

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 5, 2015 beginning at 3:30 p.m.

PRESENT: JOHN J. HOLAHAN, III, Chairperson
ANNE LAMBERTON, Vice-Chairperson
DONALD MOYER, Board Member
(Late Arrival)
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: So we're going to
2 start with the interim chair.

3 So, Patrick?

4 MR. ARMSTRONG: Sure. I'll
5 call the meeting to -- I'll call the Tobyhanna
6 Township Board of Supervisors reorganization
7 meeting of January 5, 2015 to order with the pledge
8 of allegiance.

9 (Pledge of allegiance was
10 recited.)

11 MR. ARMSTRONG: The next item
12 on the agenda of the reorganization meeting is the
13 nomination of a chair for the board of supervisors.

14 Is there a nomination?

15 MS. LAMBERTON: I'll nominate
16 John Holahan to serve as chair of the board.

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

19 MR. ARMSTRONG: Motion made and
20 second.

21 All those in favor?

22 BOARD MEMBERS: Aye.

23 MR. ARMSTRONG: Motion carries.

24 Would you like to take over the

25 meeting, John?

3

1 MR. HOLAHAN: Well, thank you,
2 Patrick, I will.

3 Next we need a nomination to
4 serve as vice-chair of board of supervisors.

5 Do I have a nomination?

6 MS. PICKARD: I'll nominate
7 Anne Lamberton.

8 MR. KERRICK: 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. Call the vote.

15 All in favor, aye?

16 BOARD MEMBERS: Aye.
17 MR. HOLAHAN: Opposed?
18 So moved.
19 Next we need to appoint
20 nomination for a township secretary.
21 MS. LAMBERTON: I'll appoint
22 Phyllis Haase to serve.
23 MR. KERRICK: Second.
24 MR. HOLAHAN: We've got a
25 motion and a second to appoint Phyllis Haase as

4

1 township secretary.
2 All in favor, aye?
3 BOARD MEMBERS: Aye.
4 MR. HOLAHAN: Opposed?
5 So moved.
6 We need an appointment for
7 assistant township secretary.
8 Do I have a motion?
9 MS. LAMBERTON: Margie Argot.
10 MR. KERRICK: Second.
11 MR. HOLAHAN: Got a motion and

12 a second.

13 Further discussion from the

14 board?

15 All in favor, aye?

16 BOARD MEMBERS: Aye.

17 MR. HOLAHAN: Opposed?

18 So moved.

19 Need appointment to serve as

20 township treasurer.

21 MS. LAMBERTON: Heidi Pickard.

22 MR. KERRICK: Second.

23 MR. HOLAHAN: Got a motion and

24 a second.

25 Further discussion?

5

1 All in favor, aye?

2 MS. LAMBERTON: Also --

3 MS. PICKARD: Aye.

4 MS. LAMBERTON: Also a director

5 of finance.

6 MR. HOLAHAN: Oh, and as

7 director of finance as well. Thank you.

8 MS. LAMBERTON: You're welcome.

9 MR. KERRICK: I'll amend my
10 second.
11 All in favor, aye?
12 MS. LAMBERTON: Aye.
13 MR. KERRICK: Aye.
14 MR. HOLAHAN: Aye.
15 Opposed?
16 MS. PICKARD: I'll abstain.
17 MR. HOLAHAN: Motion carries.
18 We need to appoint an assistant
19 township treasurer?
20 MS. PICKARD: I'll nominate
21 Janice Finnochio.
22 MS. LAMBERTON: I second.
23 MR. HOLAHAN: Motion and
24 second. And we're going to add to that the fiscal
25 specialist as well.

6

1 MS. LAMBERTON: I'll amend my
2 second.
3 MR. HOLAHAN: Okay.
4 Further discussion?

5 All in favor, aye?
6 BOARD MEMBERS: Aye.
7 MR. HOLAHAN: Opposed?
8 So moved.
9 Need a motion to serve -- for
10 someone to serve as chief administrator of the
11 township nonuniform pension plan.
12 MR. KERRICK: I'll nominate
13 Phyllis Haase.
14 MS. LAMBERTON: Second.
15 MR. HOLAHAN: Got a motion and
16 second.
17 Further discussion?
18 All in favor, aye?
19 BOARD MEMBERS: Aye.
20 MR. HOLAHAN: Opposed?
21 Motion carries.
22 Appointment to serve as township
23 emergency management coordinator.
24 MR. KERRICK: I'll nominate
25 Phyllis Haase.

1 MS. LAMBERTON: Second.

2 MS. PICKARD: Second.

3 MR. HOLAHAN: Got a motion and

4 a second.

5 Further discussion?

6 All in favor, aye?

7 BOARD MEMBERS: Aye.

8 MR. HOLAHAN: Opposed?

9 Motion carries.

10 Need appointment to serve as the

11 deputy coordinator for emergency management.

12 MS. LAMBERTON: I make a motion

13 to appoint John Holahan.

14 MR. KERRICK: Second.

15 MR. HOLAHAN: Motion and

16 second.

17 Further discussion.

18 All in favor, aye?

19 BOARD MEMBERS: Aye.

20 Opposed?

21 So moved.

22 Need a motion to serve as

23 township secretary coordinator -- safety

24 coordinator, pardon me.

25 MS. LAMBERTON: I'll make a

1 motion to appoint Phyllis Haase.

2 MS. PICKARD: Second.

3 MR. KERRICK: Second.

4 MR. HOLAHAN: Motion and
5 second.

6 Further discussion?

7 All in favor, aye?

8 BOARD MEMBERS: Aye.

9 Opposed?

10 So moved.

11 I'm looking for appointment,
12 township supervisor or manager to serve as township
13 representative for the Pocono Mountain Regional
14 Police Commission.

15 MS. LAMBERTON: I'll make a
16 motion for Donald Moyer.

17 MS. PICKARD: Second.

18 MR. HOLAHAN: Got a motion and
19 second.

20 Further discussion from the
21 board?

22 All in favor, aye?

23 BOARD MEMBERS: Aye.
24 MR. HOLAHAN: Opposed?
25 So moved.

9

1 Looking for a township
2 supervisor or manager to serve as the
3 representative on the Pocono Mountain Regional
4 Police Commission.
5 MS. LAMBERTON: I'll make a
6 motion to appoint Phyllis Haase.
7 MS. PICKARD: Second.
8 MR. HOLAHAN: Got a motion and
9 second.
10 Further discussion?
11 All in favor, aye?
12 BOARD MEMBERS: Aye.
13 MR. HOLAHAN: Opposed?
14 So moved.
15 Looking for appointment,
16 township resident/taxpayer to serve as the
17 representative for the Pocono Mountain Regional
18 Police Commission.
19 MS. PICKARD: I'll nominate

20 Dave Moyer.

21 MS. LAMBERTON: I'll second.

22 MR. HOLAHAN: Got a motion and
23 second.

24 Further discussion from the
25 board?

10

1 Hearing none. All in favor,
2 aye?

3 BOARD MEMBERS: Aye.

4 MR. HOLAHAN: Opposed?

5 So moved.

6 Need a member of the board of
7 supervisors to serve as the township representative
8 to the Pocono Mountain Council of Governments.

9 MS. PICKARD: I'll nominate
10 that Anne Lamberton be the representative for the
11 Pocono Mountain Council of Governments and the rest
12 of the board be alternate members.

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

15 MR. KERRICK: Second.

16 MR. HOLAHAN: Got a motion and
17 second.

18 Further discussion?

19 All in favor, aye?

20 BOARD MEMBERS: Aye.

21 Opposed?

22 So moved.

23 Looking for a township
24 supervisor to serve as representative to the Pocono
25 Mountain Regional Emergency Services Commission.

11

1 MS. LAMBERTON: I'll make a
2 motion to appoint to Heidi Pickard.

3 MR. KERRICK: Second.

4 MR. HOLAHAN: Got a motion and
5 second.

6 Further discussion?

7 MS. PICKARD: That's Pocono
8 Mountain Regional Emergency Medical Services, just
9 to clarify that.

10 MR. HOLAHAN: Okay. Thank you.

11 So noted.

12 All in favor, aye?

13 BOARD MEMBERS: Aye.
14 MR. HOLAHAN: Opposed?
15 So moved.
16 Need township supervisor to
17 serve as representative to the Top of the Mountain
18 Open Space Advisory Committee.
19 MS. LAMBERTON: I'll make a
20 motion to appoint Heidi Pickard.
21 MR. KERRICK: Second.
22 MR. HOLAHAN: Got a motion and
23 second.
24 Further discussion?
25 All in favor, aye?

12

1 BOARD MEMBERS: Aye.
2 Opposed?
3 So moved.
4 Need appointment for -- serve as
5 the open records officer in accordance with the
6 Pennsylvania Right-To-Know Law. Did I skip
7 something?
8 MS. LAMBERTON: Yeah, No. 19.

9 MR. HOLAHAN: We'll go back to
10 that.
11 MS. PICKARD: It's not in the
12 new one, but --
13 MS. LAMBERTON: Oh, it's in the
14 old.
15 MS. PICKARD: Yeah, it's in old
16 --
17 MS. LAMBERTON: Okay. I'm
18 sorry. No worries.
19 I'll make a motion to appoint
20 Heidi Pickard to serve as the open records officer.
21 MR. KERRICK: Second.
22 MR. HOLAHAN: Got a motion and
23 second.
24 Further discussion?
25 All in favor, aye?

13

1 BOARD MEMBERS: Aye.
2 MR. HOLAHAN: Motion carries
3 MS. HAASE: Mr. Chairman, just
4 for clarification, in June or July, the board
5 agreed to take off the regional comp representative

6 because -- recorder because we were no longer
7 needed. So we removed that off of here as well.

8 MR. HOLAHAN: Okay.

9 MS. HAASE: If you so -- to
10 appoint somebody if in case we meet this year; if
11 not, we could appoint it at that meeting. So
12 that's up to you.

13 MR. HOLAHAN: Let's keep it
14 going then.

15 MS. LAMBERTON: I agree.

16 MS. PICKARD: Yeah.

17 MR. HOLAHAN: Looking for
18 appointment to serve as the assistant open records
19 officer in accordance with the Pennsylvania
20 Right-to-Know Law.

21 MS. PICKARD: I'll make a
22 motion to nominate Phyllis Haase.

23 MS. LAMBERTON: Second.

24 MR. HOLAHAN: Motion and
25 second.

2 board?

3 All in favor, aye?

4 BOARD MEMBERS: Aye.

5 MR. HOLAHAN: Opposed?

6 Motion carries.

7 Looking for a township

8 supervisor to serve as representative to the Monroe

9 County Tax Collection Committee. My favorite.

10 MS. LAMBERTON: I'll appoint --

11 I'll make a motion to appoint Heidi Pickard.

12 MR. KERRICK: Second.

13 MR. HOLAHAN: Got a motion and

14 second.

15 Further discussion?

16 All in favor, aye?

17 BOARD MEMBERS: Aye.

18 MR. HOLAHAN: So moved.

19 Looking for appointment to serve

20 as chair of the Vacancy Board.

21 MS. LAMBERTON: I'll make a

22 motion to appoint Mark Argot.

23 MR. KERRICK: Second.

24 MR. HOLAHAN: Got a motion and

25 second.

1 Further discussion?

2 All in favor, aye?

3 BOARD MEMBERS: Aye.

4 MR. HOLAHAN: Motion carries.

5 Looking for appointment for
6 recording secretary for the board of supervisors.

7 MS. LAMBERTON: I make a motion
8 to appoint Panko Reporting.

9 MS. PICKARD: Second.

10 MR. HOLAHAN: Got a motion and
11 second.

12 Further discussion?

13 All in favor, aye?

14 BOARD MEMBERS: Aye.

15 MR. HOLAHAN: So moved.

16 Looking for appointment to act
17 as township solicitor at a rate per hour.

18 (Donald Moyer arrived at meeting
19 at 3:38 p.m.)

20 MS. LAMBERTON: I'll make a
21 motion to appoint Grim, Biehn & Thatcher at a
22 hundred and fifty-five an hour.

23 MS. PICKARD: Second the

24 motion.

25 MR. HOLAHAN: Got a motion and

16

1 second.

2 Further discussion from the
3 board?

4 Call the vote. All in favor,
5 aye?

6 BOARD MEMBERS: Aye.

7 MR. HOLAHAN: Opposed?

8 So moved.

9 Hey, Donald.

10 MR. MOYER: Hey. How are you?

11 MR. HOLAHAN: All right. We're
12 up to 26.

13 MR. MOYER: All right.

14 MS. PICKARD: Twenty-five.

15 MR. HOLAHAN: Oh, 25.

16 So now I'm looking for someone
17 to act as township planning commission solicitor.

18 MS. LAMBERTON: I'll make a
19 motion to appoint Grim, Biehn & Thatcher at a

20 hundred and fifty-five an hour.

21 MS. PICKARD: Second.

22 MR. HOLAHAN: Got a motion and
23 second.

24 Further discussion from the
25 board?

17

1 Call the vote. All in favor,
2 aye?

3 BOARD MEMBERS: Aye.

4 Opposed?

5 So moved.

6 MR. ARMSTRONG: Thank you.

7 MR. HOLAHAN: You're welcome.

8 Looking for a motion
9 establishing the payment of employee salaries and
10 wages on a biweekly basis.

11 MS. PICKARD: So moved.

12 MR. KERRICK: Second.

13 MR. HOLAHAN: Motion and
14 second.

15 Further discussion from the
16 board?

17 Anything from the public?
18 Hearing none. Call the vote.
19 All in favor, aye?
20 BOARD MEMBERS: Aye.
21 MR. HOLAHAN: Opposed?
22 So moved.
23 Entertain a motion establishing
24 the 2015 holiday schedule for the township
25 employees.

18

1 Do I have a motion?
2 MS. LAMBERTON: So moved.
3 MS. PICKARD: Second.
4 MR. HOLAHAN: We've got that
5 schedule here?
6 MS. LAMBERTON: Right here.
7 MR. HOLAHAN: Okay.
8 Further discussion from the
9 board?
10 Hearing none. All in favor,
11 aye?
12 BOARD MEMBERS: Aye.

13 MR. HOLAHAN: Opposed?
14 So moved.
15 Entertain a motion establishing
16 the tax assessor's bond at 40,000 per year.
17 MS. PICKARD: So moved.
18 MS. LAMBERTON: Second.
19 MR. HOLAHAN: Got a motion and
20 a second.
21 Further discussion?
22 All in favor, aye?
23 BOARD MEMBERS: Aye.
24 MR. HOLAHAN: So moved.
25 Entertain a motion establishing

19

1 the 2015 mileage rate. That's 57 and a half cents
2 now?
3 MS. HAASE: That's correct.
4 MR. KERRICK: You want the
5 motion to follow the IRS rate or --
6 MS. PICKARD: Yeah.
7 MR. KERRICK: I'll make that
8 motion.
9 MS. PICKARD: I'll second the

10 motion.

11 MR. HOLAHAN: Got a motion and
12 second.

13 Further discussion from the
14 board?

15 All in favor, aye?

16 BOARD MEMBERS: Aye.

17 MR. HOLAHAN: Opposed?

18 So moved.

19 Need to certify the town -- five
20 township supervisors, township manager and township
21 solicitor as delegates to the Pennsylvania Township
22 Supervisors 2015 annual convention.

23 MS. PICKARD: So moved.

24 MS. LAMBERTON: Second.

25 MR. HOLAHAN: Motion and

20

1 second.

2 All in favor, aye?

3 BOARD MEMBERS: Aye.

4 MR. HOLAHAN: So moved.

5 Looking for a designee for the

6 voting delegate for the Pennsylvania State
7 Association Township Supervisors annual convention.

8 MS. HAASE: For the board
9 members, I just want to remind you last year you
10 appointed Mr. Holahan. He has a conflict this
11 year, he will not be attending PSATS.

12 MS. PICKARD: I'll nominate
13 that Anne Lamberton serve as a voting delegate.

14 MR. HOLAHAN: Got a motion.

15 Do I have a second?

16 I'll second.

17 Motion and a second.

18 Further discussion from the
19 board?

20 Hearing none. All in favor,
21 aye?

22 BOARD MEMBERS: Aye.

23 MR. HOLAHAN: So moved.

24 Looking to approve the motion to
25 approve the agreement to retain Brian Oram for the

21

1 year 2015 as the professional soil scientist for
2 the township at rates set forth in the agreement.

3 MS. PICKARD: Can we have an
4 alternate, though, for the voting delegate? We
5 usually do that?

6 MR. HOLAHAN: Yeah. You know
7 what? Let's -- let's go ahead back to that, Heidi.
8 What we did was, I think we appointed every other
9 one. So do you want to make that motion?

10 MS. LAMBERTON: Yeah. I'll
11 make a motion to appoint Heidi Pickard as the
12 alternate.

13 MR. MOYER: I'll second.

14 MR. HOLAHAN: Motion and
15 second.

16 All in favor, aye?

17 BOARD MEMBERS: Aye.

18 MR. HOLAHAN: So moved.

19 Now, let's approve or -- let's
20 look at a motion to approve the agreement to retain
21 Brian Oram.

22 MS. LAMBERTON: So moved.

23 MS. PICKARD: Second.

24 MR. HOLAHAN: Motion and
25 second.

1 Further discussion?

2 All in favor, aye?

3 BOARD MEMBERS: Aye.

4 MR. HOLAHAN: So moved.

5 Looking for approval for L&V

6 Engineering proposal for traffic engineering

7 services on an as-needed basis for the year 2015.

8 MS. LAMBERTON: So moved.

9 MR. KERRICK: Second.

10 MR. HOLAHAN: Motion and

11 second.

12 Further discussion?

13 All in favor, aye?

14 BOARD MEMBERS: Aye.

15 MR. HOLAHAN: So moved.

16 Looking for a motion to approve

17 RETTEW Associates for the proposal for the

18 alternate township engineering services.

19 MS. LAMBERTON: So moved.

20 MR. KERRICK: Second.

21 MR. HOLAHAN: Got a motion and

22 a second.

23 All in favor, aye?

24 BOARD MEMBERS: Aye.
25 MR. HOLAHAN: So moved.

23

1 Need an appointment to serve as
2 the alternate sewage enforcement officer for the
3 year 2015.

4 MS. LAMBERTON: I'll make a
5 motion to appoint Jeryl Rinehart.

6 MS. PICKARD: Second.

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

9 Further discussion?
10 All in favor, aye?

11 BOARD MEMBERS: Aye.

12 MR. HOLAHAN: Opposed?
13 So moved.

14 MS. PICKARD: We have a
15 question.

16 MR. HOLAHAN: Oh, I'm sorry.

17 MR. JAMES TRAINOR: Who was it?
18 I couldn't hear you.

19 MS. LAMBERTON: Jeryl Rinehart.

20 MS. WENDI FREEMAN: Jeryl

21 Rinehart? I didn't hear you either.
22 MS. LAMBERTON: Yes.
23 MR. HOLAHAN: Yeah.
24 MS. LAMBERTON: I'm sorry.
25 MR. HOLAHAN: Now -- yeah, and

24

1 just kind of holler out because I've got my head
2 down here, okay?
3 Looking for a --
4 MR. JAMES TRAINOR: As long as
5 you're on that subject, can I just ask a question?
6 THE REPORTER: Excuse me.
7 What's your name, please?
8 MR. JAMES TRAINOR: James
9 Trainor.
10 THE REPORTER: Your last name?
11 MR. JAMES TRAINOR: Trainor,
12 T-r-a-i-n-o-r.
13 THE REPORTER: Thank you.
14 MR. JAMES TRAINOR: You went
15 through a lot of names. I'm new here, it's my
16 first meeting. I'm assuming that these names will

17 be on your website?
18 MR. HOLAHAN: Yes, sir.
19 MR. JAMES TRAINOR: Thank you.
20 MR. HOLAHAN: You're welcome.
21 Looking for appointment for a
22 sewage hearing board for the year 2015.
23 MS. LAMBERTON: I'll make a
24 motion to appoint George Ewald.
25 MR. KERRICK: Second.

25

1 MR. HOLAHAN: Got a motion and
2 a second.
3 Further discussion?
4 All in favor, aye?
5 BOARD MEMBERS: Aye.
6 MR. HOLAHAN: Opposed?
7 So moved.
8 Looking for the enactment of
9 Resolution 2015 dash 001, setting the dates, times
10 and place for township public meetings to be held.
11 MR. KERRICK: So moved.
12 MS. LAMBERTON: Second.
13 MR. HOLAHAN: Got a motion and

14 a second.

15 Further discussion from the
16 board?

17 Anything from the public?

18 Call the vote. All in favor,
19 aye?

20 BOARD MEMBERS: Aye.

21 MR. HOLAHAN: Opposed?

22 So moved.

23 Consider enactment of Resolution
24 2015 dash 002, designating certain financial
25 institutions as depositories for the township

26

1 monies.

2 MS. LAMBERTON: So moved.

3 MS. PICKARD: Second.

4 MR. HOLAHAN: Who is that? We
5 have a couple of those, right?

6 MS. PICKARD: Yeah.

7 MS. HAASE: There's multiple
8 institutions.

9 MR. HOLAHAN: That'll be

10 available on the web --

11 MS. LAMBERTON: Yeah, it's

12 Pennsylvania --

13 MR. HOLAHAN: -- website.

14 MS. LAMBERTON: PLGIT, PNC,

15 First National, First Northern Bank & Trust, Morgan

16 Stanley Smith Barney, East Stroudsburg Savings

17 Association, Landmark Community Bank.

18 MR. HOLAHAN: Thank you.

19 MS. LAMBERTON: You're welcome.

20 MR. HOLAHAN: So I have a

21 motion and a second.

22 Further discussion?

23 All in favor, aye?

24 MS. LAMBERTON: Aye.

25 MR. MOYER: Aye.

27

1 MS. PICKARD: Aye.

2 MR. HOLAHAN: Aye.

3 Opposed? Abstentions?

4 MR. KERRICK: Abstain.

5 MR. HOLAHAN: So noted.

6 Consider enactment of Resolution

7 2015 dash 003, appointing a public accounting firm
8 to represent -- for the township.

9 MS. LAMBERTON: I make a motion
10 to appoint Riley & Company.

11 MS. PICKARD: I'll second that.
12 Just note that's for the fiscal year 2014 audit.

13 MR. HOLAHAN: Thank you.
14 Motion and second.

15 Further discussion from the
16 board?

17 Anything from the public?

18 All in favor, aye?

19 BOARD MEMBERS: Aye.

20 So moved.

21 Looking for enactment of
22 Resolution 2015 dash 004, establishing the tax
23 rates for the calendar year 2015.

24 MS. LAMBERTON: So moved.

25 MR. KERRICK: Second.

28

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

3 Further discussion from the
4 board?

5 Anything from the public?

6 Want to know what the mills
7 rates are?

8 MR. JAMES TRAINOR: Yeah.

9 MR. HOLAHAN: General fund is
10 13.74 mills on -- per dollar; the library's going
11 to be .75, and there's a .7 for fire equipment and
12 apparatus, the tax millage rate stayed the same for
13 this year, as it was for last year.

14 Did I call for a vote?

15 MS. PICKARD: Yeah.

16 MS. LAMBERTON: No.

17 MR. HOLAHAN: No, I didn't.

18 MS. LAMBERTON: No, you did
19 not.

20 MR. HOLAHAN: I have a motion
21 and second.

22 Further discussion?

23 All in favor, aye?

24 BOARD MEMBERS: Aye.

25 Opposed?

1 So moved.

2 Consider enactment Resolution
3 2015 dash 005, appointing someone to serve --
4 appointing special counsel to the board for any
5 legal matter that becomes a conflict with the
6 township solicitor.

7 MR. HOLAHAN: This a --

8 MS. LAMBERTON: I'll make a
9 motion to appoint McNamara, Bolla and Panzer at a
10 hundred and eighty-five dollars an hour and a
11 hundred dollars per meeting.

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

14 MS. HAASE: Just for
15 clarification, the letter that Attorney Bolla sent
16 in for 2015 is a hundred ninety with a flat rate of
17 a hundred.

18 There's that five dollar
19 increase, Ms. Lamberton.

20 MS. LAMBERTON: Not happy with
21 it.

22 MR. HOLAHAN: Did we use him at
23 all last year?

24 MS. LAMBERTON: No.

25

MS. HAASE: We have not used

30

1 this attorney probably in about five years, but we
2 just have one in case there's conflicts.

3 MR. HOLAHAN: Okay. Are you
4 okay with amending your -- the amount to 190?

5 MS. LAMBERTON: I'll amend my
6 amount to a hundred and ninety, begrudgingly.

7 MS. PICKARD: I'll amend my
8 second.

9 MR. JAMES TRAINOR: What was
10 the name of the company? Bolles?

11 MS. LAMBERTON: McNamara, Bolla
12 and Panzer.

13 MR. HOLAHAN: We've got a
14 motion and a second.

15 Further discussion?

16 All in favor, aye?

17 BOARD MEMBERS: Aye.

18 Opposed?

19 So moved.

20 MS. LAMBERTON: They're from

21 Doylestown, Randy.

22 MR. HOLAHAN: Consider
23 enactment of Resolution 2015 dash 006, setting a
24 fee schedule for subdivision and land development,
25 planned residential development, zoning hearing

31

1 board, board of supervisors and other miscellaneous
2 fees.

3 MS. LAMBERTON: So moved.

4 MS. PICKARD: Second.

5 MR. HOLAHAN: Got a motion and
6 a second.

7 Further discussion from the
8 board?

9 Anything from the public?

10 Yeah, Brad?

11 MR. BRAD GRAHAM: Brad Graham,
12 G-r-a-h-a-m. Just going back to 24 and 25 for the
13 solicitor, is that just per meeting number?

14 MR. HOLAHAN: 155.

15 MR. BRAD GRAHAM: -- or was
16 that taken --

17 MR. HOLAHAN: No -- no -- no

18 per meeting.

19 MR. BRAD GRAHAM: Okay. Thank
20 you.

21 MR. HOLAHAN: Mr. Trainor?

22 MR. JAMES TRAINOR: James
23 Trainor. Did we skip 40?

24 MR. RANDY HOFFMAN: No, that
25 was the tax stuff.

32

1 MR. HOLAHAN: No.

2 MS. LAMBERTON: They're the
3 rates that --

4 MALE VOICE: No, that's all
5 under the same, Riley & Company and --

6 MS. HAASE: Mr. Trainor, just
7 for clarification, you'll find all of this on our
8 website under the minutes for this meeting.
9 Everything will be listed for you.

10 MR. JAMES TRAINOR: Thank you,
11 because I'm totally lost.

12 MS. HAASE: That's all right.

13 MR. HOLAHAN: You should be

14 sitting up here then.

15 MR. JAMES TRAINOR: I sat up
16 there for 35 years. I have no interest in sitting
17 there.

18 MR. HOLAHAN: I still have --
19 No. 42 still stands, looking for the Resolution
20 2015-006, setting the fee schedules.

21 MR. KERRICK: I thought Anne
22 Lamberton --

23 MS. LAMBERTON: I did.

24 MR. KERRICK: -- and Heidi
25 Pickard --

33

1 MR. HOLAHAN: Thank you, John.
2 I wasn't paying attention.

3 Further discussion?

4 All in favor, aye.

5 BOARD MEMBERS: Aye.

6 MR. HOLAHAN: Opposed?

7 Motion carries.

8 MR. KERRICK: I motion we close
9 our reorg meeting and open our regular business
10 meeting.

11 MS. LAMBERTON: Second.
12 MR. KERRICK: Can we?
13 MS. LAMBERTON: Yeah. I'll
14 authorize it, sure.
15 MR. HOLAHAN: Got a motion and
16 second to adjourn.
17 All in favor, aye?
18 BOARD MEMBERS: Aye.
19 MR. HOLAHAN: We're adjourned.
20 (Meeting concluded at 3:49 p.m.)
21 ---
22
23
24
25

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

13

14

15

16 TARA WILSON, C.R.

17

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, January 5, 2015 beginning at 3:50 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: Now we go into
2 our regular meeting. Let's go right to it.

3 I'm going to call to order the
4 meeting -- regular business meeting, January 5,
5 2015. Everybody's --

6 Was everybody here for the reorg
7 meeting?

8 Yes. So we'll skip the pledge
9 of allegiance; we'll go right to announcements?

10 You want the pledge?

11 MS. LAMBERTON: I do.

12 MR. HOLAHAN: Do you want to do
13 it again?

14 MS. LAMBERTON: That's okay.
15 No, I'll let it go this time.

16 MS. PICKARD: Did it twice.

17 MS. HAASE: Mr. Chairman, the
18 only announcement I have at this point is, I will

19 most likely be reaching out to the board to
20 schedule a special meeting, towards the middle of
21 January, for a release for Kalahari.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: And I do not have
24 minutes at this moment for the board to consider.

25 MR. HOLAHAN: All right, then.

3

1 Let's go on to treasurer's
2 report.

3 Looking for a motion to approve
4 the treasurer's report, \$64,779.49.

5 MS. HAASE: Mr. Chairman, I do
6 want to bring to your attention there is one
7 payment of \$400. I don't know if you want to take
8 out of this payment.

9 MR. HOLAHAN: Oh, yes, yes.

10 MS. LAMBERTON: 64,379.

11 MR. HOLAHAN: We can --

12 MS. HAASE: Or actually, I
13 think there's enough for the --

14 MR. HOLAHAN: We're good.

15 MS. PICKARD: We're good.

16 MS. LAMBERTON: I'll make a
17 motion to approve.
18 MS. PICKARD: I'll second.
19 MR. HOLAHAN: Okay. I've got a
20 motion and second.
21 Further discussion from the
22 board?
23 Anything from the public?
24 Call the vote. John?
25 MR. KERRICK: In favor.

4

1 MR. HOLAHAN: Heidi?
2 MS. PICKARD: I vote in favor.
3 MR. HOLAHAN: Donald?
4 MR. MOYER: I'll abstain.
5 MR. HOLAHAN: Annie?
6 MS. LAMBERTON: I vote in
7 favor.
8 MR. HOLAHAN: And I vote in
9 favor. Motion carries.
10 Let's go to the solicitor
11 report.

12 MR. ARMSTRONG: Thank you, Mr.
13 Chairman. The first item under my report is the
14 public hearing for the proposed ordinance for the
15 PSATS Unemployment Compensation Group Trust
16 agreement. As we discussed at your last meeting,
17 PSATS, the Unemployment Compensation Group Trust,
18 forwarded a -- an amended agreement for the trust
19 members back at the end of November of 2014 to
20 consider and approve.

21 In speaking with Phyllis and the
22 township, I don't believe there was a previous --
23 at least that we're aware of, a previous agreement
24 and trust. But this is titled an Amended and
25 Restated Declaration Agreement of Trust of the

5

1 PSATS Unemployment Compensation Group Trust. What
2 this is, it's -- you've been member of this trust.
3 It provides with your unemployment compensation
4 coverage for your employees and PSATS as the --
5 well, actually it's not PSATS, but the trustees of
6 the trust are -- are proposing and have approved
7 this amended and restated declaration agreement.

8 I've looked at it. I provided

9 some general comments to Phyllis with the
10 understanding that they're probably not going to
11 make any changes, it's -- it's a trust agreement.
12 They've already ex -- actually some of the trustees
13 have already executed this declaration agreement.
14 Couple things that you should be made aware of are
15 set forth in the ordinance. So why don't we go
16 ahead and open the public hearing and I'll take you
17 through very briefly the ordinance and you can act
18 accordingly.

19 So with that, I think we can
20 open the public hearing. This is an ordinance that
21 has been advertised for a public hearing this
22 afternoon pursuant to the Second Class Township
23 Code. It's an ordinance that authorizes the
24 township to enter into and agree to the amended and
25 restated -- the amended and restated declaration

6

1 agreement of trust of the PSATS Unemployment
2 Compensation Group Trust. This is a trust that
3 provides you with unemployment compensation
4 coverage.

5 In some of the general terms of
6 the trust agreement, as amended and restated, that
7 the board should be aware of is, it's indicating
8 that the township's going to participate in the
9 PSATS Unemployment Compensation Group Trust for an
10 initial term of two years; in that, renewals will
11 be automatic unless the appropriate written
12 notification is provided with respect to a
13 termination after the initial two-year period.

14 The purpose of the agreement is
15 to set forth and with the primary objective of
16 providing unemployment compensation coverage to the
17 township. And that the PSATS Unemployment
18 Compensation Group Trust shall be managed by the
19 board of trustees as set forth in the agreement.
20 The ordinance that -- you're familiar with these
21 types of ordinances. They authorize you to enter
22 into these intergovernmental agreements, which this
23 qualifies as.

24 So with that, are there any
25 questions or comments from the board with respect

1 to this the ordinance, which would authorize you to

2 enter into this amended and restated declaration
3 agreement with PSATS?

4 MR. HOLAHAN: I have none.

5 MS. PICKARD: I have none.

6 MR. MOYER: Yeah, I have none.

7 MR. ARMSTRONG: Having none
8 from the board, are there any comments or questions
9 from the public at this point in time?

10 Yes?

11 MR. JAMES TRAINOR: I just have
12 a question.

13 MR. ARMSTRONG: Ident -- just
14 -- I'm sorry.

15 MR. JAMES TRAINOR: I'm sorry.
16 James Trainor. You're talking about unemployment
17 insurance --

18 MR. ARMSTRONG: Yes.

19 MR. JAMES TRAINOR: --
20 withstanding of -- for two years for the public
21 employees of this county -- or the township?

22 MR. ARMSTRONG: The township.
23 Right now the Township of Tobyhanna is a member of
24 the PSATS Unemployment Compensation Group Trust.
25 And through that trust, a number of municipalities

1 pull together and they provide -- it provides the
2 unemployment compensation coverage that an employer
3 needs for Tobyhanna Township. It provides the
4 unemployment compensation coverage for the
5 employees in the township. And this is a restated
6 amendment declaration agreement from that trust
7 that they're proposing and basically telling the
8 members that want to remain a part of the trust to
9 agree to it.

10 Does that make sense?

11 MR. JAMES TRAINOR: Now, what
12 happens in two years?

13 MR. ARMSTRONG: Well, in two
14 years, it'll either automatically renew or the
15 township for some reason or another will decide to
16 terminate it. They just have to provide the
17 requisite written notification of termination; but
18 before they do that, they're going to have to have
19 another unemployment compensation insurance or
20 other trust lined up before they can cancel this
21 one.

22 MRM. JAMES TRAINOR: Thank

23 you.

24 MR. ARMSTRONG: But the initial
25 term is two years, you are correct.

9

1 Any other questions or comments
2 from the public?

3 Seeing none. I think you can
4 close the public hearing.

5 MR. HOLAHAN: Okay.

6 MS. LAMBERTON: Motion to
7 close.

8 MR. KERRICK: Make a motion --
9 or second.

10 MR. HOLAHAN: Motion and
11 second.

12 Further discussion?

13 Okay. Public hearing's closed.

14 MR. ARMSTRONG: Now, if the
15 board wanted to enter -- if you wanted to entertain
16 a motion to approve the ordinance?

17 MS. PICKARD: I'll make a
18 motion that we approve Ordinance No. 520, PSATS UC
19 Group Trust agreement.

20 MR. MOYER: I'll second.
21 MR. HOLAHAN: Got a motion and
22 a second.
23 Further discussion from the
24 board?
25 Anything from the public?

10

1 Hearing none. I'll call the
2 vote.
3 John?
4 MR. KERRICK: In favor.
5 MR. HOLAHAN: Heidi?
6 MS. PICKARD: I vote in favor.
7 MR. HOLAHAN: Donald?
8 MR. MOYER: I'll 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, Mr.
15 Chairman. And as with these types of ordinances,

16 you approved the ordinance, which authorizes you to
17 enter into the agreement, now would be the
18 appropriate time to entertain a motion to execute
19 that agreement.

20 MS. LAMBERTON: So moved.

21 MR. KERRICK: Second.

22 MR. HOLAHAN: So we've got a
23 motion and second to execute the agreement.

24 Further discussion from the
25 board?

11

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: 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 MR. ARMSTRONG: Thank you, Mr.
16 Chairman. A couple other items that are not on the
17 agenda, more of an FYI. Kalahari Resorts, as
18 you're all aware, ran into some potential sewer --
19 sanitary sewer line issues at some area down in
20 Pocono Township. Since that point in time,
21 Kalahari and Pocono Township and Tobyhanna Township
22 have been in discussions. And they came up with a
23 resolution to the potential easement issue, at
24 least for the time being.

25 And what that resolution is, is

12

1 -- and I'm sure some of you may be aware and if
2 not, Phyllis may be also inclined to describe it a
3 little bit more in detail. But it's going to allow
4 the Kalahari sewer line to tie in higher up and to
5 tie into the existing Pocono Township line to
6 utilize the existing Pocono pump station. Okay?
7 However, part of this will require a -- a regrading
8 of the pump station, the Pocono Township pump

9 station to ensure that there's appropriate amount
10 of capacity to allow Kalahari to distribute the
11 amount of sewage, at least for Phase 1, through
12 that pump station.

13 I was involved in a conference
14 call on December 29 with representatives from
15 Pocono Township, Kalahari and Pocono Manor
16 Investors. And the one issue that has come up is,
17 if you recall, when Kalahari came before the board
18 for their land development application and the
19 sewer, Tobyhanna Township is an agreement with
20 Pocono Township with respect to the sewer line.
21 And we're responsible to Pocono Township --
22 directly to Pocono Township, and then we are --
23 Tobyhanna Township is in a separate agreement with
24 Kalahari and Pocono Manor, and Pocono Manor and
25 Kalahari are directly responsible to Tobyhanna

13

1 Township for certain costs and expenses.

2 So Tobyhanna Township is a
3 middleman so-to-speak. We're the actual customer
4 to Pocono Township for the -- the conveyance of
5 this sewage, but the -- the cost of it is being

6 assumed by Kalahari and Pocono Manor. This
7 conversation that took place last week brought up
8 that again. I was suggesting and requesting that
9 this new agreement, which requires looking into the
10 future as -- for a potential upgrade and possible
11 new pump station for Pocono Township once the
12 future phases of Kalahari come in line; and I was
13 suggesting to have a group agreement and having
14 Kalahari and Pocono Manor directly responsible for
15 Pocono Township for that cost.

16 That did not go over well with
17 Pocono Township, so they still want the same setup.
18 Pocono Township's going to look directly to
19 Tobyhanna Township -- Tobyhanna Township. And then
20 they want Tobyhanna Township to look to Kalahari
21 and Pocono Manor. The way I left it was, I'd speak
22 to my board. And the concern I have, and Phyllis
23 is probably also aware, there is going to come a
24 time where after Phase 1 for Kalahari, Phase 2 and
25 most definitely Phase 3, there's going to be more

1 -- the pump station of Pocono Township is going to

2 have -- going to be -- either need to be replaced
3 or upgraded or -- that's going to cost a
4 significant amount of money. There's been a lot of
5 numbers thrown out there and they're significant.

6 So rather than -- and this is
7 what I'm suggesting to the board and -- you know,
8 there's a couple other options we can consider.
9 But what I would suggest, is to allow this current
10 agreement, in the tying in up above, to be almost a
11 temporary resolution for X capacity. And once they
12 hit X capacity, they had better figured out the
13 easement that caused them problems in the last
14 month or so. Meaning this will allow them to
15 proceed with Phase 1 and open as they intend to
16 open; however, beyond that, I -- I would be
17 hesitant to agree to post the -- any type of
18 financial securities, from Tobyhanna Township's
19 perspective, for the significant improvements
20 needed for that pump station.

21 And basically the way I would
22 describe that scenario is, we're agreeing that they
23 can connect and utilize that pump station of Pocono
24 Township. However, we want them to continue to
25 look at the original -- the way the line was

1 originally proposed to go, okay, and have that
2 resolved before they hit the capacity that would
3 require them to significantly upgrade that pump
4 station in Pocono Township.

5 Now, obviously the other
6 direction you could go, is what I'm sure Kalahari
7 and Pocono Manor would want, is to enter into these
8 agreements -- enter into the agreement with Pocono
9 Township and agree that in the future once Phase 2
10 and 3 are up and -- or ready to be -- to proceed
11 with, that, you know, the financial security -- the
12 requisite financial securities for the upgrade of
13 the pump station be posted. Now, obviously we --
14 Tobyhanna Township won't be posting them. We'll be
15 looking to Kalahari/Pocono Manor in the agreement
16 between Kalahari and Pocono Manor.

