 MS. PICKARD: -- or more and
21 they never did it.

22 MS. HAASE: The chips, no. The
23 chips --

24 MS. LAMBERTON: How about --

25 MS. HAASE: The chips are --

16

1 actually the residents, they go and get a load of
2 them. They give them a card and I think they're
3 allowed two or three loads a year.

4 MS. LAMBERTON: I think we
5 should call Stroud Township.

6 MR. HOLAHAN: We can do that in
7 the meantime.

8 MS. LAMBERTON: Yes.

9 MR. HOLAHAN: But --

10 MS. LAMBERTON: In the
11 meantime, let's do that, Phyllis.

12 MR. HOLAHAN: But should we go
13 ahead as a board of supervisors and draft another
14 letter and ask them?

15 MS. LAMBERTON: Sure. We'll
16 take -- I'm fine with taking one more stab at it.

17 MS. PICKARD: I'd rather do
18 that than wait for --

19 MR. KERRICK: But I wouldn't

20 wait till the next meeting in January, I would give
21 it two weeks and if you don't hear back, then have
22 Pat draft something.

23 MS. PICKARD: But it might not
24 get on their agenda.

25 MR. KERRICK: Or at least do

17

1 the research of what we can do.

2 MR. HOLAHAN: Well, we're going
3 to be meeting again on the 22nd.

4 MR. KERRICK: Oh, that's right,
5 I apologize.

6 MR. HOLAHAN: That's all right.

7 MS. PICKARD: Let's try --

8 MS. LAMBERTON: I say, Phyllis,
9 why don't you --

10 MS. PICKARD: -- and if we can
11 get something out before their next meeting.

12 MS. HAASE: I can do that, but
13 then I'm going to have to put our residents on
14 notice that they're not going to be able to use the
15 facility.

16 MR. HOLAHAN: Let's still put

17 our residents on notice and do that.

18 MS. PICKARD: But we should say
19 that it's our understanding that it was an
20 intermunicipal grant and that, you know, we're
21 willing to share in the cost?

22 MR. KERRICK: Careful how you
23 say that.

24 MS. PICKARD: I know.

25 MS. HAASE: I think you need to

18

1 know what the figure is to see if you're going to
2 share in what they're proposing.

3 MS. PICKARD: Well, that we'd
4 be interested in knowing what that figure was so we
5 could make a decision.

6 MR. HOLAHAN: They'll give that
7 to us and then we can figure it out. And then we
8 talk to Patrick if we have to.

9 MS. LAMBERTON: I wonder how
10 many of our residents actually use it. Do we --

11 MR. TROY COUNTERMAN: According
12 to them, a lot.

13 MS. LAMBERTON: Yeah, but
14 what's the truth, you know? I'm not being
15 offensive.
16 Do you know what I mean, Troy?
17 Like I don't know how many people. I don't even
18 know where it is.
19 MS. HAASE: And we use it as
20 well.
21 MR. TROY COUNTERMAN: They say
22 there's no way to track it --
23 MS. LAMBERTON: Oh, okay.
24 MR. TROY COUNTERMAN: -- 'cause
25 they're not from the area.

19

1 MS. LAMBERTON: Okay.
2 MS. PICKARD: But they won't
3 give them the card like they give their people the
4 card.
5 MS. LAMBERTON: Oh, I thought
6 when you say they gave a card and then --
7 MS. PICKARD: And then their
8 residents complain when they see our residents
9 there and they don't know and they don't

10 understand.

11 MR. ED TUTRONE: We were also
12 at their meeting when they first bought that up and
13 they were doing \$13,000 worth of repairs to it. At
14 that point, it needed to be repaired. That's when
15 they brought up about cutting the other
16 municipalities off.

17 MS. HAASE: It's \$11,949.73.

18 MR. ED TUTRONE: Yep.

19 MS. LAMBERTON: Which they'd
20 have to do irregardless?

21 MR. HOLAHAN: Right.

22 MR. TROY COUNTERMAN: And then
23 the fuel cost from April to June, they say, was
24 \$30,000.

25 MS. LAMBERTON: I'm sorry, how

20

1 much?

2 MR. TROY COUNTERMAN: 30,000.

3 MS. LAMBERTON: That's a lot of
4 grinding.

5 MR. TROY COUNTERMAN: Yeah.

6 They got a big pile up there.

7 MS. HAASE: So, and again, it's
8 not just our residents, it's also we use this
9 facility ourself.

10 MS. LAMBERTON: The township
11 does?

12 MS. HAASE: Correct.
13 Throughout the year.

14 MS. LAMBERTON: So you take your
15 -- oh, okay. So it is an asset to us, so we should
16 -- okay.

17 MR. ED TUTRONE: Yeah, we take
18 a lot of stuff up there.

19 MS. LAMBERTON: Yeah.

20 MS. HAASE: So that's --

21 MS. PICKARD: When we had the
22 storm clean-ups, we took all the trees up there.

23 MS. HAASE: So then the
24 direction as the board to -- I'll put something on
25 our website, until further notice effective

1 December 31, the facility will not be able to be
2 utilized by our residents. And then we'll send

3 another letter to Coolbaugh Township.

4 MS. LAMBERTON: I would say our
5 current agreement goes until December 31.

6 MS. PICKARD: Yes.

7 MS. LAMBERTON: You know, until
8 further notice.

9 MS. PICKARD: Yes.

10 MS. LAMBERTON: It is to
11 expire. You know, I wouldn't say, we don't know
12 what the outcome's going to be, because we don't.
13 Well --

14 MR. HOLAHAN: Well, that was
15 easy.

16 MS. HAASE: That was easy
17 enough.

18 MR. HOLAHAN: Troy?

19 MR. TROY COUNTERMAN: Phyllis,
20 in that grant, is there a time line in there that
21 it has to be available to the surrounding
22 municipalities?

23 MS. LAMBERTON: That was my
24 question.

25 MS. HAASE: I didn't read that,

1 Troy.

2 MS. LAMBERTON: What previously
3 was written in.

4 MS. HAASE: I didn't read a
5 time line or with regards to the maintenance that
6 -- in the --

7 MS. LAMBERTON: Maybe -- I'm
8 sorry.

9 MS. HAASE: In this it does
10 speak to, it will be located in one central
11 facility for the equipment to be used by
12 participating municipalities and also costs to some
13 maintenance, but it doesn't speak to the amount or
14 for the length of the period of time.

15 MS. PICKARD: They moved it,
16 didn't they bring it up to Tunk a few times?

17 MR. TROY COUNTERMAN: Yeah, we
18 had it over twice.

19 MS. PICKARD: Yeah, we just
20 didn't have a place to put it really, but the idea
21 was that they would move it and bring it closer to
22 us for a period.

23 MR. HOLAHAN: Okay. Let's move

24 on then.

25 MS. HAASE: I'm also happy to

23

1 report that Representative Elect Jack Rader has
2 been working with me to use our facility as one of
3 his offices. So in the new year, we're going to
4 have a wonderful benefit to our residents and the
5 surrounding areas that they can come directly to
6 the township building so representative can listen
7 to their concerns.

8 MS. LAMBERTON: Fantastic.

9 MS. HAASE: That is all I have
10 at this point, sir.

11 MR. HOLAHAN: Okay. Let's go
12 on to committee reports.

13 Heidi, you have anything for the
14 EMS?

15 MS. PICKARD: Just wanted to
16 announce that unfortunately Austin Grammes has
17 resigned as our business manager. We were hoping
18 he'd stay a little bit longer, but he did move on.
19 So he's no longer with us.

20 MR. HOLAHAN: Okay.

21 MS. PICKARD: That's about all

22 I have.

23 Did you have anything that you

24 wanted --

25 MR. BRAD GRAHAM: Not right off

24

1 the top of my head.

2 MR. HOLAHAN: All right.

3 How about regional police?

4 MS. HAASE: Well, I'm happy to

5 report that Coolbaugh Township did finally agree to

6 meet and hold a joint meeting with the surrounding

7 municipalities and police commission to listen to

8 their concerns. All participants from the

9 surrounding municipalities and police commission, I

10 felt was there in good faith to try to resolve the

11 problems.

12 Unfortunately, after our lengthy

13 meeting, a report was handed out with erroneous

14 information and somewhat disturbing, which will be

15 handled by the police commission at their next

16 meeting. The sad part of all this is, what they

17 have done has severely exposed every one of the
18 municipalities to potential legal ramifications.

19 Due to their stance that they're
20 taking, we're all with -- none of the
21 municipalities now hold law enforcement insurance
22 because when the police departments were dissolved,
23 we therefore no longer needed insurance. So the
24 stance that Coolbaugh is taking now and what has
25 been issued in this report, that is quite

25

1 interesting, has left the police commission with
2 quite a few decisions that they need to make and
3 how we move forward with it. So after our next
4 meeting, I certainly will come back to the board
5 and have another report for you.

6 MR. HOLAHAN: Anybody have
7 anything on that?

8 MR. MOYER: No. I --

9 MR. HOLAHAN: You don't even
10 want to speak about it?

11 MR. MOYER: I don't want to
12 waste my breath really.

13 MR. HOLAHAN: All right. We'll

14 let you off the hook.

15 Anything on open space?

16 MS. PICKARD: Not at this time.

17 MR. HOLAHAN: Okay. Let's go
18 to old business. The Tobyhanna Township Sewer
19 Authority letters of interest.

20 MS. HAASE: Yes. I'm pleased
21 to state that I received some more letters, which
22 we'll be accepting them until December 30 and the
23 appointments will be made at the beginning of the
24 year.

25 MR. HOLAHAN: Great.

26

1 Anything on the proposed zoning
2 ordinance?

3 MS. HAASE: I had passed out --
4 the board had requested a few examples or samples
5 of signage that some of the residents -- or, I'm
6 sorry, the businesses would like to see. I've
7 reached out to a few of them, only one provided a
8 sample for me. Unfortunately there's not
9 dimensions on there. I did request today if they

10 could send me the size that they're proposing. And
11 as of six o'clock, I did not receive an email.

12 MR. HOLAHAN: It looks nice.

13 MS. LAMBERTON: It does look
14 nice.

15 MR. HOLAHAN: I would go to it,
16 but it (inaudible) in it.

17 MS. PICKARD: You mean the
18 (inaudible)?

19 MR. HOLAHAN: Is that what it
20 is? No, you're right.

21 Let's go on to Blakeslee Route
22 940 sanitary sewer extension.

23 MS. HAASE: I ask the board if
24 you'd consider tabling that. There's been no
25 further action on that.

27

1 MR. HOLAHAN: Request to table?

2 Do I have a motion to table?

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

4 So moved.

5 MR. MOYER: Second.

6 MR. HOLAHAN: All in favor,

7 aye?

8 BOARD MEMBERS: Aye.

9 MR. HOLAHAN: Opposed?

10 It's tabled.

11 How about the potential sale of
12 the wastewater treatment plant?

13 MS. HAASE: Yes. We're still
14 going back and forth with the valuation I received,
15 only one at this point. I've been working with
16 three individuals and last week after going back
17 and -- actually a week and a half ago, come to find
18 out two of them are working together. And they're
19 both asking for different information from the
20 township. So I asked them to get together and
21 coordinate what they would like from us.

22 One is looking at the financial
23 aspects, the other one is looking at the condition
24 of the plant and all the improvements, if any, that
25 have been done over the years. So right now I only

28

1 have one and that is from RETTEW and I believe it
2 was for 14 or 15,000.

3 MR. HOLAHAN: Okay.

4 MS. HAASE: So as soon as I get
5 some information, I'll forward that.

6 MS. LAMBERTON: Thank you.

7 MR. HOLAHAN: Next, Kalahari
8 Resorts land development revisions.

9 MS. HAASE: Yes, sir. Pennoni
10 did submit some additional revisions to the land
11 development plan. Mr. McHale has looked at that
12 and he's also working with Chad from Pennoni to get
13 everything up-to-date. At this particular point,
14 we ask if the board will table that and hopefully
15 we can approve that at your next meeting.

16 MR. HOLAHAN: Do I have a
17 motion to table?

18 MS. PICKARD: So moved.

19 MR. MOYER: Second.

20 MR. HOLAHAN: Have a motion and
21 second.

22 Further discussion?

23 All in favor, aye?

24 MS. PICKARD: Aye.

25 MR. MOYER: Aye.

1 MR. KERRICK: Aye.

2 MR. HOLAHAN: Opposed?

3 MS. LAMBERTON: I abstain.

4 MR. HOLAHAN: So moved. One
5 absentia.

6 Arcadia Properties and New
7 Ventures Park reimbursement agreement.

8 MS. HAASE: Yes, the PennDOT
9 agreement was reviewed by our solicitor. The
10 comments from our township engineer and myself were
11 put in the letter and it's been sent back to
12 PennDOT for review and for them to address the
13 changes that we have requested. As of this date, I
14 have not received the new agreement.

15 MR. HOLAHAN: Okay. Thank you.

16 Before we go on to new business,
17 did anybody have comments on the DPW report? Did
18 you'all get to take a look at that?

19 MS. LAMBERTON: I just got it
20 tonight when I sat down. Looks like it ends on
21 Page 3. I like the Clark Griswald.

22 MR. HOLAHAN: Eddie, lots of
23 stuff here, Ed. Good job.

24 MS. LAMBERTON: Yeah.

25 MR. HOLAHAN: Yep, you've been

30

1 busy. Good.

2 MS. HAASE: Very busy.

3 MR. HOLAHAN: Okay. Let's go
4 on to new business then.

5 Consider Resolution 2014 dash
6 033, the price adjustment for the bituminous
7 materials for small quantities.

8 And that's the quarry stone and
9 road construction materials?

10 MS. HAASE: Yes, sir.

11 MR. HOLAHAN: Do I have a
12 motion?

13 MS. PICKARD: So moved.

14 MR. HOLAHAN: I have a motion.
15 Do I have a second?

16 MR. MOYER: I'll second.

17 MR. HOLAHAN: Got a motion and
18 a second.

19 Further discussion from the
20 board? Do you'all have that in front of you?

21 Anything from the public?
22 Hearing none. I'll call the
23 vote.
24 John?
25 MR. KERRICK: In favor.

31

1 MR. HOLAHAN: Heidi?
2 MS. PICKARD: I vote in favor.
3 MR. HOLAHAN: Donald?
4 MR. MOYER: In favor.
5 MR. HOLAHAN: I vote in favor.
6 Annie?
7 MS. LAMBERTON: I'll vote in
8 favor.
9 MR. HOLAHAN: Motion carries.
10 Gave you a moment there. You're welcome.
11 MS. LAMBERTON: I know. Thank
12 you. No, I just wanted to read.
13 MR. HOLAHAN: Okay. Item B,
14 consider the material bid -- materials bids.
15 MS. LAMBERTON: That was the
16 material bid.
17 MS. HAASE: Yes, sir --

18 MR. HOLAHAN: No, that was --
19 MS. LAMBERTON: I'm sorry, I'm
20 I'm sorry. I'm one behind you. I apologize.
21 MS. HAASE: Today we had open
22 bids for material and equipment rental bids. The
23 material bid, there was one submitted to the
24 township and it was an incomplete submittal. The
25 company only bid on stone and they did not put a

32

1 bid for the aggregate -- or the antiskid nor the
2 superpave.
3 So with that being said, I would
4 ask if the board would please reject the bid and we
5 readvertise for the material bids.
6 MR. HOLAHAN: Do I have a
7 motion to reject the bid and readvertise?
8 MS. LAMBERTON: So moved.
9 MS. PICKARD: Second.
10 MR. HOLAHAN: Got a motion and
11 a second.
12 Further discuss from the board?
13 Anything from the public?

11 open up the bid today, there was one submittal. It
12 was from Papillion and Moyer and it was the same
13 rate as it was last year. The one thing I would
14 ask the board to consider is tabling this and we
15 award the bid at your December 22 meeting.