17 This is a lot to absorb and I'm
18 not as -- I'm bringing this to your attention. I'm
19 not sure if you want to give me direction today on
20 how I can proceed. My thought was, I was going to
21 reach out to Pocono Township's solicitor. He's
22 actually preparing the first agreement, the
23 agreement that would be between Pocono and Toby

24 before he sends out a draft or to run this by him.
25 I don't know if the board wants to discuss it today

16

1 or if you wanted to sit and think about it, or if
2 you know sitting here today how you'd want me to
3 proceed in these discussions.

4 Does everyone understand the
5 issues?

6 MR. KERRICK: Could I ask you a
7 question?

8 MR. ARMSTRONG: Yes.

9 MR. KERRICK: I wasn't aware of
10 this situation.

11 MR. ARMSTRONG: Okay.

12 MR. KERRICK: The whole idea
13 was to go around that pump station, Phyllis.

14 MR. ARMSTRONG: Initially.

15 MR. KERRICK: The initial,
16 that's what the talk went back and forth forever.
17 We didn't have to tie into that pump station
18 because of this?

19 MS. LAMBERTON: Well, no.

20 MS. HAASE: No.
21 MS. LAMBERTON: Initially --
22 MR. KERRICK: Well, initially
23 we were, but then --
24 MS. LAMBERTON: -- we were
25 going to --

17

1 MR. KERRICK: -- they put a
2 line alongside it.
3 MS. LAMBERTON: No, no, no.
4 MS. HAASE: No. No. What --
5 the issue that's come into play is this would be in
6 -- this is the option one, that when we were going
7 to Pocono Township meetings --
8 MR. KERRICK: Yes.
9 MS. HAASE: -- where we were
10 trying to push back in 2013 and we received the
11 push back from Pocono, this is the avenue we wanted
12 to go down because it was the most cost effective
13 and easiest way for everyone to accomplish
14 beginning the flows. We at that time were told no,
15 Tobyhanna Township through Kalahari were going to
16 need to connect into Pump Station 1 and not up

17 above where we're proposing now.

18 After some issues that came into
19 play this year, we've reached back out to Pocono
20 Township and they have agreed that we can connect
21 further up the line where we initially wanted to do
22 last year --

23 MR. KERRICK: Okay.

24 MS. HAASE: -- and not have to
25 go directly into the pump station, which would

18

1 alleviate some of the easements that would need to
2 have been obtained by the parties in play.

3 My concern with this -- and Pat
4 is correct, this is a lot to put on you at one
5 point right now; however, we do need a decision
6 within the next month. We are very fortunate
7 Kalahari's been very successful and they would like
8 to move forward with Phase 2 sooner than we
9 anticipated, which we're very happy about. But I
10 have concerns that we go ahead and issue the zoning
11 permits without resolution to the flows.

12 So we need to resolve that

13 prior, I believe, to our zoning officer issuing the
14 permits, which I believe will then create them to
15 either do upgrades or put in a second lift station
16 next to the current. There is a pad there now next
17 to the current lift station, but they may either
18 have to upgrade what's currently there or build
19 another one next to it on the pad because of the
20 flows.

21 MS. LAMBERTON: Or upgrade the
22 pumps.

23 MR. KERRICK: So they could
24 actually do maybe two phases without upgrading
25 anything, is that --

19

1 MS. LAMBERTON: It's very
2 possible, yeah.

3 MR. KERRICK: Because there was
4 only projected flows, we really don't know what the
5 initial or the --

6 MS. LAMBERTON: Correct.

7 MR. ARMSTRONG: My
8 understanding from that conference call is they're
9 going to actually proceed with a rerating of that

10 pump station, which I think the general consensus
11 of the engineers is that, that pump station was
12 underrated for some reason or another. When they
13 rerate it, it's going to be a larger capacity which
14 will be -- my understanding, it's going to be
15 enough, at least, to cover Phase 1, maybe close to
16 -- I don't -- I'm not an engineer, you know, I --

17 MR. KERRICK: I'm not -- but
18 there was some -- some differences in opinion of
19 how many gallons were going to flow.

20 MS. HAASE: You are correct.

21 MR. KERRICK: Pocono thought --
22 assumed it would be a lot higher than Kalahari's
23 people.

24 MS. LAMBERTON: Also too they
25 had users that were supposed to utilize that pump

20

1 station that are no longer on the table. So that
2 opens up that volume to this use.

3 MS. HAASE: There was some
4 confusion between the prior engineering firm and
5 the engineering firm that has now taken over for

6 Pocono Township. The current engineer was not
7 aware that there was a triplex pump there, so we
8 had three pumps there. They were under the
9 understanding there was two, so that helps with the
10 scenario as well. But we're hoping to get the
11 counts back from the engineering firm so we know
12 what we're going into prior to issuing the permits.

13 MR. KERRICK: I'm okay with it.

14 MS. PICKARD: And I think if
15 more work can be done to figure out what the cost
16 would be if it did need to be.

17 MS. LAMBERTON: That's
18 something that they need to figure out.

19 MS. HAASE: It's substantial.

20 MS. PICKARD: Yeah, exactly.

21 MS. LAMBERTON: Absolutely.

22 And, you know, that's all going to be --that cost
23 is going to be given to Kalahari and Pocono Manor.

24 MR. ARMSTRONG: It is, but as

25 --

21

1 MS. HAASE: To Toby first.

2 MR. ARMSTRONG: Right. Before,

3 as we discussed, Pocono, when and if the time
4 comes -- if, you know, we go down that route --
5 they're going to be looking at Tobyhanna Township.

6 MS. LAMBERTON: And they have
7 for every other agreement.

8 MR. ARMSTRONG: Right. This
9 is, you know -- the cost of this is going to be a
10 significant cost.

11 MS. LAMBERTON: We don't -- we
12 don't allow Kalahari to do anything until they pay
13 for it.

14 MR. KERRICK: The money that
15 Kalahari and everybody spent --

16 MS. LAMBERTON: That's your job
17 to write that rock solid --

18 MR. KERRICK: -- on legal fees,
19 they could've upgraded the pump.

20 MR. MOYER: Yeah.

21 MS. HAASE: And that's --

22 MS. LAMBERTON: Exactly

23 MS. HAASE: And that's my
24 concern that if it shows it needs it for Phase
25 2 and --

1 MR. KERRICK: Understand.

2 MS. HAASE: -- they want the
3 permits soon, then I hate to see -- I hate to see
4 them being held up, but we certainly need to
5 protect the township.

6 MS. LAMBERTON: Absolutely.

7 MS. PICKARD: I think right now
8 this was to circumvent them from being tied up with
9 the easements. And now they have the chance to
10 look at the cost of upgrading that or going back
11 and revisiting the easements for the other
12 properties.

13 MR. KERRICK: So we don't need
14 a decision this evening.

15 MS. LAMBERTON: I guess what
16 Patrick is looking for -- and correct me if I'm
17 wrong, this is my interpretation of --

18 MR. ARMSTRONG: Some direction.

19 MS. LAMBERTON: He's looking
20 for direction, whether Toby's willing to continue
21 with being the person or the -- the name that goes
22 with Pocono Township and then we have an agreement
23 with Pocono and then we have an agreement with

24 Kalahari on the back end, like all of our other
25 agreements are.

23

1 MR. KERRICK: We didn't want to
2 to begin with, but we had no choice. So I don't
3 think this is any different than the other one.

4 MS. LAMBERTON: Well, their
5 solicitor was --

6 MR. ARMSTRONG: Well this --

7 MS. LAMBERTON: -- very clear
8 that he wanted us to have some teeth in the game.

9 MS. PICKARD: Oh, yeah.

10 MS. LAMBERTON: And I
11 understand that. I mean, this is our, you now,
12 property owner who's putting up a substantial
13 project.

14 MS. PICKARD: I agree with
15 Patrick, the assessment for now and then wait and
16 then see what happens with, you know, whether they
17 need --

18 MS. LAMBERTON: I don't think
19 we can afford the time to wait.

20 MR. ARMSTRONG: Well, no, what

21 I'm -- I guess what I'm --

22 MS. PICKARD: I don't want to
23 be responsible for upgrading the pump station, we
24 have no stick on that.

25 MS. LAMBERTON: Oh, no, no, no.

24

1 MS. PICKARD: I mean, that's
2 the only thing.

3 MS. LAMBERTON: Not to say we'd
4 have to enter into that same agreement with the
5 user.

6 MR. HOLAHAN: Patrick, why
7 don't you go ahead and restate what --

8 MR. ARMSTRONG: What I would
9 suggest -- and I haven't floated this past Pocono
10 Township or Kalahari, but what I would suggest is
11 to proceed with the agreements as being proposed,
12 however, have them make it clear that this -- it's
13 for Phase 1, to resolve Phase 1. When Phase 2
14 comes along and Phase 3, they need to have their
15 easement or the other option in play because we are
16 -- Tobyhanna Township is not comfortable with.

17 Even though I understand we're
18 going to have an agreement with Pocono and then
19 we're going to have an agreement with the
20 developer, we're not comfortable with agreeing to
21 be held on the hook for that significant amount of
22 money. We're agreeing to proceed right now to
23 resolve it so they can proceed with Phase 1, but
24 we're not agreeing that this is going to be the
25 only direction we're going. We're going to require

25

1 them to either come back at -- when they're ready
2 for Phase 2 or 3, to come to terms with, you know,
3 how the financial securities are going to be posted
4 and who's going to be responsible or --

5 MS. LAMBERTON: We can't write
6 that into one agreement now?

7 MS. PICKARD: I think we need
8 to find -- they need to find out what the cost
9 difference is to make that decision, which
10 direction we're going to go.

11 MS. LAMBERTON: I think with
12 volumes, engineers should be able to tell you what
13 kind of capacity the pumps have.

14 MR. MOYER: Are they closer on
15 upgrading on volume like Pocono --

16 MR. ARMSTRONG: I anticipate
17 the draft agreement coming from Pocono Township
18 between T&M Assoc -- T&M Engineering and their
19 solicitor's going to have a lot of that in there.
20 The difference is going to be in the -- the
21 agreement that I foresee them proposing is going to
22 have it all the way into the future meaning,
23 requiring Toby to be on the hook for upgrading that
24 pump station when and if the time comes.

25 Whereas I'm proposing -- what

26

1 I'm suggesting is, okay, you know what, let's
2 shorten the time span and just use this for Phase
3 1. And in there write in a provision by saying
4 either, you know, get your easements together at a
5 point in time so you can go forward, and there's
6 not going to be any additional potential exposure
7 to Tobyhanna Township because you can go through
8 the initially proposed line or --

9 MS. LAMBERTON: We've had

10 exposure from day one on this.

11 MR. HOLAHAN: Yeah, but I got
12 -- I got to agree with Patrick on part of this,
13 there needs -- Kalahari needs to understand that
14 they're not going to lay it on our lap and then
15 we're going to scramble to figure this all out as
16 well.

17 MR. KERRICK: I'm okay with
18 Pat's language.

19 MS. LAMBERTON: Well, no,
20 that's not my intention.

21 MS. PICKARD: Yeah, me too.

22 MR. KERRICK: I'm all right
23 with Pat's language like he said, with Phase 1, so
24 we can continue and then shorten it up.

25 MR. HOLAHAN: But they're

27

1 quickly wanting to go to Phase 2.

2 MS. PICKARD: Well, then they
3 need to quickly find out all that information.

4 MR. KERRICK: I understand
5 Phyllis' point as well with the zoning.

6 MR. HOLAHAN: We want them as

7 well.

8 MR. MOYER: Yeah, because kaboom
9 and they're going to say we want it --

10 MR. HOLAHAN: So are we giving
11 Patrick direction to take the language that --

12 MR. KERRICK: I'll make that a
13 motion, if you need a motion.

14 MR. ARMSTRONG: I think I can
15 -- consensus is -- I just wanted to make sure that
16 we're all -- before I started going back to Pocono
17 Township solicitor and, you know, responding, I
18 wanted --

19 MS. LAMBERTON: I just want to
20 be careful that we don't get into too many multiple
21 agreements because you're going to have people
22 changing on a board, they're not going to
23 understand all of our agreements. You have the
24 solicitors on board, that they have there now, that
25 understand all of the agreements we've all

28

1 discussed.

2 MS. PICKARD: This is going to

3 be within a couple a months because they want to
4 move forward.

5 MR. KERRICK: Keep it simple.

6 MS. PICKARD: I mean, I just --
7 it needs to be done.

8 MS. LAMBERTON: I just wanted
9 to simplify --

10 MS. PICKARD: I'm just not
11 comfortable --

12 MS. LAMBERTON: -- not that I
13 don't mind paying Patrick a hundred and fifty-five
14 dollars an hour.

15 MS. PICKARD: -- we don't owe
16 any significant --

17 MR. HOLAHAN: We all --
18 everybody cool with this?

19 MS. PICKARD: Yeah.

20 MR. KERRICK: Yes.

21 MR. HOLAHAN: Okay.

22 MR. ARMSTRONG: Okay.

23 MR. HOLAHAN: By consensus.

24 MR. ARMSTRONG: I will let you
25 know. I expect some progress in the next week or

1 so. The solicitor for Pocono Township was out of
2 town last week, for the majority of the week. I
3 spoke with him on Monday, but I'll let you know how
4 it progresses and in which direction we agree to
5 go.

6 MS. LAMBERTON: Keep it simple.

7 MS. HAASE: I certainly will be
8 pushing this at my end as well with the
9 understanding that -- through the discussions of
10 Kalahari, I know they want to move forward with
11 this. And, again, we want to allow them to
12 progress and protect the township. So I will be
13 pushing this as much as I can at our end to make
14 certain everything comes together.

15 MR. HOLAHAN: But I'm confident
16 in that as well. So I guess worst case scenario
17 you come back and you're running into some
18 roadblocks, we'll have to call a special meeting
19 and talk about this again.

20 MR. ARMSTRONG: Well, you're
21 going to -- it looks like you're going to have a
22 special meeting for the NIDMA.

23 MR. HOLAHAN: That's right.

24 MR. ARMSTRONG: So if there's a

25 quorum for the NIDMA, chances are there's going to

30

1 be a quorum for --

2 MS. PICKARD: And another one
3 for --

4 MR. HOLAHAN: Okay.

5 MR. ARMSTRONG: Okay. Thank
6 you. I think I got the direction I needed.

7 MR. HOLAHAN: Cool.

8 MR. MOYER: When are you
9 meeting with them again, Pat, or speaking with
10 them?

11 MR. ARMSTRONG: There's nothing
12 scheduled. I -- we just spoke a week ago today and
13 I -- you know, the holiday, people are away and I
14 wanted to -- I wanted to bounce this off my board,
15 you --

16 MR. MOYER: Okay.

17 MR. ARMSTRONG: -- before I got
18 back to them to let them know which direction we
19 were moving.

20 MR. MOYER: All right.

21 MR. HOLAHAN: Thanks.
22 Did you have something else too,
23 Patrick?
24 MR. ARMSTRONG: You know, it's
25 just an FYI. I spoke with Phyllis and John, I

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1 think, briefly before the meeting, something that
2 has taken the back burner, the Blakeslee Fire
3 Department building. You know, it's been quite
4 some time, but my understanding is the board still
5 wants to take ownership of that property, right?
6 MR. HOLAHAN: And give it to
7 the library.
8 MR. ARMSTRONG: The only thing
9 I'll say -- I mean, it took -- we -- you know, we
10 got -- I think it was two or maybe three months ago
11 now, we did get the title report. So we're ready
12 to go, it's just I -- I think I said this once or
13 twice before, just so the board is aware that, when
14 you take ownership, you're taking -- it's not only
15 -- like only an asset, you're going to have some
16 liabilities involved with it.
17 So before I move to the end

18 goal, given the fact that it's been kind of put on
19 hold for one reason or another, I want to make sure
20 that the board still wants to move forward with
21 this acquisition of real property.

22 MR. HOLAHAN: Do we?

23 Troy, you got any thoughts on
24 that?

25 MR. TROY COUNTERMAN: We are

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1 still in agreement if you want it, you can have it.

2 MR. HOLAHAN: Yeah.

3 MS. LAMBERTON: Does it matter
4 one way or the other?

5 MR. HOLAHAN: Well, is there --
6 is there liabilities --

7 MS. HAASE: We insure it, we
8 pay the costs.

9 MR. HOLAHAN: And we're
10 maintaining it?

11 MS. HAASE: We're maintaining
12 it.

13 MR. HOLAHAN: So if we're

14 controlling the maintenance and the finances of the
15 asset, do we want to control the asset by owning
16 it? 'Cause we are the -- we had a HVAC consultant
17 out there today and there's issues with that, some
18 big issues that need to be addressed as well.

19 MR. TROY COUNTERMAN: That's
20 why we want to give it to you.

21 MS. LAMBERTON: Merry
22 Christmas.

23 MS. PICKARD: It seems like we
24 got rid of the library and then we picked up the --

25 MR. HOLAHAN: Figured that,

33

1 yeah.

2 MS. PICKARD: Maybe we
3 should've kept the library and --

4 MR. HOLAHAN: Kept the library
5 and gave --

6 MS. PICKARD: And gave the
7 library the fire.

8 MR. HOLAHAN: But is this still
9 -- this is the direction we want to do is --

10 MS. LAMBERTON: It would make

11 sense with liability, right?

12 MR. KERRICK: Actually in the
13 '40s they were in financial issues and the township
14 took it over, but somehow that was never changed
15 over to the township, so --

16 MR. HOLAHAN: So we've pretty
17 much have taken it over anyway, it's just --

18 MR. KERRICK: Years ago, just
19 the paperwork's not final.

20 MR. HOLAHAN: Okay.

21 Continue, Patrick.

22 MR. ARMSTRONG: Okay. That's
23 all I have.

24 Thank you, Mr. Chairman.

25 MR. HOLAHAN: You're welcome.

34

1 Manager report.

2 MS. HAASE: Just have a few
3 items. One, last month and the month before we had
4 spoken about the intermunicipal agreement with
5 Coolbaugh Township for the wood grinder. I was
6 requested to send a letter out, which I did. I

4 MR. KERRICK: Can I --

5 MS. HAASE: I'm sorry.

6 MR. KERRICK: Can I ask Pat a
7 question or do you want me to wait till the end?

8 MS. HAASE: No.

9 MR. KERRICK: Do you feel that
10 because we were mentioned in that -- I read your
11 email. Do you feel that we have anything to stand
12 on there or --

13 MR. ARMSTRONG: You know,
14 really the way we're going to phrase it is, they
15 represented --

16 MR. KERRICK: That's what I
17 felt, but --

18 MR. ARMSTRONG: Represented to
19 the department that we're going to -- Tobyhanna
20 Town -- not only Tobyhanna Township, but a couple
21 other municipalities, would have the right to have
22 use this wood chipper, and they represented in a
23 grant agree -- or a grant application. And a
24 misrepresentation, depending upon -- I mean, I'm
25 not telling anyone that we're going to proceed

1 certain actions --

2 MR. KERRICK: No, I understand.

3 MR. ARMSTRONG: -- but, you
4 know, that's -- misrepresentations to the party
5 with respect to the grant could have significant
6 impacts on future grant and monies that that
7 municipality may be entitled to.

8 But like I said, they might just
9 be the process of renewing or reviewing or amending
10 the agreement with Toby -- I don't -- I'm not sure
11 where they're -- I have not had any communication
12 with them, so I'm not sure where they're at. I'm
13 being optimistic in thinking maybe --

14 MR. MOYER: Yeah, very. Very
15 optimistic.

16 MR. HOLAHAN: Hey, we could --
17 we could get a bill. We could get a bill.

18 MR. ARMSTRONG: Also keep that
19 in mind. Part of this is they -- you might start
20 getting a more significant --

21 MR. MOYER: Payment.

22 MR. ARMSTRONG: -- sharing of
23 the cost than you had in the past.

24 MR. KERRICK: We asked for that

25 for many years.

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1 MS. PICKARD: We did.

2 MS. HAASE: Yeah, it's my
3 understanding that the board did ask multiple years
4 and that was never addressed. So I guess we'll
5 have to look at what the figures are and then weigh
6 that out once we receive the agreement.

7 MS. LAMBERTON: Yeah.

8 MR. HOLAHAN: Okay.

9 MS. HAASE: The next item I
10 just wanted to mention to the board that I'm going
11 to be calling a meeting with our local fire
12 companies and most likely will ask a few members of
13 our board to join me. More so, how to improve the
14 service and protect our residents perhaps in a
15 better way. So we'll put our minds together and
16 see how we can move forward in looking at the
17 protection of our residents.

18 The other item that I wanted to
19 bring to your attention, the sewer authority has
20 been formed and, as per your bylaws, your meetings
21 are to occur the third Thursday of the month. And

22 it may be with this month or next month a good time
23 to call your meeting, to set your officers of the
24 authority and perhaps address any business that may
25 need to occur at that time. But your bylaws do

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1 state the meetings are the third Thursday of the
2 month. It does not state a time.

3 MS. PICKARD: Just want to
4 mention that the EMS meetings are the third
5 Thursday usually at seven, but --

6 MS. HAASE: Yeah. It doesn't
7 state a time, but it states the day of the month.

8 MS. PICKARD: Okay.

9 MS. HAASE: That is all I have
10 at this time.

11 MR. HOLAHAN: Very good. Thank
12 you.

13 Do we have any committee
14 reports?

15 The regional EMS?

16 MS. PICKARD: We have our
17 reorganization meeting at seven o'clock on the

18 third Thursday, January 15. So that has been
19 advertised.

20 MR. HOLAHAN: Okay.

21 Anything on open space?

22 MS. PICKARD: I think we're a
23 our winter break.

24 MR. HOLAHAN: Cool.

25 Regional police commission?

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1 MS. HAASE: The December
2 meeting, I don't think I've updated the full board,
3 I'm certain you're aware of this. At the December
4 meeting the commission made a motion to present to
5 the court and request a judicial determination of
6 our agreement of what is the responsibilities of
7 the municipalities versus the commission. The
8 paperwork has been filed. It was the Monday after
9 Christmas, I believe, the paperwork was filed in
10 Stroudsburg. So I do not have an update on the
11 scheduled hearing as of yet and that is the only
12 update --

13 I'm sorry. We did approve Chris
14 Wagner as our chief. He did enter into a two-year

15 agreement with the commission. I believe that's
16 all --

17 Is there anything else, Donny,
18 I'm missing?

19 MR. MOYER: I think that's
20 about it.

21 MR. HOLAHAN: And you're having
22 your reorg meeting.

23 MS. HAASE: Thursday, at seven
24 o'clock and it'll be at Tobyhanna Township.

25 MR. HOLAHAN: Very good.

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1 MS. PICKARD: Is there -- we
2 didn't -- Coolbaugh didn't submit a letter to the
3 police commission by the end --

4 MS. HAASE: We did not receive
5 by the deadline.

6 MS. PICKARD: Okay. All right.
7 And Barrett, the status, is Barrett joining?

8 MS. HAASE: They are still
9 working on the agreements between Barrett and
10 Pocono Mountain Regional Police Commission, so that

11 still is active.

12 MS. PICKARD: Thank you.

13 MR. HOLAHAN: Okay. On to old
14 business then. Proposed zoning ordinance. Let's
15 do something about it this time.

16 MS. PICKARD: Exactly.

17 MR. HOLAHAN: Blakeslee Route
18 940 sanitary sewer extensions.

19 Anything happening on that yet,
20 Phyllis?

21 MS. HAASE: No, sir. That is
22 on hold right now until we move forward with
23 discussions with the acquisition of the purchase of
24 the plant. And at that time then the decision will
25 be made if we co-partner. I will say that we have

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1 another company out of Canada that has shown some
2 interest in the wastewater treatment plant even
3 though we have not put this out yet. They have
4 scheduled a meeting with DEP to review the
5 paperwork and the plans pertaining to the
6 wastewater treatment plant, but they have not
7 reached out to me personally.

8 MR. HOLAHAN: That pretty much
9 segways right into the potential sale of the
10 wastewater treatment plant.

11 MS. HAASE: That does.

12 MR. HOLAHAN: So --

13 MS. HAASE: The one thing that
14 I did want to go back on the proposed zoning
15 ordinance is, the one specific item that we have
16 been talking about was digital signs within the
17 commercial district. The board had requested a
18 sample of a sign that a business was proposing,
19 which I distributed last month. I asked the
20 business owner at that time to give me dimensions
21 because he did not provide that. I still have not
22 received that, so I don't know if the board has
23 thought of any dimensions amongst or had any
24 discussions --

25 MR. HOLAHAN: I haven't.

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1 MS. HAASE: -- on the direction
2 that you'd like to give to me?

3 MR. HOLAHAN: Anybody else wake

4 up thinking about this? All right. Let's -- the
5 thing is, you know, we really let that go this
6 year. I'd like to seriously be able to sit down
7 and figure out some times where we could kind of
8 chip away at this -- these zoning ordinances so we
9 can get it off our list and actually feel good
10 about ourselves for doing something.

11 Let's go to Arcadia Properties,
12 the New Ventures Park reimbursement agreement,
13 anything on that?

14 MS. HAASE: No, sir. We've not
15 received anything back from PennDOT or Arcadia, so
16 I ask the board if you would table this.

17 MR. HOLAHAN: Okay. It's
18 tabled.

19 New business, township sewer
20 authority appointments.

21 MS. HAASE: Yes, sir. We
22 actually have one -- your position will need to be
23 reappointed. Your term has expired, so you will
24 need to be reappointed to the sewer authority,
25 which will leave us two additional seats available.

1 We've received three letters of interest for the
2 positions which was presented to the board and
3 that's in your packet.

4 MR. HOLAHAN: Okay. So let's
5 go for the -- like the first one then,
6 reappointment --

7 MR. KERRICK: Like to reappoint
8 John Holahan.

9 MS. PICKARD: I'll second it.

10 MR. HOLAHAN: Motion and
11 second.

12 Further discussion?

13 All in favor, aye?

14 BOARD MEMBERS: Aye.

15 MR. HOLAHAN: Opposed?

16 So moved.

17 Now, let's go to our -- making
18 our appointments here.

19 MR. MOYER: Yours is for a 25
20 year term.

21 MR. HOLAHAN: Oh, a 25 year
22 term, yes, this sentence.

23 MS. LAMBERTON: I'll make a
24 motion to appoint Lance Mirkin.

25 MR. KERRICK: Second.

1 MR. HOLAHAN: Got a motion and
2 a second to appoint Lance Mirkin to the township
3 sewer authority.

4 Further discussion?

5 Hearing none.

6 All in favor, aye?

7 BOARD MEMBERS: Aye.

8 MR. HOLAHAN: Opposed?

9 So moved.

10 MS. LAMBERTON: I'll make a
11 motion to appoint Greg Hamill as the second person
12 to our sewer lines.

13 MR. KERRICK: Second.

14 MR. HOLAHAN: Got a motion and
15 a second to appoint Greg Hamill as the other sewer
16 authority member.

17 Further discussion?

18 Hearing none. I'll call the
19 vote.

20 All in favor, aye?

21 BOARD MEMBERS: Aye.

22 MR. HOLAHAN: So moved.
23 MR. ARMSTRONG: What I'll have
24 to do, Mr. Chairman and members of the board, is
25 I'll have to look at the terms of those two members

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1 of the authority. I'm not sure how -- how they're
2 going to --
3 MR. HOLAHAN: Give them the
4 longest terms that you can.
5 MR. MOYER: John's is 25 in
6 here, so --
7 MR. KERRICK: Fifty.
8 MR. HOLAHAN: Let's go to
9 consider Kalahari Resorts letter of credit
10 reduction, Category 1. The request is \$130,721.89.
11 Do I have a motion?
12 MS. HAASE: Mr. Chairman?
13 MR. HOLAHAN: Yes.
14 MR. HAASE: Our engineer, Mr.
15 Bob McHale, has reviewed and he has signed off with
16 \$130,721.89.
17 MR. HOLAHAN: Do I have a
18 motion?

19 MS. PICKARD: So moved.
20 MR. MOYER: Second.
21 MR. HOLAHAN: Got a motion and
22 a second.
23 Further discussion from the
24 board?
25 Anything from the public?

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1 Hearing none.
2 All in favor, aye?
3 MR. KERRICK: Aye.
4 MS. PICKARD: Aye.
5 MR. MOYER: Aye.
6 MR. HOLAHAN: Aye.
7 Opposed?
8 MS. LAMBERTON: I'll abstain.
9 MR. HOLAHAN: One abstention.
10 So moved.
11 Consider approving the
12 certificate of developer request for Payment No. 5
13 for Kalahari Resorts sewer account, in the amount
14 of a hundred and thirty-nine thousand five hundred

15 fifty-five dollars thirty-six cents.

16 MS. HAASE: Mr. Chairman, Tim
17 Edinger has signed off the T&M portion and I'm
18 prepared to sign off once approved by the board.

19 MR. HOLAHAN: Very good.
20 Do I have a motion?

21 MS. PICKARD: So moved.

22 MR. KERRICK: Second.

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

25 It was Donald Moyer, did you

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1 hear him mumble or did you hear John? Kind of came
2 through his ear.

3 MR. MOYER: Yeah.

4 MR. HOLAHAN: Further
5 discussion from the board?

6 Anything from the public?

7 Hearing none. Call the vote.

8 All in favor, aye?

9 MR. KERRICK: Aye.

10 MS. PICKARD: Aye.

11 MR. MOYER: Aye.

12 MR. HOLAHAN: Aye.
13 MS. LAMBERTON: I'll abstain.
14 MR. HOLAHAN: One abstention.
15 Motion carries.
16 Anything from the supervisors?
17 Have anything you want to talk about?
18 MR. KERRICK: I'm good.
19 Randy?
20 MR. RANDY HOFFMAN: No, I'm
21 good.
22 MR. HOLAHAN: No, you're ready
23 to go?
24 Taking public comment right now.
25 Motion to adjourn.

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1 MS. LAMBERTON: So moved.
2 MR. KERRICK: Second.
3 MR. HOLAHAN: We're adjourned.
4 (Meeting concluded at 4:30 p.m.)
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I hereby certify that the

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proceedings and evidence are contained fully and

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

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

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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
Monday, January 26, 2015, beginning at 8:37 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. I'd like to
2 call to order the special meeting of January 26,
3 board of supervisors.

4 Let's go on to new business.
5 Consider approving the certificate of developer and
6 request for Payment No. 7, Kalahari Resorts access
7 road account for 170,288.61.

8 Do I have a motion?

9 MS. HAASE: Mr. Chairman, T&M
10 have signed off on their portion; and upon the
11 board's approval, I'm ready to sign off as well.

12 MR. HOLAHAN: Very good.

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

15 MR. KERRICK: Second.

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

18 Further discussion from the

19 board?

20 Anything from the public?

21 Hearing none, all in favor, aye?

22 MS. PICKARD: Aye.

23 MR. KERRICK: Aye.

24 MR. HOLAHAN: Opposed?

25 MS. LAMBERTON: I'll abstain.

3

1 MR. HOLAHAN: And one

2 abstention. Motion carries.

3 Item B, consider Kalahari

4 Resorts amended land development plan.

5 MS. HAASE: I asked the board to

6 consider tabling this item. I have not received

7 the amended plan --

8 MR. HOLAHAN: Do I have a

9 motion to table?

10 MS. HAASE: -- for

11 consideration.

12 MS. PICKARD: So moved.

13 MR. KERRICK: Second.

14 MR. HOLAHAN: Motion and second.

15 Further discussion?

16 All in favor, aye?
17 MS. PICKARD: Aye.
18 MR. KERRICK: Aye.
19 MR. HOLAHAN: Opposed?
20 Abstentions?
21 MS. LAMBERTON: Yes, please.
22 MS. PICKARD: When do we expect
23 to have that? For our February meeting?
24 MS. HAASE: I would hope so. I
25 can't answer that.

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1 MR. HOLAHAN: So moved.
2 Consider Resolution 2015 dash
3 007, the township tax collector assigned to collect
4 special assessment for the NID.
5 MS. LAMBERTON: I'll make a
6 motion to approve Resolution 2015 dash 007,
7 township tax collector assigned to collect special
8 assessment, neighborhood improvement district.
9 MS. PICKARD: I'll second it.
10 MR. HOLAHAN: I've got a motion
11 and second.

12 Further discussion from the
13 board?
14 Anything from the public?
15 Hearing none, all in favor, aye?
16 MS. LAMBERTON: Aye.
17 MS. PICKARD: Aye.
18 MR. KERRICK: Aye.
19 MR. HOLAHAN: Opposed?
20 Motion carries.
21 And consider Fire Station 33,
22 fire police approval.
23 MS. HAASE: Yes. 33 did not
24 send in their request to have their fire police
25 sworn in, in January. I reached out to them. They

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1 did forward a list for 2015 and 2016. I did
2 explain to them, for 2016's list, they'll have to
3 submit that to us in December.
4 So the fire police that they are
5 requesting your approval, so they can be sworn in,
6 would be George Tallmadge, T-A-L-L-M-A-D-G-E; Bob
7 Napoli, N-A-P-O-L-I; Alvin Rich, R-I-C-H; George
8 Haab, H-A-A-B; Carol Feller, F-E-L-L-E-R; Jessica

9 Wallace, W-A-L-L-A-C-E; Pat Timothy, T-I-M-O-T-H-Y;
10 and Grace Durso, D-U-R-S-O.

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

13 MS. PICKARD: So moved.

14 MS. LAMBERTON: Second.

15 MR. HOLAHAN: I've got a motion
16 and second.

17 Further discussion from the
18 board?

19 MR. KERRICK: They've all
20 received their training?

21 MS. HAASE: Yes.

22 MS. PICKARD: And just for the
23 record, they need to be appointed annually?

24 MS. HAASE: We have been told by
25 Bucks County Community College in Harrisburg it

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1 would benefit the township to do it annually, in
2 case there is an individual that perhaps is not
3 acting in accordance of what the township would
4 like, the next year, they're not appointed.

5 MS. PICKARD: Thank you.

6 MS. LAMBERTON: Have we had any
7 issues with these folks that have been named?

8 MS. HAASE: I have not received
9 written documentation from anyone that there has
10 been issues.

11 MS. LAMBERTON: And is that a
12 protocol, that they're required to --

13 MS. HAASE: I would hope that if
14 we have Pocono Mountain Regional Police or any
15 other emergency services out there that would see
16 that something is being done inappropriately, that
17 I would be notified; and that's what I've asked. I
18 have not received anything in writing for these
19 particular individuals.

20 MS. LAMBERTON: Thank you.

21 MR. HOLAHAN: I was -- while
22 we're still on the discussion, I was at their
23 annual installation of general (phonetic) on
24 Saturday at Pocono Manor, and we did a
25 ceremonial-type of swearing in for them. I did let

1 George know that he cannot approach any single

2 member supervisor and ask us for anything because
3 this takes board action; and I did speak with him
4 about the 2015-16, so he is aware and he wants to
5 play nice, so --

6 MS. HAASE: Good.

7 MR. HOLAHAN: -- all righty.

8 MS. HAASE: Just for
9 clarification, the swearing in was for their
10 officers or for the fire police?

11 MR. HOLAHAN: Fire police as
12 well.

13 MS. LAMBERTON: Can they do that
14 before we approve them?

15 MS. HAASE: No.

16 MR. HOLAHAN: Well --

17 MS. LAMBERTON: We know that
18 now.

19 MR. HOLAHAN: -- it was more or
20 of a ceremonial-type of -- the conversation with
21 George is they're not sworn in until we swear them
22 in --

23 MS. LAMBERTON: Okay.

24 MR. HOLAHAN: -- until we
25 approve them, so --

1 MS. LAMBERTON: Then he was
2 aware.

3 MR. HOLAHAN: He's aware of
4 that.

5 MS. HAASE: The process should
6 be first the board and then to go to the district
7 magistrate or to have an official swear them in.

8 MS. PICKARD: And if they get
9 their list in by the reorg, that would happen in
10 the right order?

11 MS. HAASE: That is correct.

12 MR. HOLAHAN: Yeah. Okay.
13 Further discussion?

14 MS. PICKARD: He did bring up
15 about the list also; and is there a list for
16 approval of items?

17 MS. HAASE: There will be in
18 February. He is to clarify the listing.

19 MS. PICKARD: Okay.

20 MS. HAASE: The listing, as the
21 board had stated last year, you would not approve
22 events that served alcohol; and he has the event

23 back on there, so I've asked him to clarify either
24 that they will not be serving alcohol at that event
25 or to consider coming here and speaking to the

9

1 board directly.

2 MS. PICKARD: And I think that
3 he asked if we could approve it minus that item?

4 MS. HAASE: He was to send --

5 MR. HOLAHAN: Well, he's got --
6 when is our February meeting? I think it would be
7 easy enough for --

8 MS. PICKARD: Okay.

9 MR. HOLAHAN: -- I mean, I'll
10 supply him with Wite-Out or a pencil to draw lines
11 or something.

12 MS. HAASE: I've spoken to him
13 twice, and he's to send me -- he said he would send
14 a new list.

15 MR. HOLAHAN: He will send an
16 amended one? Okay. Still have the other motion,
17 so --

18 Further discussion?

19 All in favor, aye?

20 MS. LAMBERTON: Aye.
21 MS. PICKARD: Aye.
22 MR. KERRICK: Aye.
23 MR. HOLAHAN: Opposed?
24 So moved.
25 MS. HAASE: Mr. Chairman, I

10

1 asked Jim Hendricks to come in to speak with the
2 board. As you're aware, we've been having some
3 issues at the Blakeslee sewer plant with our
4 buildings; and follow-up off the e-mail that I had
5 sent, we do have one building that we are very
6 concerned about, and also we need to address the
7 committee in both of the buildings.
8 So I'm turning it over to you,
9 sir.
10 MR. JIM HENDRICKS: Thank you.
11 My name is Jim Hendricks.
12 And chairman of the board, I
13 apologize for being tardy today. I can't blame it
14 on the school buses or the weather; I just should
15 have just left earlier.

16 MR. HOLAHAN: You're in time for
17 your part. That's okay.

18 MR. JIM HENDRICKS: Okay.
19 Great. Well, if you recall, in 2013 we replaced
20 the sand filter building at the wastewater
21 treatment plant after a collapse of the roof
22 structure. And we actually -- RETTEW prepared
23 design plans to be able to do the headworks
24 building, because we saw that as something that was
25 ultimately going to be occurring.

11

1 And we did not replace that
2 building. We went through several operational
3 issues with the sand filter building because we
4 were still having serious condensation issues
5 inside the building. And the -- the problem also
6 is related to the headworks building.

7 I guess back in December, I
8 recommended to Phyllis that I stop by and start
9 measuring for deflections on the roof of the
10 headworks building. And sure enough, in the last
11 couple weeks, things started moving quite a bit.
12 What we had done in the interim is turned up the

13 heaters in the building, and we were doing things
14 to control the temperature. And I don't want to
15 give you information you don't want to hear, but --

16 MS. LAMBERTON: Excuse me,
17 Steve?

18 MR. HOLAHAN: Steve, slow down a
19 little bit so Patrick can catch up with you.

20 MR. STEVE PINE: Okay.

21 MR. HOLAHAN: I'm sorry, Jim, go
22 ahead.

23 MR. JIM HENDRICKS: So the issue
24 is the dew point. And when the temperature -- when
25 the dew point gets below the -- excuse me, when the

12

1 temperature gets below the dew point in the
2 atmosphere, you start getting condensation. So as
3 the seasons changed, what we saw in the sand filter
4 building, it had been fairly dry throughout the
5 summer, we suppose, is that we had serious
6 condensation issues. Now, we started controlling
7 that simply by raising the temperature in the
8 building so that it's above the dew point.

9 Now, your dew point is because
10 of humidity and your atmospheric pressure. All we
11 did was raise the temperature and get it above the
12 dew point; and that's effective. And I would say
13 that right now you probably have about the most
14 cost-effective solution for controlling
15 condensation in the sand filter building right now.

16 When the seasons change and it
17 starts to get warmer, then that's no longer going
18 to be effective. As the cold weather comes on,
19 that dew point actually comes down. It's pretty
20 easy, by raising the temperature above that, to
21 control the condensation.

22 So we are recommending that a
23 humidistat be installed in the sand filter building
24 to make the blowers come on when the weather is
25 warmer, we aren't going to get the temperature

13

1 above the dew point. But at a point when that is
2 no longer effective, the humidistat would turn on
3 the blowers and we would expect the ambient
4 humidity outside, most of the time, to be less than
5 what's in the sand filter building. And then we

6 would pull that air through the sand filter
7 building and ventilate it to get the warm moist air
8 outside.

9 Now, in the event that -- we're
10 actually heating the building, the controls that
11 we've designed will shut off that and a temperature
12 control will take over so that you're not heating
13 air and then blowing -- exhausting it out the
14 building; so we prepared a sketch and design for
15 electrical components to accomplish that.

16 On the sand filter building, we
17 turned up the heaters in there. They're -- they're
18 not really effective in that they use a dial
19 control, it's not a thermostat. And it's working
20 now, it works good. I mean, it was 77 degrees in
21 there Saturday morning, so, we're going to have the
22 same issues, though, and I don't think that's a
23 very cost-effective way to deal with the humidity
24 in the headworks building. And the problem is,
25 with the headworks building, any electrical

1 component you put in there must be explosion proof,

2 so that's expensive.

3 And we've actually recommended
4 two different, I guess, step methods to go with the
5 headworks building; and one is to just put a
6 ventilation control in the building with a timer
7 that would periodically cycle the exhaust fan. And
8 right now the building is set up so that whenever
9 the lights are turned on, the exhaust fan comes on,
10 because that can be an explosive atmosphere in the
11 headworks building because of the sewage gas that
12 could possibly come up through the sewer lines. So
13 it's designed that when the lights come on, it
14 exhausts the air out of the building, making it
15 safe for someone to enter. We would put a timer on
16 that to periodically just make that fan come on and
17 exhaust the air out of there.

18 And then a further step that we
19 could go is -- and I guess we're recommending
20 that's what we do now and see how that works for
21 the summer; and if we still have an issue, then we
22 would recommend actually installing a humidistat in
23 the headworks building, and that's got to be an
24 explosion-proof device. It has some patrollers and
25 other pieces to it that we could put in the --

1 there's a small control room nearby, just a few
2 feet away, we could put some of those in there.
3 But the humidistat still has -- has to be in the
4 building, so there would be some conduit wiring
5 between the two. And we designed both of those
6 scenarios and then -- or sketches, I guess,
7 electronic diagrams for those.

8 We did get quotes from the
9 construction contractor that did the construction,
10 thinking that that would be the most cost-effective
11 way to go; and the estimate for doing the work on
12 the headworks building, for the ventilation timer,
13 was \$1320. We felt that was pretty reasonable.
14 The estimate for installing the humidistat in the
15 headworks building is \$7,590. That's higher than
16 what I anticipated, the equipment's very expensive;
17 but they are going to be having to install conduit
18 and wiring between the other building and
19 additional controls in the adjacent control panel
20 building.

21 If the township wanted, they
22 could certainly give these diagrams to another
23 electrician to get another quote or authorize the

24 work to be done by Grimm Construction. So we
25 recommend that the headworks ventilation timer

16

1 control be installed and wait until summertime and
2 see how that building is fairing, as far as
3 condensation goes before you go to the expense to
4 install a humidistat.

5 The building is ultimately going
6 to have to be replaced after the frequent movement
7 that we just observed. The township installed
8 shoring in the building Thursday and Friday, very
9 timely because the last time I measured it, there
10 was no snow on the roof and it was still
11 deflecting, so --

12 MS. HAASE: They're also going
13 out today to rake the roof, and they'll go out
14 tomorrow periodically to do that as well.

15 MR. HOLAHAN: Jim, do you think
16 the trusses -- or the gussets are coming apart on
17 the trusses?

18 MR. JIM HENDRICKS: My suspicion
19 is that the eight foot wide composite wall panels,

20 if you recall, they're fiberglass scans over
21 trusses --

22 MR. HOLAHAN: Right.

23 MR. JIM HENDRICKS: -- with
24 insulation in them, is that those have rotted
25 probably much like the ones that we saw that came

17

1 down. When we see -- and the challenge with this,
2 Chairman, is that we can't tell you when it's going
3 to fall.

4 MR. HOLAHAN: Right.

5 MR. JIM HENDRICKS: And it
6 wasn't a sophisticated method we were using to
7 monitor the deflection; but as it turns out, it
8 doesn't need to be very sophisticated when it
9 starts to move that far. And so we were concerned
10 about it and -- as the township staff was also,
11 so --

12 MS. HAASE: Certainly our
13 concern was having staff or the vendor inside and
14 having something happen.

15 MS. LAMBERTON: Yeah.

16 MS. HAASE: So that's why we

17 immediately addressed Thursday and Friday, as I
18 have mentioned to the board, shoring of those --
19 putting in some supports in there. We still have
20 concerns, but we feel right now this is going to
21 get us through until a decision is made.

22 MR. HOLAHAN: Well, we still
23 need to put this -- spend this \$1300 now.

24 MS. PICKARD: For the headworks.

25 MR. JIM HENDRICKS: I believe

18

1 so. Ultimately the building will be replaced. Is
2 it in danger of imminently collapse? No. I think
3 that we have taken care of that. I mean, we have
4 some time, probably, you know, as much time as you
5 want. The staff has to work around some of the
6 shoring that's been put in place, but did a great
7 job of installing it, to minimize the interference
8 with the work flow.

9 The work that's done now will
10 still be, I'm going to say, salvaged and usable
11 when the building gets rebuilt; but our
12 anticipation was that when the building gets

13 rebuilt, it was going to need to have all of the
14 explosion-proof devices replaced anyway. We met
15 out there and talked about salvaging that because
16 it is so expensive. It's in such bad shape and
17 corroded so badly, we don't believe that you'd ever
18 get the conduit fittings out of it and be able to
19 reuse the switch boxes.

20 MS. LAMBERTON: Think how many
21 years that humidity has been in that building, you
22 know? It's never been corrected. Yeah.

23 MS. HAASE: And certainly we
24 have in the budget for the maintenance of the
25 building that we could move forward with this, but

19

1 it was -- I thought it was important for Jim to
2 come in and discuss with the board so you
3 understood exactly what was going on out there. I
4 could have made the decision, but I felt that you
5 needed to be informed about this and exactly how
6 the deflection is occurring, especially over the
7 last four, five weeks.

8 MR. HOLAHAN: Well, board, do
9 you want to -- would you like to give Phyllis the

10 authorization to go ahead and move forward with the
11 contracting to have the \$1300 work done?

12 MS. LAMBERTON: Yeah, I don't
13 have a problem with that at all.

14 MS. PICKARD: That's on the
15 headworks building?

16 MR. HOLAHAN: The headworks
17 building, yes.

18 MS. PICKARD: Okay. Do we need
19 to do something on the sand filter building?

20 MS. HAASE: We're going to by
21 spring, definitely --

22 MR. JIM HENDRICKS: Yes, by
23 spring you will need to.

24 MS. PICKARD: The more imminent
25 threat is the headworks right now?

20

1 MS. HAASE: Um-hum, but it's
2 most -- and I don't know necessarily if we need a
3 motion for it because we have money budgeted for
4 the maintenance of the building, but we will be
5 moving forward with getting humidistat in there and

6 trying to prevent any further -- when we were in
7 there on Friday, you could see where there was so
8 much condensation in there, you can see even on the
9 pipes where you're starting to get pit marks from
10 rust; so we do definitely need to address that.

11 MS. PICKARD: So we are putting
12 the humidistat in the sand filter building?

13 MR. HOLAHAN: Not yet.

14 MS. PICKARD: Or not yet?

15 MS. HAASE: By spring.

16 MS. PICKARD: Okay.

17 MS. HAASE: By spring.

18 MR. JIM HENDRICKS: The
19 humidistat is a \$7,590 item.

20 MS. PICKARD: Yeah. I knew we
21 were waiting on the headworks; I was just confused
22 on where we were with the sand filter. When we go
23 back and forth, I get --

24 MR. HOLAHAN: I'm surprised the
25 amount of moisture damage in the sand works

21

1 building. The paint wasn't doing anything for
2 that?

3 MS. PICKARD: The sand filter or
4 the headworks?

5 MR. HOLAHAN: The sand filter
6 building. There's a fair amount of thinning
7 starting to happen on the bar joists.

8 MR. JIM HENDRICKS: The sand
9 filter building was repainted a couple times as
10 part of the punch list. And when we went in there,
11 I don't remember the date, but it was in the fall,
12 and the building was just saturated with
13 condensation; and the paint did a lot to keep that
14 from being worse than it is --

15 MR. HOLAHAN: Right.

16 MR. JIM HENDRICKS: -- but there
17 were places where there was rust starting to come
18 through that.

19 MR. HOLAHAN: I wasn't surprised
20 at that because it's masonry walls, so we've got
21 block walls in there to tend to. I think it
22 exacerbate that a little bit and understand that
23 those walls were repainted.

24 MR. JIM HENDRICKS: Yes. And
25 it's epoxy paint on the walls. One of the

1 interesting things is that when you go if there and
2 you want to see if there's condensation on the
3 walls, you have to feel them, because they're
4 shiny.

5 MS. HAASE: They're shiny.

6 MR. JIM HENDRICKS: And it looks
7 wet all the time. But on the bar joist and things,
8 you can definitely see there's some rust marks and
9 things that have taken place. But we did have them
10 repainted, you know, redo that a couple times.

11 MS. PICKARD: I just don't want
12 to waste our investment. We're just paying one
13 year into the replacement of that building to have
14 it need to be replaced again in a couple years.

15 MR. HOLAHAN: Well, and you're
16 right, because this is probably one of the things
17 we'll have to do to make sure that we extend the
18 life of that building, if we're putting that
19 investment, or we sell this thing as is.

20 MR. JIM HENDRICKS: I think your
21 headworks building is in really -- I mean, your
22 sand filter building is in really good shape. I
23 think if you put this control on it that we're

24 talking about --

25 MS. PICKARD: But we don't need

23

1 the timer in the sand filter building, in the
2 meantime?

3 MR. JIM HENDRICKS: No. Let me
4 just recoup this, okay? So the sand filter
5 building is the \$1250 to put a control so that a
6 humidistat will operate the exhaust fan; but it can
7 be trumped by the temperature control of the
8 building so we don't put heated air outside.
9 That's the sand filter building. We're
10 recommending that be done.

11 MS. PICKARD: Okay.

12 MR. JIM HENDRICKS: Does it have
13 to be done now? No. By summer? Yes.

14 The headworks building, we're
15 recommending a ventilation timer be put in there to
16 control and make the ventilation equipment come
17 on --

18 MS. PICKARD: Okay.

19 MR. JIM HENDRICKS: --
20 periodically, say, 10 minutes every hour, just to

21 take the moisture out of there. That won't be done
22 during the heating season.

23 MR. HOLAHAN: Right.

24 MR. JIM HENDRICKS: We're okay
25 now. But it will cut down on the cost of what

24

1 we're doing, even if we were using it now, because
2 the temperature could be controlled.

3 For the humidity control at the
4 headworks building, which we believe will
5 ultimately be required in the spring, that's the --

6 MS. PICKARD: Okay.

7 MR. JIM HENDRICKS: -- \$7,590
8 cost.

9 MR. HOLAHAN: All right.

10 MS. LAMBERTON: It absolutely
11 makes sense to move forward, in my mind.

12 MR. HOLAHAN: Anybody have a
13 problem with it?

14 MR. KERRICK: Would they do any
15 different, Phyllis, if they did all at the same
16 time instead of coming back three times?

17 MS. HAASE: I don't know, but I
18 most likely will move forward when we're having it
19 done, it makes sense just to have it done. I know
20 Jim said the beginning of summer so, to me, that's
21 spring, in my world.

22 MR. KERRICK: Might as well --
23 while they're there, they might as well do it.

24 MS. HAASE: So we're just
25 talking a couple months. It's out of the same

25

1 budget season, so it really doesn't make a
2 difference.

3 MR. HOLAHAN: Right.

4 MS. LAMBERTON: I think you
5 mean, will they do any better on price, whether --

6 MR. KERRICK: Yeah.

7 MS. HAASE: It's certainly a
8 possibility we can look into.

9 MR. KERRICK: Because while
10 they're there, they would do all three projects.

11 MS. LAMBERTON: So that's our
12 only question. Blame us.

13 MR. JIM HENDRICKS: I

14 specifically asked the contractor to price it
15 separately to give you --

16 MS. PICKARD: Okay.

17 MR. JIM HENDRICKS: -- the
18 option of looking at it. I would anticipate that
19 if I go back and say the township is interested in
20 doing all three of these activities at one time,
21 that you would get a better price on it.

22 MS. LAMBERTON: Good.

23 MS. PICKARD: Okay.

24 MR. JIM HENDRICKS: And I would
25 push for that.

26

1 MS. HAASE: Okay.

2 MR. KERRICK: We don't need a
3 motion then because it's in the budget --

4 MS. HAASE: Yeah.

5 MR. KERRICK: -- she could just
6 handle it?

7 MS. HAASE: Yeah.

8 MR. KERRICK: Okay.

9 MS. PICKARD: Thanks for the

10 info.

11 MS. LAMBERTON: Yeah, thank you,
12 Jim.

13 MS. HAASE: I think it's
14 important you're informed.

15 Thank you for coming in.

16 MR. JIM HENDRICKS: You're
17 welcome.

18 MS. PICKARD: On a wonderful
19 lovely day.

20 MR. HOLAHAN: Anything else?

21 MS. HAASE: I just want to
22 mention to the board that we did receive a very
23 nice thank you note from Pocono Mountain Regional
24 EMS for the contribution that the board made.

25 MR. HOLAHAN: Good. And we were

27

1 also given a certificate of appreciation. It is
2 hereby granted to the Tobyhanna Township
3 Supervisors for outstanding performance in placing
4 contributions to Pocono Summit Volunteer Fire
5 Company.

6 MS. HAASE: Very nice.

7 MR. HOLAHAN: Suitable for
8 framing, as has been done, so --

9 MS. HAASE: Very nice.

10 MR. HOLAHAN: Patrick, did you
11 have anything?

12 MR. ARMSTRONG: Yeah. This is
13 just so everyone's aware, you passed your ordinance
14 authorizing moving forward with the general
15 obligation note for the Gradall. We have the
16 loan -- I have the loan documents for the chairman
17 and vice-chairman to sign, as well as Phyllis.
18 ESSA Bank was kind enough -- no one has to attend
19 the closing, we can sign these today and overnight
20 them; and on the 29th, they're willing to close.

21 MR. HOLAHAN: Okay.

22 MR. ARMSTRONG: Oh, quickly --
23 actually two things that reminded me of, but when
24 we were on the phone with MuniCap, there was
25 discussion as to potential penalties and interest,

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1 when and if we'd have to collect on the special
2 assessment. What we have done in other

3 municipalities is, there's a municipal claims
4 ordinance that you can adopt.

5 What it does is, it sets forth
6 in detail the interest, attorneys' fees, all the
7 penalties associated with collecting on any type of
8 municipal claim for the township. I took that, I
9 gave Phyllis a draft. I don't know if you want to
10 look at it or if you just want to authorize it for
11 advertisement for your February meeting. Or if you
12 want to wait, I can circulate it to the board, you
13 can look at it and then you can authorize it, if
14 you'd like, for the March meeting. It's up to the
15 board.

16 It takes you through -- first,
17 it's a 10 percent interest for -- and this could be
18 a sewer lien, this could be -- if you had street
19 light assessment, it could be on a street light
20 assessment, they could be -- use this for the
21 special assessment for the NID, you could use --
22 any type of municipal claim, you could use this
23 ordinance and the class associated with it for
24 collection on any of your claims.

25 MS. LAMBERTON: That would also

1 be handy if someone reads our ordinances. If
2 they're going to do something, they know exactly
3 what they're going to be charged.

4 MR. ARMSTRONG: Yeah, yeah.

5 MS. LAMBERTON: Interesting.

6 MS. PICKARD: I thought we were
7 authorized for the sewer to collect those already,
8 or no? It's vague.

9 MR. ARMSTRONG: You are. You
10 did it by resolution years ago.

11 MS. PICKARD: Okay. All right.

12 MR. ARMSTRONG: This would be --

13 MS. HAASE: Ordinance.

14 MR. ARMSTRONG: Better.

15 MS. PICKARD: Okay. I'm good,
16 if you're --

17 MR. ARMSTRONG: In the event if
18 there's ever a challenge, it would be best to have
19 an ordinance.

20 MS. PICKARD: If you think it's
21 good, I'm good.

22 MR. HOLAHAN: Well, I mean, we
23 could always authorize it for advertising for the
24 February meeting and then in the meantime, we can

25 be looking at it --

30

1 MS. PICKARD: Yeah.

2 MR. HOLAHAN: -- and then we can
3 decide if we like it or not --

4 MS. PICKARD: Yeah.

5 MR. HOLAHAN: -- as well.

6 MR. ARMSTRONG: I guess before I
7 say that, February meeting is --

8 MS. PICKARD: We don't have --
9 yeah, I was going to say, do we have enough time?

10 MR. ARMSTRONG: Do I have enough
11 time to advertise it? Is it February 10?

12 MS. PICKARD: Yes. 9th.

13 MS. HAASE: 9th.

14 MR. ARMSTRONG: Maybe not.
15 Maybe it will be your March meeting.

16 MR. HOLAHAN: Okay.

17 MS. HAASE: We mostly likely
18 will have a special meeting in February, so we can
19 put it on.

20 MS. PICKARD: But we don't know

21 when that is yet to advertise.

22 MR. ARMSTRONG: Well, what I'll
23 do is, I'll circulate it; and then if you have a
24 special meeting that I know about early enough in
25 February, I'll advertise it for that. If not, I'll

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1 just plan on sending out the legal ad for March.
2 Actually, what I'll do is, I'll probably prepare
3 the legal ad, send it to Phyllis and Margie, and
4 they can fill in the date, whether it be a special
5 meeting in February or the March day.

6 MS. HAASE: Okay.

7 MR. ARMSTRONG: Okay?

8 MR. HOLAHAN: Fine.

9 MR. ARMSTRONG: And there was
10 one other item, and this is more of an FYI, Phyllis
11 and Heidi might be more aware of it. There is a
12 property that two parties are in the process of
13 attempting to purchase and sell. In the title
14 search, a sewer assessment lien popped up, but the
15 sewer assessment lien was back in 1999 when the
16 township was constructing the sewer line. The
17 sewer line went in and you assessed a number of

18 properties adjacent to that property line for the
19 \$1500. It was across the board \$1500.
20 This property, interestingly
21 enough, there's a lien that has been filed from
22 1999, and it's coming up on two separate
23 properties, the reason being is, the tax map parcel
24 number is the same for -- but the legal description
25 is not. Let me see if I got that right.

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1 MS. PICKARD: The legal
2 description is the same --

3 MR. ARMSTRONG: It's reversed.
4 It's reversed.

5 MS. PICKARD: -- and the tax
6 numbers are different.

7 MR. ARMSTRONG: It's reversed.
8 The sewer lien has a legal description -- or a --

9 MR. HOLAHAN: Pin.

10 MR. ARMSTRONG: -- tax map
11 parcel number on it, and that tax map parcel number
12 matches a certain property that also matches the
13 legal description of that lien; and it's my

14 understanding and belief that that's the property
15 it relates to.

16 The other property that is the
17 subject of this discussion is currently being sold
18 or attempting to be sold. It doesn't match the tax
19 map parcel number in the lien, but it does match
20 the legal description. And the thought is, after
21 doing some digging, is that for the deed for that
22 property -- this isn't between -- it's in --

23 MS. PICKARD: Greenwood Crest
24 is the one --

25 MR. ARMSTRONG: Greenwood Crest,

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1 but it's adjacent to Greenwood Acres. And
2 Greenwood Acres has blocks in their legal
3 descriptions. Somewhere along the line, this
4 deed -- this property, the deed incorporated a
5 block for some reason or another, and Greenwood
6 Crest does not have blocks in their legal
7 descriptions. So when that happened, the lien, in
8 1999, picked up that legal description and now the
9 title search is picking up this property even
10 though it doesn't -- it doesn't match.

11 So what I'm trying to get at is,
12 I've been discussing with the attorney handling the
13 purchaser, the attorney handling the seller, and
14 this is the -- after looking at everything, this is
15 what I think the situation is; so we can either --
16 I don't recommend satisfying that lien because it
17 does apply to a certain property that hasn't paid
18 that assessment yet, so you don't want to satisfy
19 it. You know, the idea of amending it came up, but
20 I would be hesitant to do that because it's really
21 accurate for purposes of that property, it's just
22 the legal description's a little fuzzy because of
23 this other property that somewhere along the line,
24 the deed got mixed up.
25 But the bank, the seller -- or,

34

1 no, the purchaser has indicated that they would
2 accept basically a certification from me by way of
3 e-mail saying that, you know, the township
4 acknowledges that this lien does not apply to this
5 property; and that's how I'm proposing that I
6 proceed. I just want to make sure that the

7 board -- I'm kind of talking to Phyllis a little
8 bit about this, and Heidi. I want to make sure
9 there's no concerns from the board if I would do
10 this.

11 MR. HOLAHAN: So who picked it
12 up? The title company?

13 MR. ARMSTRONG: Yeah. That's
14 pretty good, right?

15 MR. HOLAHAN: So now how are
16 they going to -- what do they do, action to quiet
17 title for that? How are they going to get that
18 lien off of the --

19 MR. ARMSTRONG: Well, the title
20 company has indicated they'd accept basically an
21 e-mail or correspondence from me saying that the
22 township is agreeable that that lien does not apply
23 to that property.

24 MR. KERRICK: The property that
25 you're selling over here, did that ever have a lien

35

1 on it or was that assessment paid or is it even in
2 the sewer district? I'm kind of a little bit
3 lost --

4 MS. HAASE: They're both in the
5 sewer district.

6 MS. PICKARD: But they didn't
7 install the line in Greenwood Crest.

8 MR. ARMSTRONG: Yeah. The only
9 lien that has come up on this property -- the only
10 lien that has come up on this property is the lien
11 that doesn't really --

12 MR. HOLAHAN: Shouldn't be
13 there.

14 MR. ARMSTRONG: Shouldn't be
15 there, against it. Whether or not they've ever
16 paid an assessment --

17 MR. HOLAHAN: I'm okay with
18 that. It's up to them to think about how to get it
19 off for another sale, when another title company
20 picks up the same thing.

21 MR. KERRICK: I couldn't follow
22 it.

23 MS. LAMBERTON: But your letter
24 will be a paper trail stating that --

25 MR. ARMSTRONG: Yeah. They

1 said they'd accept an e-mail, so I'll just shoot an
2 e-mail.

3 MS. LAMBERTON: Oh.

4 MR. ARMSTRONG: I just wanted to
5 let the board know. But, yeah, whether or not this
6 property ever paid an assessment or is -- there's
7 no lien on it aside from this lien that really
8 shouldn't be on it.

9 MR. HOLAHAN: Maybe you can just
10 write someone a post-it note and have them put it
11 with the deed.

12 MR. ARMSTRONG: But, yeah, I
13 think what happened, I looked at the -- I think
14 Heidi showed it to me a few weeks ago and then we
15 tracked it down again in a different format; but
16 the way that we look at the plan, in the Greenwood
17 Crest and there's Greenwood Acres. And Greenwood
18 Acres has the block, okay, Block 1 and Block 2.
19 And if you look at the plan for Greenwood Crest, it
20 has Greenwood Crest and then it has like -- you
21 know how plans read? Here's the boundary for
22 Greenwood Crest and then it has Block 2, but the
23 Block 2 is for the --

24 MS. LAMBERTON: The other

25 section.

37

1 MR. ARMSTRONG: -- Greenwood
2 Acres. And I think when they --

3 MS. PICKARD: For the next
4 neighboring block, not that.

5 MR. ARMSTRONG: -- drew up the
6 deed in the '60s, they incorporated the blocks
7 because they thought it was --

8 MS. LAMBERTON: It was the '60s.

9 MR. ARMSTRONG: I think -- I
10 mean, it's hard to tell, but somewhere along the
11 line, they picked up the wrong legal description.
12 I didn't mean anything by that.

13 MS. LAMBERTON: It's okay.

14 MR. ARMSTRONG: I think that's
15 when the deed -- I think that's actually when the
16 deed was written.

17 MR. HOLAHAN: That was
18 Sincavage's property back there.

19 MS. LAMBERTON: I'm only
20 busting.

21 MR. ARMSTRONG: Okay. So if

22 there's no objection, that's how I'll proceed with
23 that; and that's all I have.
24 MR. HOLAHAN: Anybody object?
25 No. Okay.

38

1 Anything else? I'm going to hit
2 the bangy thing here.
3 Motion to adjourn?
4 MS. LAMBERTON: So moved.
5 MS. PICKARD: So moved.
6 MS. LAMBERTON: Second.
7 MR. HOLAHAN: All in favor?
8 MS. PICKARD: Aye.
9 MS. LAMBERTON: Aye.
10 MR. HOLAHAN: We're adjourned.
11 (Special meeting concluded at
12 9:10 a.m.)
13 ---
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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

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, February 9, 2015 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: Good evening.

2 Let's call to order the meeting for February 9,
3 2015. Start with the pledge of allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Good evening.

7 Hey, Eddie. How you doing?

8 MR. ED TUTRONE: Good. How are
9 you?

10 MR. HOLAHAN: All right.

11 Start with announcements.

12 Do you have anything, Phyllis?

13 MS. HAASE: No, sir. I'll wait
14 till my report.

15 MR. HOLAHAN: Okay. Let's
16 consider the minutes of the December 22 special
17 meeting --

18 MS HAASE: I have no

19 corrections out of -- from the three meetings.

20 MR. HOLAHAN: From the three of
21 them? Okay. Then let's also consider approving
22 the minutes from the January 5 reorg meeting and
23 the January 5 regular business meeting.

24 Do I have a motion?

25 MS. LAMBERTON: I'll make that

3

1 motion.

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 All in favor, aye?

9 BOARD MEMBERS: Aye.

10 Opposed?

11 So moved.

12 Now let's consider the
13 treasurer's report. Looking for a motion to
14 approve \$687,018.23.

15 MS. PICKARD: I have a revised

16 total, John.

17 MR. HOLAHAN: Okay.

18 MS. LAMBERTON: Yeah, I was
19 going to say my total was different.

20 MS. PICKARD: It would be --
21 I'll make a motion that we approve the treasurer's
22 report in the amount of \$622,238.74.

23 MR. HOLAHAN: Okay. I have a
24 motion.

25 Do I have a second?

4

1 MS. LAMBERTON: Second.

2 MR. HOLAHAN: Got a motion and
3 second.

4 Further discussion from the
5 board?

6 Anything from the public?

7 Hearing none. Call the vote.
8 John?

9 MR. KERRICK: I vote in favor
10 with the exception of Sharp Energy line item.

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'll vote in
17 favor.
18 MR. HOLAHAN: And I'll abstain.
19 Motion carries.
20 I abstained because I had -- one
21 of the bills I've got a relationship with, one of
22 the businessmen in there.
23 We still have three.
24 MR. ARMSTRONG: Okay.
25 MS. LAMBERTON: Are we going to

5

1 do this again?
2 MR. KERRICK: No, that's
3 enough.
4 MS. PICKARD: Yeah, we're good.
5 (Discussion off the record
6 between Ms. Haase and Mr. Armstrong.)
7 MR. MOYER: Motion carries
8 either way.

9 MR. ARMSTRONG: Yeah. Why
10 don't we -- John?
11 MR. KERRICK: Yeah.
12 MR. ARMSTRONG: The Sharp
13 Energy, since it was -- it's in the bill that's
14 being voted on, it looks like you have three votes
15 in favor. Rather than subtracting the Sharp out,
16 if you want to abstain for whatever relationship
17 there is, John, that's fine, but maybe -- unless
18 you want to pull Sharp out and have two separate
19 bills.
20 MR. KERRICK: No, I think that
21 makes it more difficult.
22 MR. ARMSTRONG: Okay.
23 MR. KERRICK: I have no problem
24 with that.
25 MR. ARMSTRONG: Okay.

6

1 MR. HOLAHAN: Pat, do you want
2 me to call the vote again?
3 MR. ARMSTRONG: That might be
4 best.

5 MR. HOLAHAN: Okay. Let's call
6 the vote again on the treasurer's report in the
7 amount of \$622,238.74.
8 Would you make that motion
9 again, Annie?
10 MS. LAMBERTON: So -- Heidi?
11 MR. HOLAHAN: Oh, was that
12 Heidi?
13 MS. PICKARD: I made the
14 motion.
15 MS. LAMBERTON: Yep, and I'll
16 second.
17 MR. HOLAHAN: Okay. Motion and
18 second.
19 Further discussion from the
20 board?
21 Everybody with us?
22 Okay. Call the vote.
23 John?
24 MR. KERRICK: Abstain.
25 MR. HOLAHAN: Heidi?

1 MS. PICKARD: I vote in favor.

2 MR. HOLAHAN: Donald?

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

4 MR. HOLAHAN: Anne?

5 MS. LAMBERTON: I will vote in
6 favor.

7 MR. HOLAHAN: And I abstain.

8 Motion carries.

9 How was that, Patrick?

10 MR. ARMSTRONG: You both have
11 the written forms?

12 MR. HOLAHAN: We do, yes.

13 Solicitor's report.

14 MR. ARMSTRONG: Thank you, Mr.
15 Chairman. Just two items under my report. One is,
16 if you may recall from early January, the township
17 received some information from an applicant for a
18 liquor license transfer. I've been in
19 correspondence with the attorney representing the
20 individual who's applying to have that transfer. I
21 anticipate having a resolution for the board at
22 your next meeting, whether it be towards the end of
23 February, if you schedule a special meeting, or
24 your first meeting in March to consider that
25 resolution.

1 I'm waiting to hear back. I
2 wanted to get more of a specific location and
3 proposed use. I think we should have that by that
4 next meeting date. The resolution, the only thing
5 I'll add, they submitted a form resolution for the
6 board to consider. The only thing I'm going to add
7 is a condition that clearly if it -- if this
8 board's okay with the transfer of the liquor
9 license into Tobyhanna Township, that it be
10 conditional upon the Liquor Control Board approving
11 the use and the proposed location of where they're
12 going to transfer it to.

13 One of the interesting aspects
14 of it is, I think right now the current location is
15 a gas station.

16 MS. HAASE: That is correct.

17 MR. ARMSTRONG: They've been in
18 correspondence. There is a regulation in
19 Pennsylvania that you can't sell liquor or beer or
20 whatnot at the same location as you sell liquid
21 fuels. But there is some case law that if there's
22 enough barriers or if it's in a different part of

23 the building that is able; but that's a decision
24 for the Liquor Control Board. That's what -- the
25 condition will be added to the resolution if this

9

1 board approves the license transfer into Tobyhanna
2 Township. Okay?

3 MR. HOLAHAN: Great.

4 MS. LAMBERTON: Umm-hmm.

5 MR. ARMSTRONG: The next item
6 is not on the agenda, but you received an email
7 from me. I received an amendment to the sewer
8 service agreement between Tobyhanna Township and
9 Pocono Township in relation to the Kalahari Resorts
10 project in the potential future, Pocono Manor
11 Investors projects. That amendment is in relation
12 to the change or the alternate route in the sewer
13 line that Kalahari is constructing rather than
14 connecting more down south pursuant to the original
15 plan that was before this board last -- probably
16 last spring or last two falls ago. It's now
17 proposing to connect to the pump station that is
18 currently under the operation of Pocono Township.

19 That amendment in essence

20 eliminates the original plan and just proposes to
21 have this new connection to the pump station be the
22 plan. I had a conference call with Kalahari and
23 Pocono Manor last week. And they're agreeable with
24 what my suggestion is, is to just leave that
25 original plan as an option.

10

1 MR. HOLAHAN: Right.

2 MR. ARMSTRONG: So if, you
3 know, after Phase 1 is connected, if there is still
4 the opportunity to proceed with the original line
5 as it was set forth in the plan that Kalahari -- in
6 essence Tobyhanna Township can do that.

7 Now, obviously this is an
8 agreement between Pocono Township and Tobyhanna
9 Township. So I will be sending track changes to
10 Pocono Township in the very near future asking that
11 that -- that's really the biggest change -- asking
12 that that change is agreeable to Pocono. I don't
13 have any inclination as to whether or not they'd
14 agree to it or not. I don't think they'll disagree
15 with it, but I won't know that until I get a

16 response from Pocono.

17 I do know that Kalahari and
18 Pocono Manor Investors are agreeable, but actually
19 over the weekend I got some comments from them and
20 they're asking to get a couple revisions in that
21 agreement as well, that I'll look at and consider.
22 But I anticipate sending a track change version to
23 Pocono Township in the next day or so. I will copy
24 this board.

25 Any there any specific questions

11

1 or comments aside -- I spoke with Phyllis a little
2 bit before the meeting, but from this board,
3 before, I guess, proceed with putting those track
4 changes together and sending them out not only the
5 board, but also Pocono Township?

6 MR. HOLAHAN: Is this the --
7 we're talking about the --

8 MR. ARMSTRONG: Yes.

9 MR. HOLAHAN: -- D that's on
10 our agenda here?

11 MS. HAASE: It is for
12 advertisement.

13 MR. HOLAHAN: Okay.

14 MR. ARMSTRONG: Oh, yeah. I
15 guess that's one thing I'll let you know. But this
16 agreement is between two municipalities, it's an
17 intergovernmental agreement so it won't be -- have
18 to be authorized by ordinance. So later on in the
19 agenda, you see, I was going to ask that the board
20 authorize that ordinance to be advertised. So when
21 we do have a final plan, we don't have to lose any
22 time with respect to advertising the ordinance for
23 a public hearing before the board.

24 You know, ideally speaking this
25 ordinance and the agreement will be before you at

12

1 your March meeting, assuming everything goes as
2 planned. Potentially the special meeting towards
3 the end of February if we -- if we live in a
4 perfect world, but I'm assuming it might be your
5 March meeting.

6 MR. HOLAHAN: So is this going
7 to get all marked up?

8 MR. ARMSTRONG: Yes. I already

9 -- I have --

10 MR. HOLAHAN: So that's not
11 even -- I was reading it and --

12 MR. ARMSTRONG: This is not for
13 your approval tonight. I'm trying to keep you all
14 in the loop because there are a lot of issues
15 involved. You know, this is going to -- that will
16 be our agreement with Pocono Township. And as
17 you're aware from the prior agreements, we're going
18 to turn around and enter into a very similar
19 agreement with Kalahari and Pocono Manor outlining
20 the same, if not similar, very similar provisions
21 and terms for that amendment.

22 MR. HOLAHAN: Well, it was
23 interesting reading, so it wasn't a complete waste
24 of time.

25 MR. KERRICK: So I have a

13

1 question. The changes that, Phyllis, you have, or
2 concerns, are they in this document now or --

3 MS. HAASE: They are not.

4 MR. KERRICK: They're not, and
5 what about Kalahari and Pocono Manor, are they in?

6 MR. ARMSTRONG: They are not.

7 MR. KERRICK: You'll email us?

8 MR. ARMSTRONG: I'm emailing a
9 track change version. There's going to be a lot of
10 track changes in it.

11 MR. KERRICK: Okay. Thank you.

12 MS. HAASE: Then, Mr. Kerrick,
13 off of this, then there'll be another agreement
14 that we'll have to work in with Kalahari and Pocono
15 Manor.

16 MR. ARMSTRONG: Yes,
17 absolutely.

18 MS. HAASE: So that will be --

19 MR. KERRICK: But this is step
20 one and --

21 MS. HAASE: Yeah.

22 MR. ARMSTRONG: This is the
23 timing one because this one has to be authorized by
24 ordinance.

25 MR. KERRICK: Okay.

1 MR. ARMSTRONG: With an

2 ordinance, you're going to have to advertise for a
3 public hearing. The one between Tobyhanna
4 Township, Kalahari/Pocono Manor does not have to be
5 done by ordinance. And it's going to be pretty
6 much -- it's going to be very similar, if not the
7 same, as this one between Pocono and Tobyhanna
8 Township.

9 MR. KERRICK: Thank you.

10 MR. ARMSTRONG: It's going to
11 incorporate pretty much the same.

12 MR. HOLAHAN: Okay. Anything
13 else?

14 MR. ARMSTRONG: No. I guess
15 it's down later on in the agenda for authorizing
16 the advertisement, but that's all I have at this
17 point. Thank you.

18 MR. HOLAHAN: Thank you.
19 Phyllis?

20 MS. HAASE: Yes. I just wanted
21 to inform the board that we've taken possession of
22 the Gradall. It's next to the building, if you'd
23 like to take a drive over tomorrow and look at your
24 new piece of machinery, it's there for you. Also
25 we're pleased to announce that State Representative

1 Jack Rader has opened up his office at the township
2 building. Their office hours are going to be
3 Monday through Friday from nine to four.

4 The first event in the park is
5 going to be Dinner In The Park and that's going to
6 be on May 20, which I'll be forwarding some
7 additional information. That's going to be a
8 fund-raiser for the little league. Their
9 scoreboard has been down for almost two and a half
10 years now. So the monies raised through the Dinner
11 In The Park will be allocated to the purchase of a
12 new scoreboard through the donations.

13 I also would ask the board if
14 you would consider scheduling a special meeting for
15 two weeks out from now. I had a meeting with
16 Kalahari, there's going to be another draw. There
17 is an issue with the land development that needs to
18 be amended once again that's on your agenda. So
19 we'll ask you later to table that and if it could
20 be revisited the day that you consider the draw
21 release.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: They are asking for

24 two weeks.

25 MR. HOLAHAN: Anything else?

16

1 MS. HAASE: No, sir.

2 MR. HOLAHAN: Do you have
3 pictures of your vacation?

4 MS. HAASE: I'm a happy girl.

5 MR. HOLAHAN: Look at her.

6 MS. HAASE: I'm smiling.

7 MR. HOLAHAN: Okay. Let's go
8 on to committee reports.

9 Pocono Mountain Regional EMS,
10 Heidi?

11 MS. PICKARD: Denise has some.

12 MR. HOLAHAN: Oh, Denise, yeah?

13 MS. DENISE DOREMUS: Hi. I'm
14 Denise from Pocono Mountain Regional EMS.

15 January's totals for the month, we had 513
16 dispatches total. In Tobyhanna Township there was
17 89 for the month of January.

18 MR. HOLAHAN: That's it?

19 MS. DENISE DOREMUS: Well, what

20 else would you like?

21 MR. HOLAHAN: What do you got?

22 MS. DENISE DOREMUS: I have

23 everybody's --

24 MR. HOLAHAN: Just the

25 highlights. No, just the highlights.

17

1 MS. LAMBERTON: That was cute.

2 MR. HOLAHAN: No, that's fine,

3 Denise. Thank you.

4 MS. HAASE: I'm also passing

5 out a letter that we received today from PMR EMS,

6 that speaks to the audit that has occurred on the

7 annual basis and the process that they go through

8 to assure that their funds and -- are allocated

9 properly and the board continues to uphold their

10 fiduciary responsibility.

11 MR. HOLAHAN: Thank you,

12 Phyllis.

13 MS. HAASE: You're welcome.

14 MR. HOLAHAN: How about from

15 regional police department? Do we have anything

16 from that yet?

17 MS. HAASE: Donny, do you want
18 to give the report or do you want me to?

19 MR. MOYER: You can.

20 MS. HAASE: We have two new
21 commission members from Coolbaugh Township, Pete
22 Volpe -- I may be pronouncing his name incorrectly
23 -- and Dave Pope. The officers were appointed at
24 the last meeting and it was -- the chairman is Mr.
25 Roy Gross; vice-chair, Dave Moyer; treasurer, Fran

18

1 DiPano; and secretary would be myself.

2 That's all I have for you, sir.

3 MR. HOLAHAN: Very good.

4 Nothing on open space.

5 Let's go to old business.

6 Proposed zoning ordinance. We don't have anything
7 on that, let's move on.

8 Blakeslee Route 940 sanitary
9 sewer extension. That's on hold as well.

10 MS. HAASE: That is. I just
11 want to advise the board that on Wednesday we'll be
12 having a meeting with Aqua and continuing

13 discussions for the possible acquisition.