16 When it was advertised at that
17 particular time, we thought we would have the
18 meeting on the 8th. So it was stated that it would
19 be awarded December 8. We don't really feel that
20 there truly is an issue, but just to be cautious, I
21 would ask the board if they would wait and award
22 that at your next meeting.

23 MR. HOLAHAN: Do I have a
24 motion to table awarding the equipment rental bids
25 till the December 22 meeting?

34

1 MR. MOYER: So moved.

2 MS. PICKARD: Second.

3 MR. HOLAHAN: Got a motion and
4 second.

5 Further discussion from the
6 board?

7 Anything from you'all?
8 Hearing none. I'll call the
9 vote.
10 John?
11 MR. KERRICK: In favor.
12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: I vote in favor.
14 MR. HOLAHAN: Donald?
15 MR. MOYER: I'll vote in favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I'll abstain.
18 MR. HOLAHAN: And I vote in
19 favor. Motion carries.
20 Can I go to D?
21 MS. HAASE: Yes, sir.
22 Wendi, is that all right?
23 MS. WENDI FREEMAN: Yeah.
24 MR. HOLAHAN: She's playing
25 Angry Birds.

35

1 Consider Kalahari Resorts letter
2 of credit reduction Category 1, request for
3 \$78,461.76.

4 Do I have a motion?

5 MS. PICKARD: So moved.

6 MR. HOLAHAN: Got a motion. Do

7 I have a second?

8 Go ahead, Donald.

9 MR. MOYER: Second.

10 MR. HOLAHAN: Okay. Got a

11 motion and a second.

12 Further discussion from the

13 board?

14 Anything from the public?

15 Hearing none. I'll call the

16 vote.

17 John?

18 MR. KERRICK: In favor.

19 MR. HOLAHAN: Heidi?

20 MS. PICKARD: I vote in favor.

21 MR. HOLAHAN: Donald?

22 MR. MOYER: I vote in favor.

23 MR. HOLAHAN: Anne?

24 MS. LAMBERTON: I'll abstain.

25 MR. HOLAHAN: I vote in favor.

1 Motion carries.

2 E, consider approving
3 certificate of developer and request for payment
4 No. 5 to Kalahari Resorts, access road account --
5 oh, this is a big one -- in the amount of
6 \$351,154.03.

7 MS. HAASE: Yes, sir. That has
8 been reviewed and signed off by T&M Associates and
9 I have reviewed and I am prepared to sign off as
10 soon as you approve.

11 MR. HOLAHAN: Do I have a
12 motion?

13 MR. MOYER: So moved.

14 MS. PICKARD: Second.

15 MR. HOLAHAN: Got a motion and
16 second.

17 Further discussion from the
18 board?

19 Anything from the public?
20 Hearing none. I'll call the
21 vote.

22 John?

23 MR. KERRICK: In favor.

24 MR. HOLAHAN: Heidi?

25 MS. PICKARD: I vote in favor.

37

1 MR. HOLAHAN: Donald?

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

3 MR. HOLAHAN: Anne?

4 MS. LAMBERTON: I'll abstain.

5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.

7 F, consider waiver of well
8 isolation distance for the James and Jane Young on
9 Appleseed Road in Lake Naomi.

10 Did you all see that? It's --

11 MS. LAMBERTON: I did, yeah, I
12 did.

13 MR. HOLAHAN: Okay.

14 MR. MOYER: Umm-hmm.

15 MS. HAASE: The one thing I do
16 want to disclose to the board, as the design that
17 was submitted in the application, that was prepared
18 by our alternate CEO -- SE0.

19 MS. LAMBERTON: Yeah, does that
20 matter?

21 MS. HAASE: For the board it

22 does not.

23 MS. LAMBERTON: Okay.

24 MS. HAASE: I will be having
25 some contact with the alternate SEO on some things

38

1 we may need to change in the future. So it's more
2 --

3 MS. LAMBERTON: I noticed that,
4 okay.

5 MS. HAASE: -- more internally
6 what I'll need to discuss with her.

7 MS. PICKARD: So this is just a
8 replacement septic --

9 MR. HOLAHAN: It is, yes.

10 MS. PICKARD: -- that has to go
11 in?

12 MR. HOLAHAN: Yeah.

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

15 MS. LAMBERTON: I'll second.

16 MR. HOLAHAN: Got a motion and
17 a second to waive the distance requirements for

18 that -- the Young property.
19 Further discussion from the
20 board?
21 Anything from the public?
22 MS. WENDI FREEMAN: Yeah, I do
23 have a question.
24 Wendi Freeman, Lake Naomi.
25 Is it -- are they requesting a

39

1 waiver for the -- it to be a hundred feet from
2 their well or is it from a neighboring well?
3 MR. HOLAHAN: From theirs.
4 MS. WENDI FREEMAN: From
5 theirs?
6 MR. HOLAHAN: Yes.
7 MS. WENDI FREEMAN: Okay. I
8 have no other questions. Thank you.
9 MR. HOLAHAN: Any further
10 discussion?
11 Hearing none. I'll call the
12 vote.
13 John?
14 MR. KERRICK: In favor.

15 MR. HOLAHAN: Heidi?
16 MS. PICKARD: I vote in favor.
17 MR. HOLAHAN: Donald?
18 MR. MOYER: I'll vote in favor.
19 MR. HOLAHAN: Anne?
20 MS. LAMBERTON: I vote in
21 favor.
22 MR. HOLAHAN: And I vote in
23 favor. Motion carries.
24 Hey.
25 MS. HAASE: And Pat's not here.

40

1 I'm not saying anything, but Pat isn't here.
2 MS. LAMBERTON: You cut yours
3 short.
4 MS. HAASE: Yes, ma'am, I did.
5 MS. LAMBERTON: Public
6 questions.
7 MR. HOLAHAN: Anybody have
8 anything to say?
9 MS. LAMBERTON: I'm good.
10 MR. HOLAHAN: Anybody in the

11 audience?
12 Wendi?
13 Ed?
14 Troy?
15 Dan?
16 MALE VOICE: Good night.
17 MS. PICKARD: Just that we
18 didn't raise the taxes with our proposed budget,
19 which we really didn't say anything about.
20 MS. LAMBERTON: That's 'cause
21 it's just proposed.
22 MR. HOLAHAN: Ain't it cool?
23 Ain't it cool? All right.
24 MS. PICKARD: I think we have
25 to readvertise if we change it and want to raise

41

1 it.
2 MS. LAMBERTON: Understood. We
3 have no intentions to.
4 MR. HOLAHAN: Do I have a
5 motion to adjourn?
6 MS. LAMBERTON: So moved.
7 MS. PICKARD: Second.

8 MR. HOLAHAN: All in favor,
9 aye?
10 BOARD MEMBERS: Aye.
11 MR. HOLAHAN: We're adjourned.
12 (Meeting concluded at 7:30 p.m.)

13 ---

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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

In Re: Special Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, December 22, 2014 beginning at 11:00 a.m.

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

ALSO PRESENT: PHYLLIS HAASE, Township Manager

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

2

1 MR. HOLAHAN: Let's call the
2 meeting to order for December 22. Start with the
3 pledge of allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: We have some
7 announcements?

8 MS. HAASE: Mr. Chairman, I'll
9 wait until I go under my report, if that's
10 acceptable.

11 MR. HOLAHAN: Very good. Let's
12 go to consider the minutes for December 1 meeting,
13 regular business meeting.

14 Do I have a motion?

15 MS. HAASE: I have one change,
16 sir.

17 MR. HOLAHAN: Okay.

18 MS. HAASE: Page 11, Line 13,

19 d-e, should be d-o. That's the only change.
20 MR. HOLAHAN: So noted.
21 Do I have a motion?
22 MS. LAMBERTON: So moved.
23 MS. PICKARD: Second.
24 MR. HOLAHAN: Motion and
25 second.

3

1 Further discussion from the
2 board?
3 Anything from the public?
4 Hearing none. I'll call the
5 vote.
6 John?
7 MR. KERRICK: In favor.
8 MR. HOLAHAN: Heidi?
9 MS. PICKARD: I vote in favor.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I vote in
12 favor.
13 MR. HOLAHAN: And I vote in
14 favor. Motion carries.
15 Let's consider the treasurer's

16 report in the amount of \$464,001.85.

17 MS. PICKARD: I'll make a
18 motion to approve.

19 MR. HOLAHAN: Okay. I've got a
20 motion.

21 MS. LAMBERTON: I didn't see
22 anything.

23 MR. HOLAHAN: You didn't --
24 okay.

25 MS. LAMBERTON: Yeah, I did.

4

1 MS. PICKARD: Yeah, I think
2 there is.

3 MR. HOLAHAN: Is there?

4 MS. HAASE: Yes, there's a
5 conflict.

6 MS. PICKARD: I need to --

7 MR. HOLAHAN: And how about for
8 John as well?

9 MS. HAASE: Yes.

10 MR. HOLAHAN: Do you have where
11 we can vac out those figures?

12 MS. LAMBERTON: Oh, here we go
13 again. We get to exercise the option. How does
14 that make that right?

15 MS. PICKARD: Do you have the
16 bills over there, it might be easier to --

17 MR. KERRICK: Pat, can you
18 second the motion if there's a conflict?

19 MR. ARMSTRONG: No.

20 MR. KERRICK: No?

21 MR. ARMSTRONG: Can I?

22 MR. KERRICK: No, not you, me,
23 me.

24 MS. PICKARD: I think there's
25 just one for thirteen twenty-two fifty.

5

1 MR. KERRICK: I mean, I can
2 throw you on the hot seat. You want to se -- no.

3 MR. ARMSTRONG: You -- you know
4 the scenario.

5 MR. KERRICK: There's a second,
6 alls you're doing is moving it to the floor to
7 vote, correct? And then as long as you vote and
8 you state your conflict.

9 MS. LAMBERTON: That'd be
10 enough to hang me out to dry.
11 MS. HAASE: One three two, two
12 fifty, that's correct.
13 MS. PICKARD: Okay.
14 MR. ARMSTRONG: Remember, if
15 there's a conflict -- if, for instance, if you and
16 Annie have to recuse yourself --
17 THE REPORTER: Is that a
18 hundred and thirty-three dollars?
19 MS. HAASE: \$1,322.
20 MS. LAMBERTON: No, 1,322.50.
21 MR. ARMSTRONG: -- you've
22 established the fact that you can't get a majority
23 vote on that particular motion at the meeting. And
24 once that's established, you disclose it --
25 MR. KERRICK: I understood

6

1 that, but you didn't answer my question as far as
2 seconding the motion.
3 MR. ARMSTRONG: Once you get to
4 the point of making the motion?

5 MR. KERRICK: There's already
6 -- there's a motion on the floor and there's no
7 second.

8 Could I second the motion or
9 Anne, whoever?

10 MR. ARMSTRONG: Yeah. When we
11 get to that point, you could.

12 MR. KERRICK: Well, we're at
13 that point now.

14 MR. ARMSTRONG: No.

15 MR. KERRICK: Heidi just make a
16 motion.

17 MR. HOLAHAN: Yeah, we're going
18 to --

19 MS. LAMBERTON: John can second
20 it, right?

21 MR. HOLAHAN: -- go back to it
22 again. And, yeah, I can second it certainly.

23 But what I'd like you to do,
24 Heidi, to amend your motion to approve the
25 treasurer's report in the amount of 462,679.15.

1 MS. PICKARD: I'll amend that.

2 MR. HOLAHAN: I'll second.
3 Got a motion and second. The
4 thirteen twenty-two fifty is --
5 MS. HAASE: Papillion and
6 Moyer.
7 MS. LAMBERTON: Papillion and
8 Moyer.
9 MR. HOLAHAN: -- Papillion and
10 Moyer, okay.
11 Got a motion and second.
12 Further discussion from the
13 board?
14 Anything from the public?
15 Hearing none. I'll call the
16 vote.
17 John?
18 MR. KERRICK: I'll abstain from
19 line item -- from Sharp Energy for the -- between
20 meetings and also for Papillion and Moyer. Other
21 than that, I vote in favor.
22 MS. PICKARD: I vote in favor.
23 MS. LAMBERTON: You didn't take
24 the Sharp off.
25 MS. ARMSTRONG: Wait.

1 MS. HAASE: Wait, no.

2 MS. LAMBERTON: Why don't you
3 just abstain from this one and I'll vote in favor.
4 And then the next one you can --

5 MS. HAASE: Papillion and
6 Moyer's been pulled out of this packet --

7 MS. LAMBERTON: But not Sharp?

8 MS. HAASE: -- for that amount.

9 MR. KERRICK: But I voted by
10 email between meetings and abstained to Heidi. I
11 answered abstaining, is that enough?

12 MR. ARMSTRONG: Well, wait. No
13 one's voting on it -- I don't understand that.

14 MR. KERRICK: That's in the
15 bill pack.

16 MR. HOLAHAN: Yeah, but we're
17 not voting the meeting.

18 MR. KERRICK: Am I confusing
19 the issue here or are you confusing me?

20 MR. HOLAHAN: Yeah. Give me
21 the Sharp bill, please.

22 Hang in there, folks.

23 MS. LAMBERTON: This is the fun
24 stuff.

25 MR. HOLAHAN: It gets better.

9

1 MS. HAASE: Moving forward what
2 we will do, we will separate --

3 MS. LAMBERTON: Separate them.

4 MS. HAASE: -- Sharp and
5 Papillion and Moyer out of the bill packs moving
6 forward.

7 MR. HOLAHAN: Okay. Great,
8 thanks.

9 MS. PICKARD: It's been
10 seventeen eighty twenty-eight, but that's in this
11 one.

12 I don't think it was in that
13 one, John.

14 MR. KERRICK: Well, I thought
15 you said you put those this the bill pack what we
16 paid between meetings.

17 MS. LAMBERTON: The interim.

18 MR. KERRICK: So that they're
19 approved.

20 MS. PICKARD: Yeah, that was
21 the 10th, but that wasn't one of them.
22 MR. HOLAHAN: I'm looking for
23 the treasurer's report.
24 MS. PICKARD: Oh, yeah, it is.
25 It is, I'm sorry.

10

1 MR. HOLAHAN: Thank you.
2 MS. PICKARD: There's one for
3 eleven forty-nine sixty-nine.
4 MS. LAMBERTON: Why don't we
5 just abstain on all of it and go back and then
6 revote?
7 MS. HAASE: Okay.
8 MR. KERRICK: Doesn't matter to
9 me, I just don't want to go through what I went
10 through.
11 MS. LAMBERTON: Where's the
12 Donald?
13 MS. HAASE: He is not going to
14 be here.
15 MS. PICKARD: So it's

16 twenty-nine twenty-nine ninety-seven for the Sharp
17 and thirteen twenty-two fifty.

18 MS. HAASE: Seventeen eighty
19 twenty-eight for Sharp Energy.

20 MS. PICKARD: I believe there's
21 two.

22 MS. HAASE: I have --

23 MS. PICKARD: There's one on
24 the 10th for eleven forty-nine sixty-nine, so there
25 is twenty-nine twenty-nine ninety-seven for Sharp;

11

1 thirteen twenty-two fifty for Papillion and Moyer,
2 which is forty-two fifty-one forty-seven that we
3 subtracted off the bill pack. We'll have to do two
4 separate motions?

5 MR. HOLAHAN: So we had a
6 motion and a second for this one here. Do we want
7 to just vote this down and start over again?

8 MR. ARMSTRONG: That would
9 probably be --

10 MS. PICKARD: We can vote this
11 one and let John abstain. Did you second it?

12 MR. HOLAHAN: Let's just --

13 MR. KERRICK: I already voted.
14 MR. HOLAHAN: Let's vote this
15 down and you abstained.
16 MR. KERRICK: So can I revote
17 or --
18 MS. LAMBERTON: Just vote no.
19 MR. HOLAHAN: Well, the rest of
20 us haven't --
21 MR. KERRICK: Do you want me to
22 just leave the damn room?
23 MR. HOLAHAN: No.
24 MS. LAMBERTON: Do you want my
25 keys?