14 MR. HOLAHAN: Okay. And then
15 we did receive some information for the wastewater
16 treatment plant.

17 MS. HAASE: For the valuation?

18 MR. HOLAHAN: For the
19 valuations, yes.

20 MS. HAASE: Yes, we did, and
21 that's on our agenda.

22 MR. HOLAHAN: Okay. How about
23 anything with Arcadia Properties?

24 MS. HAASE: No, sir. We ask
25 you table that.

19

1 MR. HOLAHAN: Kalahari Resorts
2 revised land development plan is being tabled as
3 well?

4 MS. HAASE: Yes, sir.

5 MR. HOLAHAN: Okay. Let's go
6 on to new business. Now let's start to talk about
7 the wastewater treatment plant valuation.

8 MS. HAASE: Okay. This has
9 been a tedious process that we started, I believe,

10 in August or September to try to get -- first it
11 was an appraisal, if you recall, then we went to a
12 valuation. After having discussions with different
13 engineers, we did receive a proposal from HRG.

14 MR. HOLAHAN: Right.

15 MS. HAASE: And what I did is I
16 took the scope and the time line was being proposed
17 by HRG and I redacted the amount and sent that to
18 our engineer as well, RETTEW, and asked them to
19 give us a quote off of that. So it was apples to
20 apples.

21 MR. HOLAHAN: Right.

22 MS. HAASE: The only
23 difference, I do see HRG was also going to review
24 the PUC rate tariffs where RETTEW is not. But I
25 don't really know if that's something that's going

20

1 to pertain as much to us or actually Aqua or
2 whomever should purchase the plant on what they can
3 charge for the EDUs. So that's really the two
4 difference that I did receive.

5 HRG, the proposal was \$9,940

6 plus direct out-of-pocket expenses. And RETTEW was
7 a flat 9,000 plus reimbursement for expenses.

8 MR. HOLAHAN: What do you folks
9 want to do about this?

10 MS. LAMBERTON: I'll make a
11 motion to accept RETTEW's proposal.

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

14 MR. MOYER: I'll second.

15 MR. HOLAHAN: Got a motion and
16 a second.

17 Discussion on this?

18 MS. LAMBERTON: I mean, we want
19 to move forward, right?

20 MR. HOLAHAN: Yeah.

21 MS. LAMBERTON: So we need to
22 take the steps to do so. And if their evaluation
23 is what's needed for a cost analysis, do we know
24 what it's worth?

25 MS. HAASE: That was the

21

1 direction of the board, you had requested that.

2 MR. HOLAHAN: Anybody else?

3 No.

4 Anybody from the public?

5 All right. Then 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: Donald?

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

13 MR. HOLAHAN: Anne?

14 MS. LAMBERTON: I'll vote in
15 favor.

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

18 Next we want to look at the
19 letter of credit for -- reduction letter of credit
20 from Kalahari.

21 MS. HAASE: Yes, sir. This is
22 the item -- one of the items that we'd like the
23 board to consider calling a special meeting for.

24 MR. HOLAHAN: Okay. And you're
25 looking for the two weeks?

1 MS. HAASE: Yes, sir. So that
2 would bring us to the 23rd.

3 MS. LAMBERTON: You want to do
4 it Wednesday morning? Does that mess you up?

5 Can we do it Wednesday morning?

6 MS. PICKARD: I will not be
7 here after Monday.

8 MS. LAMBERTON: We can't meet
9 the week before, can we? We won't --

10 MR. MOYER: We can do it
11 Monday.

12 MS. HAASE: You want to try the
13 20th in the morning?

14 MS. LAMBERTON: Friday morning?

15 MS. HAASE: I can ask them to
16 have that for the 20th.

17 MR. MOYER: I might be able to
18 do Friday, 'cause he comes in at seven.

19 MS. LAMBERTON: Can you?

20 MR. MOYER: Yeah, I might be
21 able to do that.

22 MS. LAMBERTON: Would that work
23 for everyone?

24 MR. HOLAHAN: Looks better.
25 MS. LAMBERTON: John, is that

23

1 okay with you?
2 MR. KERRICK: Yeah, it would be
3 better than the -- than the week of the 23rd.
4 MS. HAASE: Okay. So I --
5 MR. ARMSTRONG: Is this a
6 meeting the board wants me at?
7 MS. HAASE: I don't think so,
8 unless, John, you want him here.
9 MS. LAMBERTON: As long as you
10 guys and T&M and Bob --
11 MS. PICKARD: What time are we
12 doing that?
13 MS. LAMBERTON: -- have
14 everything okay with the numbers.
15 MS. HAASE: 8 a.m.
16 MS. PICKARD: 8 a.m.?
17 MR. ARMSTRONG: The only thing
18 I'll just remind you, is the ordinance with the
19 agreement for Pocono, I don't think we're going to
20 get it ready in -- you got to go a week in advance

21 so that's actually -- that would be this --
22 actually we're probably already passed the cutoff
23 for the advertisement; given the fact we don't have
24 a final agreement yet. So the agreement and the
25 ordinance will be for your March meeting because we

24

1 won't make the -- you know what I'm saying?

2 MS. HAASE: Right.

3 MS. PICKARD: It's not going to
4 hold anything up on that, is it, for March --

5 MS. HAASE: They're waiting for
6 DEP, 'cause they're rerating the Pump Station No.
7 1. So that's going to be a few more weeks for that
8 to --

9 MS. PICKARD: 'Cause they're
10 waiting for that Phase 2 or no, that won't --

11 MS. HAASE: No, the rerating is
12 what we're waiting for.

13 MS. PICKARD: Okay. But it's
14 not holding up their permitting or anything?

15 MS. HAASE: No.

16 MR. HOLAHAN: We're going to

17 move this to the March 20 meeting, 8 a.m. -- or
18 February. And you'all are invited. Okay.

19 Let's go on to consider
20 acknowledgement of Station 33 events for 2015.

21 MS. HAASE: Yes. The one item
22 I do want to mention to the board. The first
23 submission from Company 33 had their June 26 and 27
24 festival on it and that was stated by the board
25 that you would not approve anything that alcohol

25

1 was served. So I did ask Company 33 to remove that
2 or if they wanted to come here and plead their case
3 again in front of the board, they could do that.
4 So I did receive the request and it was removed.

5 MR. HOLAHAN: Okay.

6 Everybody get a copy of that?

7 MR. MOYER: Yeah, we got roast
8 beer.

9 MR. HOLAHAN: Yeah.

10 MS. PICKARD: What?

11 MR. HOLAHAN: There is the
12 August 22 roast beer dinner.

13 MS. LAMBERTON: Just a typo,

14 George.

15 MR. GEORGE TALLMADGE: Is it?

16 I didn't see that there.

17 MR. MOYER: I've never -- I
18 haven't had the roast beer.

19 MR. HOLAHAN: I'm going to
20 accept that as being a typo, to not roast beer.

21 MR. GEORGE TALLMADGE: No, we do
22 not serve beer at our roast beef dinner.

23 MS. LAMBERTON: I'll make a
24 motion to approve.

25 MS. PICKARD: I'll second that.

26

1 MS. HAASE: You just actually
2 have to acknowledge, it's not by motion.

3 MS. LAMBERTON: Okay. We
4 acknowledge it.

5 MR. HOLAHAN: By consensus?

6 MS. LAMBERTON: Yeah.

7 MR. HOLAHAN: Acknowledged.

8 MS. LAMBERTON: That is so
9 funny.

10 MR. GEORGE TALLMADGE: Thank
11 you.
12 MR. HOLAHAN: No, thank you,
13 George.
14 Okay. Let's go on to -- now we
15 need to authorize the advertisement of the proposed
16 ordinance for the first addendum to the Sewer
17 District No. 1.
18 MS. PICKARD: I'll make that
19 motion.
20 MR. HOLAHAN: Got a motion.
21 Do I have a second?
22 MR. KERRICK: Second.
23 MR. HOLAHAN: Got a motion and
24 a second.
25 Further discussion from the

27

1 board?
2 Anything from the public?
3 Hearing none. John?
4 MR. KERRICK: In favor.
5 MR. HOLAHAN: Heidi?
6 MS. PICKARD: Vote in favor.

7 MR. HOLAHAN: Donald?
8 MR. MOYER: In favor.
9 MR. HOLAHAN: Anne?
10 MS. LAMBERTON: I'll abstain.
11 MR. HOLAHAN: And I vote in
12 favor. Motion carries.
13 Next, consider approving
14 certificate of developer and request for Payment
15 No. 6, Kalahari Resorts sewer account, in the
16 amount of \$584,896.77.
17 MS. HAASE: Yes, Mr. Chairman.
18 T&M has approved their portion. I've reviewed the
19 township's and I'm ready to sign off as soon as the
20 board approves.
21 MR. HOLAHAN: Very good.
22 Do I have a motion?
23 MR. MOYER: So moved.
24 MS. PICKARD: So moved.
25 MR. HOLAHAN: I've got several

28

1 motions.

2 MR. MOYER: Second.

3 MR. HOLAHAN: I've got a motion
4 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 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: I vote in favor.
19 Motion carries.
20 You know what? We should've
21 done this first, but to recognize a special guest
22 in the audience.
23 Phyllis, did you want to
24 introduce the -- our rep from Jack Rader's office?
25 MS. HAASE: Yes. Actually I'll

1 let you stand up and introduce yourself and tell
2 them what you can do.

3 MS. JENNY DELEO: Hello. I
4 don't know if I need to stand. My name is Jenny.
5 I am very glad to be here in the building.
6 Everybody's been very welcoming, so thank you. We
7 are open nine to four, starting today, on this
8 snowy morning. I was a little later than normal
9 today. But if anybody needs anything, you know
10 where my office is. We'll be over there.

11 MR. HOLAHAN: Great. Thank
12 you.

13 MS. LAMBERTON: Thank you.

14 MR. MOYER: Thanks. Good luck.

15 MS. LAMBERTON: Yeah, glad to
16 have you.

17 MS. HAASE: It's such a benefit
18 to our taxpayers to have Representative Rader open
19 up an office in our beautiful building and it's a
20 close proximity for people to go in with their
21 concerns or any help that Jenn can give them.

22 MR. HOLAHAN: Great.

23 Anybody else have anything?

24 MS. HAASE: Mr. Chairman, I did

21 looks like.

22 MR. KERRICK: January 13 and we
23 still have no response?

24 MR. HOLAHAN: Okay.

25 MR. KERRICK: Thank you.

31

1 MR. ARMSTRONG: I'm not sure
2 when they meet. I sent it to their solicitor so
3 maybe it's -- maybe it didn't carry over --

4 MR. MOYER: They met.

5 MR. ARMSTRONG: Oh, they did.

6 MS. JEANINE HOFBAUER: They
7 meet next Tuesday.

8 MR. HOLAHAN: Do I have any
9 comment from the public?

10 Yes, sir?

11 MR. JOE CRANDALL: Hi, Joe
12 Crandall, Pocono Pines. I've been to you before
13 regarding the dog problem. We have a new issue.
14 Called several times, police were getting
15 frustrated as I've indicated before. And recently
16 my neighbor had a long drawn out conversation with
17 a policeman who was there, got rather heated, quite

18 frankly. And eventually the policeman said to him
19 that he -- in a roundabout way, or not directly
20 told, but indicated that the magistrate didn't want
21 to see any more dog -- barking dog citations.

22 So there's got to be a meeting
23 of the minds on this, folks. You've got an
24 ordinance, magistrate evidently doesn't want to
25 enforce it. He's never raised a fine on this

32

1 person, the dogs are still barking, I'm still
2 calling the police. I talked to Phyllis, she says,
3 get a lawyer or call 911. Again, I don't
4 understand why I should retain a lawyer to go after
5 someone who is breaking the law.

6 Anybody got a comment on that?

7 MR. ARMSTRONG: The district
8 magistrate has issued fines against the individual?

9 MR. JOE CRANDALL: Yes, he has,
10 but he's kept that at the \$50. This is according
11 to the police, I don't know. I can't talk to the
12 magistrate unless I bring a lawyer with me. But
13 this is what the police tell me, that he's paid

14 several fines, but he continues to go on. You have
15 an ordinance on the book, it's not being enforced
16 to the full extent.

17 MR. ARMSTRONG: Well, I think
18 it's -- I mean, it sounds like the individual is
19 being cited under the ordinance on the books.

20 MR. JOE CRANDALL: Yes, when
21 the police get there and the dogs are still
22 barking. Unfortunately, the police have more
23 important things to do than listen to my and my
24 neighbors' phone calls about barking dogs. And by
25 the time they get there, half an hour, 45 minutes

33

1 later, the dogs have stopped barking.

2 MS. HAASE: Well, Mr. Crandall,
3 as we had discussed, this is one of our more severe
4 violations in this ordinance. The minimum fine is
5 a hundred up to a thousand dollars or imprisonment,
6 so that -- up to 90 days. So that's really up to
7 the magistrate, what type of penalty he wants to
8 put on to that individual. It's not something that
9 my board could do or myself.

10 MR. JOE CRANDALL: I would

11 think you would be interested or the board would be
12 interested, Phyllis, in knowing that a magistrate
13 is not fulfilling the requirements of the township
14 especially when he comes back to the police and
15 says I don't want to be bothered with barking dogs.

16 MR. HOLAHAN: Yeah, well, we
17 haven't heard this -- I mean, I haven't heard this
18 before.

19 MR. JOSEPH CRANDALL: Well, I
20 called the Sergeant Bowman two weeks about it when
21 I heard about it from my neighbor. He said he was
22 going to look into it. In fact, this thing got so
23 heated, the police officer said to my neighbor,
24 what do you want me to do, shoot the dogs? This is
25 how ridiculous this thing is. We're taking their

34

1 valuable time to take care of this guy who is
2 inconsiderate to his neighbors.

3 MS. LAMBERTON: Where do we
4 stand though if the district justice --

5 MR. ARMSTRONG: I'm not sure
6 what you're asking this board, sir, because they

7 have an ordinance on the books. It sounds like the
8 individual is being cited under that ordinance and
9 he's being fined under that ordinance. So if
10 you're asking us to direct the magistrate to
11 increase what he's fining, we can't do that. He's
12 a district magistrate, he's a sitting judicial bod
13 -- we can't -- we have no --

14 MR. JOE CRANDALL: So he
15 doesn't work for the township?

16 MR. MOYER: No.

17 MR. JOE CRANDALL: He works for
18 the state?

19 MR. ARMSTRONG: Yes.

20 MR. MOYER: He's elected.

21 MR. JOE CRANDALL: But he's
22 enforcing the township's laws.

23 MR. ARMSTRONG: He is enforcing
24 the township's ordinance.

25 MR. JOE CRANDALL: That doesn't

35

1 make a whole lot of sense to me.

2 MR. ARMSTRONG: Well --

3 MS. LAMBERTON: He is doing

4 what the ordinance asks, it's his discretion. It
5 sounds like --

6 MR. ARMSTRONG: It sounds like
7 --

8 MS. LAMBERTON: -- that he --

9 MR. ARMSTRONG: It sounds like
10 the ordinance is from X dollars to a thousand,
11 which is very --

12 MR. JOE CRANDALL: Or 90 days
13 in jail and I don't want any more fines. I mean,
14 he could just buy nonbark collars for these dogs
15 and everybody would be happy.

16 MR. ARMSTRONG: Have you gone
17 to any of these hearings?

18 MR. JOE CRANDALL: Have I gone
19 to the hearings? No. I have tried to go to the
20 hearings, but because I'm not on that summons, I
21 can't get in the door. I went through this a year
22 ago, after the policeman said, yes, you're allowed
23 to go, you go there. We went, oh, no, you can't go
24 in here, we were thrown out.

25 MR. ARMSTRONG: That doesn't

1 sound right, but I'm not your lawyer, sir. I can't
2 advise you, but I will say that doesn't sound
3 accurate.

4 MR. JOE CRANDALL: Well, I'm
5 standing here telling you this is what happened. I
6 mean, if you don't want to believe me, that's your
7 discretion.

8 MR. ARMSTRONG: Oh, I'm not
9 saying I don't believe you. I'm just saying that
10 doesn't sound right.

11 MR. JOE CRANDALL: I know it
12 doesn't sound right, it didn't sound right to me
13 either.

14 MR. ARMSTRONG: Okay.

15 MS. HAASE: But, Mr. Crandall,
16 as far as the board, the board can't --

17 MR. JOE CRANDALL: So you guys
18 want to wash your hands of the thing, okay? So you
19 really don't represent the interest of the people
20 of Tobyhanna Township, is that right? In other
21 words, the law is being abused and not being
22 enforced and you all want to just walk away from
23 it, is that --

24 MR. ARMSTRONG: Sir, I think we

25 just --

37

1 MR. JOE CRANDALL: -- what you
2 guys are --

3 MR. ARMSTRONG: -- clarified
4 that the law is being enforced. He is being fined,
5 it's the amount of the fine that he's being fined
6 that's in question --

7 MR. JOE CRANDALL: Yes.

8 MR. ARMSTRONG: -- is what
9 you're saying. He's still being fined, it's just
10 not a number that you're satisfied with and that's
11 out of our hands.

12 MR. MOYER: Yeah, we don't have
13 that control.

14 MR. JOE CRANDALL: Well, let's
15 just say when the magistrate lets it be known to
16 the police that he doesn't want to see any more
17 barking dog citations, so -- I mean, the police are
18 in the middle of this thing, I think. I abhor
19 having to do this, but I'm tired of having this go
20 on constantly all these years. I've got neighbors
21 who have given up on it. I got neighbors that have

22 sold their place and gotten out of there.
23 MS. HAASE: We respect that,
24 Mr. Crandall, but as I said, my board has no
25 authority to dictate to the district magistrate.

38

1 They adopt an ordinance and it's up to him to
2 enforce what the violations is put on to that
3 individual, but my board cannot dictate to the
4 magistrate what to fine this individual.
5 MR. JOE CRANDALL: Okay. You
6 can't ask him why he -- how he comes to this
7 decision?
8 MS. HAASE: That's his
9 decision.
10 MR. JOE CRANDALL: Okay.
11 Thanks a lot.
12 MR. HOLAHAN: Anything else? I
13 did get the report from department -- DPW.
14 Looks like you're pretty busy
15 there, Ed. That's a heck of a report that you got
16 put together here, so --
17 Did anybody else get to take a

18 look at that too?

19 MS. PICKARD: Yes.

20 MR. HOLAHAN: Yeah, take a look

21 at that, there's -- these guys are very busy.

22 Good report, though, Ed.

23 Appreciate it.

24 Anything else?

25 MS. LAMBERTON: Motion to

39

1 adjourn.

2 MR. HOLAHAN: Got a motion.

3 Do I have second?

4 MS. PICKARD: Second.

5 MR. HOLAHAN: Motion and

6 second.

7 All in favor, aye?

8 BOARD MEMBERS: Aye.

9 MR. HOLAHAN: We're adjourned.

10 (Meeting concluded at 7:31 p.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.

13

14

15

16 TARA WILSON, C.R.

17

18

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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, February 20, 2015, beginning at 8:05 a.m.

PRESENT: JOHN J. HOLAHAN, III, Chairperson
JOHN E. KERRICK, Board Member
HEIDI A. PICKARD, 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: Open the meeting
2 with Pledge of Allegiance.

3 (Pledge of Allegiance).

4 MR. HOLAHAN: First thing on the
5 agenda is the letter of Credit Reduction, Category
6 1, Improvements Request in the amount of
7 \$57,632.52.

8 MS. HAASE: Mr. Chairman, our
9 township engineer's reviewed and has agreed to that
10 amount and we are ready to sign.

11 MR. HOLAHAN: All right. Do I
12 have a motion to approve?

13 MS. PICKARD: So moved.

14 MR. KERRICK: Second.

15 MR. HOLAHAN: Motion and
16 second. Further discussion from the board?

17 Anything from the adoring
18 public? Hearing none, call the vote, John?

19 MR. KERRICK: In favor.

20 MR. HOLAHAN: Heidi?
21 MS. PICKARD: Vote in favor.
22 MR. HOLAHAN: And I vote in
23 favor. Motion carries.
24 Next, Kalahari Resorts revised
25 Land Development Plan.

3

1 MS. HAASE: Yes. We just
2 briefly wanted to discuss it with the board. Then
3 we are going to ask you to table it to your March
4 meeting. Our solicitor wants to look at a couple
5 of the agreements to see if there's anything else
6 we need to do prior to the approval. This is what
7 initially was approved by the board in 2012.
8 MR. McHALE: '13.
9 MS. HAASE: '13. And this is
10 the new proposal. What we've asked Kalahari is, to
11 help them along with the project, to consider other
12 improvements that they would like to make to this
13 site, which they have done. The only issue is one,
14 it's upside down. Initially it was a three phase
15 project. Now we're turning it into stages A

16 through G. F through future phases. So what we
17 want to do is look at the agreements because the
18 agreements speak to the three phases. First is
19 through these seven stages to see how we can help
20 move this process along as quickly as possible. So
21 that's just an idea of what the few proposed
22 changes for the future is going to be for
23 Kalahari's project. It will certainly benefit
24 them. And then hopefully we'll have that ready for
25 you folks for the March meeting.

4

1 MR. HOLAHAN: Okay. Do I have a
2 motion to table?

3 MS. PICKARD: So moved.

4 MR. KERRICK: Second.

5 MR. HOLAHAN: Okay. Tabled.

6 And then we've got consider
7 Resolution 2015-008 authorizing the Pocono Mountain
8 Regional Police Department to refinance its
9 existing loan with a lower rate.

10 MS. PICKARD: I'll make that
11 motion.

12 MR. KERRICK: I'll second the

13 motion, but I have a question. Didn't we do this
14 last fall?

15 MR. HOLAHAN: That's what I
16 thought.

17 MS. HAASE: We did do it a few
18 months ago, but this is something that came up from
19 the bank and it also specifically delineates that
20 Tobyhanna Township and Coolbaugh pays 26 percent
21 and Tunk and Mount Pocono pays 24 percent. So this
22 specifically states that. But we did, you're
23 correct.

24 MR. KERRICK: Okay. Thank you.

25 MR. HOLAHAN: Okay for

5

1 discussion? If none I'll call the vote. John?

2 MR. KERRICK: In favor.

3 MR. HOLAHAN: Heidi.

4 MS. PICKARD: I vote in favor.

5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.

7 MS. HAASE: We have two more
8 items that's not on your agenda that we'd like to

9 bring forth to you. One is Pocono Manor Investors
10 has informed us they would like to have site access
11 from their two properties that now is separated by
12 Kalahari Boulevard. And Bob can show you.
13 Currently there is a golf path that they had talked
14 about possibly using. We've spoken to L and V and
15 perhaps it may be a better location just to move it
16 down slightly. Bob can discuss this a little
17 further.

18 MR. McHALE: Steve, you already
19 looked at this from the emails that were there and
20 we'd like your input as well, but this is the
21 existing golf cart path. And what Jim Cahill had
22 emailed back to us is that they'd like to use it
23 for access of their maintenance vehicles and such,
24 could be a backhoe, could be mowers, et cetera. He
25 indicated that it was not intended to be used as a

6

1 golf cart path at this point in time but
2 nonetheless it's just one of those things that you
3 never know what could happen in the future. So,
4 but the suggestion is that -- it's only about the
5 length of our sidewalk out here, it's about 107

6 feet -- to bring a curb opening in front of our
7 pump station. We had originally talked about an
8 access there to where our maintenance vehicles
9 could come in and directly access rather than go
10 all the way to the Kalahari site and move around
11 and come back. So that move to this location could
12 facilitate both purposes that are being proposed.
13 So, Steve, I don't know if you had any --

14 MR. PINE: He talked to me like
15 six to eight weeks ago before I think it ever made
16 it to the township here. And I said, well, I
17 totally understand it, because even now, some of
18 the investors and renters, the potential renters
19 that he has he wants to be able to access with this
20 ATV type vehicle that he has and it's hard to do
21 that without going all the way out, especially with
22 the new Manor Drive coming in, which is going to be
23 between the Carriage House and then they gotta go
24 all the way up 314 and come all the way down the
25 length of 314 in order to access it. So I totally

1 get it, because the old Manor Drive will be gone

2 very soon.

3 MR. McHALE: We originally, when
4 we were going through the review process for the
5 land development I think we all remembered that we
6 had suggested that Pocono Manor Investors go ahead
7 and identify a location that we could create curb
8 openings and then just barricade it off, but at
9 that point in time they weren't sure where they
10 wanted to put it and they just left it off. So
11 this would be a good opportunity at this point
12 before the wearing course goes down, to cut those
13 openings in and the curbs along the edge of the
14 roadway as well as the median, and, again, if we
15 can get concurrence from everyone then Pennoni can
16 proceed with actually revising the plan and give to
17 the contractor and then proceed from there.

18 MR. PICKARD: And that would be
19 barricaded off. For maintenance only there'd be a
20 gate or something there?

21 MR. McHALE: Pocono Manor would
22 probably want a gate so that they didn't just have
23 people driving into it, but they would probably put
24 some sort of gate there.

25 MS. HAASE: We would have to

1 make sure we have proper signage at Kalahari
2 Boulevard now. So that is something else. There
3 would be an agreement between Pocono Manor
4 Investors and Tobyhanna Township for the crossing
5 and perhaps even installation of signs.

6 MR. McHALE: Because that could
7 become a liability issue. We have folks coming in,
8 thousands of vehicles and, you know, the kids are
9 going to be excited about getting there, and the
10 landscaping and the features, the theme might be
11 out there, but we do want to make sure that they
12 recognize that it's a crossing not just an opening.
13 And that's the other reason for putting it in front
14 of the pump station is because it will be a
15 chainlink fenced area and people will recognize it
16 and say, oh, there's a curb opening and they'll be
17 looking for vehicles and such.

18 MS. HAASE: So the board is in
19 agreement?

20 MR. KERRICK: Is that -- will
21 that be our property then where the pump station
22 is?

23 MR. McHALE: Yes.

24 MR. KERRICK: And we won't have
25 any liability with them? They'll probably have

9

1 some sort of a roadway around the pump station, I
2 would assume.

3 MR. McHALE: Yes. That's
4 correct. We were thinking they could extend those
5 golf cart paths parallel to Kalahari Boulevard for
6 that short run and then just bring it back and tie
7 in.

8 MS. HAASE: I believe that the
9 lot that was subdivided for the road, that entire
10 area would be dedicated to the township.

11 MR. KERRICK: The only thing, I
12 just didn't want to assume any liability. I don't
13 have a problem with it.

14 MS. HAASE: That's what Pat's
15 concern was, that we have some kind of agreement in
16 place.

17 MR. McHALE: Kalahari Boulevard
18 would be a right of way and I believe where the
19 pump station is is currently looked at as being an

20 easement over that property, but if everyone's in
21 agreement, Steve, with that location?

22 MR. PINE: Yes. It's the best
23 one to have.

24 MS. HAASE: And we have one
25 other item for you to be informed on. We've also

10

1 been having some discussion on point of access off
2 of 940. Bob has done some work and we have all
3 looked into some potential access points for Dr.
4 Wezmar's property, which is the old 84 Lumber
5 building, and perhaps accessing Pocono Manor
6 Investors' property and or going through to
7 Kalahari Boulevard. So, those items were
8 discussed. We did speak to L and V yesterday and
9 get some ideas from them. This is something that
10 the township would have to acknowledge for PennDOT,
11 but we would require if this is something that PMI,
12 Kalahari and Dr. Wezmar or any of those three so
13 chose to move forward with, they would have to do
14 the point of access study and they would be
15 responsible for the expenditures. And then the
16 township, if the supervisors were in agreement, we

17 would support and acknowledge for PennDOT.

18 MR. KERRICK: We had permission
19 to put a temporary opening. When they built 84
20 Lumber I asked them at the meeting if they could
21 shift 50 feet so we -- there is a right of way
22 there or he would give a right-of-way for that road
23 to continue straight out.

24 MS. HAASE: Correct.

25 MR. KERRICK: And then the

11

1 commissioners put some money aside for access
2 study.

3 MS. HAASE: Twenty thousand.

4 MR. KERRICK: And it never
5 really went because we had the department of --
6 because it was a limited access, federal highway
7 commission.

8 MR. McHALE: Federal Highway
9 Administration.

10 MR. KERRICK: Anyway, I think
11 it's a great idea, if we can make it happen.

12 MS. PICKARD: Where would it

13 build the access to Kalahari?

14 MR. McHALE: Well, 380, this is
15 940, 314. Kalahari Boulevard comes in. This is
16 the Kalahari project right here. So the access
17 would be somewhere in front of or around the 84
18 Lumber because it would be splitting the difference
19 between the ramps and we were just looking at if
20 that comes in at that point and it was amenable to
21 the parties involved here at Pocono Manor, and
22 Kalahari was to bring it into the development and
23 it could tie into the Kalahari Boulevard if they
24 wanted to work through that somehow. Again, it
25 would split that large lot in the front and that's

12

1 something that I'm sure they're going to have to
2 consider and see what their layout might be for
3 the --

4 MS. HAASE: For the development.

5 MR. PINE: Would Kalahari even
6 be involved in that, because technically you're
7 only crossing PMI's property and then you're
8 hitting what would be your property, the boulevard.
9 We don't own it.

10 MR. McHALE: I guess the only
11 involvement probably that you would have, Steve, is
12 if you wanted to be a part of that to give the
13 access to tie in, otherwise --

14 MR. PINE: Well, we certainly
15 want to have access for emergency vehicles.

16 MS. PICKARD: That wouldn't be a
17 regular access.

18 MR. McHALE: See, currently, you
19 know, Kalahari is doing all these improvements out
20 on 940, 314 to bring their share of traffic into
21 the development this way. So it's really between
22 Pocono Manor and Kalahari as to how much Kalahari
23 values that additional access and how much they
24 want to be involved in. Technically it could be
25 just Pocono Manor and come in and that just serves

13

1 that property and Dr. Wezmar's property on the
2 north side and then to tie into the residential
3 area. So it's left to them to really conceptualize
4 that and see who wants to participate and who wants
5 to, you know, how badly they need that access.

6 MR. PINE: PennDOT ever made
7 comments on that?

8 MS. HAASE: Yes.

9 MR. PINE: Were they okay with
10 it?

11 MR. McHALE: Well, what they had
12 commented to us is that it goes through the point
13 of access study route and their procedure. They
14 did not say they were in favor of or would, you
15 know, but one thing you have to do in a point of
16 access study is you have to justify by evaluating
17 no access point and say could you do other roadway
18 improvements to still make it all work and then you
19 take it to evaluate and compare to the access point
20 that your proposing.

21 MR. KERRICK: So one of the
22 things we used last time was if you wanted to
23 improve 314 underneath 940 it was limited land so
24 you couldn't really widen it too far. That's what
25 we utilized to -- anyway, is there anything we can

14

1 do to help it or we're just at a stand still at
2 this point?

3 MS. HAASE: Right now the study
4 needs to occur in order to submit that to PennDOT.
5 We certainly will meet and participate in the
6 meetings with the parties to help move this
7 forward, but right now that's the first course
8 would be an agreement with the parties that they
9 want to do this and they'd have to coordinate with
10 their engineer and then conduct the study.

11 MR. PINE: I would love to have
12 it. When I walked it one time when I was told
13 about this, it was probably last spring when it
14 wasn't below zero, it looked like the road that
15 would come out from the fire department when it
16 hits 940 would be almost too close to the start of
17 the 314 ramp. So -- but still, even that would be
18 a benefit as long as they got across the median to
19 us because of the emergency vehicles can come there
20 and then head right down the 314 ramp to us. But
21 that's just me. So I don't know, but before they
22 spend a lot of money and they say no, it's too
23 close, can PennDOT simply tell us how far the
24 access from the two has to be?

25 MS. HAASE: Well, we know it's

1 already restricted and that's why we have to go
2 though the process.

3 MR. PINE: I just meant from 940
4 to where 314 heads off, I don't know that you can
5 have a road going here with -- essentially where a
6 ramp starts.

7 MR. McHALE: Yeah. The tapers
8 for 314 as Steve is talking about, especially this
9 on ramp on the north side going west bound, the
10 tapers end about where John was describing that
11 that road comes out. So it's going to be close, if
12 it was going to go with that location, but it can
13 also be offset. On the other side of 84 the only
14 thing is you just end up with the road -- well, the
15 road's already there, so you'd have to improve that
16 road and tie in somewhere over here. So Pennoni
17 would need to just evaluate what's going to be the
18 best location and that would be part of the
19 analysis.

20 MS. PICKARD: What is the
21 length, do you know, from the two tapers, from 380
22 and 314?

23 MR. McHALE: Well, originally,

24 about 10 years ago when we were looking at this
25 with 84 Lumber, we had about a thousand feet from

16

1 this traffic signal to the west access. It came
2 out here. So we had more than a thousand feet to
3 this point and about the same going in this
4 direction. So it's a good location for a traffic
5 signal anywhere in that little corridor. And it
6 would certainly benefit all the parties including
7 the township because we would have another access
8 directly to our fire company.

9 MS. PICKARD: Is there any new
10 discussion on the realignment of 380 and Long Pond?

11 MS. HAASE: We met with PennDOT
12 two weeks ago, I believe, and went over some of the
13 proposals.

14 MR. PINE: The 9th.

15 MS. HAASE: Yeah. And there has
16 not been any changes.

17 MR. McHALE: They were just
18 going to look at the different aspects of how they
19 can phase the improvements.

20 MR. PINE: Right.

21 MS. HAASE: So we just wanted to
22 update the board on what we were working on.

23 I also wanted to inform the
24 board that we've had Arcadia's project on hold for
25 quite some time, and Bob and I met with a

17

1 representative yesterday. It looks like Lot 110
2 has a potential of a new investor. It would be net
3 down from a 600,000 square foot facility to a
4 400,000 square foot facility. So we certainly hope
5 that that's going to be moving forward in the next
6 few months.

7 I also wanted to inform the
8 board that we had a meeting with Aqua last week,
9 two weeks ago.

10 MR. HOLAHAN: It was post
11 vacation.

12 MS. HAASE: Post vacation. I
13 was rested for that meeting. There wasn't really
14 any new information that they brought forward, just
15 kind of keeping us informed. We will be reaching
16 out for a proposal to see what they would be

17 offering. We have a valuation for the plan that's
18 underway, so we'll have something to compare to
19 once we receive it. There was some discussion
20 about phasing that particular -- the acquisition
21 versus the extension of the western run line from
22 Blakeslee down to the spur and I think it was a
23 unanimous agreement that we should keep them
24 separate and not run them together. That's all I
25 have for the board.

18

1 MR. HOLAHAN: Okay. Anything
2 else from -- John, do you have anything?

3 MR. KERRICK: I'm good.

4 MR. HOLAHAN: Heidi.

5 MS. PICKARD: Just on that, the
6 discussion with Aqua, when we do get the valuation
7 are we going to put it out for an RFP or --

8 MS. HAASE: For a proposal?

9 MS. PICKARD: There was a
10 discussion that Rettew new somebody.

11 MS. HAASE: Yes. And actually I
12 did receive an email day before yesterday wanting
13 to know if they could come out an review the plans.

14 So that will be scheduled. Whether they move
15 forward and are still interested -- they've gone to
16 DEP and looked at our records and our permitting,
17 and after they look at the plan then we'll have a
18 better idea if they're interested or not.

19 MS. PICKARD: So the meeting
20 with Aqua wasn't sort of pre-negotiating the sale
21 to them?

22 MS. HAASE: No. As I stated it
23 was basically the same information that they've
24 brought forward to us.

25 MR. KERRICK: Quick question on

19

1 that. Did we have a determination from Pat whether
2 there had to be --

3 MS. HAASE: It does not have to
4 be --

5 MR. KERRICK: Does not.

6 MS. HAASE: Does not have to be.

7 MR. KERRICK: At one time we had
8 some legal advice that it was. And I just wasn't
9 sure.

10 MS. HAASE: With it being an
11 authority it does not have to be put out.

12 MS. PICKARD: Will we need to
13 have a organization meeting for the --

14 MS. HAASE: When we have
15 business. I spoke to Pat about that yesterday
16 because our bylaws speak to the fact that it had to
17 be held on Thursday. It doesn't speak to the fact
18 that it has to be at the beginning of the year for
19 a reorg. So there is no business at hand right now
20 for the authority, so in time we will need to, but
21 there is really no action for the authority.

22 MS. PICKARD: We don't need to
23 have officers or --

24 MS. HAASE: No, not at this
25 time.

20

1 MR. HOLAHAN: Anybody else have
2 anything else? Do I have a motion to adjourn?

3 MS. PICKARD: So moved.

4 MR. KERRICK: Second.

5 MR. HOLAHAN: All in favor aye?

6 MS. PICKARD: Aye.

7 MR. KERRICK: Aye.
8 MR. HOLAHAN: We're adjourned.
9 (Meeting concluded at 8:24 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 hearing in the above matter; and
that the foregoing is a true and correct transcript
of the same.

JOSEPHINE HOLLMAN, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, March 9, 2015, beginning at 7 p.m.

PRESENT: ANNE LAMBERTON, Vice Chairperson
DONALD J. MOYER, Board Member
HEIDI A. PICKARD, 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

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1 MS. LAMBERTON: I'd like to call
2 the board of supervisors regular business meeting
3 March 9, 2015 to order.

4 (Pledge of Allegiance.)

5 MS. LAMBERTON: Announcements?

6 MS. HAASE: I will save it for
7 my report.

8 MS. LAMBERTON: I'll take a
9 motion to consider the minutes of January 26, 2015,
10 special meeting.

11 MS. HAASE: I have two
12 corrections.

13 MS. LAMBERTON: Okay.

14 MS. HAASE: Page 2, Line 15, The
15 Magistrate should be Mr. Holahan. And Line 17,
16 form should be from. And those are the only
17 corrections I have.

18 MS. LAMBERTON: Should we take
19 them both together, both meetings?

20 MS. PICKARD: That's fine with
21 me. I'll make a motion to approve the minutes.
22 MS. LAMBERTON: Any changes
23 first, Heidi, on February 20th, any corrections?
24 MS. HAASE: No.
25 MS. PICKARD: I'll make a motion

3

1 to approve the minutes as amended.
2 MS. LAMBERTON: I have a motion.
3 Do I have a second?
4 MR. MOYER: Second.
5 MS. LAMBERTON: Motion and
6 second. Call the vote.
7 Heidi?
8 MS. PICKARD: Vote in favor.
9 MS. LAMBERTON: Donny.
10 MR. MOYER: I vote in favor.
11 MS. LAMBERTON: And I'll vote in
12 favor. Motion passed.
13 Consider the treasurer's report
14 for \$371,332.23?
15 MS. PICKARD: Motion to approve.

16 MS. LAMBERTON: I have a motion.
17 Do I have a second?
18 MR. MOYER: Second.
19 MS. LAMBERTON: Motion and
20 second.
21 Heidi, call the vote?
22 MS. PICKARD: Vote in favor.
23 MS. LAMBERTON: Donny?
24 MR. MOYER: I'll vote in favor.
25 MS. LAMBERTON: I'll vote in

4

1 favor. Motion passed.
2 Solicitor report?
3 MR. ARMSTRONG: Thank you. The
4 first item under my report is the public hearing
5 for the proposed municipal claims ordinance. If
6 the board recalls we discussed and authorized the
7 advertisement of an ordinance which will be
8 governing the penalties, i.e., the interest as well
9 as attorneys fees associated with collections of
10 municipal claims. This ordinance will govern the
11 interest and attorneys fees associated with
12 collecting sewer collection accounts, as well as

13 other special assessments within the township or
14 other general municipal claims that are owed to
15 Tobyhanna Township.