12

1 MR. ARMSTRONG: My -- my un --
2 just --
3 MS. PICKARD: I vote no.
4 MR. ARMSTRONG: Board members,
5 my understanding of what's been made is, there's a
6 motion to approve the bills for everything in the
7 bill packet with the exception of Papillion and
8 Moyer.

9 MS. LAMBERTON: Correct.
10 MR. ARMSTRONG: John, you have
11 a conflict with --
12 MR. KERRICK: Sharp Energy.
13 MR. ARMSTRONG: -- Sharp
14 Energy, so you're recusing yourself --
15 MS. LAMBERTON: And Papillion
16 and Moyer.
17 MR. ARMSTRONG: -- from this
18 vote.
19 MR. KERRICK: Yeah.
20 MR. ARMSTRONG: So recuse
21 yourself from this vote.
22 MS. PICKARD: Then I'll vote in
23 favor.
24 MS. LAMBERTON: I'll abstain.
25 MS. PICKARD: No, it's not

13

1 in -- yours is not in.
2 MS. HAASE: Papillion and
3 Moyer's not in this one.
4 MS. LAMBERTON: Okay. I'll
5 vote in favor.

6 MR. HOLAHAN: And I vote in
7 favor. Motion carries.

8 MR. ARMSTRONG: So the next
9 item would be Papillion and Moyer.

10 MS. PICKARD: I'll make a
11 motion to approve the thirteen twenty-two fifty for
12 Papillion and Moyer.

13 MR. HOLAHAN: And I'll second
14 that. So we've got a motion and a second.

15 Further discussion from the
16 board?

17 From the public? You with us,
18 Denise?

19 MS. LAMBERTON: She is. She
20 said Merry Christmas.

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

23 MR. KERRICK: I'll abstain.

24 MR. HOLAHAN: Heidi?

25 MS. PICKARD: I vote in favor.

1 MS. LAMBERTON: I'll abstain.

2 MR. HOLAHAN: And I vote in
3 favor.

4 MR. ARMSTRONG: Okay. Now,
5 you've established that you cannot maintain a
6 majority of the sitting board members at the
7 meeting due to conflicts. So in the event that you
8 want to proceed with another motion, the full
9 disclosure from the two abstaining members as to
10 what the conflict is, you can proceed with voting.

11 MR. HOLAHAN: Let's do that.

12 MR. KERRICK: You want the full
13 disclosure? Is that what you want me to say?

14 MR. HOLAHAN: Yes, John.

15 MR. KERRICK: I have a business
16 relationship with Papillion and Moyer, so I will
17 abstain.

18 MR. HOLAHAN: You could still
19 vote on this now --

20 MR. KERRICK: On the second
21 round --

22 MR. HOLAHAN: -- with --

23 MR. KERRICK: But I thought you
24 wanted the disclosure, so --

25 MR. HOLAHAN: We're looking for

1 the -- yeah, the disclosure, but --

2 MR. KERRICK: It's in the
3 record.

4 MR. HOLAHAN: Okay. Good.

5 MR. KERRICK: I've read it in
6 there 16 times.

7 MR. HOLAHAN: Yeah.

8 MR. KERRICK: I don't want to
9 go through what I went through, okay?

10 MR. HOLAHAN: Understood.

11 MS. LAMBERTON: I am an
12 employee of Papillion and Moyer; therefore I have a
13 conflict.

14 MR. HOLAHAN: Okay. So now I'm
15 looking -- I'll make a motion that we approve the
16 Papillion and Moyer bill for \$1,322.50.

17 Do I have a second?

18 MS. PICKARD: I'll second.

19 MR. HOLAHAN: Motion and
20 second.

21 Further discussion from the
22 board?

23 Anything from the public?

24 You're not going to help here, anybody?
25 I'll call the vote. John?

16

1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: In favor.
4 MR. HOLAHAN: Anne?
5 MS. LAMBERTON: I vote in
6 favor.
7 MR. HOLAHAN: And I vote in
8 favor. Motion carries.
9 Thank you, Patrick. Okay. Then
10 you're on a roll here, so why don't we go to the
11 solicitor's report.
12 MR. ARMSTRONG: I don't know
13 about that. If you look under my report, there's
14 two items. The first is the public hearing for the
15 proposed ordinance amending the electronic sign
16 ordinance. Last month the board considered and
17 passed an ordinance permitting electronic signage,
18 so long as it was part of a resort use on the
19 resort property within the commercial district.

20 You did receive a review letter
21 from the Monroe County Planning Commission
22 indicating that there was potentially some
23 confusion if you maintained the electronic graphic
24 sign and video sign in that ordinance. So since
25 that time, the board authorized moving forward with

17

1 amending the electronic sign ordinance, removing
2 the video sign aspect of that ordinance. That is
3 what has been advertised for the public hearing for
4 possible adoption before the board this morning.
5 It's been advertised in the Pocono Record pursuant
6 to the Muncipalities' Planning Code.

7 With that being said, we can
8 open the public hearing if there's any public
9 comment or comments from the board? So we'll open
10 the public hearing.

11 Any comments from the board?

12 MS. LAMBERTON: Were there any
13 comments from the 30-day --

14 MR. ARMSTRONG: There were
15 additional comments from the Monroe County Planning
16 Commission. One of the -- there were a few. The

17 -- oh, other -- other than the re --

18 MR. HOLAHAN: Other than --

19 MR. ARMSTRONG: You did receive

20 -- you received another letter from the Monroe

21 County Planning Commission. And in that letter one

22 of the item -- two of the items pretty much stuck

23 out. I guess the planning commission met and they

24 su -- they recommended revisiting the sign square

25 footage. You permit up to 600 square feet for the

18

1 electronic sign. The planning commission

2 recommended decreasing that square footage. And

3 they also recommended prohibiting those electronic

4 signs along the interstate.

5 MS. LAMBERTON: PennDOT's fine

6 with them, so it's really up to PennDOT, so --

7 MR. HOLAHAN: If we change any

8 of this, then we have to go back out for

9 advertising again?

10 MR. ARMSTRONG: You do.

11 MS. LAMBERTON: It does meet

12 what PennDOT wants?

13 MR. HOLAHAN: I'm okay with the
14 square footage.

15 MR. ARMSTRONG: I don't think
16 the square footage changed from the first ordinance
17 that you adopted --

18 MS. PICKARD: No.

19 MR. HOLAHAN: Right.

20 MR. ARMSTRONG: -- to now.

21 MR. HOLAHAN: Right, but --

22 MR. ARMSTRONG: But for some
23 reason it's in their review letter for this
24 amendment.

25 MR. HOLAHAN: Yeah, they wanted

19

1 us to consider reducing that, but I'm not -- I'm
2 not concerned.

3 MS. LAMBERTON: Actually it's
4 smaller than the ones that are in Pocono Township
5 on 80. You see those --

6 MS. PICKARD: They're already
7 approved.

8 MS. LAMBERTON: Yeah.

9 MS. PICKARD: Aren't they all

10 the way up and down 80?

11 MS. LAMBERTON: Yeah, they are,
12 yeah, they are.

13 MS. PICKARD: So I'm not really
14 sure what is the purpose --

15 MS. LAMBERTON: There's three
16 or four of them in Pocono.

17 MR. HOLAHAN: Well, anyway --

18 MS. LAMBERTON: Anyway --

19 MR. HOLAHAN: -- the way we've
20 got this now we're going to run counter to what the
21 planning commission is looking for.

22 MS. PICKARD: Recommending.

23 MR. HOLAHAN: However, I'm okay
24 with the way we have it written, having taken out
25 the video.

20

1 MS. LAMBERTON: The one
2 conversation that I did listen to, in regards to
3 Monroe County Planning Commission is, actually it
4 is an upgrade because folks won't have all
5 dilapidated boards falling down along -- you know,

3 stating that.

4 MR. HOLAHAN: No, good point.

5 MS. LAMBERTON: Future, yeah.

6 MR. KERRICK: Question, Anne?

7 Do they have anything in their ordinance in Pocono
8 Township that would allow the emergency services to
9 use it?

10 MS. LAMBERTON: Yes, it was
11 written as part of --

12 MR. KERRICK: Do we?

13 MS. LAMBERTON: I don't know if
14 we do.

15 MR. KERRICK: I didn't see any,
16 unless I didn't --

17 MS. LAMBERTON: No, I didn't
18 notice that we do.

19 MR. ARMSTRONG: Yeah, in -- in
20 here there's a provision.

21 MS. HAASE: There is.

22 MS. LAMBERTON: They require it
23 as an as-needed basis.

24 MR. KERRICK: I don't think
25 anybody'd ever refuse, but --

1 MS. LAMBERTON: No, but it's
2 nice to have it written that way, you know --

3 MS. PICKARD: We can't change
4 this?

5 MS. LAMBERTON: I thought that
6 was one of things I did mention --

7 MR. ARMSTRONG: Yeah, there is.
8 I'm looking.

9 MS. LAMBERTON: -- in the
10 beginning.

11 MS. PICKARD: I thought it was
12 too.

13 MR. KERRICK: Thank you.

14 MR. ARMSTRONG: The sign shall
15 be available to --

16 MS. LAMBERTON: It makes sense
17 to.

18 MR. ARMSTRONG: In the actual
19 provision, the sign shall be available to municipal
20 counties, state and federal emergency management
21 centers during the periods of declared emergencies.

22 MS. LAMBERTON: There you go.

23 MR. HOLAHAN: Anything else

24 from the board then?

25 How about from the public?

23

1 Okay. Motion to close the
2 hearing?

3 MR. KERRICK: Can we make a
4 motion we close the hearing?

5 MS. PICKARD: Second.

6 MR. HOLAHAN: Motion and
7 second.

8 Further discussion from the
9 board?

10 Anything from the public?

11 Hearing none. Call the vote.

12 John?

13 MR. KERRICK: In favor.

14 MR. HOLAHAN: Heidi?

15 MS. PICKARD: I vote in favor.

16 MR. HOLAHAN: Anne?

17 MS. LAMBERTON: I vote in
18 favor.

19 MR. HOLAHAN: And I vote in
20 favor. Motion carries.

21 MR. ARMSTRONG: Thank you.

22 MR. KERRICK: Do we want to
23 vote on the ordinance now?

24 MS. HAASE: Yeah, it's on the
25 agenda next.

24

1 MR. HOLAHAN: Do I have a
2 motion to --

3 MR. KERRICK: I'll make a
4 motion that we adopt Ordinance No. 518 amending
5 Ordinance 517, electronic signs.

6 MR. HOLAHAN: Have a motion.
7 Do I have any second?

8 MS. PICKARD: I'll second.

9 MR. HOLAHAN: I've got a motion
10 and a second.

11 Further discussion from the
12 board?

13 Anything from the public?

14 Hearing none. I'll call the
15 vote.

16 John?

17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: Vote in favor.
20 MR. HOLAHAN: Anne?
21 MS. LAMBERTON: I'll abstain.
22 MR. HOLAHAN: And I'll vote in
23 favor. Motion carries.
24 Don't want to have to deal with
25 that next month, huh?

25

1 MS. LAMBERTON: No, sir.
2 MR. ARMSTRONG: The next item
3 under my report is another potential ordinance for
4 the board to consider. It's been advertised for a
5 public hearing this morning. It's the proposed
6 ordinance authorizing the issuance of the general
7 obligation note for the hydraulic excavator made by
8 Gradall.
9 This ordinance would be the
10 authorizing the township to enter into the general
11 obligation note with ESSA Bank and Trust in the
12 amount of, not to exceed, \$243,838 for the purpose
13 of providing funds to purchase the new hydraulic

10 or comments from the public?
11 Seeing none. You can close the
12 public hearing.
13 MR. HOLAHAN: Do I have a
14 motion to close the public hearing?
15 MS. LAMBERTON: So moved.
16 MS. PICKARD: Second.
17 MR. HOLAHAN: We've got a
18 motion and a second.
19 Further discussion from the
20 board?
21 Anything from the public?
22 Hearing none. Call the vote.
23 John?
24 MR. KERRICK: In favor.
25 MR. HOLAHAN: Heidi?

27

1 MS. PICKARD: I vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: I vote in
4 favor.
5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.

7 So next, do I have a motion to
8 consider adopting Ordinance 519, authorizing
9 issuance of the general obligation note for the
10 Gradall purchase?

11 MS. LAMBERTON: So moved.

12 MS. PICKARD: Second.

13 MR. HOLAHAN: I've got a motion
14 and a second.

15 Further discussion from the
16 board?

17 Anything from the public?

18 Hearing none. I'll call the
19 vote.

20 John?

21 MR. KERRICK: Reluctantly. I
22 support the DPW, but it's an awful lot of money to
23 spend. So I'll vote in favor.

24 MR. HOLAHAN: Heidi?

25 MS. PICKARD: I vote in favor.

28

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I vote in

3 favor.

4 MR. HOLAHAN: And I vote in
5 favor. Motion carries.

6 MR. ARMSTRONG: Thank you,
7 members of the board.

8 With this ordinance, it
9 obviously authorizes you to move into and execute
10 the note with ESSA. That closing will be scheduled
11 prob -- hopefully sometime before the end of
12 January. What happens next is, I'll have documents
13 for the president of -- or chairman of the board
14 and Phyllis to sign today. We also will be moving
15 forward with the post-adoption advertisement in the
16 Pocono Record.

17 Once we get the proof of
18 publication back from that, we can put the packet
19 together, mail it out to DCED, DCED needs to
20 approve it. And once we get that approval, we can
21 set the closing date. Right now we're hopeful that
22 the closing date will be before the end of January.

23 Okay?

24 MS. LAMBERTON: Excellent.

25 MR. HOLAHAN: Okay. Do we need

1 the board of supervisors to authorize the execution
2 of these agreements or did this take care of that?

3 MR. ARMSTRONG: Everything is
4 -- has been authorized by way of the ordinance.
5 The ordinance authorizes you and Phyllis to execute
6 any and all documents that are necessary for the
7 purpose of this general obligation note. And I'll
8 have many of them for you to sign after the meeting
9 today.

10 MR. HOLAHAN: Thanks, Patrick.

11 MR. ARMSTRONG: I do have some
12 executive session items to discuss after the
13 meeting. One of them is just status as to the
14 Podolak action. Actually the action is concluded,
15 but we can talk a little bit more after -- after
16 the meeting.

17 MS. LAMBERTON: Concluded?

18 MR. ARMSTRONG: Well --

19 MS. LAMBERTON: That's okay.

20 MR. ARMSTRONG: And the other
21 is in relation to the sewer delinquency actions
22 that we filed two months ago.

23 MR. HOLAHAN: Very good. Thank
24 you.

25

Let's go to manager's report.

30

1 MS. HAASE: Just a few items,
2 Mr. Chairman. One, just wanted to announce that
3 Aqua will be beginning operations and maintenance
4 of the wastewater treatment plant effective January
5 1. I also wanted to make note to the board that we
6 had discussed this past year about going into an
7 agreement accepting credit cards at the front to
8 make things a little bit more convenient for --

9 MS. LAMBERTON: Absolutely.

10 MS. HAASE: -- our contractors
11 and our residents. We have an agreement that we're
12 about ready to enter into. We'll be accepting
13 credit cards for a convenience fee. The fee will
14 go back to the individual using the card.

15 I also wanted to bring to your
16 attention, it is the policy of the township not to
17 waive penalty fees for delinquent taxes. However,
18 there's an unusual case -- excuse me -- actually
19 Greg Christine had contacted me last week and he
20 wanted the township to consider. There is a

21 resident who changed their address with the county
22 and when they entered the address, it was
23 transposed at the county end. So they're
24 recognizing it was their mistake. That is the only
25 reason why I'm bringing it before the board.

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1 Mr. Christine has reached out to
2 the school district and they have agreed to waive
3 the penalty due to the fact of the mistake that was
4 made by the county. So Mr. Christine is asking for
5 the township to waive the tax penalty on this
6 parcel.

7 MS. LAMBERTON: I don't have a
8 problem with that.

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

11 MS. PICKARD: I have no pro --
12 do we need a motion?

13 MR. KERRICK: I don't know if we
14 need a motion or not.

15 MR. HOLAHAN: Yeah, let's do
16 it. We'll do it by --

17 I've got a motion. Do I have a

18 second?

19 MS. LAMBERTON: Second.

20 MR. HOLAHAN: Motion and

21 second.

22 Further discussion from the

23 board?

24 MS. PICKARD: I just want to

25 say that since it was their mistake, they should be

32

1 paying this themselves and pay all the penalties,

2 but that's fine.

3 MR. KERRICK: The county should

4 pay us, is what you're saying?

5 MS. PICKARD: Yeah, I think

6 they should pay all of it --

7 MS. LAMBERTON: I don't know.

8 You got to --

9 MS. PICKARD: -- but I'm just --

10 MS. LAMBERTON: You got also

11 think --

12 MS. PICKARD: I know.

13 MS. LAMBERTON: -- if we make a

14 mistake, we'd like to ask and beg for forgiveness
15 and hopefully they would do it in return.
16 MS. PICKARD: But they would --
17 you know, it is what it is.
18 MS. LAMBERTON: No, I -- I
19 understand.
20 MR. HOLAHAN: Further
21 discussion from the board?
22 Anything from the public?
23 Hearing none. I'll call the
24 vote.
25 John?

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1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: I vote in favor.
4 MR. HOLAHAN: Anne?
5 MS. LAMBERTON: I vote in
6 favor.
7 MR. HOLAHAN: And I vote in
8 favor. Motion carries.
9 MS. HAASE: Thank you.
10 It was brought to my attention

11 by our support staff after our last meeting that
12 the Resolution No. 2014 dash 033, it was made on
13 December 1, for the price adjustment for the
14 bituminous materials was incorrectly numbered; it
15 should be 2014-024. I just wanted that into the
16 record, that that will be adjusted.

17 MS. PICKARD: So it's going
18 from 033 to 024?

19 MS. HAASE: That's correct.

20 I also wanted to bring the
21 attention of the board, the township received a
22 request from a local business to have a resolution
23 executed by the board, to allow the transfer of a
24 liquor license from one municipality to another.
25 I'm questioning whether this is something that is

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1 allowed.

2 I've spoken to Pat just before
3 our meeting and we both have concerns about this.
4 It is going to be going into a facility that sells
5 gasoline and petroleum products, which is not
6 allowed by the LCB. So we do have a request in

7 front of the township for a resolution to be
8 executed. If this in fact was something allowed,
9 it's not just a resolution, it would have to be by
10 ordinance. So I don't know how we want to proceed
11 with this.

12 Do we want it to -- conditional
13 upon they meet the requirements of the LCB?

14 MR. ARMSTRONG: Under the regs,
15 when you'd adopt a resolution or ordinance
16 approving the transfer, it has to be -- there has
17 to be a public hearing. So you wouldn't be able to
18 do anything today anyway. But in talking with
19 Phyllis, apparently the property's a gas station
20 and --

21 MR. KERRICK: Currently?

22 MS. HAASE: Currently.

23 MR. KERRICK: I'm sorry. I
24 didn't mean to interrupt you.

25 MR. ARMSTRONG: I'm not aware

35

1 of any change of use proposal or terminating the
2 gas station. So I think probably the next step
3 would be to reach out and say, hey, by the way, do

4 you know you can't sell alcohol on the premises of
5 something that also sells liquid fuels and/or oil
6 in the State of Pennsylvania.

7 MS. LAMBERTON: So what does
8 that have to do with us as a township then, that's
9 a state thing?

10 MR. ARMSTRONG: Under the regs,
11 believe it or not --

12 MS. HAASE: We're required.

13 MR. ARMSTRONG: -- the local
14 municipal --

15 MS. LAMBERTON: Oh, we are as
16 well. I'm sorry.

17 MR. ARMSTRONG: You're supposed
18 to -- when you have -- it's based upon how many
19 licenses are permitted in your municipality based
20 on population. And if they --- if you already have
21 that many licenses and if you're moving above,
22 which you are, you have to have a public hearing.

23 MS. LAMBERTON: How many are we
24 allowed?

25 MR. ARMSTRONG: I think it's

1 one per 3,000 residents. I did some quick math
2 just of places I know in the township and I think
3 --

4 MS. LAMBERTON: It has to be
5 more than that.

6 MS. HAASE: This is for a
7 distribution, a distributor.

8 MR. KERRICK: Is that why
9 they've come to us in the past -- the past, you
10 know, five, six years? I mean, in the past I don't
11 ever recall them coming before the board asking for
12 a change or asking for anything.

13 Do you?

14 MS. PICKARD: I think we did --

15 MR. KERRICK: In the last few
16 years.

17 MS. PICKARD: We did one.

18 MS. HAASE: As the zoning
19 officer, LCB would contact me with regards to
20 certain regulations and I would have to sign off.
21 I don't recall anything having to come in front of
22 the board, but it was presented to the zoning
23 office.

24 MR. KERRICK: It could've been,

25 maybe you just, in your report, that you brought it

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1 to us --

2 MS. HAASE: Maybe.

3 MR. KERRICK: -- but I do
4 remember at least once, possibly twice, that it
5 came.

6 MS. PICKARD: Wasn't it Papa
7 Santos something, going back and forth with
8 Coolbaugh, they moved?

9 MR. KERRICK: Maybe they moved
10 that from Coolbaugh to here --

11 MS. PICKARD: I think.

12 MR. KERRICK: -- maybe that's
13 what I remember. It's been years ago.

14 MR. ARMSTRONG: When it's
15 coming from an outside municipality is what
16 triggers this public hearing requirement. So if
17 it's within Tobyhanna Township, that's something a
18 little different.

19 MR. KERRICK: Understood.

20 MR. ARMSTRONG: But this is
21 coming from an outside municipality. They're

22 brining it in -- they're attempting to transfer it
23 in, so, which requires the public hearing from the
24 board.

25 MS. PICKARD: Where is this

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1 anyway?

2 MS. HAASE: Corner of 115 and
3 940.

4 MR. HOLAHAN: So at this point,
5 we just go back to them and let them know that
6 that's not allowed?

7 MR. ARMSTRONG: If their
8 proposal is to maintain the gas station.

9 MS. HAASE: That is the only
10 item I have. I have two items for late --

11 MR. HOLAHAN: Okay. All right.
12 Old business.

13 Consider equipment rental bids.

14 MS. HAASE: Yes, sir. The
15 township has one bid that was presented as per the
16 advertised requirements.

17 MR. HOLAHAN: Umm-hmm.

18 MS. HAASE: The bid was opened
19 in the public and the individual -- the company was
20 Papillion and Moyer, and they have met the
21 requirements of the advertisement.

22 MR. HOLAHAN: Okay. That was
23 something we discussed last time and decided to
24 table it for this meeting?

25 MS. HAASE: We did.

39

1 MR. HOLAHAN: So do I have a
2 motion to accept the submitted equipment rental
3 bid?

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

6 MR. HOLAHAN: Do I have a
7 second? I'll second.

8 Further discussion from the
9 board?

10 Anything from the public?
11 Hearing none. I'll call the
12 vote.

13 John?

14 MR. KERRICK: I will abstain,

15 as I have a business relationship --
16 MR. HOLAHAN: I'm sorry.
17 Go ahead.
18 MR. RANDY HOFFMAN: Well, if
19 we're buying a new Gradall --
20 THE REPORTER: Can I just have
21 your name, please?
22 MR. RANDY HOFFMAN: -- are we
23 going to use it?
24 Oh, Randy Hoffman, that's H --
25 excuse me, H-o-f-f-m-a-n.

40

1 THE REPORTER: Thank you.
2 MR. RANDY HOFFMAN: If we're
3 buying a new Gradall, are we gonna use it for
4 250,000?
5 MR. HOLAHAN: Certainly, but
6 it's not going to do everything.
7 MS. HAASE: It would be the
8 same as this year, we co-partnered. This year the
9 township worked alongside of and with, but this bid
10 is not just for a Gradall, it's for multiple pieces

11 of equipment.

12 MR. RANDY HOFFMAN: Obviously.

13 I'm just questioning the 250,000 for the machine
14 and then we're gonna hire somebody to do the work;
15 but obviously he has more than just a Gradall.

16 MS. HAASE: Yes, sir.

17 MS. PICKARD: By getting the --

18 MR. RANDY HOFFMAN: So then we
19 won't need his Gradall, 'cause we have our own now.

20 MS. PICKARD: Unless we're
21 doing simultaneous work, but that's one of the
22 reasons why we wanted to buy the Gradall, so we
23 don't have to pay somebody else to do as much as we
24 --

25 MR. RANDY HOFFMAN: Yeah, we

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1 had a Gradall that sat here for years.

2 MS. PICKARD: Well, it's not
3 now and it broke.

4 MS. HAASE: Well, this year we
5 put a lot of hours on the Gradall. I think we put
6 what, over 500, 4 -- 500 hours?

7 MR. KERRICK: Impossible.

8 MS. HAASE: Yeah.
9 MR. RANDY HOFFMAN: Might be in
10 idling time. I don't know.
11 MR. HOLAHAN: Okay.
12 MR. RANDY HOFFMAN: If we're
13 spending 250,000, I want to see the thing work 40
14 hours a week, if we have work for it. I don't want
15 to see Papillion and Moyer's Gradall here, if we
16 own our own and it's brand new. If you don't have
17 somebody to operate it properly, hire somebody.
18 MS. HAASE: Thank you.
19 MR. HOLAHAN: Okay. Anything
20 else?
21 All right. Back to the vote.
22 I'll call the vote. John?
23 MR. KERRICK: I abstained.
24 MR. HOLAHAN: Okay. Heidi?
25 MS. PICKARD: I'll vote in

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1 favor.

2 MR. HOLAHAN: Annie?

3 MS. LAMBERTON: I abstain.

4 MR. HOLAHAN: And I vote in
5 favor.

6 MR. ARMSTRONG: Just like
7 earlier, you've established that you won't be able
8 to get a majority vote due to the two conflicts of
9 the board members this morning. So if you want to
10 consider another vote.

11 MR. HOLAHAN: And ask for their
12 -- the conflict?

13 MR. ARMSTRONG: Right.

14 MR. HOLAHAN: Do I need to do
15 another motion or just ask to vote again?

16 MR. ARMSTRONG: It would be
17 another motion, yeah.

18 MR. HOLAHAN: So do I have a
19 motion to accept the material bid -- I mean, the
20 equipment rental?

21 MS. PICKARD: I'll make that
22 motion.

23 MR. HOLAHAN: And I'll second.
24 Motion and second.
25 Further discussion from the

1 board?

2 Anything else from the public?

3 Hearing none. I'll call the

4 vote.

5 John?

6 MR. KERRICK: Do you want the

7 full disclosure again?

8 MR. HOLAHAN: Yes, please.

9 MR. KERRICK: I have a business
10 conflict with Papillion and Moyer -- or a business
11 conflict -- due to a business relationship, I have
12 a conflict. I'll get it out sooner or later. I'll
13 abstain.

14 No, I don't have to abstain this
15 time.

16 MR. HOLAHAN: That's right.

17 MR. KERRICK: I vote in favor.

18 MR. ARMSTRONG: You don't have
19 to abstain, but you also don't -- you can abstain
20 if you want for the second vote.

21 MR. KERRICK: You got me
22 confused here.

23 MS. LAMBERTON: Go ahead,
24 Heidi.

25 MS. HAASE: As long as you

1 disclose it, if you're comfortable, then you can
2 make that -- you can --

3 MR. HOLAHAN: How do you vote,
4 John? In favor?

5 MR. KERRICK: I did.

6 MR. HOLAHAN: Okay. Okay.

7 MR. KERRICK: I'm sorry. I
8 thought you heard me.

9 MR. HOLAHAN: I did hear you.

10 MS. PICKARD: We didn't hear
11 you undo it.

12 MR. HOLAHAN: It's just that
13 when something else gets thrown in there --

14 MS. HAASE: I'm going to do
15 flashcards for all of us.

16 MR. RANDY HOFFMAN: It's awful
17 confusing.

18 MR. HOLAHAN: That's all right.

19 MS. HAASE: It is.

20 MR. HOLAHAN: Heidi?

21 MS. PICKARD: Are you getting

22 this?

23 I vote in favor.

24 MR. KERRICK: I apologize. I
25 thought that you heard me.

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1 MR. HOLAHAN: I did.

2 MR. KERRICK: 'Cause I was just
3 staring at the paper, you probably thought I was
4 pondering what to do for the fourth time.

5 MR. HOLAHAN: Heidi?

6 MS. PICKARD: I vote in favor.

7 MR. HOLAHAN: Annie?

8 MS. LAMBERTON: I have a
9 conflict and I am employed by Papillion and Moyer.

10 I vote in favor.

11 MR. HOLAHAN: I vote in favor.

12 Motion carries.

13 MR. HOLAHAN: Next we've got
14 the Kalahari Resorts land development revisions.

15 MS. HAASE: Mr. Horton, you're
16 up.

17 MR. DAVID HORTON: We submitted
18 a set of revised plans for consideration by the

19 township and we received a letter from the township
20 engineer that was dated December 19, 2014. We --
21 we would represent that the -- the notes that have
22 been made in this letter are will-complies, we'll
23 be able to address those issues. We find that
24 those are minor in nature and administrative in
25 keeping. And it would be our intent to revise the

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1 plans in the report, you know, with the notes that
2 are requested by Mr. McHale accordingly.

3 THE REPORTER: May I just have
4 your first name?

5 MR. DAVID HORTON: My name's
6 David Horton, H-o-r-t-o-n.

7 THE REPORTER: Thank you.

8 MR. DAVID HORTON: Sure.

9 MS. HAASE: One thing I do want
10 to bring to the board's attention is, we've had
11 some discussion recently perhaps of having a
12 snowtubing area, which that will be viewed as an
13 amenity to the resort as per the ordinance as
14 accessory -- accessory use. So if in fact that

15 does move forward, then the parking that was
16 allocated, that was required by the ordinance, that
17 would be moved; but is something that there has
18 been discussions and that would follow our
19 ordinance as accessory use.

20 MS. PICKARD: So that would be
21 amendment at another later date or you're --

22 MS. HAASE: Only pertaining to
23 the parking.

24 MS. PICKARD: Okay.

25 MR. HOLAHAN: So Mr. McHale did

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1 the -- did send a letter recommending approval, but
2 he's asking for -- there are some waivers that were
3 requested. So we're looking for a motion to accept
4 the land development plan with the waivers and do
5 we want to list those?

6 MS. PICKARD: I'll make a --

7 MR. ARMSTRONG: There should be
8 two motions, if the board's going to move forward.
9 One would be to approve the waiver of the SALDO
10 requirements being requested as referenced in the
11 review letter. And the second would be to approve

12 the revised land development plan. The one thing
13 -- I don't know if you want to have Mr. Horton
14 summarize very quickly the actual revisions so you
15 know --

16 MR. HOLAHAN: Yes.

17 MR. ARMSTRONG: So there's no
18 confusion with respect to what the actual revisions
19 are. I'm not sure if they're set forth in detail
20 in the review letter, but --

21 MR. HOLAHAN: Well, we received
22 the map.

23 But, yeah, if you could go and
24 explain that, please.

25 MR. DAVID HORTON: Here's just

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1 the same map. Now, I would note that this map
2 differs slightly from the one that, was reviewed by
3 Mr. McHale and it would be our intent to have Mr.
4 McHale, you know, re-review this map for
5 consideration. But this takes into account one of
6 Mr. McHale's comments, which was that, should you
7 have ancillary structures in place within

5 Stage 2B. And that would be an additional
6 convention center addition and there are no plans
7 currently on the books right now. That would be,
8 let's open up, let's see how things go in an
9 as-needed basis, that would be considered.

10 Then the bluish color would be
11 future construction and that's way out in the
12 future. That would be an additional convention
13 center and associated parking, you know, with it.
14 So once again, that is way out in the future and
15 there's no current plans, you know, for that right
16 now.