16 This has been advertised for a
17 public hearing this evening. It's been advertised
18 pursuant to the second class township code. And if
19 you look at Appendix A of the ordinance it sets
20 forth some of the specific fees associated with
21 collecting municipal claims that will be adopted by
22 way of this ordinance. The interest rate that's
23 being set is ten percent per annum, pursuant to
24 state law.

25 So with that, I think we can

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1 open up the public hearing. Any comments or
2 questions from the board at this time?

3 MS. LAMBERTON: I have none.

4 MR. MOYER: I have none.

5 MS. PICKARD: I have none.

6 MR. ARMSTRONG: Seeing none, are
7 there any questions or comments from the public?

8 None?

9 MS. HAASE: Pat, I have a
10 question for you. As far as the schedule of fees,
11 would it be more appropriate that we put this under
12 our fee schedule to change it if we have to on a
13 yearly basis, of the cost of the, say, if the title
14 search or filing a lien goes up with the county?

15 MR. ARMSTRONG: Well, the filing
16 fee is separate and distinct. These are the
17 attorney's fee -- the appendix is for the
18 attorney's fees and --

19 MS. HAASE: So that's just a
20 legal --

21 MR. ARMSTRONG: Right. And the
22 reason we're doing this by ordinance is there is
23 case law out there that if you do a resolution,
24 it's been challenged in court and depending on the
25 facts in the case, can be overturned.

6

1 MS. HAASE: All right.

2 MR. ARMSTRONG: So when you have
3 these fees set forth in the ordinance, if you have
4 a percentage for the interest in the ordinance,
5 you're safe under state law. The fees of the

6 county, those are separate and distinct. Those
7 will be -- you're talking about when you file a
8 lien in Monroe County, there's a fee you have to
9 pay in order to file that lien.

10 MS. HAASE: Correct.

11 MR. ARMSTRONG: That's in
12 addition to the cost associated with attorney's
13 fees and filing the lien.

14 MS. HAASE: Thank you.

15 MR. ARMSTRONG: Yep. Any other
16 questions or comments?

17 MS. LAMBERTON: So if our fees
18 go up as far as attorney fees --

19 MS. HAASE: We have to amend
20 that.

21 MR. ARMSTRONG: Yes. Yes, you
22 will have to amend that.

23 MS. PICKARD: It would probably
24 be better if you didn't raise your fee.

25 MR. ARMSTRONG: I don't

1 anticipate --

2 MS. LAMBERTON: Could you just
3 keep that the same for us, please?

4 MR. ARMSTRONG: I do not
5 anticipate raising my fees any time soon.

6 Just something to keep in mind,
7 a lot of these go to -- there is case law in what's
8 reasonable with respect to collecting certain
9 municipal claims. And before we put these numbers
10 in, my hourly rate aside, we make sure that it's
11 consistent with the case law in Pennsylvania. And
12 it is. It's well within.

13 MS. PICKARD: Okay.

14 MR. ARMSTRONG: Any other
15 questions or comments? Seeing none we can close
16 the public hearing. Public hearing is closed.

17 At this time if the board would
18 like to entertain a motion to approve the municipal
19 claims ordinance which would be Ordinance 521.

20 MS. PICKARD: I make a motion
21 that we approve Ordinance No. 521.

22 MS. LAMBERTON: I have a motion.
23 Do I have a second?

24 MR. MOYER: I'll second.

25 MS. PICKARD: Did we close the

1 hearing or --

2 MS. LAMBERTON: Yes, we did.

3 Let's take a vote. Heidi?

4 MS. PICKARD: Vote in favor.

5 MS. LAMBERTON: Donny?

6 MR. MOYER: I vote in favor.

7 MS. LAMBERTON: And I'll vote in
8 favor. Motion carried.

9 MR. ARMSTRONG: Thank you.

10 MS. LAMBERTON: You're very
11 welcome. Is that all?

12 MR. ARMSTRONG: There is nothing
13 else under my report. I do have -- there are some
14 items further down under new business that I will
15 chime in on most likely. There is one other item.
16 If you recall there's been a request for a liquor
17 license transfer from Smithfield Township into
18 Tobyhanna Township. I spoke with the attorney
19 representing the applicant this afternoon, that
20 resolution in the transferring to Tobyhanna
21 Township will be advertised for a public hearing at
22 your April meeting. If anyone is interested, the
23 property location where the liquor license is being

24 transferred to is Tax Map Parcel No. 19/20/2/34-7.
25 And it's located at 5663 Route 115, Tobyhanna

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1 Township. And like I said that public hearing will
2 be at your April meeting.

3 Okay? Any questions?

4 MS. LAMBERTON: Yeah, that
5 actually just happens to be affected by state law,
6 doesn't it?

7 MR. ARMSTRONG: Yes. The
8 resolution that you'll see when it's circulated, if
9 it hasn't been already, is it's conditional upon
10 the applicant seeking and securing approval from
11 the Pennsylvania Liquor Control Board. This is
12 simply -- what the township's going to look for
13 when considering -- we're not having a public
14 hearing this evening, we're going over it. But
15 what the township will consider is whether or not
16 transferring in this license into Tobyhanna
17 Township will adversely affect the welfare, health,
18 peace and morals of Tobyhanna Township. And if it
19 doesn't there's no justification for denying the

20 request for transfer. But they do have to comply
21 with the Pennsylvania Liquor Code, subject to the
22 Liquor Control Board approval.

23 MS. LAMBERTON: Right. Very
24 good. Anything else, Patrick?

25 MR. ARMSTRONG: I do have two

10

1 executive session items to discuss after the public
2 meeting tonight. Both of them being litigation.
3 One of them, the zoning enforcement matter
4 involving Mr. Moyer; and the other one involving
5 the regional police commission declaratory
6 judgement action involving Coolbaugh Township.

7 MS. LAMBERTON: Very good.

8 MR. ARMSTRONG: Thank you.

9 MS. LAMBERTON: Phyllis, manager
10 report?

11 MS. HAASE: Yes. I wanted the
12 board to be aware that DRBC, they're going to be
13 meeting on March 10th. I went through the dockets.
14 There's only one that's really pertaining to
15 Tobyhanna Township, and unless I'm instructed by
16 the board, I do not plan on attending. The

17 Transcontinental Pipeline is doing an expansion and
18 they're proposing to draw some water out of Lehigh
19 and the Tobyhanna Creek for hydrostatic testing.
20 It's on a temporary basis. So there's nothing that
21 I saw that I thought that we would be opposed to,
22 so I'm not planning on attending that unless I'm
23 instructed otherwise.

24 I just wanted to inform the
25 board that we did receive our funds for the liquid

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1 fuel payment of \$256,286.65.
2 We have been working on changing
3 our phones in the township. We have an analogue
4 system right now and we have been working on
5 changing over to digital. We have gone through all
6 the phones that we currently have. We have 45
7 lines between the township building, government
8 building, the sewer plant, the lift stations,
9 emergency service and the Blakeslee annex station.
10 We are going to be removing some of the lines and
11 also separating the sewer plant from our building.
12 Thinking down the road if we do go with sale of the

13 plant we no longer want to be in a contract with
14 phones. So I just wanted to let the board know.
15 Right now it's looking -- it's a difference of
16 going to be like \$33 difference a month. I still
17 am waiting on a price to find out and analyze the
18 difference between leasing phones versus purchasing
19 them. So hopefully by next month I'll have enough
20 to make a decision on.

21 We also are going to be making
22 some changes with our IT department. All of the
23 email addresses are going to be changing. They
24 will be Tobyhanna Township twp.pa.gov. And we'll
25 be putting some additional restrictions and changes

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1 into our IT department. And that I'll be moving
2 forward with this month.

3 I'm happy to say that we had put
4 in a request to DCED last year, or actually 2013,
5 to receive some reimbursement for the floodplain
6 ordinance that we were mandated to change. And we
7 did receive funds, reimbursement of \$5,862. So we
8 were happy to receive that.

9 I received a request from the

10 Nature Conservancy, they're going to be erecting a
11 sign, a 60 inch by 30 inch on our property off of
12 the Caughbaugh Road, and they're requesting that
13 the board waive the fee of \$75. If that's
14 acceptable for the board, we'll waive that?

15 MS. LAMBERTON: I'm fine with
16 that.

17 MR. MOYER: Yes.

18 MS. PICKARD: That's fine.

19 MS. HAASE: A few other
20 announcements. March 17th Representative Rader is
21 going to be holding a veterans' outreach program
22 from 10 to 2. It's going to be the third Tuesday
23 of every month, and it'll help assist the veterans
24 and filling out paperwork for their benefits and et
25 cetera. So that's a nice benefit that the

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1 representative is going to have for our residents.
2 He's also going to be having an open house on April
3 23rd and I'll announce that again next month to
4 remind everybody. And that's from five to seven.
5 And it's an open house, which would be nice, that

6 they can come in and Representative Rader -- I'll
7 be here as well. They can tour our building, we
8 can answer questions that they may have.

9 MS. LAMBERTON: That's great.

10 MS. HAASE: I have one other
11 item that I wanted to ask the board to review and
12 perhaps consider or make comment on. Pocono Manor
13 Investors had met with the planning commission on
14 Thursday. And this is the parcel that they are
15 subdividing, it's in a commercial industrial
16 district. They're going to be subdividing this and
17 there will be a water tank that will be installed
18 on this property to give the water support to the
19 Kalahari project. When the planning commission
20 reviewed the plans and placed conditions on the
21 project, at that time it was thought that the
22 structure was going to be earth tones. Kalahari
23 has since found out that it has already been
24 ordered and delivered and it's not, it's blue. So
25 it would be very difficult at this point for them

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1 to change and return the product since it's already
2 on site. So we kind of want the consensus of the

3 board of what you -- if you have an issue with this
4 structure and the color from being earth tones to
5 blue?

6 MS. LAMBERTON: I don't have an
7 issue.

8 MS. HAASE: It's going to be
9 heard in front of the zoning hearing board on
10 Wednesday. So it is too late for the planning
11 commission to come back and have another meeting,
12 they have made their decision and put conditions on
13 it, but we also wanted to put it in front of the
14 board to see if you are opposed to changing this
15 out and having a blue -- it is not a raised tank.
16 It does hold a million gallons. It is on a cement
17 slab, it is on the ground. So there's a lot of
18 forested trees around, it's not just deciduous
19 trees, so it is also forested, so I don't think
20 that we're going to have an issue really with
21 seeing this from 314. And it's kind of oddly set.
22 Actually 314 is over here, so you would actually
23 enter the site, go through Pocono Township, come
24 back around and then back into Toby. So it's kind
25 of nestled back in the woods so I don't think it's

1 going to be --

2 MR. MOYER: Were there any
3 recommendations from the planning commission?

4 MS. HAASE: There was four
5 conditions placed. One, they felt that -- they had
6 to follow the engineer's review letter with regards
7 to a buffer, the planning commission felt that
8 because it was so forested that they didn't have to
9 perhaps keep that 25 foot buffer. But they did
10 speak about changing it into an earth tone color.

11 MR. MOYER: Okay.

12 MS. HAASE: So if it's
13 acceptable then perhaps I'll put something together
14 and send it to the zoning hearing board.

15 MS. LAMBERTON: That's fine.
16 Thank you.

17 MS. HAASE: I did receive an
18 application from the this project, from Pennoni
19 Associates, with regards to an application to be
20 sent to PennDOT for the 380 Interchange. I have
21 rejected it. There was some issues with that, some
22 errors that have to be corrected. So I most likely
23 will have that signed between your meetings, if not

24 the 25th, and have them ratify it.

25 And that's all I have at this

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1 point.

2 MS. LAMBERTON: Thank you.

3 Committee reports, Pocono

4 Mountain Regional EMS. Heidi?

5 MS. PICKARD: I do have the
6 stats for February. It's been a really busy couple
7 of months. The whole corps had 437 calls in
8 February, which is really crazy. And there was 72
9 in Tobyhanna, 161 for the two months to date, so
10 we're up 15 percent from where we usually are. So
11 it's been very busy. And that's just in our area.
12 We had calls outside our area, we had 30 calls that
13 were called out. So we had almost 100 calls out of
14 our station this month.

15 And the only other comment, our
16 audit will be in April or May so we should have
17 that by June. And Denise had class today, so she's
18 not able to be here, but we're working on finishing
19 up our media kit, so we may have that for you next
20 month.

21 A VOICE: This week.
22 MS. PICKARD: We'll bring it to
23 everybody and it's really looking good.
24 MS. LAMBERTON: Wonderful.
25 Thank you.

17

1 Pocono Mountain Regional Police.
2 MS. HAASE: Donny, did you want
3 to speak on that or do you want me to do it?
4 MR. MOYER: No, you were in the
5 executive meeting.
6 MS. HAASE: A few things I want
7 to update the board on. We're still working on the
8 mold remediation. That's moving around a little
9 slower. We've come up with some obstacles that
10 need to be resolved.
11 The April -- I'm sorry, the
12 March meeting will be here again at Tobyhanna
13 Township and that'll be tomorrow evening at seven
14 o'clock. Chief has approached the commission with
15 regards to investigating purchasing land or having
16 land donated for a shooting range. Mr. Moyer's on

17 that committee, so we've been working towards
18 perhaps accomplishing a training area for the
19 officers.

20 And it does appear that Barrett
21 Township is interested in joining regional.

22 MS. LAMBERTON: That's
23 wonderful.

24 MR. MOYER: I think they passed
25 it at their meeting.

18

1 MS. HAASE: Did they?

2 Attorney Weitzmann put together
3 a memorandum of understanding that was presented to
4 the commission. Was it last week we had a special
5 meeting, or the week before?

6 MR. MOYER: Yeah, might have
7 been the week before.

8 MS. HAASE: Yeah. Just recently
9 we had a special meeting so the commission could go
10 over the memorandum of understanding and they asked
11 some questions. So it does look like it's moving
12 forward for regional to have another participant,
13 Barrett Township.

14 MS. LAMBERTON: That's
15 fantastic. We welcome them.
16 MS. PICKARD: And the refinance
17 --
18 MS. HAASE: It has all been
19 approved, the refinance of loan.
20 MS. LAMBERTON: Open space.
21 Heidi?
22 MS. PICKARD: We don't have
23 anything at this time.
24 MS. LAMBERTON: Very good. We
25 will move on to old business. Proposed zoning

19

1 ordinance. Anything new on that?
2 MS. HAASE: That's entirely up
3 to the board at this point. Shall I just put table
4 next it to?
5 MS. LAMBERTON: I believe we'll
6 table that at this time.
7 MR. MOYER: Yeah, let's have all
8 the members here.
9 MS. LAMBERTON: Yes, actually we

10 should.

11 Blakeslee Route 940 sanitary
12 sewer extension?

13 MS. HAASE: And that as well, I
14 believe, that's --

15 MS. LAMBERTON: That's in
16 progress.

17 MS. HAASE: We are tabling that
18 at the point until we find out what we're going to
19 be doing with the --

20 MS. LAMBERTON: Very good. The
21 potential sale of the waste water treatment plant.

22 MS. HAASE: Yes. Rettew
23 Engineering is still working on evaluation of the
24 plant. I do have a meeting scheduled the end of
25 the month. Our superintendent of DPW will be going

20

1 with me. We're going to be meeting with the firm
2 from Canada. They will be coming and touring the
3 plant and we'll be answering some questions, that
4 they as well are interested in the potential
5 purchase of the plant.

6 MS. LAMBERTON: That's very

7 good.

8 MS. HAASE: I will say though
9 that we have been working pretty diligently to do
10 our investigative work and to make certain that all
11 of our fiduciary responsibilities are upheld with
12 the possible transfer of this. So it is moving
13 along.

14 MS. LAMBERTON: Very good.
15 Arcadia properties, New Venture Park reimbursement
16 agreement?

17 MS. HAASE: That as well, we've
18 had no action on. We did met with some players
19 from Arcadia and they have a potential tenant from
20 Lot 100, which is the smaller lot. We also met
21 with a property owner in that vicinity that had
22 asked if all players would sit down and perhaps
23 agree to instead of having a three-way signal, you
24 have commercial on 115, if we would look into
25 perhaps making that a four-way signal for a

21

1 potential development across the street.

2 MR. MOYER: That's a good idea.

3 MS. LAMBERTON: Very much so.

4 It would be nice to see somebody there. I wish
5 them luck with that.

6 MS. HAASE: Yes.

7 MS. LAMBERTON: Kalahari Resorts
8 revised land development plan?

9 MS. HAASE: Yes, our township
10 engineer's review letter, it's in front of you,
11 there was just some minor changes that will need to
12 be made by Pennoni on behalf of Kalahari for the
13 approval. We did receive today one additional
14 change, and that is for the proposed steakhouse
15 Double Cut, that they're going to be moving it from
16 Stage B into Stage D. So right now this is the
17 revised plan. So this will actually move into
18 Stage D. The parking that was proposed for Double
19 Cut is not going to be amended. That is going to
20 be installed with Phase II. So it's only the
21 construction of the building.

22 MS. PICKARD: That's not going
23 to be open this summer?

24 MS. HAASE: No.

25 MR. ARMSTRONG: Okay. So it's

1 moving from --

2 MS. PICKARD: I'm really
3 disappointed.

4 MS. HAASE: It's moving from
5 Stage B to Stage D, as in dog.

6 MS. LAMBERTON: Very good. All
7 right. Then I guess we should move on to new
8 business.

9 MS. HAASE: So if the board is
10 in agreement with the changes?

11 MS. LAMBERTON: Oh, I'm sorry.

12 MS. HAASE: That's okay. And
13 with Bob's comments, it would be helpful at this
14 point if you took action.

15 MS. LAMBERTON: So we would
16 accept a motion contingent upon Bob's comments?

17 MS. HAASE: Yes.

18 MR. ARMSTRONG: I'm looking at
19 the March 9, 2015 review letter from the township
20 engineer. I'm looking at it right now. If the
21 board is comfortable making a motion approving the
22 revisions as discussed by Ms. Haase, it would be
23 subject to the applicant complying with all the
24 comments and requirements set forth in the March 9,

25 2015 review letter from the township engineer.

23

1 I will note that this is
2 referring to stages as opposed to phases, so we'll
3 have to -- I will have --

4 MS. LAMBERTON: Revise the --

5 MR. ARMSTRONG: -- to track that
6 down and the development agreement's going to have
7 to be revised accordingly depending on what the
8 stages and where they fall with respect to the
9 initial phasing of the plan.

10 MS. LAMBERTON: Right.

11 MR. ARMSTRONG: I have not -- I
12 don't think I've actually seen the actual revised
13 plan but I can get with Bob and we can work out
14 those details if the board is leaning towards
15 making a decision this evening.

16 MS. HAASE: It went from the
17 initial three phases that was approved in 2013 to
18 seven stages now. And they --

19 MS. PICKARD: Where are they
20 listed?

21 MS. HAASE: Where are the stages
22 issued? I don't believe it's in his review letter.
23 It was in the plans that were sent to you last
24 month. It would be on the portal.
25 So we're pleased that they have

24

1 made some additional changes to the plan that add
2 some new amenities which I think will be very nice
3 to our residence and also the visitors that come to
4 our area. So that's a positive point to it. But I
5 agreed with Pat though, the developer's agreement
6 is going to have to be changed and any other
7 agreement that would coincide with that.

8 And the other great news is
9 Kalahari is starting way in advance of when they
10 proposed to begin Phase II. So they've been very
11 successful with all their projects and they're
12 going to be moving forward with Phase II much
13 sooner than we anticipated.

14 MS. LAMBERTON: That's great
15 news for the township.

16 MS. HAASE: So it's really
17 great.

18 MS. PICKARD: So the steakhouse
19 from -- is that changing anything with Bob's review
20 letter or that just came in?

21 MS. HAASE: No. All that's
22 going to happen is the plans, they'll be presented
23 to the board for your signature. It will denote
24 that the Double Cut Steakhouse is going from B to
25 D.

25

1 MS. LAMBERTON: Just later on.

2 MS. PICKARD: I'll make that
3 motion.

4 MS. LAMBERTON: I have a motion.
5 Do I have a second?

6 MR. MOYER: Second.

7 MS. LAMBERTON: Okay. Any
8 questions, comments? Any comments from the public?
9 Heidi, call the vote?

10 MS. PICKARD: Vote in favor.

11 MS. LAMBERTON: Donny?

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

13 MS. LAMBERTON: And I'll

14 abstain. Motion passed.

15 MR. ARMSTRONG: Realize I'm a
16 little bit late, but the curb cut that's mentioned
17 in the review letter, that's the curb cut for
18 Pocono Manor?

19 MS. HAASE: Correct. It is
20 going to be on Kalahari Boulevard so there will be
21 some type of an agreement between PMI and
22 Tobyhanna.

23 MR. ARMSTRONG: Sorry.

24 MS. LAMBERTON: No, that's okay.
25 And that's in Bob's letter anyway so that covers

26

1 that.

2 Any other comments on that,
3 Phyllis?

4 MS. HAASE: No, ma'am.

5 MR. LAMBERTON: Let's move on to
6 new business.

7 Retired and Senior Volunteer
8 Program of Monroe County, RSVP Memorandum of
9 Understanding.

10 MS. HAASE: Our current

11 agreement with RSVP expired. So we are asking the
12 board or at least the acknowledgement that it will
13 be executing this agreement with them. So if in
14 fact we need to use a volunteer, everything will be
15 in place and we can just call them and we'll come
16 in to assist. It's a great organization. It's a
17 retired group of individuals from all different
18 fields, in fact we have one volunteer that's been
19 with the Pocono Mountain Regional Police for, I
20 think, 10, 15 years. So it's a great organization.

21 MS. LAMBERTON: Very good.

22 MS PICKARD: We use them at the
23 EMS as well.

24 MS. LAMBERTON: That's
25 wonderful. So they all fall underneath this

27

1 agreement?

2 MS. HAASE: Just for Tobyhanna
3 Township. Police is separate and I think EMS is
4 separate as well.

5 MS. LAMBERTON: Do we need to
6 take action on it?

7 MS. PICKARD: I make a motion
8 that we approve the RSVP Memorandum of
9 Understanding.

10 MS. LAMBERTON: Very good. I
11 have a motion.

12 MR. MOYER: Second.

13 MS. LAMBERTON: I have a motion
14 and a second.

15 Heidi, we'll call the vote?

16 MS. PICKARD: I vote in favor.

17 MS. LAMBERTON: Donny?

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

19 MS. LAMBERTON: I'll vote in
20 favor. Motion passed.

21 Amendment No. 1 to the
22 intermunicipal sewage collection and disposal
23 service agreement with Pocono Township. Open that
24 up for discussion?

25 MR. ARMSTRONG: Sure. I'll

28

1 start. The board is likely aware there's an
2 Amendment No. 1 to the intermunicipal sewage
3 collection and disposal services agreement that the

4 township entered into with Pocono Township possibly
5 close to two years ago, in association with the
6 Kalahari Resorts plan. If you recall I received a
7 draft probably sometime in mid January and then I
8 provided some track changes to Pocono Township
9 asking for changes to be made. As you can see from
10 the draft that was circulated last week not many of
11 those changes are being accepted.

12 There are a few that I just want
13 to discuss with you briefly, unless -- does the
14 board have any questions or comments of your own
15 before I go through them?

16 MS. LAMBERTON: I do not.

17 MR. ARMSTRONG: The gist of the
18 -- the big change that they are agreeable to is
19 this new connection point that's going to tie in
20 the Tobyhanna Township collection system to the
21 Pocono collection system will put it through the
22 pump station owned and operated by Pocono Township
23 at this time. My understanding for Phase I of the
24 Kalahari Resorts project plan, there is no
25 renovations, no improvements needed to the pump

1 station for Phase I of the proposed plan. It's for
2 Phases II and III where it gets a little
3 complicated if that connection would be kept. As
4 that pump station will need significant
5 improvements in order to handle the increased
6 capacity for Phases II and III.

7 What this agreement does is it
8 allows Tobyhanna Township to, rather than -- for
9 Phases II and III, rather than keep this new
10 connection point, to go back to the original
11 connection point that was part of the original land
12 development plan and thereby eliminating the need
13 for these improvements to the pump station at the
14 Pocono Township collection system.

15 However, as with the other
16 sewage agreement with Pocono, if you do maintain
17 this connection point for the future phases,
18 meaning Phases II and III going forward, there will
19 be financial security requirements associated with
20 the improvements, as well as the actual cost of the
21 improvements to the Pocono Township pumping
22 station. And by way of this agreement, those
23 requirements and those responsibilities will be
24 placed on Tobyhanna Township.

1 have suggested that Tobyhanna Township secure the
2 financial securities from Kalahari, Pocono Manor
3 directly in this agreement and not have them post
4 those final securities directly. And further that
5 the cost associated with reimbursement for Pocono
6 Township be paid directly by Kalahari and/or Pocono
7 Manor. They are still insisting, they being Pocono
8 Township, are insisting that those costs be paid
9 directly by Tobyhanna Township. The reason I bring
10 this up is, the original sewer agreement for the
11 sewer charges, we are paying them. Tobyhanna
12 Township is a customer of Pocono Township. We are
13 paying the sewer charges. But when it came to the
14 pretreatment potential improvement and certain
15 reservation rights, Pocono Township initially
16 agreed to and allowed those payments be made
17 directly by Kalahari and Pocono Manor.

18 And the logic was --
19 logistically it made sense, rather than having
20 Tobyhanna Township being the middle man more so
21 than they need to be. This time around for some

22 reason or another Pocono Township is asking that
23 those reimbursements be clear that they're going to
24 be made directly by, or required to be secured by
25 Tobyhanna Township. Now, they do still allow

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1 Kalahari, Pocono Manor to post them for us, but
2 it's not clear -- well, it is clear, that if for
3 some reason Kalahari and Pocono Manor do not, we
4 are on the hook. Whereas, the language that I had
5 put in made it clear that the requirement was that
6 Tobyhanna Township would have Kalahari and Pocono
7 Manor post those requirements. This is ultimately
8 -- I have my suggestion. I think you're all aware
9 of it, but ultimately this will -- if the board's
10 comfortable with this specific provision and this
11 specific language in the agreement, that's
12 something that the board can decide.

13 Other items are in the
14 agreement, it's not only the potential improvements
15 to the pump station but they also tie into the
16 Pocono collection system, meaning if there are
17 necessarily improvements to the Pocono collection

18 system, which is down stream beyond the pumping
19 station, they're including that requirement in this
20 agreement. What I would suggest is to just again
21 go back to Pocono Township and make it clear that
22 the Pocono collection system improvements, if
23 they're necessary due to the connection at the pump
24 station, meaning, if we do go back to the original
25 connection point, there was no potential

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1 requirement to improve the Pocono collection
2 system. And I want to make it clear that only if
3 we remain connected at the pump station of Pocono
4 Township will that potential requirement be a
5 condition of the agreement.

6 Do you all understand that?

7 MS. LAMBERTON: Absolutely.

8 MS. PICKARD: So we're going to
9 go to the pump station now with them? We're going
10 to go back to the easements from the --

11 MS. LAMBERTON: Right now we're
12 going into Manhole 1 for Phase I, is what we're
13 most likely going to do. We're going to be moving
14 forward trying to obtain -- or obtaining easements

15 from five properties.

16 MS. PICKARD: Yeah.

17 MS. LAMBERTON: And if that's
18 the case then at that time for future phases we
19 will go into Pump Station 1.

20 MR. ARMSTRONG: Yes. What this
21 amendment is doing is it's keeping that option
22 open. And it's keeping that option to be a
23 Tobyhanna Township decision, whereas at the end of
24 the day if Kalahari, Pocono Manor, Toby and Pocono
25 Township can figure out a way to make those

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1 easements work or get those easements, you know,
2 that's probably the best way to go. So we wanted
3 to keep that option open and that's what this
4 amendment does.

5 MR. MOYER: Leaves it open and
6 goes back to the original --

7 MS. PICKARD: But then they're
8 still doing the re-rating on the pump station?

9 MS. HAASE: At this particular
10 point, no.

11 MR. ARMSTRONG: My understanding
12 is that there is no re-rating needed for -- that
13 was a news flash a few weeks ago that there is no
14 -- according to the last conference call that we
15 had with the engineers, there is no re-rating
16 needed for Phase I, which was a surprise because
17 all along we thought the re-rating --

18 MS. PICKARD: I thought it was
19 for Phase II.

20 MR. ARMSTRONG: So did I.

21 MS. HAASE: Phase I, just to be
22 clear, Phase I we were fine with the flows. Phase
23 II and future phases, that is what we needed to
24 address. And we met last week with Pocono Township
25 and their engineers and what we were informed at

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1 that time, at that particular time we were still
2 moving forward with re-rating. But when they
3 worked out their figures and what they've already
4 promised to some of the players south of that
5 station, the engineer felt more comfortable with a
6 different figure than what we were proposing for
7 the gallons per day. They wanted to get to a

8 specific number and it only allowed 80 percent
9 flows. Anything over that 80 percent was going to
10 be reduced off of what was going to be allocated to
11 Kalahari and Tobyhanna Township. At that
12 particular point it just didn't make sense to
13 continue moving down that path, so we're looking at
14 different options at this point.

15 MS. PICKARD: And the phases are
16 now stages?

17 MS. HAASE: The phases are
18 stages, so that's something that's going to need to
19 be addressed as well.

20 MS. PICKARD: So this will be
21 changed?

22 MR. ARMSTRONG: It's going to
23 have to be.

24 MS. PICKARD: And then whatever
25 they're making us pay or however you're switching

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1 it around, you're switching it with our agreement
2 with Kalahari, but they have to pay us now so we
3 can pay them?

4 MR. ARMSTRONG: I'm hoping
5 Pocono will have a change of heart, but at the end
6 of the day I'm getting the vibe that the board is
7 agreeable if they do not.

8 MS. PICKARD: As long as you
9 have it covered on your end.

10 MS. LAMBERTON: Right.

11 MR. ARMSTRONG: That brings me
12 to my -- there are a couple other smaller items but
13 I don't want to take up your time this evening.
14 The one other big item, what I had put in there --
15 in the original agreement there's a provision in
16 there that allows the BCRA to shut off water,
17 terminate water in the event that Kalahari fails to
18 pay and also if they fail to pay the sewer. The
19 provision I have been trying to get in since the
20 onset is to in the event that the water is
21 terminated and no further, obviously, providing
22 water service, there's not going to be any sewer
23 going through the lines. So what I put in this
24 agreement which again has been taken out is, in the
25 event that the water is terminated the sewer should

1 be terminated and therefore no additional user fees
2 should be charged to Tobyhanna Township. They've
3 taken it out again. I will ask that the board
4 stand firm on this or at least get some kind of
5 middle of the ground resolution with Pocono on this
6 particular item.

7 MS. LAMBERTON: How does Pocono
8 Manor and Kalahari feel about it when it's
9 presented to them because it ultimately -- they're
10 going to have to agree to pay for it.

11 MR. ARMSTRONG: Right. But the
12 issue is, if water is terminated -- the reason it's
13 terminated is because Kalahari and/or Pocono Manor
14 haven't been paying their bills.

15 MS. LAMBERTON: Okay.

16 MR. ARMSTRONG: If sewer's not
17 going to be terminated at that time, there's going
18 to be continued charges from Pocono to Tobyhanna
19 Township. And if Kalahari and Pocono Manor haven't
20 been paying their bills they're not going to --
21 it's basically they're going to be in default. So
22 if those sewer bills are going to continue to
23 accrue against Tobyhanna Township, Tobyhanna
24 Township is going to be in a pickle. So I'm asking
25 that in the event that the water is terminated,

1 similarly the sewer should be terminated. Okay?

2 MS. LAMBERTON: Fair enough.

3 MR. ARMSTRONG: There's a lot of
4 issues here that I think everyone's aware that I've
5 been --

6 MS. LAMBERTON: No, I
7 understand. I just wanted to understand what you
8 were saying.

9 MR. ARMSTRONG: This is one that
10 I would -- along with the other ones. But this is
11 one that's standing in my mind that you really need
12 to stand firm on and get Pocono --

13 MR. MOYER: Water stops, sewer
14 stops?

15 MR. ARMSTRONG: Right.

16 MS. PICKARD: Well, we are the
17 customer so it's us that wouldn't be paying our
18 bill.

19 MR. ARMSTRONG: Right. But the
20 reason we wouldn't be paying our bill is because
21 Kalahari, Pocono Manor isn't similarly paying us.

22 MS. LAMBERTON: Right.

23 MR. ARMSTRONG: So is the board

24 -- I'm really making sure that you're okay with me,

25 when I go back to Pocono Township, making this a

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1 sticking point of the agreement.

2 MS. LAMBERTON: I do not have a

3 problem with that.

4 MS. PICKARD: I don't have a

5 problem.

6 MS. LAMBERTON: As long as -- I

7 mean, I want you to have a conversation with the

8 Pocono Manor, Kalahari team as well so they know

9 that it's their responsibility ultimately. It is a

10 water park, there're going to need water. They're

11 going to pay their bills. Absolutely. So I

12 understand your concern.

13 MS. HAASE: Pat, the one thing I

14 did want to -- in our meeting last week we also

15 spoke about a letter of credit that was going to

16 have to be put forward. I didn't see anything in

17 here unless I overlooked this.

18 MR. ARMSTRONG: There's two

19 sections where a letter of credit will need to be
20 posted. And I --

21 MS. HAASE: But it was to come
22 from Kalahari, not Tobyhanna Township.

23 MR. ARMSTRONG: Well, that's the
24 thing. That's what I was talking about a little
25 earlier. In the past, under the original agreement

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1 for the pretreatment, Pocono was agreeable to
2 allowing that to come directly and basically having
3 Tobyhanna Township simply agree and be obligated to
4 have Kalahari and Pocono Manor to post it.

5 MS. HAASE: Correct.

6 MR. ARMSTRONG: These recent
7 changes which are again some of the changes I'm
8 going to go back at again with Pocono Township is
9 that now they're wanting the responsibility solely
10 on Tobyhanna Township. They'll accept one from
11 Kalahari and Pocono Manor but it's going to be
12 solely on Tobyhanna Township.

13 MS. HAASE: My impression after
14 leaving that meeting -- and Anne, I know you were

15 there, so correct me if I'm wrong, but it was my
16 impression that Attorney McManus and Matergia both
17 agreed that it would be difficult for the township
18 with a letter of credit.

19 MS. LAMBERTON: Yes.

20 MS. HAASE: So that's why I was
21 surprised that Tim didn't agree to changes in here
22 because that's what was discussed.

23 MS. LAMBERTON: Absolutely.

24 MR. ARMSTRONG: That's one
25 provision. I mean, he does have kind of some

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1 general language but I'd like it a little --

2 MS. HAASE: Clear.

3 MR. ARMSTRONG: Yes. I didn't
4 want to get into specific details but that's
5 another item that I'm going to discuss with
6 Pocono's solicitor, as well as some timing. If you
7 see in here -- I mean, they have seven days, they
8 have 25 days. Their customer is Tobyhanna
9 Township. You guys don't meet in seven says if
10 something's going wrong. So I'm again pushing for
11 the 30 days, the 45 days. You need a timeframe --

12 MR. MOYER: Makes more sense.

13 MR. ARMSTRONG: -- because if
14 you think about it, these time frames, if there's
15 an issue it's not just Tobyhanna Township and
16 Pocono. If it was it still wouldn't be that simple
17 because you have to have a public meeting. We then
18 have to go to Kal -- so there has to be some buffer
19 in timing.

20 MR. MOYER: We need time, yeah.

21 MR. ARMSTRONG: And I'm hoping
22 the second time around they'll understand that and
23 they'll be agreeable to some of these extended time
24 frames that I'm trying --

25 MR. MOYER: At least 30, if not

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1 40.

2 MR. ARMSTRONG: Right.

3 MR. MOYER: Because there's more
4 players and advertising and the whole nine yards.

5 MS. HAASE: Right. Exactly.

6 MR. ARMSTRONG: That's one of
7 the smaller ones I don't think should be an issue.

8 The bigger ones are the ones I discussed with you.

9 MS. LAMBERTON: Understood.

10 MR. ARMSTRONG: Aside from what
11 we've already gone over and what Phyllis has
12 brought up, are there any other specific items --
13 what I intend on doing is calling the solicitor for
14 the -- their special sewer solicitor for the
15 township to go over this agreement and maybe get
16 another version back to him. Are there any
17 concerns or comments from the board or Phyllis at
18 this time to me? And what I'll do is I'll keep,
19 like I have been in this process, I'll keep you in
20 the loop, provide you with copies of my track
21 changes and hopefully we'll get this going for your
22 April meeting.

23 As you're aware, this agreement
24 has to be authorized and adopted by an ordinance.
25 It's an intermunicipal agreement, so there's a

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1 requirement in state law that you have to adopt it
2 -- authorize it for adoption by ordinance. And
3 that requires a seven day legal ad, which requires
4 a couple day advanced notice to the newspaper.

5 MS. HAASE: And that's where I'm
6 jumping in. I'm going to ask the board if you
7 would consider a special meeting for March 25th,
8 which is a Wednesday, 8 a.m. What I'd like to do
9 is advertise for this. And of course it's going to
10 be contingent upon the agreement of the two
11 solicitors. But I also have some other business
12 that at that particular time we'll need to
13 consider. We are going to be looking at an
14 amendment to the resort signage ordinance. So at
15 that time I would be looking for a recommendation
16 or approval from the board for advertisement. I'm
17 going to have a release at that time for another
18 reduction of the bond. And there's two other items
19 pertaining to the sewer, and I'm bringing it up at
20 this point because I don't know how Pat wants to
21 integrate the one topic perhaps when he's amending
22 the Kalahari agreement. We addressed this. The
23 EDUs are going to be sold to Kalahari from what
24 were being purchased from Pocono Township, but we
25 did speak with regards to administration fee.

1 So we're going to have to set
2 that administration fee, whether it's so many
3 pennies on the gallon or a percentage rate or how
4 we're going to look at that. But we're going to
5 have to do that soon because I'm looking at
6 potentially next month we'll begin the process with
7 Pocono Township and the dedication of the lines.
8 And at that particular time I'll need to purchase
9 the EDUs and sell them to Kalahari. So that needs
10 to be resolved prior to that.

11 I also need to reach out to Aqua
12 to come back with a quote for me for the
13 administration and the operation maintenance of
14 those lines and the cleaning of the baskets and et
15 cetera. So I'm going to also get a price from
16 them, because I will need to bring them in prior to
17 the dedication to go through the O&M manuals and
18 all the agreements pertaining to that. They need
19 to review it, go out with the engineers, learn the
20 system, learn the controls. So that I'm going to
21 be working on as well. So there's a lot of parts
22 to this to all bring this together for our June
23 opening. But most importantly we will have to
24 address the administration fee which will lead to
25 Pat.

1 MR. ARMSTRONG: I think -- I can
2 talk to you afterwards. I think there's a
3 provision in the sewer agreement between Tobyhanna
4 Township and Pocono Manor and Kalahari that
5 addresses the potential administrative fee. For
6 some reason I think there's --

7 MS. HAASE: I don't think it
8 spoke to an amount.

9 MR. ARMSTRONG: I think there's
10 a way we get to an amount. And I think it might
11 involve the auditor to come up with an accurate or
12 reasonable administrative amount. But what we'll
13 do is I'll track that provision down and we can
14 talk through that to see how we can -- obviously
15 when this first gets going the administrative cost
16 is going to be really a best guess. After the
17 first year you'll probably have a better idea as to
18 what all this is going to involve and the time it's
19 going to require for the township staff.

20 MS. HAASE: Exactly. Would that
21 be agreeable to the board that we advertise a
22 meeting for the 25th at 8?

23 MS. MOYER: Yes.

24 MS. LAMBERTON: Anything else on
25 the collection agreement? I guess we just wait to

45

1 hear from you?

2 MR. ARMSTRONG: Yes. Like I
3 said I plan on having a conversation tomorrow and
4 we can get some revisions out.

5 MS. LAMBERTON: Tomorrow at 9?

6 MR. ARMSTRONG: Right after my
7 hearing. I do have a hearing.

8 MS. LAMBERTON: Move on to the
9 deed of dedication from Tobyhanna Township
10 Volunteer Fire Company to Tobyhanna Township, the
11 Blakeslee Firehouse.