17 MR. ARMSTRONG: So what --
18 specifically what's the -- I mean, I want the board
19 to understand what the changes are from the
20 original plan aside from the phasing that you just
21 went through. Are there any like structure
22 revisions, stormwater revisions?

23 MR. DAVID HORTON: The
24 structures have been identified better for the
25 phasing plan that has been identified and the

1 associated --

2 MR. HOLAHAN: That's what I
3 thought, sure.

4 MR. DAVID HORTON: --
5 impervious and stormwater management calculations
6 and the reports have been updated in accordance
7 with the phasing plan that has been shown in front
8 of you.

9 MR. HOLAHAN: Because you're
10 showing five buildings and the zoo of 5,000 square
11 foot -- or 2500 square foot each. And then in the
12 water park four buildings at 4,000 square foot
13 each. And then out front here, it went from 825 to
14 4,000 square feet.

15 You don't think Bob's going to
16 have any issues with this?

17 MS. HAASE: This is something
18 we actually discussed when the project was approved
19 in '12.

20 MR. HOLAHAN: Okay.

21 MS. HAASE: The concern at that
22 particular point, because it was brought to our
23 attention the day before the board's meeting, that
24 there was going to be running sheds for the zoo and
25 also right in the water park there was going to be

1 outside, say, retail or perhaps bars or eateries.

2 MR. HOLAHAN: Right.

3 MS. HAASE: So in order to
4 allow this to move forward, without having to come
5 back to the board for approval when they wanted to
6 pull the building permit, we had suggested put a
7 building envelope. So then Bob was in agreement
8 with that. This morning Bob brought in the plan to
9 me, so it must've been emailed to him.

10 MR. DAVID HORTON: It was this
11 morning, yes.

12 MS. HAASE: Okay. So he did
13 get a chance to look at that.

14 MR. HOLAHAN: Okay. Good.

15 MS. HAASE: What may come into
16 place, I don't know if it's going to affect the
17 stormwater a minimal amount or not --

18 MS. LAMBERTON: You would have
19 to handle that.

20 MR. DAVID HORTON: And his
21 comments are applicable to that, so there would be
22 most likely a revision. We have to -- as we submit

23 to the Monroe County Conservation District for
24 NPDES permit updates, all of those calculations of
25 stormwater reports have to be updated. So, you

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1 know --

2 MS. HAASE: Our concern was
3 that if the building envelope was not noted, it
4 would have to come back in the front of the board
5 in order for the zoning officer to issue a permit.
6 This will alleviate that process.

7 I did want to note that the
8 configuration of the wing for the second phase of
9 the hotel has just slightly changed, at the tip of
10 it, I forget now what Kalahari's calling those
11 units.

12 MR. DAVID HORTON: Yes, I don't
13 recall either, Phyllis.

14 MS. HAASE: They're a larger
15 more family-style unit that will be going in that.
16 And so that just slightly changed the configuration
17 of what was presented to you in the past.

18 MR. HOLAHAN: I think I

19 might've witnessed that.

20 (Discussion off the record.)

21 MR. HOLAHAN: Okay.

22 MR. KERRICK: So are we looking
23 for a motion at this point?

24 MS. PICKARD: So I was going to
25 make a motion for -- to approve the waivers

53

1 requested on the revised land development plan for
2 Kalahari, being SALDO Section 135-15.B(2) and SALDO
3 Section 135-15.B(3); Stormwater Section 124-14.D
4 and Stormwater Section 124-19.B.

5 MR. KERRICK: Are you sure?

6 MS. PICKARD: Yep.

7 MR. KERRICK: Okay. Then I'll
8 second it.

9 MR. HOLAHAN: Okay. I've got a
10 motion and second.

11 Further discussion from the
12 board?

13 Anything from the public?

14 Hearing none. I'll call the
15 vote.

16 John?
17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I vote in favor.
20 MR. HOLAHAN: Anne?
21 MS. LAMBERTON: I'll abstain.
22 MR. HOLAHAN: And I vote in
23 favor. Motion carries.
24 MS. PICKARD: I'll make a
25 motion that we approve the Kalahari Resorts project

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1 2012 dash 003, revised land development plans as
2 depicted, subject to the review comments of our
3 township engineer and legal counsel.
4 MR. HOLAHAN: Okay. I've got a
5 motion.
6 Do I have a second?
7 MR. KERRICK: Second.
8 MR. HOLAHAN: I've got a motion
9 and a second.
10 Further discussion from the
11 board?

12 Anything from the public?
13 Hearing none. I'll call the
14 vote.
15 John?
16 MR. KERRICK: In favor.
17 MR. HOLAHAN: Heidi?
18 MS. PICKARD: I vote in favor.
19 MR. HOLAHAN: Anne?
20 MS. LAMBERTON: I'll abstain.
21 MR. HOLAHAN: And I vote in
22 favor. Motion carries.
23 MR. DAVID HORTON: Thank you.
24 MR. KERRICK: You're welcome.
25 MR. HOLAHAN: I'm looking at

55

1 the agenda here and then the one that's on here.
2 Am I using this one that's
3 online here on our portal? It's the same thing.
4 MS. LAMBERTON: Yeah.
5 MS. HAASE: Sorry.
6 MR. HOLAHAN: No, that's all
7 right.
8 Coolbaugh Township wood grinder

9 agreement.

10 MS. HAASE: Yes, sir. At your
11 December 1 meeting, I had asked the board at that
12 particular time if we should have our legal counsel
13 send Coolbaugh Township a letter pertaining to the
14 Beast. This is something that is used by our
15 residents, as well as the township. We received a
16 letter from Coolbaugh Township in September. We
17 began last November of 2013 to try to get this
18 resolved.

19 September 2014 they sent a
20 letter stating that they were doing analysis and
21 that they were not going to be renewing our current
22 agreement. I did, as the board instructed, send a
23 letter to Coolbaugh Township Supervisors on
24 December 4 and we did get acknowledgement from the,
25 I believe, assistant secretary at the time, that

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1 she did receive it and she was moving it forward to
2 the board. As of this date, I have not received
3 any communication from Coolbaugh that they are
4 renewing our agreement.

5 So what my concern is that we
6 will have to inform our residents that they will
7 not have use of this facility for the time being,
8 as well as the township will not have to. But my
9 -- my point with this, I'm having a hard time with
10 the fact that when they obtained the monies through
11 the grant, it was to be used by the surrounding
12 municipalities. And we were specifically called
13 out in that grant application.

14 So I'm asking the board at this
15 particular point what direction you would like me
16 to move in. We definitely will put something on
17 our internet -- on our website advising the
18 residents they no longer will have use of the
19 facility; but we will have to move in some
20 direction and find a facility for the township as
21 well.

22 MS. LAMBERTON: I was going to
23 say, what's our DPW going to do?

24 MR. KERRICK: So if we don't
25 have use of their facility, but do we have use of

2 MS. HAASE: No, we do not.

3 MR. KERRICK: Why?

4 MS. HAASE: They are saying --

5 MR. KERRICK: No, I know why
6 they're saying. I'm just -- I'm asking Pat why.

7 Our name was -- and we've been
8 involved with this since it --

9 MR. ARMSTRONG: Have you
10 reached out to Coolbaugh and reminded them that it
11 was a grant for not only them --

12 MS. HAASE: Yes, I have.

13 MR. ARMSTRONG: -- but to the
14 surrounding municipalities? Their response was?

15 MS. HAASE: They did not
16 respond.

17 MR. ED TUTRONE: Pat, also I
18 was at -- Phyllis had asked me -- I was going up to
19 one of their meetings. Phyllis asked me to inquire
20 about it or let them know that we're looking for an
21 agreement. I did that at one of their public
22 meetings. They did not give an answer, but it was
23 brought up that Tunk, Mount Pocono and Tobyhanna
24 Township were all part of that grant by another
25 resident up there. They said we're going to look

1 into that, so I don't know how far they got.

2 MR. ARMSTRONG: Do we have
3 copies of the grant agreement?

4 MS. HAASE: We do. In my
5 letter from December 4 I also made note that it was
6 to be shared with the interested other
7 municipalities.

8 MS. LAMBERTON: Are the other
9 municipalities also not able to utilize?

10 MS. HAASE: Tunkhannock is, I
11 am not certain about Mount Pocono.

12 MS. LAMBERTON: But we're not?

13 MR. KERRICK: Tunkhannock is
14 cut too?

15 MS. HAASE: Yes. I don't know
16 if Mount --

17 MR. KERRICK: I was under the
18 impression that all were.

19 MS. PICKARD: Yeah.

20 MS. HAASE: I don't know if
21 Mount Pocono is. I haven't spoke to them, so I
22 don't want to speak to that, but I know Tunkhannock

23 Township and I had the discussion and they are no
24 longer allowed to use the Beast.

25 MR. KERRICK: For years we had

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1 a very small price to pay for teeth for the Beast

2 --

3 MS. HAASE: A thousand dollars.

4 MR. KERRICK: We always asked,
5 you know, is that -- you sure that's all you need,
6 et cetera, et cetera. Not that we wanted to pay
7 more, but they never got back to us. So now here
8 we are at the 11th hour --

9 MS. PICKARD: Yeah, and --

10 MR. KERRICK: -- and we can't
11 utilize it, but I think we can because --

12 MS. PICKARD: Yeah.

13 MR. KERRICK: -- we're named
14 out. Maybe not use their facility, but that Beast
15 should be able to come to us.

16 MR. ARMSTRONG: I don't know if
17 I've ever seen the actual grant agreement.

18 MS. HAASE: I'll get that, I'll
19 forward it to you.

20 MR. ARMSTRONG: But if the
21 grant --

22 MS. PICKARD: The issue is they
23 just had -- they just had some major repairs of
24 like \$13,000, Ed?

25 MR. ED TUTRONE: Yeah.

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1 MS. HAASE: No, it was
2 \$11,949.73.

3 MR. ED TUTRONE: And I also,
4 when I inquired -- that's what brought it up -- I
5 said that we -- you know, Tobyhanna Township's
6 looking to contribute to that, they're just waiting
7 for an answer. Obviously you haven't heard
8 anything yet. We do have a place if we can get it
9 over here, over at the transfer station where we
10 put that pad.

11 MR. KERRICK: That's what we --
12 that's what our original thing was to --

13 MS. PICKARD: And they move it
14 to Tunkhannock.

15 MR. KERRICK: Well, they did in

16 the past.

17 MS. HAASE: They did once.

18 MR. ARMSTRONG: Just so -- what

19 I'll do is, I'll look at the grant and if it's

20 clear that we're entitled to the use of it through

21 the grant, then they can't unilaterally cut us out.

22 That being said, for purposes of the record, I've

23 heard a lot of references to the Beast.

24 MS. HAASE: That is what it's

25 --

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1 MR. KERRICK: It's a wood

2 grinder.

3 MR. ARMSTRONG: I know.

4 MS. HAASE: It's a wood

5 grinder.

6 MR. KERRICK: Oh, for the

7 record?

8 MS. LAMBERTON: Yes.

9 MR. ARMSTRONG: A wood grinder,
10 right?

11 MS. HAASE: Yes.

12 MR. KERRICK: Yeah. They used

13 our name numerous times in other grants and I don't
14 know if they were successful in obtaining those
15 grants for other equipment, but it wasn't just the
16 Beast. That's what started it, but in the past
17 they -- it was the four municipalities -- three
18 municipalities, borough.

19 MR. HOLAHAN: I think we have
20 to be realistic here. Mr. Tutrone was at the
21 meeting and heard that they would look into it. So
22 it sounds like they're looking for a way to prevent
23 us from using it.

24 MR. ED TUTRONE: I don't
25 necessarily --

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1 MS. PICKARD: I don't think so.

2 MR. ED TUTRONE: -- would say
3 they were preventing us from using it. And one of
4 the topics that came up on their -- with their
5 budget was revenue, and I said to them, well,
6 here's some revenue that at least would pay for
7 part of that. I think they're trying to figure out
8 a way, if they want the other municipalities to

9 continue with it, how much to charge because
10 there's some other things on there now that -- it's
11 like what, 15 years old, John, 10 years old?

12 MR. KERRICK: It's closer to
13 15, I would say, by now.

14 MR. ED TUTRONE: -- that are
15 gonna be high ticket items that are gonna need to
16 be replaced. So I think they're trying to figure
17 out a way to --

18 MS. LAMBERTON: Share the cost.

19 MR. ED TUTRONE: -- adjust out
20 the cost.

21 MS. PICKARD: Well, they've
22 been trying to do that, though --

23 MS. LAMBERTON: That seems
24 fair.

25 MS. PICKARD: -- by the way,

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1 for at least five years and they haven't done it
2 yet.

3 MR. KERRICK: They haven't done
4 it, it's not any fault of ours.

5 MS. PICKARD: Exactly.

6 MR. HOLAHAN: Understood.

7 MS. PICKARD: Exactly.

8 MS. HAASE: In all due respect
9 to the conversation, they were requested last year
10 in 2013. So they have had ample time to do an
11 analysis and address this, if, in fact, they wanted
12 to move forward with allowing everyone to use the
13 piece of equipment.

14 MR. ED TUTRONE: One of the
15 things too, just so aware, if they in fact do come
16 back with a number, they're looking at -- this was
17 just said at their last meeting last week. They're
18 looking at possibly hiring out to do the repairs to
19 it because apparently one of their DPW workers got
20 hurt repairing something on it.

21 So now they want to see what the
22 cost would be to hire out, to have somebody come in
23 and do the repair, which is gonna put the cost a
24 lot higher.

25 MS. HAASE: So what I'll do is,

1 I'll forward the -- the agreement to Pat for

2 review. Once Pat reviews that, should we move in
3 the direction that Pat sends something to Coolbaugh
4 Township?

5 MS. LAMBERTON: I would like to
6 see --

7 MR. KERRICK: The only thing I
8 would --

9 MS. LAMBERTON: -- where they
10 stand.

11 MR. KERRICK: I'm sorry.

12 MS. LAMBERTON: Go ahead, John.

13 MR. KERRICK: The only thing I
14 would like is an email from Pat explaining what you
15 found.

16 MS. LAMBERTON: Yeah.

17 MS. PICKARD: Yes.

18 MR. ARMSTRONG: It should be
19 pretty straight. If the grant clearly indicates
20 that all the participating municipalities have the
21 right and ability to use it, I'm not sure how
22 they'd get around that without getting an issue.

23 MR. KERRICK: Well, we might
24 not be able to use their facility, their fuel. I
25 can understand that.

1 MS. LAMBERTON: And that's
2 okay.

3 MR. KERRICK: But then that's
4 our option if we want to move it to --

5 MS. LAMBERTON: Yeah.

6 MR. KERRICK: -- our facility
7 or we want to pay, you know --

8 MR. ARMSTRONG: Is it a mobile
9 --

10 MR. KERRICK: Yes.

11 MS. LAMBERTON: That's what I
12 just asked, it's towable.

13 MR. KERRICK: It's permitted.
14 It has to be permitted, et cetera, et cetera, but
15 it can be done.

16 MS. HAASE: And --

17 MR. ED TUTRONE: Tunk actually
18 brought it to their facility for, I don't know,
19 about a month, two months a few years ago. And
20 that's when John had the idea to build that pad out
21 by the transfer station. We had the room to do it,
22 so we built a pad out of millings and --

23 MR. KERRICK: We didn't go any

24 further, you know, there was talk of a walking path
25 and, you know -- we didn't get that far, but that

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1 was discussed at one point.

2 MS. HAASE: I --

3 MR. KERRICK: The good news is
4 -- I'm sorry to interrupt -- it's winter and we
5 don't have a lot of people looking to --

6 MS. HAASE: Well, yes and no.

7 MR. KERRICK: Except for the
8 Christmas trees.

9 MS. HAASE: Yes. That is --
10 that is why I'm bringing that forth again because
11 we have our residents that take their trees there
12 every year. And now they don't have the ability to
13 do that.

14 MR. HOLAHAN: It'd be nice just
15 to get something from Coolbaugh saying hey, folks,
16 we're working on it, we're just trying to figure
17 out how to divide this up.

18 MS. LAMBERTON: Getting a
19 response.

20 MR. HOLAHAN: 'Cause you're
21 going to find out if we share like equal equity or
22 interest in it.

23 MR. ARMSTRONG: What I'll do, I
24 don't know if there's -- it sounds like maybe
25 they're -- they're going to try and work with you.

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1 So maybe I'll look at the grant agreement, if it's
2 clear as day, I'll let Phyllis know. And Phyllis
3 can pick up the phone and call Coolbaugh's manager
4 and say, hey, you know, we looked at the grant
5 agreement, you can't cut us out, let's work
6 together and figure a way to make this work.

7 MS. HAASE: I had that
8 discussion.

9 MR. ARMSTRONG: And it didn't
10 go well?

11 MS. HAASE: It's up to the
12 board is what I was told.

13 MR. ED TUTRONE: And I'd have
14 to agree with Phyllis -- I personally agree with
15 what you guys said. I think they are dragging
16 their feet, I don't know why; but one temporary fix

17 if you want to -- I'm just throwing this out there
18 -- as far as the Christmas trees go, if we have
19 them drop them off at the transfer station, we can
20 either borrow Tunk's chipper or rent one if we need
21 to and grind them up ourselves and just blow them
22 into the woods there, the chips.

23 MR. KERRICK: Did you ever try
24 to do a Christmas tree?

25 MR. ED TUTRONE: No.

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1 MR. KERRICK: It's not easy.

2 MR. ED TUTRONE: No?

3 MR. KERRICK: I'll throw
4 another option out if -- but it costs the township
5 money, if you want to take them here and have the
6 DPW haul them over to my tree farm. I'll compost
7 them, just throw them in, they can decay, but I
8 don't -- I don't want to be there to accept them.
9 That's an option, but it's going to cost the
10 township money to transport them. I don't want to
11 be involved in any of that.

12 MS. PICKARD: That's not that

13 much though to transport.

14 MR. KERRICK: It costs money.

15 MS. LAMBERTON: Yeah, it does.

16 MR. KERRICK: Where before the
17 resident could drop it off and be done with it.

18 MS. PICKARD: The other comment
19 that I just want to make is, the other side of this
20 is that our residents could go and drop things off
21 or trees or whatever and they could also get the
22 free mulch, which was also confusing, 'cause they
23 started giving cards out to their residents and
24 didn't give our residents. So half the time our
25 residents couldn't get the free mulch, just another

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1 aside on that agreement.

2 MR. KERRICK: I'd like to know
3 how many residents really use it. So when it comes
4 to the share, how much do we contribute?

5 MS. PICKARD: They gave cards,
6 and we were involved in that.

7 MR. KERRICK: Unless they do it
8 by population.

9 MS. PICKARD: Yeah, we'd see

6 unreasonable.

7 MR. ARMSTRONG: If it's an
8 aging machine, it could be a significant amount of
9 money. I don't know.

10 MR. KERRICK: But in essence,
11 do we know if they maintain it properly? How did
12 they operate it? I mean, you could get into a lot
13 of things because if we were involved and we asked
14 numerous times about cost and they complained about
15 fuel cost, et cetera, et cetera, how much do we
16 really use it?

17 I said enough.

18 MS. PICKARD: I just think on
19 the storms when we had a lot trees down and stuff
20 was probably when we used it the most.

21 MR. KERRICK: We took a
22 tremendous amount from this park.

23 MR. ED TUTRONE: The DPW alone
24 has taken -- our township has taken a lot of stuff
25 up there. I mean, a lot of stuff, probably more so

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1 than our residents.

2 MR. HOLAHAN: Do you have clear

3 direction where we're going with this?

4 MS. LAMBERTON: I'm glad you
5 do.

6 MS. HAASE: I'm going to send
7 the agreement to Pat, Pat's going to look at the
8 grant agreement, send something out to the board
9 and then I'll wait, it's your decision.

10 MR. HOLAHAN: Right. We're not
11 going to pick up a stick yet.

12 MS. LAMBERTON: No pun
13 intended.

14 MR. KERRICK: Pardon the pun.

15 MR. HOLAHAN: Patrick's the
16 stick.

17 Let's go on to new business,
18 consider material bids.

19 MS. HAASE: Yes, sir. This
20 morning at nine o'clock, the material bids were
21 open to the public. And there was two individuals
22 that submitted the packet, which is Hanson
23 Aggregates and Locust Ridge Quarry. After
24 reviewing both of them, Locust Ridge Quarry comes
25 back with the lowest figure.

1 MR. HOLAHAN: So do I have a
2 motion to accept Locust Ridge Quarry's bid?

3 MS. PICKARD: Could you just
4 tell us what those amounts were, just so we have
5 them?

6 MS. HAASE: For both of them or
7 just for -- there's quite a few of them? You just
8 want it for the quarry?

9 MS. PICKARD: Yeah.

10 MS. HAASE: AASHTO No. 1, eight
11 ninety-five, FOB; AASHTO No. 3, eight ninety-five,
12 FOB; AASHTO No. 57, eight ninety-five, FOB; AASHTO
13 No. 8, thirteen forty-five, FOB; AASHTO No. 10,
14 thirteen forty-five, FOB; PA2A subbase, six
15 eighty-nine, FOB; R4 riprap, thirteen twenty-five,
16 FOB; R5 riprap, fourteen seventy-five, FOB;
17 antiskid, ten fifty, FOB.

18 Superpave wearing course, 9.5,
19 57.74, FOB; superpave binder course, 19 millimeter,
20 fifty-four twenty-four, FOB; superpave binder
21 course, 25 millimeter fifty-one twenty-four, FOB;
22 superpave wearing course, 9.5 millimeter,
23 fifty-seven twenty-four, FOB; PennDOT approved cold

24 patch, \$115, FOB.

25 MR. KERRICK: Not bad.

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1 MR. HOLAHAN: I'm going to take
2 your word for that, John.

3 MR. KERRICK: Well, you used to
4 be able to -- we had roads paved for 25, \$28 a ton
5 in place. That's before the oil went --

6 MR. HOLAHAN: Right, right.

7 MR. KERRICK: I was hoping they
8 would be a little less than that, but it's down
9 from what it was.

10 MR. HOLAHAN: Okay.

11 MS. PICKARD: Less than what it
12 was.

13 MR. KERRICK: Yeah, it's less
14 than what it was.

15 MR. ED TUTRONE: The most on
16 the blacktop that I heard go up was 74 cents a ton.

17 MR. KERRICK: Should've went
18 down, it widdles down.

19 MS. LAMBERTON: Yeah.

20 MR. ED TUTRONE: But they're

21 not charging us the escalations.

22 MS. PICKARD: But it should be
23 -- do we have a deescalation? No.

24 I'll make the motion to approve
25 the Locust Ridge Quarry material bids subject to

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1 legal review.

2 MS. LAMBERTON: So moved -- or
3 second.

4 MR. HOLAHAN: We have a motion
5 and a second. Got a motion and a second.

6 Further discussion from the
7 board?

8 Anything from the public?

9 Hearing none. I'll call the
10 vote.

11 John?

12 MR. KERRICK: I will abstain as
13 I may have a business relationship with Locust
14 Ridge.

15 MR. HOLAHAN: Heidi?

16 MS. PICKARD: I vote in favor.

17 MR. HOLAHAN: Anne?
18 MS. LAMBERTON: I vote in
19 favor.
20 MR. HOLAHAN: And I vote in
21 favor. Motion carries.
22 Thank you.
23 Township auditor applications.
24 MS. HAASE: Well, this has been
25 an extremely interesting process.

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1 MS. PICKARD: It's always an
2 interesting --
3 MR. KERRICK: It has been.
4 MS. HAASE: Because up until 20
5 minutes before the meeting, I had -- no one had
6 submitted a letter of interest.
7 MS. LAMBERTON: Wow.
8 MS. HAASE: I'm happy to say we
9 now have two. Ms. Janet Pottiegr, P-o-t-t-i-e-g-r,
10 has submitted her request to be appointed as
11 auditor for 2015. And Miss Elizabeth W-h -- I'm
12 sorry, W-a-h-n-e-r has also requested to be
13 considered for the position.

14 We currently have two positions
15 open and I have two letters of interest.
16 MS. LAMBERTON: What's the
17 deadline?
18 MS. PICKARD: December 3.
19 Janet's been our current auditor
20 for the last --
21 MR. KERRICK: The one that was
22 elected.
23 MS. PICKARD: She was six years
24 elected and then she didn't reup, we appointed her
25 last year and though she was told, she still really

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1 thought she was just automatically reappointed.
2 MS. HAASE: I personally told
3 her myself at the last meeting.
4 MS. PICKARD: So did I, I
5 think, and so did Brad, but she has --
6 MR. KERRICK: Was Eddie Barr's
7 term for six years, four years?
8 MS. PICKARD: Yeah.
9 MS. HAASE: He still has

10 another year left.

11 MR. KERRICK: He still has
12 another year left?

13 MS. PICKARD: But Janet also
14 indicates she thought he was six.

15 MS. HAASE: I can't speak to
16 that.

17 MR. KERRICK: So can we appoint
18 those by motion, those two applicants?

19 MS. HAASE: If it's the board's
20 pleasure.

21 MR. KERRICK: I'll make that
22 motion.

23 MR. HOLAHAN: Do I have a
24 motion?

25 MR. KERRICK: Yeah.

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1 MR. HOLAHAN: I've got a
2 motion.

3 Do I have a second? Do I have a
4 second?

5 MR. KERRICK: Oh, come on, now.

6 MR. HOLAHAN: I'll second.

7 Got a motion and a second.
8 Further discussion from the
9 board?
10 Anything from the public?
11 You can verify residency?
12 MS. HAASE: Yes, sir.
13 MR. HOLAHAN: Anything from the
14 public?
15 Hearing none. Call the vote.
16 John?
17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I'm going to
20 abstain, since I'm the only one affected by these
21 appointments.
22 MR. HOLAHAN: Understood.
23 Annie?
24 MS. LAMBERTON: I'll vote in
25 favor.

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1 MR. HOLAHAN: And I vote in
2 favor. Motion carries. Thank you.

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: And I vote in
4 favor. Motion carries.

5 On to D, looking for resolution
6 for the Pocono Mountain Regional Police loan --
7 Committee loan refinancing. That's for the
8 mortgage on the building.

9 MS. PICKARD: I make a motion
10 we approve Resolution 2014 dash 025.

11 MS. LAMBERTON: Second.

12 MR. HOLAHAN: Got a motion and
13 a second.

14 Further discussion from the
15 board?

16 Anything from the public?

17 Hearing none. I'm going to call
18 the vote.

19 John?

20 MR. KERRICK: In favor.

21 MR. HOLAHAN: Heidi?

22 MS. PICKARD: I vote in favor.

23 MR. HOLAHAN: Anne?

24 MS. LAMBERTON: I vote in

25 favor.

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1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.

3 MR. ARMSTRONG: Just for
4 purposes of the record, so it's clear, that
5 resolution authorized the Pocono Mountain Regional
6 Police Commission to proceed with revising the
7 loan, decreasing the loan amount from 4.9 percent
8 to 3 percent. The term stays the same. It's just
9 simply, to my understanding, lowering the interest
10 rate.

11 MS. HAASE: Yes, sir.

12 MS. LAMBERTON: Wow, why would
13 we want to do that.

14 MR. HOLAHAN: Next is consider
15 Resolution 2014 dash 026, budget reappropriations
16 and appropriations.

17 MS. PICKARD: I had --

18 MR. KERRICK: Can I ask a
19 question before we go into that? Would it be
20 prudent at this time to move the ambulance up?

21 MS. HAASE: That's what I was
22 just going to ask if the board could just switch
23 that. We're on the same thought process there.

24 MR. HOLAHAN: Okay. Then let
25 me pull that and let's look at the ambulance. I'm

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1 trying to find out where it is here.

2 MS. PICKARD: I.

3 MR. HOLAHAN: So let's go right
4 to Pocono Mountain Regional Emergency Medical
5 Services donation request. So we received --

6 Phyllis, you want to speak to
7 that?

8 MS. HAASE: Yes, sir. If you
9 recall, I believe back in October there was a
10 presentation done by employee at the time, Mr.
11 Austin Grammes, who had informally requested a
12 donation from the township. I did not receive
13 anything in writing until December 12, did briefly
14 bring it up in one of our work sessions on the
15 direction we wanted to go -- or the board wanted to
16 go and I think at that time we wanted to see what
17 position we were in.

14 their bill? No?

15 MR. HOLAHAN: It covers their
16 fuel bill.

17 MS. LAMBERTON: Right.

18 MR. HOLAHAN: How much are you
19 spending on --

20 MS. LAMBERTON: Twenty -- what
21 did they say, 20 -- up to 25,000

22 MR. HOLAHAN: How much are you
23 spending on fuel?

24 MS. HAASE: 20 to 25,000 per
25 year.

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1 MR. HOLAHAN: Well, that's what
2 we were doing previous.

3 MS. PICKARD: Well, we were
4 paying 75 to 72 for a donation and then there were
5 certain years that we were paying fuel and then
6 things -- Coolbaugh asked us not to cover the fuel,
7 'cause they were charging for the fuel. Then we
8 reduced our contribution all at the same time and
9 started charging for fuel.

10 Like the police and like

7 MS. PICKARD: That's a
8 suggestion.
9 MR. KERRICK: So you're
10 suggesting fuel?
11 MS. PICKARD: Well, the amount
12 of the fuel for this past year --
13 MR. KERRICK: Up to 25 --
14 MS. PICKARD: -- was about 25.
15 MR. KERRICK: And a donation?
16 MS. PICKARD: Yes.
17 MR. KERRICK: In the amount of?
18 I mean, what are you -- are you purchasing
19 something?
20 MS. PICKARD: For whatever.
21 We're purchasing a new vehicle right now and we're
22 trying to do that. We still have three loans,
23 that's our issue now. Our high -- our lowest loan
24 is still at 48,000, we're not going to be able to
25 pay that down, so we're looking at picking up a

85

1 fourth loan.
2 So any amount that we get to
3 defray the cost of that additional payment by

4 covering the fuel or the comp -- you know, the
5 thing is that we'd like some donation for the
6 vehicle and we'd like some consideration about the
7 fuel going forward.

8 MR. KERRICK: So Coolbaugh gave
9 35?

10 MS. PICKARD: Coolbaugh's
11 increased 35, Mount Pocono actually even increased
12 --

13 MS. DENISE DOREMUS: They're
14 total at a hundred and thirty-five thousand dollars
15 a year now.

16 MS. PICKARD: Yeah, that
17 they're giving.

18 MR. KERRICK: Total's 135?

19 MS. DENISE DOREMUS: Yes.

20 MS. PICKARD: Yeah.

21 MR. KERRICK: That's for
22 everything?

23 MS. DENISE DOREMUS: That's
24 every year, yeah.

25 MS. PICKARD: Mount Pocono's

1 adding an additional \$3,000 this year, which is --

2 MR. KERRICK: Tunk took away?

3 MS. PICKARD: Tunk --

4 MS. DENISE DOREMUS: Tunk took
5 away to split up with West End --

6 MS. PICKARD: Tunk lost -- we
7 lost call volume.

8 MS. DENISE DOREMUS: -- 17,500.
9 They split it, they used to give us 35.

10 MR. KERRICK: Understood. What
11 is the reduction from what you got in the past,
12 what you received in the past?

13 MS. DENISE DOREMUS: Seventeen,
14 we do both, seventeen fifty.

15 MS. PICKARD: About 8,000 we
16 lost about --

17 MS. KERRICK: Minus eight?

18 MS. PICKARD: Yeah. We were
19 getting 25 from them and now we're getting --

20 MS. DENISE DOREMUS: Oh, they
21 were moving it up and that's what it was.

22 MS. PICKARD: Yeah.

23 MS. DENISE DOREMUS: Okay, so
24 about 8,000.

25

MS. LAMBERTON: I wouldn't be

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1 opposed to covering the difference they lost from
2 the Tunk for the 8,000.