12 MR. ARMSTRONG: Yeah, and I see
13 Ed Tutrone is in the audience. The board may
14 recall, you had asked and I have prepared a deed of
15 dedication from the Tobyhanna Township Volunteer
16 Fire Company to Tobyhanna Township. It's my
17 understanding that this has been the intent of the
18 township and fire company for some time. The

19 township has historically helped with the cost or
20 solely maintained the building. And the fire
21 company is agreeable to dedicating the property
22 over to the township at no cost.

23 So what I did, I prepared a deed
24 of dedication -- a dollar, yes. -- a deed of
25 dedication for the volunteer fire company to

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1 consider at their next meeting and approve.

2 MR. ED TUTRONE: Just for the
3 record, Pat, we did approve at our November 6, 2013
4 meeting to turn it over, the fire company.

5 MS. LAMBERTON: Ed had wanted to
6 do this for a while.

7 MR. ARMSTRONG: What was that,
8 Ed?

9 MR. ED TUTRONE: November 6,
10 2013.

11 MR. ARMSTRONG: Can you --
12 actually before I go any further I'd be remiss if I
13 didn't remind the board. I do represent the
14 volunteer fire company for certain general matters.
15 And I'm glad you're here. I'm bound to disclose

16 that to both parties. The deed of dedication is --
17 I have prepared it, however, I have represented the
18 fire company in the past, so I'm disclosing the
19 fact that there is an appearance of a conflict of
20 interest there. I do have a waiver letter for both
21 the board of supervisors as well as the fire
22 company to consider and execute, if you're
23 agreeable, to waiving that conflict of interest.
24 If not you can seek alternative legal advise.

25 MS. LAMBERTON: I'm fine with

47

1 that.

2 MR. ED TUTRONE: The fire
3 company has no problem --

4 MR. MOYER: We'll sign the
5 waiver.

6 MR. ARMSTRONG: After that is
7 done, Ed, you can take the deed of dedication back
8 with you. It'll have to be executed by an
9 authorized member of the department.

10 MR. ED TUTRONE: I'm authorized
11 to do that as vice president. I can do it tonight.

12 MR. ARMSTRONG: Okay. Perfect.

13 The only other item associated
14 with that is title insurance. I brought this up
15 previously. I always recommend getting title
16 insurance. Given the fact that the parties
17 involved and the history here, I don't know if you
18 want to go through the expense, but that's a
19 decision for the board. If not, at the very least,
20 I'd recommend an affidavit of title from the fire
21 company.

22 MS. LAMBERTON: I don't think
23 the title insurance will be that expensive. I
24 think we should do it the right way.

25 MS. PICKARD: We did the search.

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1 MR. ARMSTRONG: It was a
2 certificate, some kind of a certificate. It wasn't
3 --

4 MS. PICKARD: She gave him --

5 MR. ARMSTRONG: I wasn't a full
6 title search. It was very similar if not identical
7 to a title search, but she characterized it as a
8 certificate or something or other.

9 MS. LAMBERTON: I would
10 recommend a title search.
11 MS. HAASE: A title search or --
12 MS. LAMBERTON: I think title
13 search -- title insurance, I'm sorry. I apologize,
14 title insurance.
15 MR. ARMSTRONG: Okay?
16 MS. LAMBERTON: Yes. I'm fine
17 with that.
18 MS. PICKARD: Joan already did
19 the search already and had it done.
20 MR. ARMSTRONG: According to the
21 certificate we received, there's no liens, there's
22 no encumbrances, there's no mortgages, but, you
23 know, it's still good to secure title insurance.
24 MS. LAMBERTON: Very good.
25 MR. ARMSTRONG: I said this time

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1 and time again, the board is still agreeable to
2 move forward accepting dedication of the property,
3 correct?
4 MS. MOYER: Yep.

5 MS. LAMBERTON: Yes.

6 MR. ARMSTRONG: I just needed to

7 make that clear.

8 So, Ed, if you'll stick around

9 after the meeting.

10 MS. LAMBERTON: Is that all?

11 MR. ARMSTRONG: That's all for

12 --

13 MS. LAMBERTON: Has far as the

14 request --

15 MS. HAASE: Yes, ma'am. We have

16 a request for a credit reduction for Category 1

17 improvements. It's Request No. 14, Draw 16 from

18 Kalahari in the amount of \$218,198.27. Our

19 township engineer has reviewed and I'm ready to

20 release the funds with your approval.

21 MS. LAMBERTON: Okay. I'll

22 accept a motion.

23 MR. MOYER: So moved.

24 MS. PICKARD: Second.

25 MS. LAMBERTON: I have a motion

1 and second. Comments or questions?

2 Heidi, call the vote?

3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: Donny?

5 MR. MOYER: I vote in favor.

6 MS. LAMBERTON: I'll abstain.

7 Motion carries.

8 We'll open it up to public

9 questions or comments if anyone has anything.

10 Sir, can you state your name

11 please?

12 MR. CARL HAMILTON: My name is

13 Carl Hamilton. Good evening.

14 MS. LAMBERTON: Good evening.

15 MR. KARL HAMILTON: I just

16 wanted to know something about Kalahari, big

17 subject. I live in Stillwater Estates and I'm here

18 as a private citizen, I have nothing to do with the

19 board. And I've seen a lot of Judge Judy, so I

20 wanted to make that clear.

21 I just want to know has anything

22 changed since it's gone from Stage 3 to seven

23 phases with our exit and entrance that was battered

24 around like a ping pong ball for a while, coming

25 out of our --

1 MS. LAMBERTON: Would you like
2 to comment on it?

3 MS. HAASE: Yes, sir. Actually
4 we met with the board and your management team I
5 want to say about six weeks ago, and also the
6 players of PennDOT. One of the conceptual plans
7 was going to be that that was going to be
8 restricted entrance, right turn in, right turn out
9 only. If you recall, I don't know if you
10 participated in it, the board of supervisors
11 thought it would be very informative to have a
12 meeting here and invite the residents of
13 Stillwater.

14 We had at that time State
15 Represent Mario Scavello in attendance and everyone
16 listened to your concerns. We did have two
17 representatives from PennDOT at that time. And
18 they realized that for this particular point of
19 this project that it would be difficult for you.
20 So, Kalahari and their engineering team and
21 PennDOT, they've all worked now and done some
22 studies that right now that's not going to be a

23 restriction to that entrance. There will be a
24 signal light there. What is going to happen is
25 Long Pond is going to be realigned with 380, so

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1 that will be different. Now, that is what it is
2 for right now.

3 MR. CARL HAMILTON: That's all
4 the part that we knew about, because I was at that
5 meeting.

6 MS. HAASE: We can't speak to
7 what's going to happen down the road with your
8 traffic --

9 MR. CARL HAMILTON: That's
10 exactly what I wanted to bring up was what's
11 happening as of right now. Because it was bounced
12 around, you know? No left turn, now we have a left
13 turn, they're going to leave it alone, moving Long
14 Pond. You know, they're doing a whole bunch of
15 stuff but I was just curious what it is as of right
16 now.

17 MS. HAASE: For right now
18 there's going to be no changes. You will maintain
19 a signal light there, it will not be a restricted

20 access. The realignment of Long Pond will
21 continue. Down the road we don't know. PennDOT
22 issued a letter to the township and as well as your
23 development stating right now this is what was
24 going to be.

25 MR. CARL HAMILTON: Okay.

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1 MS. HAASE: We don't know what's
2 going to come down the road with additional
3 development east or west of 940 that may affect
4 that interchange, but right now you're good.

5 MR. CARL HAMILTON: Outstanding.

6 One more question. Do you know
7 if they're on time with their opening, whatever
8 they're going to go for? Because they're talking
9 about springtime. Springtime is a couple days
10 away, but it goes way into June or wherever -- then
11 where summer comes in. So that's a big --

12 MS. HAASE: Well, actually all
13 along we were shooting for end of May beginning of
14 June for Kalahari. And they are right now
15 proposing to be opened, I believe the 26th of June.

16 So they have been working around the clock and
17 diligently to get that done.

18 MR. CARL HAMILTON: I know that.
19 Every time I go down 314 they're stopping you and
20 saying hello. And like this fine lady, I'm looking
21 forward to that steakhouse too.

22 MS. HAASE: I know, we have a
23 problem with that.

24 MR. CARL HAMILTON: I would love
25 to see more restaurants around here. That's got

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1 nothing do with Kalahari.

2 MS. HAASE: Actually, Carl,
3 fortunately, Kalahari's going to be having
4 restaurants and eateries inside. There's going to
5 be, right now since the steakhouse has moved,
6 there's still going to be a fine eatery inside, but
7 there's a lot of different restaurants and it's
8 going to be open up to the public, not just for the
9 people staying there.

10 MR. CARL HAMILTON: I'm just
11 hoping you don't have to get a ticket for Africa
12 before you have to pay for all that stuff. I just

13 hope that they know that you're not a bunch of
14 people with a bunch of money around here. You
15 know, a steakhouse is going to be nice but it's not
16 going to be like 75 bucks for a meal. I don't want
17 to know about that because they won't see us.

18 MS. HAASE: Phase D we'll find
19 out.

20 MR. CARL HAMILTON: Thank you,
21 Phyllis. Thank you.

22 MS. LAMBERTON: You're very
23 welcome.

24 Anyone else? I'll accept a
25 motion to adjourn?

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1 MS. PICKARD: So moved.

2 MR. MOYER: Second.

3 MS. LAMBERTON: I'm sorry, we'll
4 leave it open and we'll be going into executive
5 session. I apologize.

6 (Discussion off the record.)

7 MS. LAMBERTON: Motion to
8 adjourn?

9 MR. MOYER: So moved.
10 MS. PICKARD: Second.
11 MS. LAMBERTON: In favor?
12 (All say aye.)
13 (Meeting concluded at 7:55 p.m.)

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I hereby certify that the

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proceedings are contained fully and accurately, to

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the best of my ability, in the notes taken by me at

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the meeting in the above matter; and that the

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foregoing is a true and correct transcript of the

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same.

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JOSEPHINE HOLLMAN, 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, March 25, 2015, beginning at 8 a.m.

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

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1 MR. HOLAHAN: Let's call the
2 meeting to order. Let's start with the Pledge of
3 Allegiance.

4 (Pledge of Allegiance.)

5 MR. HOLAHAN: Good morning,
6 folks. We're here for the March 25th special
7 meeting, so let's start with -- do we want to start
8 with the chief?

9 MS. HAASE: Yes, sir.

10 MR. HOLAHAN: Yes. Okay. So
11 we're going to switch the agenda a little bit here.
12 We'll start with Chief Wagner, please.

13 CHIEF CHRISTOPHER WAGNER: In
14 about, I want to say late October, early November,
15 the Pocono Mountain Regional Police Commission was
16 approached by Barrett Township. Essentially what
17 they were doing is they were looking at the
18 feasibility of joining the regional police. That

16 it.

17 MS. LAMBERTON: Is there
18 anything outstanding that anybody brought to
19 anyone's attention in the MOU that --

20 CHIEF CHRISTOPHER WAGNER:
21 There's a couple issues that have been raised
22 regarding the building, the Pocono Mountain
23 Regional Police Commission building, whether
24 Barrett would jump into the mortgage on that,
25 whether they would pay some sort of rent or there

4

1 would be some sort of agreement or nothing. That's
2 been one of the questions raised.

3 Other than that there's been
4 questions about the makeup of the police
5 commission. Barrett and the MOU is requesting to
6 bring one representative onto the commission, and
7 there's been some discussion about that. So those
8 are still some hurtles that need to be worked out.
9 Other than that I think those are the two main
10 things.

11 On the operational level we've

12 already dealt with the pension issues and sick
13 times and things like that. So those have kind of
14 been worked out.

15 MS. LAMBERTON: And those other
16 issues can be rectified by your commission?

17 CHIEF CHRISTOPHER WAGNER:
18 Right.

19 MS. LAMBERTON: Okay. I have no
20 other questions.

21 MR. KERRICK: I have a few
22 questions. You said you did a -- did you do a
23 study, an actuary study on the pension?

24 MR. WAGNER: We did not --

25 MR. KERRICK: The only reason

5

1 I'm concerned about that, I guess I should give you
2 the history is, I don't want to see our taxpayers
3 here have to pay anymore as far as a PPU -- or not
4 the PPU, the MM0.

5 CHIEF CHRISTOPHER WAGNER: The
6 MM0. Barrett -- and we've had Pennsylvania
7 Municipal Retirement System involved as well as
8 PFMR pension company and Conrad Siegal who's our

5 question.

6 How about the PPU charged? How
7 often do you -- is that all stuff you're going to
8 figure out down the road.

9 CHIEF CHRISTOPHER WAGNER: Yeah.
10 The PPU will actually be reduced. I believe it
11 goes -- right now it's about 40,000 and maybe some
12 change, and once they come on, I believe it will be
13 reduced to about 37 and some change. So there's
14 some mild savings there.

15 MR. KERRICK: So would they pay
16 slightly higher if they don't get involved in the
17 mortgage? Could that be worked out? Did you look
18 at that or no?

19 CHIEF CHRISTOPHER WAGNER: I
20 haven't looked at that, no, how that would work out
21 because again, there hasn't been really any solid
22 decision on what's going to happen with the
23 mortgage.

24 MR. KERRICK: Okay. I think
25 it's a good thing personally. I just was concerned

1 about Tobyhanna Township taxpayers that's all.

2 CHIEF CHRISTOPHER WAGNER:

3 Right. Absolutely.

4 MS. PICKARD: I just had that
5 question. If they don't pay into the mortgage, the
6 mortgage -- if the commission would dissolve, would
7 not just go to Barrett. It says the assets would
8 be split. So if they become part of it they would
9 not be part of the building.

10 MR. WAGNER: Right. My
11 understanding is it would kind of become a wash.
12 They wouldn't pay into the mortgage. And the
13 mortgage is separate from the actual budget. So
14 you have your mortgage payment and you have your
15 budget payment. So all municipalities that are
16 paying on the budget receive equity, obviously. If
17 Barrett doesn't join in on the mortgage they simply
18 just have no equity. So should we ever sell the
19 building for whatever reason, they wouldn't be a
20 part of whatever that sale was.

21 MS. PICKARD: Because we've been
22 paying in for over ten years.

23 CHIEF CHRISTOPHER WAGNER:
24 Right.

25 MR. HOLAHAN: Right.

1 MS. PICKARD: So it would kind
2 of be difficult to add them.

3 MR. HOLAHAN: That's a good
4 point.

5 Anybody have anything else?
6 Patrick?

7 MR. ARMSTRONG: With respect to
8 the mortgage, they just refinanced their refunding
9 on that. And there would have to be -- I mean, the
10 member municipalities are each a party to that
11 note, not the Pocono Mountain Regional Police
12 Commission. So I'm assuming there's been
13 discussions as to how Barrett would pay into -- I'm
14 assuming they're going to be paying into the
15 regional or the member municipalities. But I
16 haven't been party to those conversations, but
17 that's going to have to be --

18 CHIEF CHRISTOPHER WAGNER: You
19 mean as far as if they would rework mortgage?

20 MR. ARMSTRONG: Right.

21 CHIEF CHRISTOPHER WAGNER: Yeah,
22 that would be a major undertaking.

23 MS. HAASE: I don't think the
24 commission was interested in reworking the
25 mortgage. It was we're deciding whether or not

9

1 they should pay a portion in towards rent and what
2 the portion would be.

3 MR. ARMSTRONG: Okay. To the
4 regional? Okay.

5 MS. HAASE: For the use of the
6 building.

7 MR. KERRICK: And going forward
8 if anyone else would join, Phyllis, it would be the
9 same, another municipal, you would just do the
10 rent? You would just leave the mortgage alone at
11 this point?

12 MS. HAASE: We would leave the
13 mortgage. I believe we only have like seven years
14 left.

15 CHIEF CHRISTOPHER WAGNER: About
16 six or seven.

17 MS. HAASE: Six or seven years
18 left, so it just wouldn't make sense to bring them
19 on.

20 MR. HOLAHAN: Yeah, they'd be
21 taking an equity possession for --
22 MR. KERRICK: Understood.
23 MS. PICKARD: We could just let
24 them pay all the maintenance costs though.
25 CHIEF CHRISTOPHER WAGNER: Well,

10

1 that's actually worked into the PPU. So electric
2 and building maintenance is worked into what they
3 would be paying in.
4 MR. ARMSTRONG: The MOU is
5 proposed between Barrett Township and the regional?
6 CHIEF CHRISTOPHER WAGNER:
7 Right.
8 MR. ARMSTRONG: So this board
9 isn't going to be a party to that MOU at this point
10 in time.
11 I just want to get an idea as to
12 what the regional is looking for at this point from
13 this board. And it looks like you're looking for
14 this board's potential support of the addition of
15 Barrett at this point in time?

16 CHIEF CHRISTOPHER WAGNER:

17 Essentially what --

18 MR. ARMSTRONG: With the
19 understanding that there's going to be an MOU and
20 then likely an amendment to that intergovernmental
21 agreement between the member municipalities for the
22 regional.

23 CHIEF CHRISTOPHER WAGNER:

24 Correct. What the commission is looking for is
25 basically a thumbs up or a thumbs down from the

11

1 municipalities to accept Barrett. The MOU is kind
2 of a bridge, if you will, into the 1996 agreement.
3 And then there would be an amendment made to the
4 '96 agreement.

5 MR. ARMSTRONG: Right. And then
6 once that amendment to the intergovernmental
7 agreement, the 1996 agreement is put together and
8 ready for adoption, you'd be advertising and
9 adopting the ordinance authorizing you to enter
10 into that then. So this is -- there is a
11 resolution, I believe, on the agenda that is
12 basically just asking this board's support of the

13 addition of Barrett with the understanding that
14 some additional items need to be finalized before
15 it's implemented completely.

16 MR. HOLAHAN: Okay.

17 MS. HAASE: Now, what I
18 will mention to the board, yesterday evening I
19 received an email that was forwarded to me from
20 Coolbaugh Township. Coolbaugh Township is in
21 agreement with Barrett joining. However, they
22 would like all of the governing bodies to consider
23 reducing the membership to only one person for each
24 municipality. I don't believe Tunk is in favor of
25 that. I haven't spoken to a representative of

12

1 Mount Pocono. I don't know exactly if that would
2 work in our favor to do that or not.

3 And then also there was
4 discussion about how they would pay towards the use
5 of the building, which we already are in those
6 discussions. So it's whether or not our governing
7 body is interested in reducing to only one member
8 from each municipality. And then I can get back in

9 touch with Coolbaugh Township and let them know.

10 MR. HOLAHAN: Do we need to have

11 that discussion now?

12 MR. ARMSTRONG: If that is the

13 direction that the regional members would go that

14 would clearly be in the amendment to the 1996

15 agreement. So that'll be before you when you adopt

16 the ordinance authorizing the execution of that

17 agreement.

18 MS. LAMBERTON: I think it's

19 working like it is.

20 MS. PICKARD: I don't agree with

21 changing at this time.

22 MS. LAMBERTON: I don't either.

23 MR. HOLAHAN: Nor do I.

24 MS. LAMBERTON: I say leave it

25 as it is.

13

1 MR. KERRICK: If they would add

2 one more than you would have an odd number which

3 would be good. Because years ago we allowed

4 Tunkhannock to put an addition on and then it

5 became an even number.

6 MS. LAMBERTON: So this would
7 help with --

8 MR. KERRICK: This would help if
9 you would just put the one.

10 MS. LAMBERTON: Yeah. I would
11 be in favor of leaving it alone. That's just me.

12 MR. KERRICK: Doesn't matter the
13 numbers, everybody --

14 MR. HOLAHAN: So we really
15 haven't given, by consensus -- we're just giving
16 you the direction that this board is headed when
17 you head into those negotiations.

18 MS. HAASE: Okay. That you
19 would like to leave it as is. As far as
20 negotiating some type of contribution for the use
21 of the building?

22 MR. HOLAHAN: You all can work
23 that out.

24 MS. PICKARD: And adding the one
25 member if that needs to be.

1 MS. HAASE: And the one member.

2 Yes. Thank you.

3 MR. HOLAHAN: Anything else?

4 Thank you, Chief.

5 CHIEF CHRISTOPHER WAGNER: Thank

6 you, Mr. Holahan.

7 MR. HOLAHAN: You guys want a

8 motion for the resolution now?

9 MR. KERRICK: Let's do that.

10 MS. LAMBERTON: I'll make a

11 motion to consider Resolution No. 2015-009 Barrett

12 Township joining Pocono Mountain Regional Police

13 Department.

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

15 Do I have a second?

16 MR. KERRICK: Second.

17 MR. HOLAHAN: Motion and second.

18 Further discussion from the

19 board? Anything from the public?

20 MS. HAASE: John, did you have

21 any other concerns about the pension?

22 MR. KERRICK: No, I --

23 MS. HAASE: You're good with it?

24 MR. KERRICK: I just was worried

25 about the MMO and what it would cost us. But it

1 sounds like pretty the same. I doubt it would be
2 less but nothing ever goes down.

3 MR. ARMSTRONG: Some of those
4 discussions are going to take part. I'm assuming
5 you guys are delving into the collective bargain
6 agreements between the two departments?

7 CHIEF CHRISTOPHER WAGNER:
8 That's pretty much already worked out, yeah, with
9 seniority and everything like that.

10 MR. ARMSTRONG: Not senior --
11 you said Barrett currently the officers don't pay
12 into the MOU. Basically it's state aiding or
13 Barrett Township's paying the full MM0.

14 CHIEF CHRISTOPHER WAGNER:
15 Right.

16 MR. ARMSTRONG: I don't know if
17 that's the case for the regional, but that's
18 usually a provision within the collective
19 bargaining agreement as to what percentage, if
20 anything, officers are paying into. But I'm
21 assuming the regional and Barrett have been in
22 discussions with respect to that aspect.

23 CHIEF CHRISTOPHER WAGNER: To

24 the payment, yes.

25 MR. KERRICK: I do have one

16

1 other question if I can ask it.

2 MR. HOLAHAN: Please.

3 MR. KERRICK: Did you go to a
4 two tier with new hires as far as retirement?

5 CHIEF CHRISTOPHER WAGNER: Yes.

6 MR. KERRICK: So they'll be on
7 the second -- the new tier?

8 CHIEF CHRISTOPHER WAGNER:
9 They'll actually be on a third because they have
10 cost of living increase. So we'd go to a three
11 tier. So anyone hired prior to January 1st of 2014
12 would be at the 65 percent; anybody hired after
13 January 1st, 2014 is at 50 percent; and Barrett
14 would be at 50 percent with a cost of living.

15 MR. KERRICK: Okay. Just the
16 Barrett officers?

17 CHIEF CHRISTOPHER WAGNER: Just
18 the Barrett officers, right. Yes.

19 MR. KERRICK: Thank you.

20 MR. HOLAHAN: Further
21 discussion?
22 Hearing none, call the vote.
23 John?
24 MR. KERRICK: In favor.
25 MR. HOLAHAN: Heidi?

17

1 MS. PICKARD: I vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: I vote in favor.
4 MR. HOLAHAN: And I vote in
5 favor. Motion carries.
6 Thank you, Chief.
7 CHIEF CHRISTOPHER WAGNER: Thank
8 you.
9 MR. HOLAHAN: Let's go back to
10 the agenda here. Old business. Authorize
11 advertising public hearing proposed ordinance,
12 Amendment No. 1, the intermunicipal sewage
13 collection disposal services agreement with Pocono
14 Township.
15 MS. HAASE: Well -- go right
16 ahead. No, really, go right ahead.

17 MR. ARMSTRONG: Board members,
18 as you're aware, we've been going back and forth, I
19 guess, with Pocono Township since probably towards
20 the end of 2014 and January of 2015. And we've
21 recently last week received a what's my
22 understanding is a proposed final version from
23 Pocono. The two major concerns that I still have
24 are still not acceptable to Pocono. It's my
25 understanding that there may be some discussions

18

1 going on currently. I'm not party to them but the
2 two items are one, you know, the trigger points as
3 to the major upgrades to the pump station that we'd
4 be connecting to as to what should be attributed to
5 Tobyhanna Township.

6 It's my understanding that right
7 now according to the latest version we got back
8 from Pocono Township that regardless of where those
9 sewer flows are coming, the upgrades will be
10 required of Tobyhanna Township and in turn Kalahari
11 and Pocono Manor.

12 The other concern that I still

13 have is in the event that the water service is
14 terminated, under the agreement, you know, I wanted
15 to get something in there indicating that Tobyhanna
16 Township has an avenue to take in order to
17 terminate or at least significantly reduce the
18 sewer charges based on the water termination,
19 public water termination. Granted, the chances of
20 that happening anytime in the very near future is
21 like none. But you always have to look down the
22 road.

23 So those are the two items that
24 I still have a concern about. The changes, the
25 latest changes that I proposed were not acceptable

19

1 to Pocono Township. I think there are still
2 discussions going on, I may not be party to them.
3 But the understanding I have currently is that the
4 draft that I circulated last week after receiving
5 it is really the -- one of, if not the final offer,
6 so to speak, from Pocono Township.

7 So I don't know how the board
8 wants to proceed. I already have the draft
9 ordinance and legal notice, I think I circulated a

10 while ago. So it's ready to be advertised for
11 ordinance but the big question is, is this board
12 agreeable to the agreement Amendment No. 1 as is?

13 MS. HAASE: Just if I may
14 include, the last two days I've met with some other
15 parties of Tobyhanna Township -- with Pocono
16 Township regarding another matter. And as a dog
17 with a bone I am with this, haven't let it go. We
18 brought it up Monday and Tuesday. I have another
19 meeting today. I still maintain the township needs
20 to be protected and it's not an open-ended clause
21 that they can continue to charge us for the sewer
22 flows when there aren't any sewer flows. Right now
23 their resolution speaks to after a six month period
24 we would have the ability to go back and petition
25 them to a reduction or a buyback. Still six months

20

1 are quite hefty in fees.

2 My other concern is that is how
3 the resolution speaks as of this date. If it's not
4 written into the agreement -- we'd like that not to
5 be in at all, that we weren't going to be charged,

6 but if we don't have verbiage in it with some type
7 of a cap and they remove that section in the
8 resolution, it could be for a year or 18 months,
9 and I don't think we want to take on that
10 liability. If in fact they refuse to change this,
11 then I would propose that we would have PMI or
12 Kalahari put up a letter of credit or a bond to
13 protect us for that length of a period that Pocono
14 Township would be charging us.

15 But we certainly hope we can get
16 to some type of a -- we can solve this because I
17 don't think that this is a very difficult or
18 unreasonable request on behalf of Tobyhanna
19 Township. I really don't feel this is
20 unreasonable.

21 MR. KERRICK: I've gotta agree
22 with you.

23 MR. HOLAHAN: So what's the
24 scenario that would put us in jeopardy?

25 MR. ARMSTRONG: Scenario would

21

1 be -- I don't know the time frame -- but 10, 15
2 years down the road say something happens to

3 Kalahari, Pocono Manor, they go under, they stop
4 paying, water is terminated. And obviously if the
5 water is terminated it's because they're not paying
6 the user fees which means they're likely not paying
7 the sewer user fees. And therefore Tobyhanna's not
8 getting any payments from Kalahari, Pocono Manor or
9 Pocono Manor, but Pocono Township is still looking
10 to Tobyhanna Township for purposes of the sewer
11 charges. And the way Pocono Township charges their
12 customers and in turn Tobyhanna Township, is the
13 number of EDUs you're allocated, it's a base charge
14 per EDU, per quarter. It might be a monthly
15 charge.

16 MS. HAASE: I think it is also.

17 MR. ARMSTRONG: So they do have
18 a provision -- so they'll continue to look for
19 payments from Tobyhanna Township as a customer.

20 MR. HOLAHAN: Even though
21 there's no sewer flow.

22 MR. ARMSTRONG: Well, arguably
23 even though there's no sewer flow because the
24 water's been terminated. Now, they do have a
25 provision, as Phyllis indicated, in their

1 resolution that after six months we could petition
2 them and show them evidence that the sewage flow,
3 water flow increased to a certain amount, in this
4 case likely nothing, and we could request that the
5 charges, EDUs be decreased accordingly. We in turn
6 give up those EDUs. But the intent of my revisions
7 over the course of the last month and a half was to
8 try and get a provision in the agreement. Number
9 one, the first thing I requested was, well, if the
10 water is terminated, let's just terminate the
11 sewer, we'll give you the EDUs back and that's it.
12 But they didn't like that. Then I tried to refer
13 to the actually resolution provision that they have
14 currently, with the understanding I did have some
15 conversations with Kalahari, Pocono Manor. I
16 believe they'd be agreeable to either posting a
17 certain amount of escrow or a letter of credit.
18 I'd prefer the escrow, they prefer the letter of
19 credit. But we'd have to work that out at some
20 point in the near future if we cannot coordinate
21 with Pocono as to this sort of provision.

22 So that's the potential worst
23 case scenario. We'd stop getting any funds from

24 Kalahari, Pocono Manor because something happened
25 and Pocono would continue to look at us for paying

23

1 these user fees even though there's no water flow
2 to the property.

3 MS. PICKARD: And the six months
4 is in Pocono's resolution so that could be changed
5 without our knowledge.

6 MR. ARMSTRONG: That could be
7 changed.

8 MS. HAASE: It could be changed.

9 MS. PICKARD: Without being
10 advertised or --

11 MR. ARMSTRONG: Now, could it be
12 changed to 12 months, 18 months? I have a hard
13 time -- I mean, that's not really, from an
14 authority standpoint, that's --

15 MR. KERRICK: But the six months
16 is only to petition it.

17 MR. ARMSTRONG: Yes, there's no
18 guarantee --

19 MR. KERRICK: Our history with
20 Pocono Township it takes years. We might as well

21 be honest here.

22 MS. HAASE: There's no guarantee
23 that they'll --

24 MR. ARMSTRONG: There's no
25 guarantee.

24

1 MR. KERRICK: And there's
2 guarantee.

3 MR. HOLAHAN: And you're not
4 necessarily year after year dealing with the same
5 players either, so --

6 MS. PICKARD: Which may --

7 MS. LAMBERTON: Change next
8 year.

9 MS. HAASE: Just to be clear we
10 certainly anticipate that PMI and Kalahari would be
11 our neighbors for many, many years, but even though
12 they're very successful businesses, they could also
13 now sell to someone else and we'd have to deal with
14 those owners. So we need to be careful that we are
15 protected. And it's down the road, not now.

16 MR. HOLAHAN: Steve, you got any

17 intention of selling the place?

18 MR. PINE: No, but I don't want
19 to put up any kind of letter of credit either. I
20 mean, there's so many requirements that have come
21 our way so far that a letter of credit for this and
22 a letter of credit for that, an escrow for this,
23 you know, we're talking in the near tens of
24 millions of dollars just sitting there in case
25 something happens 15, 20 years from now. So it's

25

1 got to be up to Tobyhanna to negotiate with Pocono
2 Township to make that go away. And I support where
3 Pat's at, but we don't want to be putting anymore
4 money into escrow or letters of credit to --
5 letters of credit, as you all know are not free and
6 there's a reoccurring charge for them every single
7 year. And these kind of things get so expensive on
8 us that that's really the place we have to go. So
9 I don't know what we have to do. We need to meet
10 with the sewer comission director. I mean, right
11 now what's happening is you've got their solicitor
12 is the one who's holding us at bay right now.

13 MR. ARMSTRONG: I don't want to

14 get into those types of discussions.

15 MR. STEVE PINE: Well, I think
16 we need to have them because enough is enough.

17 MR. HOLAHAN: Well, we know
18 where Kalahari stands.

19 MR. STEVE PINE: Yeah, I don't
20 mean in this meeting but I thinking some of us need
21 to meet with them directly. That's all I'm saying.

22 MS. LAMBERTON: Set up a
23 meeting.

24 MR. KERRICK: On the other issue
25 we didn't even touch on that, the pump station

26

1 charges. How do they feel -- Pocono Manor slash
2 Kalahari feel about being a hundred percent
3 responsible?

4 MR. ARMSTRONG: For what?

5 MR. KERRICK: The pump station
6 upgrade, you said you had two things and I agree
7 with you --

8 MR. ARMSTRONG: Oh, yes. Yes.

9 MR. KERRICK: I don't feel it's

10 all their responsibility.

11 MR. ARMSTRONG: I think Pocono
12 Manor and Kalahari are on the same page as we are.
13 If there's -- and what we're talking about is the
14 trigger points for the upgrades.

15 MR. STEVE PINE: Right.

16 MR. ARMSTRONG: Right now -- to
17 put it in simplistic terms, right now Pocono
18 Township has the 41,000 gallons per day users on
19 their system. And obviously the trigger points
20 down the road that we'd be agreeing to if we stick
21 with this connection point for the upgrades to
22 their pump station, are set for a certain number of
23 gallons per day.

24 MR. JAMES CAHILL: 160 I think
25 it is.

27

1 MR. ARMSTRONG: In the agreement
2 the change that I was asking for were, okay, if it
3 goes above or close to the 160, if that increase is
4 attributable to the Tobyhanna collection system, in
5 turn Kalahari, Pocono Manor, then yes, we'd be on
6 the hook for the upgrades. But if it's not, if the

7 41,000 GPEs from the Pocono users were the cause of
8 it, maybe they went up to 50 or 60, then it
9 wouldn't be all on Tobyhanna Township, and in turn
10 Kalahari, Pocono Manor.

11 At this point in time it's my
12 understanding that Pocono is not agreeable to that,
13 that irregardless of where the increase comes from,
14 that we'd be on the hook.

15 MR. KERRICK: That's crazy.

16 MR. RALPH MATERGIA: If I can
17 address this. They're going to look at the
18 41,000 -- I mean, that's what they have to look at
19 first because the area that they're serving with
20 this pump station is not projected to have much in
21 the way of flows, if any. So that could be a
22 factor in this. And the other is if we resolve the
23 original point of connection issue, it's moot.
24 It's not going to matter.

25 MS. HAASE: Exactly.

28

1 MR. ARMSTRONG: So that's a -- I
2 mean, Ralph and I have talked about this. Really

3 the goal is to go back on the original connection
4 point and these upgrades won't ever be an issue.
5 But you have to understand, if you agree with this
6 agreement, if something does happen you're stuck
7 with this connection point and you can't go back.
8 You know, it's a potential issue that we're going
9 to have to cross down the road.

10 MR. HOLAHAN: Do you have
11 anything else?

12 MS. HAASE: I do not. I have
13 another meeting this afternoon at three o'clock.
14 Hopefully we'll get a positive feedback to some of
15 our questions and we'll get a positive answer. I
16 don't know if the board would like to wait until
17 the April meeting to advertise it.

18 MR. HOLAHAN: Of course I'm
19 concerned, I guess we're all concerned about the
20 timing of this too to make sure that Kalahari and
21 PMI don't get held up on this. So if we wait for
22 that, does that back us up another special meeting?
23 What's that advertising, ten days?

24 MR. ARMSTRONG: It's a seven day
25 advertisement, so if you authorize it today for the

1 13th meeting we'd be okay. But we don't really
2 know, is this the final agreement and if it is are
3 you agreeable to it? And if --

4 MR. HOLAHAN: No, I don't think
5 we are, right?

6 MR. KERRICK: No, but how many
7 changes can you make if you advertise it? Can't
8 you make some mild changes like take two things
9 out? Or is that not --

10 MR. ARMSTRONG: Substantive
11 changes --

12 MS. HAASE: I don't think this
13 would be considered --

14 MR. KERRICK: You wouldn't spend
15 the money to advertise it.

16 MR. ARMSTRONG: I would hold off
17 until you -- unless -- it sounds like the opinions
18 I'm getting is that you're not completely
19 comfortable with the way it's written right now?

20 MR. HOLAHAN: I think there's
21 probably still room to be able to speak with them
22 and have them understand.

23 MR. ARMSTRONG: Okay.

24 MS. PICKARD: We can't authorize

25 the advertising if it goes the way we want it?

30

1 MR. HOLAHAN: We'll be
2 advertising for the proposed ordinance the way it's
3 been given to us, correct?

4 MR. ARMSTRONG: Yeah, the
5 advertisement requirement is seven days. When
6 would we have to get it into the newspaper?

7 MR. KERRICK: Could we authorize
8 it or give them permission to advertise it when we
9 agree on it by emailing?

10 MS. HAASE: The first Thursday.

11 MR. KERRICK: Just trying to
12 save time.

13 MR. ARMSTRONG: It sounds like
14 we have, according to Phyllis, to get it in the
15 newspaper would be the first Thursday in April,
16 which is April 5th. If you wanted to consider a
17 conditional authorization of the advertisement
18 subject to Phyllis and/or I somehow getting Pocono
19 to agree to changes to those two provisions that
20 are acceptable at least for Phyllis and I, you can

21 do that with the understanding that when we have
22 the actual hearing -- when we have the actual
23 hearing and the agreement has whatever the
24 revisions are before you, if you're still not
25 agreeable to it, you don't adopt the ordinance for

31

1 the next --

2 MR. HOLAHAN: Okay.

3 MR. ARMSTRONG: You can do that
4 and then Phyllis and I just won't move forward with
5 the advertising if we can't get those changes by
6 the 5th. And if we can't then it's going to be
7 before you again on the 13th to decide whether or
8 not to move forward with the advertisement again or
9 not.

10 MS. PICKARD: All right. I'll
11 make that motion.

12 MR. HOLAHAN: Okay. Motion.

13 MR. ARMSTRONG: Ralph, do you
14 have anything to add?

15 MR. RALPH MATERGIA: My
16 suggestion would be to have a representative of
17 your board request to meet with the Pocono Sewer

18 Committee, because this discussion to be resolved
19 gets resolved at that level.

20 MR. STEVE PINE: Right.

21 MR. HOLAHAN: Okay. Noted.

22 MR. STEVE PINE: I just wanted
23 to make sure that if you're making a motion, no
24 offense, Pat, but you're quoting the wrong date.
25 April 5th is Easter Sunday. I think it's April

32

1 2nd, the first Thursday?

2 MR. ARMSTRONG: There's a time
3 frame you have to get an advertisement in to --

4 MS. HAASE: We're talking about
5 the advertisement.

6 MR. STEVE PINE: Isn't it April
7 2nd, and not April 5th is all I'm saying.

8 MR. ARMSTRONG: Oh, I'm looking
9 at March.

10 MR. STEVEN PINE: Right.

11 MR. ARMSTRONG: Okay.

12 MR. STEVE PINE: April 5th is
13 Easter Sunday, so I don't think you're going to get

14 anything in the paper that day.
15 MR. HOLAHAN: We'll put a flier
16 in there for it as an advertisement.
17 MR. ARMSTRONG: I think it would
18 be the Thursday before that Monday is the deadline
19 to get it into the paper is what you're saying.
20 MR. STEVE PINE: Be like the
21 2nd.
22 MS. HAASE: April 7th was --
23 MR. STEVE PINE: -- April 2nd.
24 MR. ARMSTRONG: Okay.
25 MR. HOLAHAN: So I have a

33

1 motion. Do I have a second?
2 You made a motion?
3 MS. PICKARD: Yes.
4 MR. HOLAHAN: Who second?
5 MR. KERRICK: If nobody did I
6 will.
7 MR. HOLAHAN: Okay. We got a
8 motion and second. And that's for the conditional
9 -- you've got the language correct?
10 MR. ARMSTRONG: It would be

11 you're authorizing the advertisement of the
12 ordinance to enter into the intergovernmental
13 agreement for amendment No. 1 with Pocono Township
14 subject to Phyllis and/or I --

15 MS. PICKARD: And a board
16 member?

17 MR. ARMSTRONG: -- and a board
18 member getting certain revisions to those two
19 provisions that will be acceptable to us. And if
20 we can't, we won't advertise and we'll have this
21 discussion again on the 3th.

22 MR. HOLAHAN: What he said.
23 Okay?

24 MS. PICKARD: Uh-hmm. Correct.

25 MR. HOLAHAN: Any discussion

34

1 from the board? 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: Anne?
8 MS. LAMBERTON: I'll abstain.
9 MR. HOLAHAN: I vote in favor.

10 Motion carries.

11 MR. ARMSTRONG: I guess the
12 question I have is, it's been put out there to
13 request a meeting with Pocono Township. I can't
14 deal with Pocono Township alone. I have to deal
15 with the solicitor because they are represented.
16 So does the board want me to participate in that
17 meeting or do you want to proceed with Phyllis and
18 a member of the board alone? I'll let that for you
19 guys.

20 MS. HAASE: Do you want me on
21 your behalf to send a letter to schedule a meeting?

22 MR. HOLAHAN: Yes. Remember we
23 need to bring the big stick here.

24 MR. ARMSTRONG: Well, if their
25 solicitor's going to be there I'd like to be there.

35

1 MR. HOLAHAN: Absolutely.

2 MR. ARMSTRONG: If you want to
3 meet just the members --

4 MR. HOLAHAN: I'm pretty sure
5 they're going to have their solicitor as well.

6 MS. HAASE: Now, just to be
7 clear they meet twice a month. And they meet the
8 date after their commission meeting. So I'm not
9 quite certain the commission if it meets the first
10 or the second week in the month.

11 MR. HOLAHAN: Okay.

12 MR. ARMSTRONG: Yeah. And one
13 thing I guess to keep in mind before we move on,
14 Pocono Township has to adopt this by ordinance as
15 well. So even if we're rushing to try and get it
16 on the 13th, Pocono might not get their ordinance
17 adopted and authorize an agreement until late
18 April. I mean, I don't know their exact meeting
19 schedule, but you've got to keep that into
20 consideration. We don't want to hurry up and just
21 kind of wait.

22 MR. HOLAHAN: All right. Okay.
23 Let's go on to new business. Consider the February
24 9, 2015 regular business meeting minutes?

25 MS. HAASE: Mr. Chairman, I have

1 two corrections. On Page 12, Line 14, we need to
2 add of. And on Page 17, Line 22, correction of
3 spelling would be V-o-l-p-e for Commissioner
4 Volpe's name.

5 MR. HOLAHAN: Okay. Noted.

6 Do I have a motion to accept?

7 MS. LAMBERTON: I'll make a
8 motion.

9 MS. PICKARD: I'll second.

10 MR. HOLAHAN: Got a motion and
11 second. Further discussion from the board?
12 Anything from the public?

13 Call the vote. John?

14 MR. KERRICK: In favor.

15 MR. HOLAHAN: Heidi?

16 MS. PICKARD: Vote in favor.

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I vote in favor.

19 MR. HOLAHAN: I vote in favor.

20 Motion carries.

21 Item B, consider Kalahari
22 Resorts letter of credit reduction, Category 1
23 Improvements.

24 MS. HAASE: Mr. Chairman, we're

25 going to remove this off the agenda.

37

1 MR. HOLAHAN: Okay. It's
2 removed.

3 Let's go to C, Tobyhanna
4 Township Sewer District 1, the administrative fee.

5 MS. HAASE: Yes. We discussed
6 at our last meeting about the administration fee
7 that was going to be included in the -- while we
8 invoice Kalahari and PMI for the usage. Pat and I
9 had discussed that in the agreement it speaks to
10 that would be set by an independent auditor. So we
11 will look further into that and how we're going to
12 accomplish and come to that figure. Just more as
13 an update.

14 MR. ARMSTRONG: The first year
15 is going to be kind of a hard number to figure out.
16 After that first year it's going to probably be
17 more easily identified.

18 MR. HOLAHAN: Okay. Item D, the
19 proposed sign amendment for resorts.

20 MS. HAASE: Yes. If you recall
21 we've spoken periodically about some changes in

22 that area, whether it was going to be by just
23 merely changing the sign ordinance or we had also
24 talked about an overlay. We thought this was a
25 perfect area for a resort overlay which would

38

1 include that quadrant of the township.
2 You have the proposed overlay
3 draft that was submitted on behalf of Kalahari and
4 Pocono Manor investors. There's a few minor
5 changes that Bob and I have looked at. Pat and Bob
6 and I will meet later today to review some more of
7 the proposed ordinance. But the one direction that
8 we need from the board, right now the overlay which
9 is in with your packet, is including the property
10 that is on the east side of 380. And it's also
11 including this section here on the west side.
12 Through discussions with Bob and I, it just seems
13 to be more conducive to the township to keep the
14 overlay on this side. And that's what we're hoping
15 that the board will agree upon as well.

16 We do need to work out -- in the
17 past we had Lost Trails ATVs in this area and with

18 this residential district there's a lot of
19 questions and concerns and complaints that we
20 received. So we just need to find a way that
21 speaks to this area, kind of buffers what may be
22 going in there. And these are a few items that
23 will need to just delineate in that overlay
24 district.

25 But it just seems that it would

39

1 be much easier if we stay on this side than if we
2 start going into the other area. The idea was to
3 have an overlay district in the smaller area.

4 MS. PICKARD: We haven't seen
5 this yet. What's the timetable for us to get --

6 MS. HAASE: It should be in your
7 packet.

8 MS. PICKARD: I didn't find
9 it --

10 MS. HAASE: It should be in your
11 packet. If it's not I apologize.

12 Again, it's going to be more
13 reviewing, making some changes. We hope that we
14 can get something in front of the board for your

15 April meeting.

16 MR. ARMSTRONG: Yeah. This is
17 Pocono Manor -- I don't know if it's Pocono Manor
18 and Kalahari, but I know Pocono Manor is basically
19 petitioning the township to consider this revision.
20 Obviously, Phyllis, Bob and I and I think Maureen
21 will probably sit down, go over it, consider the
22 changes. And I'm pretty sure we're going to have
23 suggested revisions. No offense to Ralph, it's a
24 very well written zoning amendment, but we'll
25 likely have some changes.

40

1 MR. KERRICK: And you'll email
2 those to us after your meeting today?

3 MR. ARMSTRONG: Yes.

4 MS. LAMBERTON: What are your
5 thoughts on this as far as the area that Pocono
6 Manor and Kalahari -- just to get your feedback.
7 Would you be opposed to just the section on the
8 east side of 380?

9 MR. JAMES CAHILL: The map that
10 was attached we just used from the old gaming

11 overlay district.

12 MS. LAMBERTON: Okay.

13 MR. JAMES CAHILL: So we didn't
14 really put much thought in it. We used the map
15 that was approved prior.

16 The land on the west side of 380
17 we agree that can be taken out. The old sand pit
18 -- the gravel pit is now zoned commercial, so if
19 possible we'd like to include that. If you -- but
20 if that is objectionable to the town we'll go to
21 essentially the lands that were on the minor
22 subdivision map, which is everything north of
23 Swiftwater, east of 380, south of 314 and 940.

24 MS. LAMBERTON: That makes
25 sense. Okay. Thank you.

41

1 MR. HOLAHAN: It sounds like
2 you're going to work that out.

3 MS. HAASE: I think that's
4 something that we certainly can work out, even if
5 we use the whole eastern side. Just maybe speak to
6 the lower area, maybe with the signage, because
7 it's against all residential, maybe differently.

8 But we can have a discussion amongst us on that.

9 MR. HOLAHAN: Great.

10 Moving on. F now, Pocono Manor
11 Investors minor subdivision approval.

12 MR. RALPH MATERGIA: Mr.
13 Chairman, good morning. Ralph Matergia. We're
14 here before you to seek subdivision approval for a
15 new lot that we are creating for the water tank
16 that will be owned by Brodhead Creek Regional
17 Authority and which will service the Kalahari
18 Resort.

19 That lot was the subject of two
20 zoning applications, one for special exception and
21 one for variance. The lot is an acre point three,
22 so we sought a dimensional variance to the two acre
23 minimum requirement. Both the special exception
24 and the variance applications were approved by your
25 planning commission and your zoning hearing board.

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1 So what we are here today asking
2 for is to have the subdivision approved so that we
3 can create this lot and complete our contractual

4 obligations with BCRA to convey the property. The
5 subdivision application as well as the zoning
6 application was the subject of review and comments
7 by Bob McHale. All of the comments will be
8 addressed and will comply. A number of them have
9 already been resolved on the plan. We haven't
10 finalized the plan because we thought it best to
11 wait for your conditional approval is what we're
12 asking for today. And if you have any changes we
13 would accomplish those in a final revision of the
14 plan.

15 There's really very little left
16 that's outstanding as far as the review comments
17 are concerned. There is an exemption application
18 that deals with the planning module. And we also
19 have a request before you today to waive land
20 development. This probably isn't land development,
21 frankly. When you look at the case law, you know,
22 it's sort of like the billboard/cell tower cases
23 which exempt. Land development is classically
24 building roads, curves, property improvements to
25 support use of the property. This is the only

1 access road and all that's here is a gravel access
2 road that has a PA HOP.

3 MS. PICKARD: Do you have a map
4 of that?

5 MR. RALPH MATERGIA: Yes.

6 This is the lot involved, Lot
7 1A. And attached to Lot 1A is an easement area
8 that will be -- an easement will be granted to BCRA
9 so that in the event the tower should unexpectedly
10 leak they would have a place to put up a ladder so
11 the service is not interrupted while they repair
12 the tank itself. But the tank will sit essentially
13 in the middle of the lot.

14 There is a buffer around the
15 tank that is bermed as well as vegetation and a
16 gravel access road. It's a rather simple
17 subdivision.

18 MR. KERRICK: Pat, do we need
19 any motion from you on this or --

20 MR. ARMSTRONG: I do need a
21 motion.

22 MR. KERRICK: I understand that
23 but do you have anything you want to add?

24 MR. ARMSTRONG: Yes. If the
25 board was willing to entertain a motion to approve

1 this subdivision it would likely be conditioned
2 upon the applicant complying with all the -- I
3 guess before I get started, they've also requested
4 a waiver of land development. Let's address the
5 subdivision first, then you can consider the waiver
6 of land development.

7 But any approval of the
8 subdivision would be conditional upon the applicant
9 complying with all of the comments and requirements
10 set forth in the township engineer's February 27,
11 2015 review letter. And some of the other
12 conditions set by the planning commission were that
13 the applicant establish and agree to an acceptable
14 driveway access easement in a manner and form
15 acceptable to the township.

16 Just a quick note on that, if
17 you look at the actual subdivision itself it is,
18 you know, they're creating almost like a landlocked
19 lot. It is a landlocked lot with the exception
20 that there is this access -- existing access-way?
21 It's a dirt gravel road/drive --

22 MR. RALPH MATERGIA: Yes.

23 MR. ARMSTRONG: -- that they're
24 going to grant an easement to -- the BCRA I believe
25 is going to be the ultimate property owner. So

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1 that access easement will be up and drafted in a
2 manner acceptable for the township to ensure that
3 the lot is not landlocked, together with
4 conditional upon the applicant securing the
5 requisite zoning hearing board relief, which it's
6 my understanding they have. I believe there's a
7 decision from the zoning hearing board at your desk
8 this morning dated March 23, 2015. It looks like
9 the applicant has secured the requisite zoning
10 relief for the subdivision that they're requesting.

11 MS. LAMBERTON: I'll make that
12 motion.

13 MR. ARMSTRONG: I don't know if
14 you want to discuss -- the planning commission also
15 briefly discussed a couple other items with respect
16 to buffers. It's my understanding the planning
17 commission was under the impression that the buffer
18 was acceptable as is. The fencing didn't seem to

19 be an issue at the planning commission level.
20 MR. KERRICK: Let's not make it
21 complicated.
22 MR. ARMSTRONG: Okay.
23 MR. KERRICK: That's my motion.
24 MS. LAMBERTON: Second.
25 MR. HOLAHAN: We have a motion

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1 and second to approve the minor subdivision.
2 Any questions from the board?
3 MS. LAMBERTON: No.
4 MR. HOLAHAN: Discussion from
5 the audience?
6 Call the vote then. 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 favor.
12 MR. HOLAHAN: I vote in favor.
13 Motion carries.
14 Let's go to the land

15 development. Consider Pocono Manor Investors
16 request for waiver of land development.
17 MS. LAMBERTON: I'll make a
18 motion.
19 MR. KERRICK: Second.
20 MR. HOLAHAN: Motion and second.
21 Discussion from the board?
22 Anything from the public?
23 Hearing none call the vote.
24 John?
25 MR. KERRICK: In favor.

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1 MR. HOLAHAN: Heidi?
2 MS. PICKARD: I vote in favor.
3 MR. HOLAHAN: Anne?
4 MS. LAMBERTON: I vote in favor.
5 MR. HOLAHAN: I vote in favor.
6 Motion carries.
7 MR. MATERGIA: Thank you.
8 MS. LAMBERTON: You're very
9 welcome.
10 MR. HOLAHAN: Consider A&C
11 Flooring Warehouse, Lot 2, New Ventures Park land

12 development plan.

13 MS. LAMBERTON: I make a motion
14 to consider A&C Flooring and Warehouse, Lot 2, New
15 Ventures Park land development plan.

16 MR. HOLAHAN: Got a motion. Do
17 I have second?

18 I'll second. We have a motion
19 and a second.

20 Any discussion from the board?

21 MR. KERRICK: I would have no
22 problem giving the second but I don't have any
23 information. I apologize. I wasn't at the last
24 meeting.

25 MS. LAMBERTON: New Ventures.

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1 MR. KERRICK: Which building is
2 it? The first one on the right when you go in?

3 MS. LAMBERTON: Lot 2.

4 MS. HAASE: Right, Lot 2.

5 MR. KERRICK: It's in here?

6 MS. PICKARD: I can't find
7 anything in there.

8 MR. KERRICK: If it was last
9 month I wouldn't --

10 MS. PICKARD: That's what I'm
11 saying, I didn't go back and forth to last month.

12 MR. KERRICK: What's the
13 highlights? Did they change it around?

14 MS. LAMBERTON: No, they met all
15 the needs really of New Ventures was the big
16 question. Mark had spelled out the restrictions
17 and they met all the needs that were necessary at
18 that point. Planning moved it forward, made a
19 recommendation that the board pass it.

20 MR. KERRICK: I'm good. Thank
21 you.

22 MS. LAMBERTON: You're very
23 welcome.

24 MR. ARMSTRONG: Does the board
25 want to consider the conditions that the applicant

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1 comply with comments and requirements set forth in
2 the township engineer's March 3rd, 2015 review
3 letter, as well as complying with all the
4 requirements in the declaration of covenants,

5 conditions and restrictions of SIDE Corporation,
6 which is the --

7 MR. HOLAHAN: Right.

8 MS. LAMBERTON: I'll amend my
9 motion to accept those conditions.

10 MR. HOLAHAN: And I'll amend my
11 motion to accept those as well.

12 Is there any discussion from the
13 board? Anything from the public?

14 Call the vote. John?

15 MR. KERRICK: In favor.

16 MR. HOLAHAN: Heidi?

17 MS. PICKARD: Vote in favor.

18 MR. HOLAHAN: Anne?

19 MS. LAMBERTON: I vote in favor.

20 MR. HOLAHAN: I vote in favor.

21 Motion carries.

22 MS. LAMBERTON: Good luck with
23 your project.

24 MR. HOLAHAN: Consider approving
25 certificate of --

1 MR. ARMSTRONG: Well, one other
2 item with A&C, they did request waivers of the
3 SALDO. So if the board wanted to consider a motion
4 approving the requested waivers of A&C Flooring
5 would be from SALDO Section 135-12(d)(2), Section
6 135-15(a)(15) and Section 135-17(l) and (m).

7 MS. LAMBERTON: I'll make that
8 motion.

9 MR. KERRICK: Second.

10 MR. HOLAHAN: Got a motion and
11 second. Further discussion from the board?
12 Anything from the public?

13 Hearing none. John?

14 MR. KERRICK: In favor.

15 MR. HOLAHAN: Heidi?

16 MS. PICKARD: Vote in favor.

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I vote in favor.

19 MR. HOLAHAN: I vote in favor.

20 Motion carries.

21 Consider approving certificate
22 of developer request for Payment No. 7 for Kalahari
23 Resorts. Sewer account of \$380,582.74.

24 MS. HAASE: Mr. Chairman, T&M
25 has signed off of \$351,997.33. I've reviewed the

1 remaining balance and I'm prepared to sign off the
2 \$380,582.74 with the agreement of the board.

3 MS. PICKARD: I make that
4 motion.

5 MR. KERRICK: Second.

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

8 Further discussion from the
9 board? Anything from the public?

10 Hearing none I'll call the vote.
11 John?

12 MR. KERRICK: In favor.

13 MR. HOLAHAN: Heidi?

14 MS. PICKARD: 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 That's the end of our regular
20 agenda. What else do we have?

21 MS. HAASE: I just want to
22 mention to the board that Tobyhanna Township

23 Volunteer Fire Company has agreed once again to
24 help sponsor and pay for the fireworks for the
25 Community Day. So I will be submitting a fireworks

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1 permit to the board in April for your approval.

2 MR. HOLAHAN: Very good. Did I
3 miss anything here from DPW?

4 MS. HAASE: No, sir.

5 MR. HOLAHAN: Did you guys do
6 anything this month already?

7 MR. ED TUTRONE: Yeah, we plowed
8 the snow.

9 MR. HOLAHAN: Plowed snow.
10 Thank you for that.

11 I've got just a couple of
12 things. I attended the commissioner's report to
13 business. It was last Friday. Went very well.
14 The commissioners are talking about looking at
15 reassessment. They've agreed to take a look at
16 that now, so that was probably the big thing.
17 Budget is in good shape, county is in good shape.
18 So things are moving forward. They're real excited

19 about the Kalahari project and the things that are
20 going on as well. I just condensed and out --
21 well, there was eggs and sausage involved and
22 coffee, but with that it was --

23 MR. KERRICK: Were you organized
24 that morning? I'm just trying to figure out do we
25 need to get eggs and sausage for our meetings?

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1 MR. HOLAHAN: You know what,
2 let's consider that. We'll go into executive for
3 that.

4 The other thing is I was at the
5 chamber of commerce board of directors meeting
6 yesterday and they spoke to the sign ordinance for
7 Pocono Township. We need to get -- we need to deal
8 with our zoning thing here. We ran into something
9 with a local business that probably shouldn't never
10 really got caught up in the problems they had but
11 it was Extreme Jump that wasn't able to function.
12 Now, they didn't follow the things that they should
13 have done also.

14 I don't know how you get people
15 to read ordinances, perspective businesses that are

16 looking to come in, but if we can get them to come
17 into the office and ask I'm doing this, then we can
18 give them the right direction. But we've also got
19 some zoning things that might be -- that makes
20 those exceptions. I think we need to -- we really
21 need to make the meeting and approve --

22 MS. LAMBERTON: Something.

23 MR. HOLAHAN: I don't know how
24 to say it. I don't want to be like the health care
25 world, let's approve this and then we'll get to

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1 reading. But we can't wait till it's perfect
2 either because other people -- people are starting
3 to get caught up in some of the things that are
4 zoning is restricting them from. I think we need
5 to get to the point where we say let's say it's
6 acceptable enough, let's approve it and let's go
7 start tweaking it.

8 MS. PICKARD: I was looking at
9 some of the permitted uses in that and there were
10 some things that we were trying to simplify to
11 avoid some of these things. Like an indoor rec

12 versus an indoor and outdoor. There's different
13 things. So I think we had things as permitted uses
14 that we don't have currently that require
15 conditional use. And that I think should be one
16 place we start looking at that.

17 MR. HOLAHAN: We've got, with
18 Phyllis being former zoning and then Maureen in
19 there has really jumped into it, I think that if we
20 have a special meeting, get together and take a
21 look at what are the issues that we can't live
22 with, that we address that and then add something
23 and then go in there and tweak it as we need to.

24 MR. KERRICK: Where we stopped
25 we all could live with that at that point?

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1 MR. HOLAHAN: I thought so.

2 MR. KERRICK: About the signs.

3 MS. HAASE: That's my question,
4 because we discussed this now probably for four
5 years. Are we going to go with the proposed draft
6 that Carson put together or are we going to use
7 what we have and clean it up?

8 MR. HOLAHAN: I think that we

9 have to clean it up --

10 MR. KERRICK: I agree with you,

11 John.

12 MS. PICKARD: We dropped Carson

13 and we had Pat and Bob do --

14 MS. HAASE: Right. But that

15 still was not the format or how we wanted what --

16 MS. PICKARD: Well, the format

17 is not --

18 MS. HAASE: What Bob and I had

19 proposed all along is we use what we have because

20 so many people are used to it, and clean it up and

21 make it reasonable.

22 MR. HOLAHAN: And that's the way

23 I think that we want to go. The Carson thing was

24 we were spending money then we were hoping to get

25 reimbursed on this and the money's gone. Let's do

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1 what we want for our township.

2 MS. PICKARD: Well, we have what

3 we have is on the portal. Is that what we're

4 talking about?

5 MS. HAASE: No, we're talking
6 about our current ordinance.

7 MS. PICKARD: Well then we
8 really have to start from scratch?

9 MS. HAASE: Bob and I had a lot
10 of that already. It's more we had to look at it to
11 see and make certain everything meets our current
12 laws. There are certain area that we know that's
13 in our current ordinance that needs to be changed.

14 MS. PICKARD: But there are
15 certain things like in a commercial industrial
16 district we shouldn't need a special exception to
17 put a gas station in.

18 MS. HAASE: Understood.

19 MS. PICKARD: That was some of
20 what --

21 MS. LAMBERTON: Sprucing it up a
22 little bit.

23 MS. HAASE: Right. And Bob and
24 I had --

25 MS. PICKARD: -- reduction in a

1 day care from five to two acres, I mean, there was

2 a lot of things that we had in there. Whether
3 you're talking about incorporating what we all went
4 over as far as what the logistics of things were as
5 far as the permitted uses and changing that to what
6 we had already --

7 MS. HAASE: I just need
8 direction from the board. No, that's not what Bob
9 and I have been saying all along. We were saying
10 keep what we have and clean it up, or use the
11 format and what Carson was proposing. Now, we did
12 address it. We can do either, it's just Bob and I
13 need direction of which one will --

14 MS. PICKARD: Well, I just
15 thought that when we went through and John and I
16 went to a lot of those meetings and Anne went to
17 the planning, there was a lot of the major things
18 that we had as far as what we wanted done. The
19 format and how it's written is a different thing.
20 I just know that that's what was in there and
21 that's the way I've addressed it and that's the way
22 we've gone through it all, except for one or two
23 sections.

24 MR. KERRICK: I didn't care for
25 Carson's draft.

1 MS. HAASE: I don't think any of
2 us really did.

3 MR. KERRICK: And I know we
4 tried to alter it and do different things. I agree
5 with John, we need to move forward. This has been
6 on the burner for too long.

7 MS. LAMBERTON: Why don't we do
8 a workshop in April and get this going?

9 MR. KERRICK: But before we do
10 that, if we're trying to give Phyllis direction --

11 MS. HAASE: We can, I just need
12 to know -- Bob and I need to know which you want to
13 do.

14 MR. HOLAHAN: The things that
15 you and Bob have been working on, because I think
16 that's what --

17 MS. PICKARD: Can you send us
18 some sort of draft about --

19 MS. HAASE: Well, we haven't
20 done this in three years so Bob and I are going to
21 have --

22 MR. KERRICK: What's so bad

23 about what we have?

24 MS. PICKARD: There's nothing in
25 there for indoor/outdoor. She had to have a

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1 special exception --

2 MR. KERRICK: But she's going to
3 clean that up.

4 MS. HAASE: But as I said, they
5 need to be cleaned up.

6 MS. PICKARD: A lot of the
7 things we're changing to simplify the process.

8 MS. LAMBERTON: I think you know
9 what you need to do.

10 MR. ARMSTRONG: I want to make
11 sure I understand.

12 Okay. So the planning
13 commission started out years ago with a draft that
14 they received from the consultant that you engaged.

15 MS. PICKARD: Well, that's what
16 we had in the --

17 MR. ARMSTRONG: And then the
18 planning commission through the course of probably
19 a year and a half to two years revised that

20 significantly. They made significant changes. The
21 planning commission did make a recommendation to
22 this board on their final product.

23 Are we saying not to move
24 forward with that final product that was
25 recommended by the planning commission, but instead

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1 have Bob and Phyllis look at what you have
2 currently and make certain specific changes that
3 they feel are necessary?

4 MR. KERRICK: What I'm saying
5 Pat is they take that document and this document
6 and go through it and present something to us. I
7 have no problem with what we have if we can clean
8 it up. I didn't care for a lot of things that were
9 in the draft. I know the planning commission put a
10 lot of time in it. I personally didn't care for a
11 lot of things in that.

12 MR. ARMSTRONG: Okay. I mean,
13 we can do that.

14 MR. KERRICK: And you probably
15 have to go through it obviously on the legal end of

16 it. There's no sense complicating this.

17 MR. ARMSTRONG: I think when the
18 planning commission went through it I think they
19 did use and incorporated a lot of --

20 MR. KERRICK: That's fine.

21 MS. LAMBERTON: -- and then took
22 Carson's information --

23 MS. HAASE: It was Carson's
24 information from -- yes.

25 MS. LAMBERTON: And it really

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1 got cabbobled. And they tried to tweak it.

2 MS. HAASE: Bob and I will
3 handle it. What we're going to need to -- and I
4 don't know realistically if we're going to have it
5 for the April meeting.

6 MS. LAMBERTON: That's okay. It
7 just thought I'd start somewhere. My thoughts are,
8 Phyllis, we want to simplify. You know how I feel
9 about things. I don't think somebody should come
10 into the township and then all these conditions are
11 put on it. If it's something simple that you go
12 into a commercial district let them live. Let them

13 go and do their project.

14 MS. HAASE: What was being
15 proposed by Carson is just -- as far as the
16 enforcement of it was a nightmare. And a lot of
17 people put time into it, but not being at that end
18 of it we really didn't understand.

19 MS. LAMBERTON: Right.
20 Absolutely. And that's a problem.

21 MS. HAASE: And that's where Bob
22 and I always felt we should -- what we have now
23 everyone understands we just need to simplify some
24 things and some things clarified.

25 MS. LAMBERTON: Right. And if

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1 it doesn't work for that use it should be changed.

2 MS. PICKARD: This in Article IV
3 where we had the permitted uses, some of these we
4 changed from -- and made them permitted. I mean,
5 this is the format. That's the main thing that I
6 was concerned about. There were some things --

7 MS. HAASE: What we'll do is
8 we'll take ours now and --

9 MS. PICKARD: And for the
10 minimizing the acreage in the day care and things
11 like that, we already went through that in the new
12 one and it's not in the old one.

13 MS. HAASE: That's why we're
14 going to fix the old one.

15 MR. HOLAHAN: And I'm confident
16 that Phyllis took us kicking and screaming through
17 that process for a while, so --

18 MS. LAMBERTON: Yes.

19 MR. HOLAHAN: -- I'm sure that
20 you remember part of that.

21 MS. HAASE: Yeah. I just need
22 to refresh myself. It's been years.

23 MS. LAMBERTON: Monday at nine,
24 Phyl?

25 MS. HAASE: Monday at nine.

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1 MS. LAMBERTON: Motion to
2 adjourn?

3 MR. HOLAHAN: I've got a motion.
4 Do I have a second?

5 MS. PICKARD: Yeah.

6 MR. HOLAHAN: Motion and second.
7 All in favor, aye?
8 MS. LAMBERTON: Aye.
9 MR. HOLAHAN: Opposed? We're
10 adjourned.
11 (Discussion off the record.)
12 MR. ARMSTRONG: I do want to go
13 back on the record.
14 MR. HOLAHAN: I'm going to call
15 the meeting open again, please.
16 MR. ARMSTRONG: One thing that
17 -- Ed Tutrone walked up right after we temporarily
18 closed the meeting. After your meeting last
19 however many weeks ago it was, I talked to Ed. Ed
20 sent me the minutes from the fire department's
21 meeting with respect to conveying the property to
22 the township. It turned out that the minutes
23 didn't really reflect the fact that they --
24 MR. EDWARD TUTRONE: I wasn't
25 clear. In our meeting in November 2013 the person

1 who made the motion said they would keep it in the

2 township's name. It's actually in the fire
3 company's name. So we had a special board meeting
4 to reflect that we meant turning the building over
5 to Tobyhanna Township.

6 MR. ARMSTRONG: So what I have
7 here it looks like is the minutes from a special
8 meeting for March 10, 2015 of the Tobyhanna
9 Township Volunteer Fire Company. And there was a
10 motion made to sell the Blakeslee building to
11 Tobyhanna Township for one dollar, seconded by
12 Troy, I believe, Counterman, and then carried by
13 all the members present.

14 So now that the fire company has
15 formally approved conveying the property to
16 Tobyhanna Township, we have the deed of dedication.
17 One thing I did bring up and I think the board was
18 agreed to title insurance.

19 MS. PICKARD: Title insurance.

20 MR. ARMSTRONG: Who do you want
21 to use as title insurance. I mean, we have someone
22 in the office unless you use someone --

23 MS. PICKARD: We had somebody do
24 the land search so I said that would probably make
25 sense instead of having somebody start over.

1 MR. ARMSTRONG: Have they been
2 notified?

3 MS. PICKARD: Yes.

4 MR. ARMSTRONG: So that's what
5 we're waiting for. Once we get that title
6 insurance we'll move forward.

7 MR. KERRICK: I don't think we
8 should give them a dollar.

9 MS. LAMBERTON: I was saying,
10 Patrick, give him a dollar.

11 MR. KERRICK. 50 cents.

12 MR. KERRICK: Actually in the
13 '40s they did give it to them when they were
14 bankrupt but we can't find the minutes. It's
15 already been done.

16 MR. EDWARD TUTRONE: We tried to
17 give it back to guys for nothing but you want to
18 give us the dollar so we'll put that towards our
19 new fire truck.

20 MS. PICKARD: One other thing.
21 Just when we talked about the sewer. So Phyllis
22 had asked around if we were okay with at least
23 waiving the penalties that don't have interest on

24 the sewer to try and get people to pay before we
25 maybe --

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1 MR. KERRICK: Only if they pay
2 in so much time for that concern because --

3 MS. PICKARD: That's what I'm
4 saying, to have a deadline given. I was just
5 saying if we sell this at pennies on the dollar to
6 whoever buys the plant, that we might as well at
7 least -- I think Pat, when I talked to Pat, Pat
8 said he wasn't comfortable unless it was just a
9 penalty. My only concern is that it's difficult.
10 I have some people on payment plans, I'm not
11 charging penalties, so I don't know how -- and when
12 Aqua had it and Centax, it's hard to determine what
13 was actually charged. We can estimate it if that's
14 okay.

15 MR. ARMSTRONG: Yeah. I think
16 like you've done things in the past, if they pay it
17 on or before a certain date or within a certain
18 timeframe, you know, waiving the penalties is okay.

19 MS. LAMBERTON: I don't have an

20 issue with waiving penalties --

21 MR. KERRICK: You pay your bill
22 and John pays the bill, I pay my bill and that one
23 doesn't, it's not fair to you.

24 MS. PICKARD: But we're going to
25 sell it for pennies on the dollar.

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1 MS. LAMBERTON: You're
2 penalizing the individuals.

3 MR. KERRICK: Exactly.

4 MS. PICKARD: But if I have
5 somebody now I can determine or estimate that it
6 was \$80 a year when it was 800 that we charged
7 them, and reduce it by the \$80 for a year's worth
8 of penalty? Because I don't have --

9 MS. LAMBERTON: Well, give them
10 a deadline. Pay in 30 days --

11 MR. HOLAHAN: But what probably
12 it doesn't have is what the penalty amount is.

13 MR. KERRICK: You'll have to
14 estimate that because the records are horrendous.

15 MS. LAMBERTON: Isn't it a
16 percentage divided by --

17 (Inaudible group discussion.)
18 MR. ARMSTRONG: What I will say
19 is when you go back -- if you know the \$80 a year
20 penalty was in place for so many years, but you're
21 not sure beyond a certain period, don't assume it
22 was. So if you're going to do anything, under
23 estimate the amount of penalties.
24 MS. LAMBERTON: \$2.
25 MS. PICKARD: And this came up

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1 because I had somebody and I told them we don't
2 individually do this.
3 (Off record discussion.)
4 MS. LAMBERTON: Motion to
5 adjourn.
6 MR. KERRICK: Second.
7 (All say aye.)
8 (Meeting concluded at 9:07 a.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

10 of my ability, at the meeting in the above matter;
11 and that the foregoing is a true and correct
12 transcript of the same.

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16 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, April 13, 2015, beginning at 7:00 p.m.

PRESENT: 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

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1 MS. LAMBERTON: All right.

2 Good evening. I'd like to call the regular
3 business meeting for the board of supervisors,
4 April 13, 2015 meeting, to order. We'll start
5 with the pledge of allegiance.

6 (Pledge of Allegiance was
7 recited.)

8 MS. LAMBERTON: Before we
9 begin, I would just like to have a moment of
10 silence out of respect for Roy Gross, who was a
11 lifetime member of so many organizations, Mount
12 Pocono and everything that was listed, if anyone
13 saw the newspaper. And just a moment of silence,
14 please.

15 (Moment of silence was
16 observed.)

17 MS. LAMBERTON: Okay. Let's
18 start our meeting with announcements.

19 Phyllis?
20 MS. HAASE: Yes, ma'am. I just
21 have one now and the rest will be under my
22 manager's report. I just want to remind the
23 board and our residents that May 11, our regular
24 meeting will be at TEC, at 9:15; and any
25 residents that would like to attend, if you could

3

1 contact the township and we can put you on the
2 list so you can enter into the building.

3 MS. LAMBERTON: Very good.
4 Thank you. I'll take a motion to consider the
5 minutes of March 9, 2015, regular business
6 meeting.

7 MR. KERRICK: Make a motion,
8 dispense with reading.

9 MS. PICKARD: Second.

10 MS. LAMBERTON: I have a
11 motion, I have a second.

12 Phyllis, any changes or --

13 MS. HAASE: No, ma'am.

14 MS. LAMBERTON: Very good.

15 I'll take the vote.

16 John?
17 MR. KERRICK: In favor.
18 MS. LAMBERTON: Oh, I
19 apologize.
20 First, any public comment?
21 I'll call the vote.
22 John?
23 MR. KERRICK: In favor.
24 MS. LAMBERTON: Heidi?
25 MS. HEIDI: I vote in favor.

4

1 MS. LAMBERTON: Don?
2 MR. MOYER: I'll vote in favor.
3 MS. LAMBERTON: I'll vote in
4 favor. Motion passed.
5 Consider the treasurer's
6 report. I'll accept a motion to approve the
7 treasurer's report, the amount of \$426,839.05.
8 MS. PICKARD: I'll make that
9 motion.
10 MS. LAMBERTON: I have a
11 motion.

12 MR. MOYER: Second.
13 MS. LAMBERTON: I'll have a
14 second.
15 Any public comment?
16 Call the vote.
17 John?
18 MR. KERRICK: I'll abstain.
19 MS. LAMBERTON: Heidi?
20 MS. PICKARD: I vote in favor.
21 MS. LAMBERTON: Donny?
22 MR. MOYER: I'll vote in favor.
23 MS. LAMBERTON: And I'll vote
24 in favor. Motion passed.
25 Solicitor's report.

5

1 MR. ARMSTRONG: Thank you.
2 The first item on my report is
3 the public hearing, the transfer of a beer
4 license to ARV Beverages, LLC. The township
5 received a request and application for the
6 township to consider approving a resolution
7 granting the transfer of the liquor license, that
8 is currently in Smithfield Township, to be

9 permitted to be transferred into Tobyhanna
10 Township. Pursuant to the code in Pennsylvania,
11 in order to transfer an out-of-municipal license
12 into Tobyhanna Township, you need to do so by a
13 public hearing, as well as a resolution.

14 The applicant will need to
15 comply with all Liquor Control Code requirements
16 prior to opening their establishment. This
17 particular license is being proposed to be
18 transferred by ARV Beverages, LLC, to provide the
19 license in the sale of such liquor and beer at
20 the property located at 5663 Route 115, Tobyhanna
21 Township, Monroe County, Tax Map Parcel No.
22 19/20/2/34 dash 7, and Pin No. 19539403445559.

23 This public hearing has been
24 advertised in the Pocono Record on March 23 and
25 March 30 for a public hearing this evening at

1 seven o'clock. It is seven o'clock. And, again,
2 for purposes of this board, your primary focus,
3 with respect to the public hearing, is to receive
4 any public comment and concerns with respect to

5 the request to be transferred into Tobyhanna
6 Township, as well as whether or not the transfer
7 will affect the welfare, health, peace or morals
8 of Tobyhanna Township or its residents.

9 Is there anyone here from ARV
10 Beverages or the applicant or the license holder?

11 Seeing none, are there any
12 questions or comments from the board before we
13 open the public hearing?

14 MS. LAMBERTON: I have none.

15 MS. PICKARD: I have none.

16 MR. ARMSTRONG: Okay. With
17 that, we'll open the public hearing.

18 Any questions or comments from
19 the public? Again, this is a transfer of a
20 liquor license in -- from Smithfield Township
21 into Tobyhanna Township.

22 MR. MOYER: It's just a beer
23 license, though, right?

24 MR. ARMSTRONG: Yes, yes. It's
25 a retail -- yeah. And, again, the resolution

1 that's currently before this board to consider,

2 they'd be granting the request to transfer the
3 license, which is License No. E1438 from
4 Smithfield into Tobyhanna Township, but it would
5 be conditional upon the applicant securing the
6 requisite approvals from the Pennsylvania Liquor
7 Control Board and the applicable state statutes.

8 Any comments or questions from
9 the board?

10 The public?

11 MR. BRENDAN CARROLL: Is ARV
12 the current licensee?

13 MR. ARMSTRONG: The current
14 licensee is not ARV. The current licensee is J&N
15 Service Center One, Inc. They're -- the trade
16 name is J&N Tap Room over in Marshalls Creek.

17 MR. BRENDAN CARROLL: So
18 someone's selling the liquor license to somebody
19 else?

20 MR. ARMSTRONG: Yeah.

21 MR. BRENDAN CARROLL: So
22 there's no violations to the new permittee yet?

23 MR. ARMSTRONG: If there --
24 this is simply indicating that Tobyhanna Township
25 doesn't have an objection for the transfer into

1 the township. They still have to comply with all
2 the state regs --

3 MR. BRENDAN CARROLL: State --
4 okay.

5 MR. ARMSTRONG: -- and their
6 requirements. But before they proceed with their
7 application with the state, they need this
8 resolution from Toby saying that Toby doesn't
9 have an issue with the transfer into Tobyhanna
10 Township.

11 And, again, one of the
12 provisions in the resolution is that they provide
13 or secure the consent of the existing license
14 holder, so on and so forth. Any other --

15 MS. PICKARD: So this is
16 separate from any zoning regulations or any
17 changes?

18 MR. ARMSTRONG: If they're
19 going to proceed with a new use or a land
20 development plan, this has nothing -- they still
21 need to come before either the zoning hearing
22 board, if they need zoning relief, or this board,

23 if they require land development approval or
24 other related ordinance approvals.

25 Any other questions or comments

9

1 from the public?

2 Board of supervisors?

3 MS. LAMBERTON: I have none.

4 MR. ARMSTRONG: Seeing none.

5 We can close the public hearing. Public hearing
6 is closed.

7 The next in related is for the
8 board to consider resolution -- which it looks
9 like it's Resolution 2015 dash 10, which is the
10 transfer of beer license. And for purposes of
11 the record, I'll cite the licenses, License No.
12 E1438 and LID No. 59304.

13 MS. LAMBERTON: You're looking
14 for a motion?

15 I'll entertain a motion to
16 consider Resolution 2015 dash 010.

17 Any motion?

18 MR. MOYER: I don't know. I
19 don't know.

20 MS. LAMBERTON: I believe we
21 have none.

22 MS. PICKARD: I'll make the
23 motion we approve 2015 dash 010.

24 MS. LAMBERTON: And I'll second
25 it.

10

1 Any questions from the board?

2 Any questions from the public?

3 John, call the vote.

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: Donny?

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

9 MS. LAMBERTON: I'll vote in
10 favor. Motion carried.

11 MR. ARMSTRONG: Thank you.

12 There are some additional items
13 that aren't on the agenda that I just want to
14 bring up. The Amendment No. 1 to the
15 Pocono/Tobyhanna sewer agreement, with respect to

16 the Kalahari/Pocono Manor commercial property, as
17 the board is likely aware, we had a joint meeting
18 with Pocono Township last week, I believe it was
19 Tuesday?