3 MR. HOLAHAN: Okay.

4 MS. LAMBERTON: I mean, that
5 way you have the same monies, you know what I mean?
6 They're not going backwards. We know what it's
7 like to go backwards here.

8 MS. PICKARD: But I still think
9 that we've been underfunding for our call volume,
10 we only -- Tunk is only --

11 MS. DENISE DOREMUS: You're at
12 half, you're half --

13 MS. PICKARD: -- a couple
14 hundred calls and we have a thousand.

15 MS. DENISE DOREMUS: -- of what
16 Coolbaugh makes, you're about 900 --

17 THE REPORTER: One at a time.

18 MS. DENISE DOREMUS: Sorry.
19 You know my name?

20 THE REPORTER: Yes.

21 MS. DENISE DOREMUS: Okay.

22 MS. LAMBERTON: Austin said we
23 were okay from his report that he --

24 MS. PICKARD: Austin was
25 incorrect and Austin also gave us a budget at half

88

1 a million dollars short.

2 MS. DENISE DOREMUS: I thought
3 Austin had given his bid in beforehand and I
4 apologize.

5 MS. LAMBERTON: No, that's why
6 we were -- I'm kind of like wondering. No, no,
7 it's not your fault. I mean, he reported that they
8 financially were good.

9 Did I understand that correctly?

10 MS. HAASE: Yeah, he did.

11 MS. PICKARD: He told us also
12 that we were not good and then gave us a budget
13 shortfall of a half a million dollars that we had
14 to close the loophole for and then he left.

15 MR. KERRICK: Well, that's --

16 MS. PICKARD: So there was a
17 little bit of confusion with what Austin was doing

18 with his numbers.

19 MR. KERRICK: What do we have
20 in the budget for next year or what do you have in
21 your budget -- our budget, I'm sorry, for next
22 year?

23 MS. HAASE: It's the same, at
24 45.

25 MR. KERRICK: Forty-five.

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1 MS. HAASE: If the board is
2 considering a donation, I ask that you take it out
3 you this year's instead of having to reopen next
4 year.

5 MR. KERRICK: I agree with
6 that.

7 MS. LAMBERTON: Yeah, I do as
8 well.

9 MS. PICKARD: That's what I was
10 saying, because we had the additional funding in
11 the reapprop --

12 MS. HOLAHAN: That went to
13 capital.

14 MS. PICKARD: -- in the

15 supplemental appropriations, I was looking for some
16 of that.

17 MS. LAMBERTON: It's ironic,
18 'cause you never want to take money that we're
19 putting into capital.

20 MS. PICKARD: I know, but this
21 is unplanned capital that we're increasing.

22 MS. LAMBERTON: That's the good
23 kind, though.

24 MS. HAASE: We have paid really
25 attention to what was spent this year. And I'm

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1 very pleased to say we have -- where we did
2 initially in the beginning of the year take a hit,
3 in the beginning of the year, we now -- I'm proud
4 to say, we have some extra monies to move over to
5 capital, which is good.

6 MS. LAMBERTON: That's why you
7 encourage business because that's what brings your
8 unexpected capital in.

9 MS. PICKARD: Well, and I think
10 we talked about that. A lot of that was -- earned

11 income tax was the biggest lion's share of that and
12 I have 75 going out there and we actually got
13 another 25,000 in since then, which I sent the
14 revenue sheet in for. So we're up over a hundred
15 thousand dollars in earned income tax alone, which
16 I would expect with Kalahari opening, that that
17 will not go down. The LST was up 10, \$12,000 and
18 so that was a lot of employment --

19 MR. HOLAHAN: I think we can
20 pretty much say going forward that we're going to
21 do a little bit better. I guess my concern at this
22 point here is to get this so late in the game, when
23 it was asked for, and I understand you had some
24 problems with losing somebody and maybe some of the
25 figures that you were given, but we really need to

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1 have this stuff before the last minute type of
2 thing.

3 MS. PICKARD: And that is
4 understood.

5 MR. KERRICK: What's the
6 percentages, Denise?

7 Is it okay if I talk straight to

8 Denise?

9 MR. HOLAHAN: Please.

10 MS. KERRICK: Coolbaugh's
11 percentage, Toby, Tunk, Mount Pocono, do you have
12 on the top of your head, roughly?

13 MS. DENISE DOREMUS: Actually I
14 had it up on my phone. Right now Coolbaugh's at
15 2,000 calls for the year; Mount Poc -- I mean,
16 Tobyhanna's about 880 calls this year, it's almost
17 about half; Paradise -- actually Paradise too, I
18 mean, I think they're at 400 --

19 MR. KERRICK: Just that's all I
20 was interested in. I just wondered where we rank
21 next to.

22 MS. DENISE DOREMUS: -- and
23 Barrett. Coolbaugh is like the same as everybody
24 put together, but Tobyhanna is half of it.

25 MR. HOLAHAN: Right.

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1 MR. KERRICK: Half of the
2 others?

3 MS. DENISE DOREMUS: Yes.

4 MR. KERRICK: Okay.

5 MS. DENISE DOREMUS: Like half

6 of Coolbaugh and then the rest equal up to what

7 Tobyhanna is and then --

8 MS. PICKARD: If we were paying

9 half of what Coolbaugh would be paying, then we'd

10 be in the neighborhood of --

11 MS. DENISE DOREMUS: Seventy,

12 yeah.

13 MS. PICKARD: -- 65, 70,000,

14 which is where we were before.

15 MR. KERRICK: Seventy,

16 seventy-five and I was instrumental in trying to

17 raise that --

18 MS. PICKARD: I know.

19 MR. KERRICK: -- years ago

20 because I wanted to see a paramedic over here,

21 which I understand we do have one here.

22 MS. DENISE DOREMUS: Can I --

23 we're trying to raise our -- our wages because we

24 are the lowest in the area, so we want to do that.

25 And because of Medicare payments and Medicaid

1 payments, it -- they're -- we're getting cut all
2 the time.

3 And we can't rotate our trucks
4 like we wanted to and some of them are getting
5 pretty old. We've even tried to do the least
6 expensive and remounting them, we've tried
7 everything. So that cost is going to cost us
8 \$60,000 a year to raise our salaries to be
9 comparable to what other people in this county are
10 paying.

11 MS. PICKARD: We're talking two
12 to four dollars an hour less that we're paying than
13 everyone --

14 MS. DENISE DOREMUS: Right now
15 we're at 10.50 and others are at 12, that's for
16 EMTs. And we pay 15.75 for medic and everybody
17 else is paying like 18. That's sad.

18 MS. PICKARD: But the main
19 problem too we're having is with the truck
20 replacement and that just continues because it's so
21 far for us to go to the hospital.

22 MR. HOLAHAN: Well, it sounds
23 like -- first of all, it sounds like the EMS is
24 going to -- you're actively looking for somebody to
25 replace Austin.

1 MS. PICKARD: Well, let me just
2 stop you there. At our meeting on Thursday, we
3 have decided to go with the current operations team
4 that we have in place, which is headed by Denise,
5 has done a fantastic job and Lee Rosado, who is our
6 newer ALS supervisor, who has really added a lot to
7 the group that we have, and then Mark. So we our
8 functioning without that to help cover some of the
9 wages and really expect that that that we're moving
10 in the right direction, which is one of the
11 suggestions that Austin had is that if he left,
12 that we'd have his salary to kind of balance some
13 things out.

14 MR. HOLAHAN: I have to
15 question the wisdom of doing something like that.

16 MS. LAMBERTON: Yeah, you need
17 leadership. I don't mean that there isn't any
18 there, but --

19 MR. HOLAHAN: When somebody is
20 concentrating on that type of thing, sometimes it's
21 --

22 MS. DENISE DOREMUS: I've had
23 to step up once in a while.

24 MR. HOLAHAN: -- you back off
25 and then you don't realize other opportunities out

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1 there as well. So a lot of times you'll end up
2 with your head down trying to take care of what's
3 going on now and not being able to -- like what we
4 try to do is fill the pipeline, so that we're not
5 real busy and then we're busy trying to get work
6 and then we're busy again, so --

7 MS. PICKARD: We have a new
8 organizational chart and I don't know if we have
9 that with that, but we have that and the board
10 really has been talking about this for a while.
11 And we're really confident about pushing things
12 down and getting a lot more people in place.

13 MR. HOLAHAN: What are you
14 doing with Thornhurst? What's going on with
15 Thornhurst? Anything?

16 MS. DENISE DOREMUS: They're --
17 they're there.

18 MS. PICKARD: Sometimes.

19 MR. HOLAHAN: When is

20 Thornhurst going to come back to us and --

21 MS. DENISE DOREMUS: They --

22 they -- they're -- they're gonna be quiet now, I

23 think, honestly. I don't know how the reports, if

24 they're giving you any reports. They're still slow

25 to respond. They are giving us the ALS calls,

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1 transporting, I think it's -- like this month was

2 only three that we transported with and there was a

3 total of nine ALS calls.

4 So they are letting go a little

5 bit. I don't know where they're getting their

6 money from. I know they haven't paid us either, so

7 that's -- that's as far as I know now.

8 MR. HOLAHAN: So Coolbaugh's

9 paying them though?

10 MS. PICKARD: No, they're --

11 MS. DENISE DOREMUS: Only if

12 they pay us.

13 MS. PICKARD: Yeah.

14 MS. DENISE DOREMUS: If they do

15 not pay us, that money goes to us. So right now I
16 really haven't been -- I make my reports every
17 month for Arrowhead Lakes on my call volume and I
18 don't hear their dispatches, so I don't know. I
19 only get it by our crews reporting, if they
20 responded. You know, they kind of write it in
21 their trip sheets if they were over there or if
22 they never responded or something like that; but
23 they haven't really been -- I don't know how
24 they're really still surviving, I don't.
25 MR. HOLAHAN: John, do you have

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1 -- are you thinking of making a motion to --
2 MR. KERRICK: Well, I just
3 wanted to ask Phyllis if we were to forego the fuel
4 that's going to affect your budget next year?
5 MS. PICKARD: Yes.
6 MR. KERRICK: Your fuel line
7 item budget for diesel --
8 MS. HAASE: Correct.
9 MR. KERRICK: -- for next year
10 and if we would give a donation, then it still
11 takes into billing on our side more accounting that

12 -- that somebody has to get the report, somebody
13 has to bill it.

14 MS. HAASE: I don't think
15 there's that much -- it's not labor intensive that
16 way. I think that if -- what I'd like the board to
17 consider, if you want to make a donation, we take
18 it out of this year's monies.

19 MR. KERRICK: Absolutely, I'm
20 all for that.

21 MS. HAASE: And then that'll
22 affect them for next year. And then during the
23 budget process next year, if the board wants to
24 consider maybe granting some additional funds,
25 Denise or whomever can send a letter in earlier and

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1 we can consider that in the budget. So when you're
2 approving it, it's set there.

3 MS. PICKARD: That was our hope
4 that we'd have a higher donation for this year to
5 cover next year.

6 MR. KERRICK: Well, if we would
7 donate 25,000, just saying, that would put us back

8 where we were a few years ago. And I don't know if
9 the board is willing to do that. I mean, I do
10 support the ambulance --

11 And you saw my email, I was kind
12 of shocked that it was the 11th hour. I didn't
13 know all this other stuff was going on, but it
14 really affects your hard work to get the budget
15 together and then here we are.

16 MS. PICKARD: I know.

17 MS. DENISE DOREMUS: Again, I
18 apologize.

19 MR. KERRICK: No offense to
20 you, you weren't here -- or you weren't part of
21 that.

22 MR. HOLAHAN: I'd be okay with
23 20,000.

24 Annie?

25 MS. KERRICK: With some

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1 reporting, they come to our meeting?

2 MS. PICKARD: Denise will be
3 coming to the meeting.

4 MS. KERRICK: So we -- they

5 really don't know what's going on.

6 MS. PICKARD: They've been
7 coming and there's been a couple times that --

8 MS. DENISE DOREMUS: There's a
9 conflict.

10 MR. HOLAHAN: I just don't want
11 to take the hard work that Phyllis and her team has
12 done in saving us some money -- although we got
13 some other things in as well -- and just kind of
14 yank that away from them. But I recognize the need
15 of the EMS at this point and I wouldn't mind --

16 I make a motion that we donate
17 \$20,000.

18 MS. DENISE DOREMUS: Thank you.

19 MR. KERRICK: I'll second it.

20 MS. PICKARD: Thank you.

21 MR. HOLAHAN: We've got a
22 motion and a second.

23 Further discussion from the
24 board?

25 Anything from the public?

1 Hearing none. I'll call the
2 vote.

3 John?

4 MR. KERRICK: I vote in favor.

5 MS. DENISE DOREMUS: I just
6 want to say one more thing. Thank you for all the
7 donations.

8 MS. LAMBERTON: I'm not opposed
9 to it, I just wasn't expecting --

10 MS. DENISE DOREMUS: So thank
11 you.

12 MR. HOLAHAN: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Anne?

15 MS. LAMBERTON: I vote in
16 favor.

17 MR. HOLAHAN: And I vote in
18 favor. Motion carries.

19 MR. HOLAHAN: Okay. Now we'll
20 go to consider Resolution 2014 dash 026, budget
21 reappropriations and appropriations.

22 MS. HAASE: With that being
23 said, I'd like the board to consider amending this
24 for the \$20,000 to -- we have additional monies
25 that we brought in with the tax. Can we keep this

1 resolution as it stands and just take it out of
2 that line item?

3 MS. PICKARD: Yeah.

4 MS. HAASE: Let's do that.

5 MS. PICKARD: We can just amend
6 this resolution, have Margie do it and approve it
7 and we'll have Margie type it up. That was just to
8 change that one line item.

9 MR. ARMSTRONG: I may have been
10 a little remissed by sitting and letting that
11 motion go. You're amending your budget for 2015?

12 MR. KERRICK: No.

13 MS. PICKARD: No.

14 MS. HAASE: No.

15 MR. ARMSTRONG: That was for --
16 what was this for?

17 MR. HOLAHAN: 2014.

18 MS. HAASE: We're making a
19 donation.

20 MR. KERRICK: We made a
21 donation out of our --

22 MR. ARMSTRONG: For 2014?

23 MS. LAMBERTON: Correct.
24 MR. KERRICK: For 2014.
25 MR. ARMSTRONG: This is not

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1 part of your --
2 MS. HAASE: No.
3 MR. ARMSTRONG: You're not
4 changing your proposed 20 --
5 MS. HAASE: Correct. No, no, I
6 prefer --
7 MS. PICKARD: It's the
8 resolution for --
9 MR. ARMSTRONG: I'm fine.
10 MR. KERRICK: Pat, did you fall
11 asleep over there?
12 MS. PICKARD: It's the
13 supplemental --
14 (Inaudible discussion.)
15 MR. ARMSTRONG: I was sitting
16 here trying to do some math, you know, there's a --
17 you know, the 10, 25 percent rule?
18 MR. HOLAHAN: Right.

19 MR. ARMSTRONG: I was doing the
20 quick math in my head.

21 MS. HAASE: What I'm trying to
22 think through, Heidi, is we just received
23 additional monies that is not on here.

24 MS. PICKARD: Oh, okay.

25 MR. HOLAHAN: Okay. So we

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1 don't have to mess with this resolution?

2 MR. KERRICK: So you want to
3 leave this alone?

4 MS. HAASE: Leave this
5 resolution as it stands.

6 MS. PICKARD: Yes. Okay.

7 MS. HAASE: That's other monies
8 that aren't in it?

9 MR. HOLAHAN: Right, in this
10 appropriation.

11 MS. HAASE: And then take the
12 donation --

13 MS. PICKARD: The other EIT,
14 the extra 20,000 and make a second supplemental
15 resolution?

16 MS. HAASE: Yes. Is that
17 easier or just changing this?

18 MS. PICKARD: We can add it to
19 this or, you know, we can just add that line item
20 on there.

21 MS. HAASE: Okay.

22 MS. PICKARD: I don't think it
23 be -- it would just make that supplemental up from
24 159 to 179 and then it would be another line that
25 would say to earned income tax, current year and to

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1 the ambulance services.

2 MR. KERRICK: I'll second your
3 motion.

4 This is longer than our regular
5 meetings.

6 MS. PICKARD: I know.

7 MR. HOLAHAN: I've got a
8 motion.

9 Do I have a second?

10 MR. KERRICK: I second Anne --

11 MS. PICKARD: John did?

12 MR. KERRICK: -- or Heidi's
13 motion.
14 MS. LAMBERTON: Yeah, John did.
15 MR. HOLAHAN: Oh, did you?
16 Okay.
17 Further discussion?
18 Anything from the public?
19 Hearing none. Call the vote.
20 John?
21 MR. KERRICK: In favor.
22 MR. HOLAHAN: Heidi?
23 MS. PICKARD: I vote in favor.
24 MR. HOLAHAN: Anne?
25 MS. LAMBERTON: I vote in

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1 favor.
2 MR. HOLAHAN: And I have vote
3 in favor. Motion carries.
4 Consider Resolution 2014 dash
5 027, adopting the 2015 budget.
6 Do I have a motion?
7 MS. LAMBERTON: So moved.
8 MR. KERRICK: Second.

9 MR. HOLAHAN: Motion and
10 second.
11 Further discussion from the
12 board?
13 Anything from the public?
14 Hearing none. I'll call the
15 vote.
16 John?
17 MR. KERRICK: In favor.
18 MR. HOLAHAN: Heidi?
19 MS. PICKARD: I vote in favor.
20 MR. HOLAHAN: Anne?
21 MS. LAMBERTON: I vote in
22 favor.
23 MR. HOLAHAN: I vote in favor.
24 Motion carries.
25 MS. HAASE: Mr. Chairman, I

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1 also would like to thank our treasurer for the work
2 that was done on the budget this year.
3 MS. PICKARD: Thank you.
4 MR. HOLAHAN: Yes. Very good.

5 MR. KERRICK: I'd like to thank
6 the whole staff for what they did this year in
7 saving money and the proposed budget, did a great
8 job.

9 MS. LAMBERTON: And what got
10 done.

11 MS. HAASE: I'm proud of
12 everyone, I really am.

13 MS. LAMBERTON: It was a great
14 year.

15 MR. HOLAHAN: Okay. Go to
16 Representative Elect Jack Rader's lease agreement.

17 MS. PICKARD: So moved.

18 MR. KERRICK: Second.

19 MR. HOLAHAN: I've got a motion
20 and a second.

21 Jack Rader's going to lease an
22 office in here. Is it \$200?

23 MS. HAASE: Yes, sir.

24 MR. HOLAHAN: \$200 a month and
25 he picks up his own phones.

1 MS. HAASE: Yes. He will have

2 his own equipment, office equipment, computers,
3 people.

4 MS. PICKARD: Phones.

5 MS. HAASE: Phones.

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

8 Further discussion from the
9 board?

10 Anything from the public?

11 Hearing none. I'll call the
12 vote.

13 John?

14 MR. KERRICK: In favor.

15 MR. HOLAHAN: Heidi.

16 MS. PICKARD: In favor.

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I vote in
19 favor.

20 MR. HOLAHAN: I vote in favor.
21 Motion carries.

22 MR. HOLAHAN: Authorize
23 advertisement for the proposed ordinance for the
24 PSATS unemployment compensation group trust
25 agreement.

1 MR. KERRICK: Make a motion.
2 MS. PICKARD: Second.
3 MR. HOLAHAN: Motion and
4 second.
5 Further discussion from the
6 board?
7 Anything from the public?
8 Hearing none. I'll call the
9 vote.
10 John?
11 MR. KERRICK: In favor.
12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: In favor.
14 MR. HOLAHAN: Anne?
15 MS. LAMBERTON: I vote in
16 favor.
17 MR. HOLAHAN: I vote in favor.
18 Motion carries.
19 Consider approving the
20 certificate of developer and request for payment
21 No. 6, Kalahari Resorts access road in the amount
22 of \$375,429.79.

23 MS. HAASE: Yes, sir. T&M has
24 reviewed their portion, I have reviewed the
25 township and I'm prepared to sign off as soon as

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1 the board approves.

2 MS. PICKARD: So moved.

3 MR. KERRICK: Second.

4 MR. HOLAHAN: Got a motion and
5 a second.

6 Further discussion from the
7 board?

8 Anything from the public?

9 Hearing none. I'll call the
10 vote.

11 John?

12 MR. KERRICK: In favor.

13 MR. HOLAHAN: Heidi?

14 MS. PICKARD: I vote in favor.

15 MR. HOLAHAN: Anne?

16 MS. LAMBERTON: I'll abstain.

17 MR. HOLAHAN: And I vote in
18 favor. Motion carries.

19 Consider the RETTEW Addendum No.

20 1 for the Old Route 940 bridge rehab project.

21 MS. HAASE: I'm actually
22 bringing this to the board earlier than I
23 anticipated, due the fact, again, that we have been
24 very cautious with the monies. I have the money in
25 the budget for 2014 that I would like, with the

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1 board's approval, to move forward with this in 2014
2 instead of 2015's budget.

3 The bridge is going to be going
4 out to bid the end of January. We'll be getting
5 the bids back beginning of February, which will be
6 in front of the board to award. The proposal from
7 RETTEW this is going to be for the administration,
8 the inspection and to overseeing the entire
9 construction project.

10 MS. PICKARD: That's to be done
11 over the construction season next year?

12 MS. HAASE: Yes, we're hoping
13 for spring for them to begin.

14 MS. PICKARD: Okay.

15 MR. HOLAHAN: Okay. So is that

16 in the amount of the twenty-seven forty -- 27,400?

17 MS. HAASE: Yes, sir. What I'm
18 going to be doing is taking the twenty-five three
19 out of the 2014 budget. I have just enough to get
20 through that and then the 2100 will come out of the
21 2015.

22 MR. HOLAHAN: Okay.

23 MS. PICKARD: So moved.

24 MR. ARMSTRONG: Well, I just
25 want to -- I looked at it briefly. This isn't a

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1 not to exceed number, just be aware they -- they
2 said that pretty specifically in their provision
3 right above that number. So they're -- I mean, you
4 could ask them to make it a not to exceed number,
5 but right now it's proposed as -- you know, that's
6 an estimate, it could go above depending upon the
7 --

8 MS. PICKARD: I make that
9 motion not to exceed.

10 MR. KERRICK: I'll second it
11 then.

12 MS. HAASE: We could and it

13 would have to come back to the board.
14 MS. PICKARD: Yeah.
15 MR. HOLAHAN: Got a motion not
16 to exceed twenty-seven four and a second on that.
17 Further discussion from the
18 board?
19 Anything from the public?
20 Hearing none. I'll call the
21 vote.
22 John?
23 MR. KERRICK: In favor.
24 MR. HOLAHAN: Heidi?
25 MS. PICKARD: Vote in favor.

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1 MR. HOLAHAN: Anne?
2 MS. LAMBERTON: I vote in
3 favor.
4 MR. HOLAHAN: And I vote in
5 favor. Motion carries.
6 MR. KERRICK: John, I hope this
7 meeting ends soon because you keep sinking over
8 there.

9 (Discussion off the record.)

10 MR. HOLAHAN: Finally the

11 Neighborhood -- the NID.

12 MS. HAASE: Mr. Pine's seat

13 will be up the end of this year, he had a one-year

14 term. So if it the pleases the board, we ask that

15 you reappoint Mr. Pine to the Neighborhood

16 Improvement District Authority.

17 MR. KERRICK: I'll make a

18 motion.

19 MS. PICKARD: Is he willing to

20 do so?

21 MS. LAMBERTON: He will be when

22 we get done right now.

23 MR. KERRICK: I'll make it a

24 motion.

25 MS. PICKARD: I've got a

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1 motion.

2 Do I have a second?

3 MS. PICKARD: I'll second.

4 MR. HOLAHAN: I've got a motion

5 and second.

6 Further discussion from the
7 board?
8 Anything from the public?
9 Hearing none. I'll call the
10 vote.
11 John?
12 MR. KERRICK: In favor.
13 MR. HOLAHAN: Heidi?
14 MS. PICKARD: I vote in favor.
15 MR. HOLAHAN: Anne?
16 MS. LAMBERTON: I vote in
17 favor.
18 MR. HOLAHAN: And I vote in
19 favor. Motion carries.
20 MS. HAASE: I do want to remind
21 the NIDMA members present that you have your
22 reorganizational meeting January 5, at 2:30, which
23 will be followed by the board of supervisors reorg
24 at 3:30.
25 MR. HOLAHAN: Do you have

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1 anything, Patrick?

2 MR. ARMSTRONG: Very quickly.

3 First, Kalahari -- I see Dave Horton is still
4 there -- there is -- as some of the board members
5 may know, there is some -- jostling some changes
6 with respect to the sewer, public sewer that'll be
7 serving Kalahari Resorts or at least that's the
8 idea right now.

9 My understanding is Pocono
10 Township is going to be discussing a little bit
11 more and there's going to be a meeting on December
12 29 with a number of parties to try and tie down the
13 revised plan for the public sewer connection.

14 MS. LAMBERTON: Oh, good.

15 MR. ARMSTRONG: December 29, I
16 believe representatives from Pocono Township,
17 Kalahari, Pocono Manor Investors and myself -- I'll
18 be participating most likely by telephone -- to see
19 if we can nail down the agreement that'll be
20 necessary to tie into the sewer up above rather
21 than come down below through some private
22 easements.

23 My understanding is it's still
24 the board's position that they want to move forward
25 with this type of a plan for the sewer and maintain

1 the position that the onus and the cost is going to
2 be completely on Kalahari Resorts.

3 Right?

4 MS. LAMBERTON: Yes.

5 MR. HOLAHAN: Yes.

6 MR. ARMSTRONG: There is
7 another item. I don't think we have to discuss it
8 much today, it's a developing issue with respect to
9 an older development and sewer assessments, some
10 issues developing on those lots. I just wanted to
11 bring it to the board's attention. Phyllis, Heidi
12 and I are trying to work through it at this point
13 in time.

14 I don't know if -- you don't --

15 MS. HAASE: I don't think -- I
16 think we need to work through everything.

17 MR. ARMSTRONG: Okay. Then
18 that's all I have except for the executive session,
19 litigation items, after the meeting.

20 Anybody from the board have
21 anything?

22 MS. PICKARD: Merry Christmas.

23 MR. HOLAHAN: Oh, well, thank

24 you.

25 Randy, did you have something?

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1 MR. RANDY HOFFMAN: Yes. Is
2 there any update on the 537 Plan?

3 MR. HOLAHAN: No.

4 MR. RANDY HOFFMAN: And the
5 eastern sewer corridor and the western? Have you
6 done anything with that? Did you get a proposal
7 from RETTEW?

8 MS. HAASE: We had discussed
9 that -- if you'd like, Mr. Chairman.

10 We had discussed that at a few
11 meetings. What came to the board's attention was,
12 if we moved forward with the eastern extension
13 prior to completing the western, DEP will require
14 additional studies to be done. We are in the
15 negotiating point right now of looking at possible
16 acquisition of the plan.

17 So I think at this particular
18 point that, if I'm not mistaken, the board is
19 looking at the possibilities right now of how to

20 move forward with the plant. And then whether the
21 individual that may obtain the plant, move forward
22 with the extensions.

23 MR. RANDY HOFFMAN: So that
24 means Aqua?

25 MR. HOLAHAN: Possibly. We're

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1 looking for -- we are looking for -- we're looking
2 for bids -- or I take that back, like appraisals.

3 MS. LAMBERTON: Yeah, they need
4 an assessment amount.

5 MR. HOLAHAN: How much is the
6 sewer plant worth, but it's hard to get a comp on
7 sewer plants. So we're trying to get somebody in
8 here to give us some idea of -- we don't want to
9 give the thing away, but we certainly want to not
10 to lose any money on it either. We don't want to
11 leave any money on the table, of course.

12 Our discussions with Aqua was
13 that it looked like we would -- if we were moving
14 forward in that direction, they led us to believe
15 that we would probably break even, that we would
16 get out of it without costing anything. But

17 there's money in helping with the sewer extensions
18 as well, so it doesn't cost us to do that. It's on
19 them.

20 MR. RANDY HOFFMAN: So you're
21 saying that they want the extension before they'll
22 purchase it?

23 MR. HOLAHAN: No, not
24 necessarily, no. But they're looking at -- that
25 would be -- that would be to our benefit if that

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1 happened.

2 So then we did meet with DEP.
3 And the guy at DEP was pretty much -- they gave us
4 pretty much the go-ahead and said, you've got
5 everything that you need to take it up to the spur.

6 MS. LAMBERTON: The western
7 section.

8 MR. RANDY HOFFMAN: Yeah.

9 MR. HOLAHAN: So what we
10 thought was we do not want to upset this gentleman
11 by doing something, because he's already guided us
12 this far, that he's helping. And as long we go in

13 the direction that these guys are kind of guiding
14 us, that they will help us with the next movement
15 as well.

16 MS. LAMBERTON: Which we made
17 them aware of, our intensions.

18 MR. HOLAHAN: So we didn't want
19 to upset the apple cart or something like that.

20 MS. LAMBERTON: They said the
21 best course of action would be to do this first,
22 get that started.

23 MR. RANDY HOFFMAN:
24 Hypothetically, does really Tobyhanna Township want
25 to be in the sewer business?

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1 MR. HOLAHAN: No.

2 MS. LAMBERTON: No. No, no,
3 no.

4 MR. HOLAHAN: I don't think --

5 MR. RANDY HOFFMAN: I agree
6 with you a hundred percent. If you can break even
7 on it, get out from under it.

8 MR. HOLAHAN: That's -- but,
9 you know, certainly these guys kind of know that

10 and then somebody else is interested, so --

11 MS. HAASE: That's correct, Mr.
12 Chairman, we do have another company that is
13 interested. In fact on Monday I had a meeting --
14 I'm sorry.

15 Last Friday I had a meeting with
16 a representative from RETTEW who informed me that
17 the company has actually made arrangements with DEP
18 to sit down and go over everything that they have
19 pertaining to the plan. So it does seem to be that
20 they are quite interested.

21 MS. LAMBERTON: Good.

22 MR. HOLAHAN: And we're not
23 interested in dragging this out either. We would
24 like to move forward as quick as reasonable.

25 MR. RANDY HOFFMAN: You did

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1 hire Aqua to run the sewer plant?

2 MR. HOLAHAN: We did.

3 MS. LAMBERTON: Management.

4 MR. ARMSTRONG: For 2015?

5 MR. RANDY HOFFMAN: For one

3 Manor, the Ireland Trust subdivision, it's --
4 you've approved it, you've signed the agreements.
5 We just got the green light, they're going to move
6 forward with recording the plans.

7 The only reason I bring it up
8 is, if you signed it way back when -- I'm not sure
9 if it's been signed yet or not by the board. If
10 you did --

11 MS. HAASE: It has been signed.

12 MR. ARMSTRONG: If it has been
13 signed, if it's beyond the 90 days, we may need you
14 to sign it again because the recorder's office has
15 a timing.

16 MR. HOLAHAN: Right.

17 MS. LAMBERTON: Okay.

18 MR. ARMSTRONG: That's all.

19 Just FYI.

20 MR. HOLAHAN: So I'm not
21 closing this meeting, 'cause we're going right into
22 executive or --

23 MR. ARMSTRONG: Executive
24 session.

25 MR. HOLAHAN: Okay. So we'll

1 be going into executive session now.

2 MR. ARMSTRONG: It will be very

3 quick.

4 (Meeting concluded at 12:30

5 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

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

11

that the foregoing is a true and correct transcript

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of the same.

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TARA WILSON, C.R.

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