20 Tuesday?

21 MS. HAASE: Yes.

22 MR. ARMSTRONG: And we made
23 some specific requests for revision in certain
24 provisions of the Amendment No. 1 being proposed.
25 The two big ones, which we discussed at your last

11

1 meeting, were the ability to terminate or
2 significantly reduce the sewer service, and in
3 turn, the sewer charges, from Pocono to Toby, in
4 the event that the water service is terminated.
5 And I wanted to reference that in the agreement,
6 in the Amendment No. 1. That, we were told, is
7 not going to be agreed to by Pocono.

8 And the other big item was the
9 request to limit the Pocono users, which is
10 currently 41,000 GPDs to the 41,000. In the
11 event that they do exceed those, Pocono comes
12 back to Tobyhanna and we come up with an

13 additional amendment at that point in time, due
14 to the concern that there's a triggering event
15 for the upgrades to that pump station and it's
16 all tied to the sewage going through.

17 And if Pocono users increase,
18 potentially they could trigger that factor in the
19 agreement, which Tobyhanna Township and, in turn,
20 Kalahari/Pocono Manor would be on the hook for.
21 That was also not agreeable to Pocono at the
22 joint meeting. They did agree to some of the
23 smaller requests; the two big requests they have
24 not agreed to.

25 They are in the process, to my

12

1 understanding, of revising that amendment for the
2 smaller items more -- the smaller items, when I
3 say that, it's Pennoni, the engineering firm,
4 requested some technical changes with respect to
5 the actual connection point, the meter vault.
6 And I requested that they agree to the
7 professional reimbursements directly through
8 Pocono as they have been and they agreed to that.

9 We have not -- I have not
10 received a revised and likely final form of that
11 Amendment No. 1 yet; however, it should be coming
12 shortly. With that said, you do have a -- I
13 already prepared the ordinance for you to
14 consider advertising. So at this point, I think
15 we got our final answer from Pocono Township. We
16 should have a revised version of the Amendment
17 No. 1 fairly soon.

18 The question for this board is
19 whether you're still willing to proceed with the
20 ordinance, advertise it and adopt the Amendment
21 No. 1 so we can proceed with finalizing that
22 agreement with Pocono township, and then, in
23 turn, finalize the agreements necessary with
24 Kalahari and Pocono Manor for that amendment.

25 And, again, for purposes of the

13

1 public, this amendment is for the new connection
2 point. Initially with the Kalahari project,
3 there was a separate connection point. Due to
4 some unforeseen circumstances, the connection
5 point is being proposed to be changed, at least

6 temporarily, for Phase 1, tying into the --
7 in-existing Pocono Township pump station.

8 MR. KERRICK: I have a
9 question, Pat or Phyllis or Anne. The
10 pretreatment that was such a big topic before,
11 the trigger point for the pretreatment, is that
12 still in the agreement?

13 MR. ARMSTRONG: Yes.

14 MS. HAASE: Yes. That needs to
15 be --

16 MR. KERRICK: Pocono Manor --
17 or Kalahari slash Pocono Manor was okay with the
18 final version of it? I'm not familiar with the
19 current --

20 MR. ARMSTRONG: Yeah, they --
21 that hasn't changed, they still need to post a
22 significant financial security before the
23 connection is made for that pretreatment
24 potential future need. And I think they
25 presented a proposed design for that pretreatment

1 to the engineering firm representing Pocono

2 Township to review and potentially approve. I
3 don't know what the status of that is yet, but
4 the cost estimate and the financial securities,
5 for purposes of the pretreatment, will be based
6 upon the design that's been proposed by Kalahari.

7 MS. HAASE: I believe that was
8 just under a million dollars.

9 MR. KERRICK: That's what it
10 was before --

11 MS. HAASE: Right.

12 MR. KERRICK: -- but they were
13 kind of in disagreement, that they didn't feel
14 that they would reach that pretreatment point.

15 MS. LAMBERTON: I know.

16 MR. KERRICK: Especially in the
17 beginning. And they may not.

18 MS. HAASE: They may not, but
19 they still need to post that --

20 MR. KERRICK: Okay.

21 MS. HAASE: -- that bond and
22 put the plans together; so if in fact it is
23 needed, they can construct it immediately.

24 MR. KERRICK: And the meter
25 location, did that change or that's still in the

1 same place?

2 MR. ARMSTRONG: That was one of
3 the items discussed by Pennoni, the meter vault,
4 because of the new connection point at the pump
5 station, rather than down the line. I guess
6 there was a concern, from an engineering
7 standpoint, would it make sense, I guess, to put
8 that meter vault in at the location being
9 proposed if they're going to stay with the
10 connection point or change down the road.

11 MS. HAASE: There was --

12 MR. ARMSTRONG: Because there's
13 still the likelihood and the hope that they'll go
14 back to the original plan once those certain
15 easements are resolved, and then this new
16 connection point would not be necessary anymore.

17 MR. KERRICK: Okay.

18 MR. ARMSTRONG: But I think
19 what -- what I anticipate seeing in this
20 Amendment No. 1, when we get it from Pocono, on
21 that aspect of it, is that they'll agree to hold
22 off on the meter vault until phase -- until
23 Upgrade 1, which is -- would be the actual

24 upgrade to their system, their pump station.

25 MR. KERRICK: At that point,

16

1 then they switch to -- from a six inch to the
2 eight inch? Is that when it changes?

3 MR. ARMSTRONG: That I don't
4 know. You mean the --

5 MR. KERRICK: It doesn't
6 matter.

7 MS. HAASE: Well, there's both
8 the eight and the six in.

9 MR. KERRICK: But they were
10 going to run the six for a while and then they
11 were going to switch to the eight-inch one when
12 either they had more at Kalahari or Pocono Manor
13 would come in.

14 MS. HAASE: The main issue with
15 the meter vault, there was a concern with
16 PennDOT. It is an oversized vault, so they had a
17 concern about it being placed next to 314.

18 MR. KERRICK: That's why I --

19 MS. HAASE: Yeah.

20 MR. KERRICK: -- asked the
21 question. I remember that because it was
22 actually under 314.
23 MS. HAASE: Correct.
24 MR. KERRICK: Okay.
25 MS. PICKARD: So will this be

17

1 affecting any of the agreements now that we'll
2 have with Kalahari --
3 MR. ARMSTRONG: Oh, absolutely.
4 MS. PICKARD: -- as a result of
5 those --
6 MS. HAASE: Yes.
7 MR. ARMSTRONG: Absolutely.
8 Now, those don't -- the agreements with Pocono
9 Manor and Kalahari, they do not have to be
10 advertised for a public hearing or authorized by
11 ordinance because they're not intermunicipal
12 agreements. They will be obviously needed to be
13 approved by you at a public meeting, but if
14 you're going to move forward with this Amendment
15 No. 1 from Pocono, if you want to adopt it in the
16 next month or so, you should probably consider

17 authorizing it to be advertised for a public
18 hearing.

19 MS. PICKARD: Do we need a
20 motion for that? I'll make a motion that we
21 authorize the advertising for Sewer Amendment No.
22 1 with Pocono Township.

23 MS. LAMBERTON: I have a
24 motion.

25 Do I have a second?

18

1 MR. KERRICK: I'll second.

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

4 Any public comment?

5 John, call the vote.

6 MR. KERRICK: In favor.

7 MS. LAMBERTON: Heidi?

8 MS. PICKARD: I vote in favor.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: I'll vote in favor

11 MS. LAMBERTON: I'll abstain.

12 Motion carried.

13 MR. ARMSTRONG: Thank you.
14 The township has received a
15 conditional use application from T-Mobile.
16 T-Mobile is -- has requested and has filed a
17 conditional use application to construct a
18 telecommunications tower within the township.
19 It's on the Bethlehem Area Boy Scouts of America
20 property. They were before the planning
21 commission last week. The planning commission
22 tabled a recommendation based upon the fact that
23 they were waiting for the zoning hearing board's
24 written decision. The applicant has requested
25 certain zoning relief from the zoning hearing

19

1 board. It's my understanding that the zoning
2 hearing board has, at least, conditionally
3 approved it.
4 You, as the board of
5 supervisors, will need to hold a public hearing
6 on the conditional use application itself. I
7 spoke with the applicant's attorney at the
8 planning commission meeting last week. Initially
9 I was going to advertise the public hearing on

10 the conditional use application for your May
11 meeting. Your May meeting is in the morning at
12 the elementary school.

13 So the question is -- and I
14 also posed to them, you know, given the fact it's
15 at the elementary school, do you want to have a
16 witness testifying and --

17 MS. LAMBERTON: Right.

18 MR. ARMSTRONG: -- when you
19 have a group of youngsters in the audience? And
20 they're fine either way. I did ask them if
21 they'd be willing to push it back because there's
22 a 60-day time frame when you have to have the
23 hearing, and that -- if we wait till the May time
24 frame, we're beyond that point; so we need a
25 waiver for them. And they're kind of in a hurry,

20

1 so they didn't really want to --

2 MS. LAMBERTON: Let's have a
3 special meeting.

4 MR. ARMSTRONG: Okay. That was
5 my next question --

6 MS. LAMBERTON: Yeah,
7 absolutely.

8 MR. ARMSTRONG: -- if you
9 wanted to consider a special meeting.

10 MS. LAMBERTON: Yeah, let's not
11 hold them up.

12 MS. PICKARD: So this would be
13 before the 11th or --

14 MR. KERRICK: How long is it?

15 MR. ARMSTRONG: No, no, no.

16 MR. KERRICK: The hearing
17 shouldn't be that long, I don't think. You don't
18 want to do it in front of the kids?

19 MR. ARMSTRONG: I mean, that's
20 up to the board. If you want to have it before
21 the kids, it's fine. I --

22 MS. LAMBERTON: We try to make
23 it fun for them.

24 MR. KERRICK: I understand, but
25 they usually aren't that long. That's okay.

21

1 We'll go special --

2 MS. LAMBERTON: Do you know

3 what I mean?

4 MR. ARMSTRONG: T-Mobile will
5 probably have an RF engineer, they'll probably
6 have a site engineer and they may have someone
7 corporate. So they'll have two -- three
8 witnesses.

9 MR. KERRICK: That won't be
10 boring with the engineer.

11 MS. LAMBERTON: Sorry.

12 MR. KERRICK: Sorry.

13 MR. ARMSTRONG: And remember,
14 this is a cell tower, so you might have someone
15 show up that would be opposing it.

16 MR. MOYER: Yeah, we'll do a
17 special meeting. We need a special meeting
18 anyway, we'll do it then.

19 MS. LAMBERTON: Yeah, let's
20 move it forward for them so we don't hold them
21 up.

22 MS. PICKARD: Could we do it
23 the same date at a different time after that
24 meeting or is that too complicated, do it before,
25 eight o'clock or --

1 MR. ARMSTRONG: Well, this
2 hearing we'll need to advertise seven to -- at
3 least fourteen days in advance, so we're looking
4 at probably --

5 MS. LAMBERTON: Let's pick a
6 date right now.

7 MS. PICKARD: We can't do it at
8 eight o'clock before we go to the school?

9 MR. ARMSTRONG: You could, if
10 you didn't make them squeeze. I mean, the
11 problem is, if the hearing goes past a certain
12 time.

13 MS. LAMBERTON: Let's just do
14 it the next day. Let's do it Tuesday or
15 something.

16 MS. HAASE: Well, I'm going to
17 actually request the board to consider a special
18 meeting sometime the end of this month because we
19 have a draw --

20 MS. LAMBERTON: Okay.

21 MS. HAASE: -- from Kalahari.

22 MS. PICKARD: But do we have
23 enough time?

24 MR. ARMSTRONG: Yeah, that's
25 what I'm --

23

1 MS. HAASE: The concern is,
2 with the 14 days, we wouldn't get it in, unless
3 we could try like the 30th. We should be able to
4 get it in the paper if we ran it the 16th and the
5 23rd.

6 MS. LAMBERTON: Okay.

7 MR. ARMSTRONG: Yeah, the
8 ads -- I think I actually sent the ad, it's just
9 blank with respect to where and the time.

10 MS. HAASE: Would that be an
11 acceptable day for the board?

12 MS. LAMBERTON: That's fine
13 with me. You guys okay with --

14 MS. HAASE: It is not a
15 Wednesday, though.

16 MS. PICKARD: But we have to do
17 evening really, we should do evening?

18 MS. LAMBERTON: Thursday
19 evening?

20 MS. HAASE: That's up to the

21 board.

22 MS. PICKARD: I know if you're
23 having a conditional use for a cell tower, those
24 same people may want to come.

25 MS. LAMBERTON: 5:30, Thursday,

24

1 the 30th?

2 MS. PICKARD: Yeah.

3 MS. LAMBERTON: Then right
4 afterward you guys --

5 MS. PICKARD: Yeah.

6 MS. LAMBERTON: Okay. Let's
7 shoot for that.

8 Is that good, Phyllis?

9 MR. ARMSTRONG: So 5:30 p.m.,
10 April 30.

11 MR. KERRICK: Seems like you
12 guys already made your decision --

13 MS. PICKARD: Well, you need to
14 speak up.

15 MS. LAMBERTON: Right. Does
16 that work?

17 MR. ARMSTRONG: 5:30?
18 MS. LAMBERTON: Yeah.
19 MR. ARMSTRONG: That should be
20 good.
21 MS. LAMBERTON: Okay. 5:30 it
22 is. All right.
23 MR. ARMSTRONG: Thank you.
24 MS. LAMBERTON: You're welcome.
25 MS. HAASE: And just to be

25

1 clear, that will be for the conditional use
2 hearing, also for a draw of Kalahari and any
3 other business that comes before the board.
4 MS. LAMBERTON: Very good.
5 MR. ARMSTRONG: And also the --
6 are we advertising Amendment No. 1 ordinance for
7 that meeting as well? The Amendment No. 1 to the
8 Pocono Township --
9 MS. LAMBERTON: Sure. Why not.
10 MR. ARMSTRONG: Okay.
11 Everything on the 30th.
12 MS. LAMBERTON: Okay.
13 MR. ARMSTRONG: I believe it's

14 further down on the agenda, the Coolbaugh
15 Township wood chipper, we can talk about that
16 later on.

17 You did request -- just two
18 FYIs, one, you received a request from the Monroe
19 County IDA with respect to an agreement relating
20 to the gas line project associated with Pocono
21 Manor/Kalahari, and it kind of tied into the TIF.
22 Phyllis and I were talking about it a little this
23 afternoon. We're going to look at it a little
24 bit more, follow up with the IDA to see exactly
25 what the purpose is and why they're asking for

26

1 that agreement at this point in time.

2 And then you also received a
3 correspondence from Barrett -- or, I'm sorry,
4 from Coolbaugh Township in relation to the
5 request for Barrett Township to join the regional
6 police commission. You adopted a resolution at
7 your last meeting or the meeting before. And
8 that's just an FYI. I don't know if you've seen
9 it yet, but that will probably be a discussion

10 then sometime in the future.

11 MS. LAMBERTON: Okay.

12 MR. ARMSTRONG: And then I do
13 have a brief executive session item with respect
14 to current litigation involving a zoning
15 enforcement matter.

16 MS. LAMBERTON: Very good.

17 MR. ARMSTRONG: That's all I
18 have.

19 MS. LAMBERTON: That's it?

20 MR. ARMSTRONG: Well, I'll
21 probably have comments later on.

22 MS. LAMBERTON: Are you sure?

23 MR. ARMSTRONG: That's all for
24 my report. Thank you.

25 MS. LAMBERTON: Thanks,

27

1 Patrick.

2 Committee reports. Pocono
3 Mountain Regional EMS. Heidi?

4 MS. PICKARD: I was hoping
5 Denise would come, but I'll just let you know
6 that the Tobyhanna Township numbers for March

7 were 73 calls, which is a total of 234 a year to
8 date; and we're up above four percent from last
9 year. That's all I have.

10 MS. LAMBERTON: Thank you.
11 Well, since I inadvertently missed our manager
12 report, we'll hand it back over to you, Phyllis.

13 MS. PICKARD: That's because we
14 wrote all over --

15 MS. LAMBERTON: I was just
16 trying to move it along a little bit.

17 MS. HAASE: I appreciate that.

18 I just want to let the board --
19 wanted you to know that the Wildlife Conservancy
20 will be doing monitoring this year again in June
21 at the Austin Blakeslee Natural Area, and they'll
22 be taking water samples from the Tobyhanna Creek.

23 We have a surplus item that has
24 been advertised. It's a 2002 Ford F-450 with a
25 plow. There's 108,238 miles on the vehicle.

1 We'll be accepting bids until 9:59 on April 28,
2 and they will be opened at 10 a.m. The bids will

3 be awarded May 11, at 9:15.

4 I'm in the process of changing
5 the domain name for the township. Within the
6 next month, we should have new e-mail addresses;
7 they'll be Tobyhanna TWP.pa.gov.

8 We've received a correspondence
9 from the control center. They are still having
10 some concerns of whether or not they'll be the
11 proper communication for Kalahari Resorts. We've
12 assured control center that they will be testing
13 not only through the building code official, but
14 there will also be -- we'll be bringing in EMS,
15 police and fire to be testing their radios as
16 well.

17 MS. LAMBERTON: Good.

18 MS. HAASE: The Woman's
19 Resource Center will be selling geraniums. The
20 orders will be picked up at the township and the
21 orders can be placed up until April 20. The
22 delivery date is May 8.

23 I wanted the board to be aware
24 that there's legislation to reduce the township
25 supervisor's term from a six-year term to a

1 two-year term. It's House Bill 864. PSATS is
2 opposed to the change and they would like the
3 board to authorize a letter to be sent to the
4 representative, our state representatives, asking
5 them to please take into consideration that it is
6 important that a supervisor is seated longer than
7 a two-year term.

8 I certainly can understand
9 PSATS concern because it takes quite a while for
10 the supervisors to get used to the regulations
11 and the happenings of the township; and that's a
12 quick turnaround, a two-year term.

13 Would that be acceptable with
14 the board, that we send something?

15 MS. PICKARD: Should we make
16 the recommendation that --

17 MS. LAMBERTON: Four.

18 MS. PICKARD: -- maybe four
19 would be --

20 MS. HAASE: Four.

21 MS. LAMBERTON: Yeah, I
22 absolutely would agree with that.

23 MS. HAASE: Okay.

24 MS. LAMBERTON: Six is --

25

MS. HAASE: Okay.

30

1

MS. LAMBERTON: -- a little

2

long.

3

MS. HAASE: The township, along

4

with representative Rader, will be hosting an

5

open house April 23 from five to seven. We

6

certainly hope everyone comes out. We can meet

7

our state representative, the residents can view

8

their building. They can also meet some of the

9

township supervisors, our chief of police, fire

10

chief; so it should be a nice evening.

11

MS. PICKARD: What's the date

12

on that again?

13

MS. HAASE: That is going to be

14

the 23rd from five to seven.

15

Beginning this month, the last

16

Wednesday of each month at nine o'clock, I'll be

17

hosting breakfast with the manager. The

18

associations, the community managers, the members

19

of the board will be able to come into the

20

township, have some light refreshments with me

21 and discuss some of their concerns and how we, as
22 a group, can move forward in continuing to raise
23 the bar for Tobyhanna Township.

24 My last item is, we will
25 need -- the board will need to consider

31

1 appointing a voting delegate for the PSATS
2 conference. Miss Lamberton was going to be
3 attending and unfortunately now she cannot, so
4 the board will need to appoint another voting
5 delegate.

6 MS. LAMBERTON: I -- do I need
7 to do that in the form of a motion?

8 MS. HAASE: I -- yes, you do.

9 MS. LAMBERTON: I'll entertain
10 a motion to appoint Heidi Pickard.

11 MR. MOYER: Second.

12 MS. LAMBERTON: I made the
13 motion and I --

14 MS. HAASE: Okay. You made the
15 motion.

16 MS. LAMBERTON: I have a motion
17 and Donny second.

18 Any public comment?
19 Questions from the board?
20 John, call the vote.
21 MR. KERRICK: In favor.
22 MS. LAMBERTON: Heidi?
23 MS. PICKARD: I vote in favor.
24 MS. LAMBERTON: Donny?
25 MR. MOYER: I vote in favor.

32

1 MS. LAMBERTON: I'll vote in
2 favor. Motion passed.
3 Thanks, Heidi.
4 MS. HAASE: And that is all I
5 have at this time.
6 MS. LAMBERTON: Thank you,
7 Phyllis.
8 Getting back to committee
9 reports. Pocono Mountain Regional Police
10 Commission. Donny? Phyllis?
11 MS. HAASE: As you had stated,
12 unfortunately we lost Mr. Gross this past week
13 and that will be a big loss to the regional

14 police department. With that, moving -- with
15 that being said, we received the papers back from
16 ESSA Bank and the refinance has been secured --

17 MS. LAMBERTON: Good.

18 MS. HAASE: -- for our loan.
19 They're continuing with the mold remediation at
20 the department, and we hope with the next 60 days
21 that should be completed.

22 MS. LAMBERTON: Is that all?

23 MS. HAASE: Yes, ma'am.

24 MS. PICKARD: The meeting is
25 still here for tomorrow?

33

1 MS. HAASE: Yes, it is,
2 tomorrow at seven o'clock.

3 MS. LAMBERTON: Thank you,
4 Phyllis.

5 Heidi, open space?

6 MS. PICKARD: I still don't
7 have anything yet.

8 Do you have anything, Greg?

9 MR. GREG HAMIL: We haven't had
10 meeting in a couple months.

11 MS. PICKARD: We talked about
12 it now, but we're kind of waiting for the snow to
13 melt.

14 MS. LAMBERTON: Aren't we all.

15 MS. PICKARD: Stay tuned.

16 MS. LAMBERTON: Very good.

17 Thank you. Old business. Proposed zoning
18 ordinances. Here we go again. I guess we need
19 to set a date and move forward with that.

20 MS. PICKARD: I think Phyllis
21 said --

22 MR. KERRICK: Weren't we going
23 to get something from Phyllis and Bob?

24 MS. PICKARD: Yeah, Phyllis and
25 Bob --

34

1 MS. HAASE: Yeah, Bob and I are
2 going -- and Maureen, we're going to be going
3 back to our current ordinances, making certain
4 that they're updated. Pat will look to see if
5 anything has been changed since they were
6 authored many years ago. And we should have

7 something to the board in the next few months.

8 MS. LAMBERTON: Wonderful.

9 Thank you.

10 Potential sale of the
11 wastewater treatment plant.

12 MS. HAASE: Yes. I met with
13 another potential purchaser of the plant, UI
14 Waters, and provided to them information that
15 they had requested. I've asked for them to give
16 me some type of direction by the 17th of this
17 month whether or not they would be interested in
18 moving forward. We do have one company that
19 definitely is interested in purchasing the plant,
20 so I will update the board next month.

21 MS. LAMBERTON: Thank you.

22 Arcadia Properties, New Ventures Park
23 reimbursement agreement.

24 MS. HAASE: I have not received
25 an amended agreement.

35

1 MS. LAMBERTON: From them yet?

2 Okay.

3 The intermunicipal sewage

4 collection and disposal services agreement with
5 Pocono Township, Revision 1, which we've
6 discussed?

7 MS. HAASE: Yes, ma'am.

8 MS. LAMBERTON: Move on to new
9 business. Coolbaugh Township wood grinder, the
10 Beast --

11 MS. HAASE: The Beast.

12 MS. LAMBERTON: --
13 intermunicipal agreement.

14 MS. HAASE: In your package,
15 you have been provided with the letter from
16 Mr. Douglas Hein, the business manager of
17 Coolbaugh Township, who they have taken the
18 agreement -- and one thing I do want to mention,
19 the agreement that they have attached in the
20 correspondence does not pertain to the Beast,
21 does not pertain to the wood grinder; it pertains
22 to the backhoe, gravel truck and vacuum leaf
23 blower.

24 MS. LAMBERTON: I saw that.

25 MS. HAASE: Yeah. So that

25 they give us a reason why?

37

1 MS. HAASE: No.

2 MS. LAMBERTON: Okay.

3 MR. KERRICK: I think the price
4 is -- the 30 percent is reasonable for what --
5 for the amount of time we used it over the past
6 few years, with the upkeep and the fuel, et
7 cetera, et cetera.

8 MS. LAMBERTON: No, and I think
9 that --

10 MR. KERRICK: But the thing of
11 dropping off, that puts --

12 MS. LAMBERTON: That's not
13 convenient to anyone --

14 MR. KERRICK: -- the burden on
15 us again.

16 MS. LAMBERTON: -- right?

17 MR. JOSEPH COLLIER: It
18 doesn't make any sense.

19 MS. LAMBERTON: Right.

20 MS. PICKARD: Well, my question
21 would be --

22 MR. JOSEPH COLLIER: It's
23 supposed to make it easier for them to own it,
24 for us to get rid of this stuff.
25 MS. PICKARD: My question would

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1 be also, if the others are not involved, whether
2 the cost would stay the same
3 MS. HAASE: Well, it doesn't
4 speak to that.
5 MS. PICKARD: Exactly.
6 MR. KERRICK: Does it speak to
7 contractors?
8 MS. HAASE: To the agreement?
9 MR. KERRICK: Yeah.
10 MS. PICKARD: They'd have to
11 drop it off and we'd have to --
12 MR. KERRICK: Well, what -- in
13 the past, they allowed contractors to dispose of
14 it as well. You know, if they would charge the
15 contractor and the homeowner wouldn't get
16 charged.
17 MR. ARMSTRONG: It looks like,

18 if you read the end of the letter, it indicates
19 that their solicitor's preparing the final
20 agreement, which means he's going to probably put
21 some of these provisions together. I mean, you
22 might want to just, you know -- without knowing
23 what those final provisions are going to look
24 like, you might just want to reach out to them in
25 response and say thank you for the letter, thank

39

1 you for getting back because, if you remember, we
2 reached out to them.

3 MS. LAMBERTON: For a couple
4 years.

5 MR. ARMSTRONG: Thanks for
6 getting back to us, you know, I guess maybe we'll
7 wait and see what your solicitor comes up with;
8 and then we'll provide comments and suggested
9 revisions once you get that.

10 MS. LAMBERTON: Can we mention
11 to them that we'd like our taxpayers to just be
12 able to continue like they used to, to take the
13 product over to them and --

14 MR. ARMSTRONG: When you --

15 whoever contacts them, if you want to list maybe
16 one or two specific concerns given what we know
17 so far just by this letter, that might be a good
18 idea.

19 MS. LAMBERTON: I think if
20 we're specific, it won't go back and forth a
21 million times.

22 MR. ARMSTRONG: Right.

23 MR. KERRICK: Did you read the
24 thing, you guys, under the -- under the
25 breakdown? All future repairs, maintenance and

40

1 fuel --

2 MS. PICKARD: Yeah.

3 MR. KERRICK: -- for the
4 grinder --

5 MS. LAMBERTON: Yeah.

6 MR. KERRICK: -- will be
7 billed, so when they're using it -- so when we're
8 using that 30 percent of the time, we got to pay
9 for the fuel and any repair?

10 MS. HAASE: Um-hum.

11 MR. KERRICK: How are we going
12 to know?
13 MS. LAMBERTON: I think they'll
14 take the overall bill and just charge us out 30
15 percent. I mean, that's -- isn't that what like
16 we've been wanting for a while, though --
17 MS. PICKARD: Yeah.
18 MR. KERRICK: Yeah.
19 MS. LAMBERTON: -- just to know
20 what our cost is?
21 MR. KERRICK: But I don't want
22 it to break when Tobyhanna uses it all the time.
23 MS. LAMBERTON: Well, we're
24 only paying 30 percent.
25 MR. KERRICK: No, that's not

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1 what it says.
2 MS. LAMBERTON: That's what
3 ours will say when it goes back to them.
4 MALE VOICE: Who paid for it up
5 front?
6 MS. LAMBERTON: Well, I mean --
7 right?

8 MR. KERRICK: Fair enough.
9 MALE VOICE: Who paid for it up
10 front?
11 MS. LAMBERTON: I believe -- I
12 believe it was part of an grant with multiple --
13 MR. KERRICK: Coolbaugh
14 Township.
15 MS. LAMBERTON: --
16 municipalities.
17 MR. ARMSTRONG: I mean --
18 MR. KERRICK: Yes.
19 MR. ARMSTRONG: -- some of this
20 can be maybe discussed later, but maybe what you
21 want to suggest is, rather than -- I mean, you're
22 not going to be able to budget for something like
23 that, because you're not going to know what it
24 is. Maybe you want it like an annual
25 estimated -- what they think an annual estimated

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1 cost is going to be for --
2 MR. MOYER: Maintenance.
3 MR. ARMSTRONG: And then share

4 a certain percentage of that. And if there's
5 extenuating circumstances throughout the year,
6 then you tackle that as, you know, it comes up.

7 MS. LAMBERTON: Well, they've
8 had it for how many years? Let's say, five,
9 seven, ten years?

10 MS. HAASE: Ten, I think.

11 MS. LAMBERTON: So let's look
12 at their past 10 years of use and see what the
13 average --

14 MR. KERRICK: Average it out.

15 MS. LAMBERTON: Yeah.

16 MS. PICKARD: We've only been
17 paying like a thousand dollars per year.

18 MS. LAMBERTON: Not what we've
19 been paying, what it's been costing them, you
20 know what I mean? So we have an idea of what
21 their annual cost is.

22 MR. KERRICK: After the storms,
23 we utilized it a lot, and -- and it worked out.
24 And Phyllis will explain with the FEMA, when we
25 got reimbursed for FEMA, because we had an

1 approved site. If we wouldn't have had that, it
2 would have been a different story.

3 MS. HAASE: That's correct.

4 MR. KERRICK: We wouldn't have
5 gotten as much from FEMA.

6 MS. HAASE: That's correct.

7 MS. LAMBERTON: So it helps.

8 MR. KERRICK: So it's
9 important, but I don't want to get stuck with a
10 huge bill and it be a budgeting nightmare.

11 MS. HAASE: And I think that's
12 a valid point that Mr. Kerrick brings up, is the
13 fact too, this is a 10-year-old piece of
14 machinery, and I don't know what the longevity is
15 of something like this as well.

16 MS. LAMBERTON: We don't know
17 how they've maintained it.

18 MS. HAASE: Correct. So we
19 very well could be -- I -- I agree that we need
20 to do something, especially for this year, but
21 perhaps we need to look into the future because
22 as this now becomes older and older, we may be
23 putting in more money.

24 MS. PICKARD: By the next
25 census, we'll be required to be doing some more

1 stuff.

2 MS. HAASE: Yeah, we'll be
3 mandated. I have no doubt on that.

4 MR. KERRICK: I hope not.

5 MR. CHAD KNECHT: What was the
6 original agreement when they first got it with
7 us?

8 MS. LAMBERTON: That's before
9 me.

10 MR. ARMSTRONG: It was part of
11 a grant, and part of the way they got the grant
12 was, there was a joint collaboration of
13 municipalities that joined in; they were the lead
14 municipality in the grant. So there's an
15 intermunicipal agreement between the
16 municipalities. As to the specifics, as to how
17 the cost of maintenance was going to be broken
18 up, that wasn't specifically covered. It was
19 inferred that, I think, we were all going to
20 share in the cost; but I think over the years, I
21 don't think that was necessarily in practice. I

22 mean, it sounds like we contributed a certain
23 amount on an annual basis.
24 MR. KERRICK: A thousand --
25 about a thousand dollars a year just for the bits

45

1 of the teeth. That's all they charged us for.
2 MR. CHAD KNECHT: Right.
3 MR. KERRICK: Which wasn't our
4 fault. It was what they charged us.
5 MR. CHAD KNECHT: Yeah.
6 MS. LAMBERTON: All right. Any
7 other comments?
8 MS. HAASE: So the direction
9 would be then, a letter will be sent back to
10 Coolbaugh, thanking them for getting back to us
11 and that we would like to continue allowing our
12 residents to be able to take the --
13 MR. MOYER: Yeah.
14 MS. HAASE: -- brush there?
15 MS. LAMBERTON: Directly there.
16 I think that --
17 MR. MOYER: Yeah.
18 MS. LAMBERTON: I mean, that's

19 just my opinion.

20 MS. HAASE: And that --

21 MS. PICKARD: A question on the
22 percentages, if others --

23 MS. HAASE: The 30 percent.

24 MS. PICKARD: -- don't opt in?

25 MS. LAMBERTON: Yeah. Where

46

1 are we, if it's just us and them? That's a very
2 valid point. Okay.

3 MS. HAASE: Okay.

4 MS. LAMBERTON: Moving on,
5 township auditor appointment. I believe I saw
6 one person, Troy Counterman, sent us a request.

7 MS. HAASE: Yes. There has
8 become a vacancy in the auditors position.
9 Mr. Ed Barr has passed away, so pursuant to the
10 Second Class Township Code, we are required to
11 replace that position; and we did advertise and
12 we received one letter of interest.

13 MS. LAMBERTON: Okay. So we
14 have to do this in the form of a motion, I'm

15 assuming?

16 MS. PICKARD: How much time do
17 we have -- can we advertise -- today's the 30
18 days?

19 MS. LAMBERTON: Don't we have
20 to have it in by now?

21 MS. HAASE: Yes. We are
22 actually at that point, otherwise we would need
23 to have a vacancy board.

24 MS. LAMBERTON: Any other
25 volunteers? Seeing none.

47

1 I'll entertain a motion to
2 appoint Troy Counterman for the open auditors
3 position.

4 MR. ARMSTRONG: Oh, I'm sorry.
5 Where are we?

6 MS. PICKARD: Auditor.

7 MS. LAMBERTON: Auditor.

8 MR. ARMSTRONG: Was there a
9 motion?

10 MS. LAMBERTON: I was asking
11 for one.

12 MR. ARMSTRONG: Phyllis just
13 brought up a good point. Do you want to --
14 you're an employee --
15 MS. PICKARD: Oh, I was
16 going --
17 MR. ARMSTRONG: Good.
18 MS. PICKARD: -- to abstain,
19 yeah. There's no question about that.
20 MS. LAMBERTON: I'll make a
21 motion to --
22 MR. ARMSTRONG: Sorry.
23 MS. LAMBERTON: That's okay.
24 -- to appoint Troy Countermand for the open
25 auditors position. I have a motion.

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1 Do I have a second?
2 Seeing none. I guess I can't
3 make the second too.
4 MR. ARMSTRONG: No.
5 MS. HAASE: Then what we'll
6 require now is this -- the vacancy board then
7 will need to set this position.

8 MS. LAMBERTON: They
9 themselves?
10 MS. HAASE: It is -- in the
11 Second Class Township Code --
12 MS. LAMBERTON: Okay.
13 MS. HAASE: -- it's required --
14 MS. LAMBERTON: Okay.
15 MS. HAASE: -- that we have to
16 follow that procedure.
17 MS. LAMBERTON: That's why I
18 was trying to move forward this evening. Okay.
19 All right.
20 MS. PICKARD: Yeah, but that's
21 still Mark Argot?
22 MR. ARMSTRONG: Well, it's the
23 board of supervisor plus -- who is the vacancy
24 board?
25 MS. PICKARD: Is that just --

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1 MS. HAASE: The only one I know
2 that's appointed is Mark Argot.
3 MR. ARMSTRONG: Mark Argot.
4 MS. LAMBERTON: Okay. Very

5 good. I guess we move on then --

6 MS. HAASE: So the motion

7 fails?

8 MS. LAMBERTON: The motion

9 failed, no second.

10 MR. ARMSTRONG: There was no

11 second. It failed.

12 MS. LAMBERTON: I will -- are

13 we going to move forward on this one?

14 Consider approving certificate

15 a developer and request for Payment No. 8 for the

16 Kalahari Resorts sewer account in the amount of

17 \$462,094.67. I'll entertain a motion.

18 MS. PICKARD: I'll make that

19 motion.

20 MS. LAMBERTON: I have a

21 motion.

22 Do I have a second?

23 MR. MOYER: Second.

24 MS. LAMBERTON: I have a motion

25 and second.

1 Any questions from the board?

2 MR. KERRICK: We have all the

3 sign-offs from the -- T&M and Bob?

4 MS. HAASE: Bob does not review

5 this. T&M has reviewed and I have reviewed as

6 well, and I'm ready to sign off when the board

7 approves.

8 MS. LAMBERTON: Good with

9 everything?

10 MS. HAASE: Um-hum.

11 MR. KERRICK: Thank you.

12 MS. LAMBERTON: Any questions

13 from the public?

14 Call the vote. John?

15 MR. KERRICK: In favor.

16 MS. PICKARD: Who seconded

17 that?

18 MS. LAMBERTON: Donny did.

19 I'm sorry. John?

20 MR. KERRICK: In favor.

21 MS. LAMBERTON: Heidi?

22 MS. PICKARD: I vote in favor.

23 MS. LAMBERTON: Don?

24 MR. MOYER: In favor.

25 MS. LAMBERTON: I'll abstain.

1 Motion carries.

2 July 11 Community Celebration
3 Day fireworks display permit.

4 MS. HAASE: Yes, ma'am, as the
5 township must follow their own ordinances and
6 regulations as well; so therefore, I need to
7 present to you a request for a display permit for
8 our Community Celebration Day.

9 MS. LAMBERTON: Hmm.

10 MS. PICKARD: I'll make that
11 motion.

12 MS. LAMBERTON: I have a
13 motion.

14 Do I have a second?

15 MR. MOYER: I'll second.

16 MS. LAMBERTON: I have a motion
17 and I have a second.

18 Any questions from the board?

19 Any questions from the public?

20 John, call the vote.

21 MR. KERRICK: In favor.

22 MS. LAMBERTON: Heidi?

23 MS. PICKARD: I vote in favor.
24 MS. LAMBERTON: Donny?
25 MR. MOYER: I vote in favor.

52

1 MS. LAMBERTON: I'll vote in
2 favor. Motion carries.
3 Consider speed reduction
4 request.
5 MS. HAASE: Yes. We've
6 received a request from a local contractor who
7 has two lots on Long Pond and is having a
8 difficult time obtaining an HOP permit because of
9 the site distance. So we had received a letter
10 requesting a reduction.
11 I've asked our township
12 engineer to review the request. What he's
13 brought forth to me, that it was not something
14 that was needed, in his opinion, as well as the
15 Federal Highway Administration Safety Program --
16 and I left this on the desk for you folks as
17 well -- notes, setting a speed limit even five
18 miles below the 85th percentile speed can make

19 almost half the drivers illegal, which I thought
20 was interesting.

21 He has reached out to our
22 assistant fire chief, who stated they're not
23 aware of that many -- aware of any accidents in
24 recent years along State Route 4002, that PennDOT
25 roadways are not reduced in order to accommodate

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1 a minimum-use driveway, and typically PennDOT
2 does not reduce the speed for -- for small
3 segments. They're not requesting the entire road
4 to be reduced, just a very small segment in front
5 of those two blocks.

6 MS. LAMBERTON: So let me ask a
7 question: This makes this lot unbuildable? They
8 can't gain access onto a road.

9 MS. HAASE: Not necessarily.

10 MR. KERRICK: There's other --

11 MS. LAMBERTON: Okay. That's
12 my only question.

13 MR. KERRICK: There's other
14 alternatives.

15 MS. LAMBERTON: Okay. Okay.

16 MR. KERRICK: Plus we would be
17 responsible for the signage --

18 MS. HAASE: That's correct.

19 MR. KERRICK: -- and
20 maintenance forever.

21 MS. HAASE: The maintenance,
22 the cost of it.

23 MS. LAMBERTON: I just didn't
24 want to do that to someone.

25 So you need us to have

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1 discussion on this, Phyllis, and see where we
2 stand?

3 MS. HAASE: Yes. I'll need
4 direction whether I send a letter stating the
5 board is in agreement with reducing the speed,
6 with the understanding then, we are responsible
7 for the signage and maintenance moving forward
8 for the entire road, but that will have to be
9 noted to PennDOT.

10 MS. LAMBERTON: Right. And --

11 MR. KERRICK: I'll make a

12 motion that we don't honor the request at the
13 present time.

14 MR. ARMSTRONG: I don't know if
15 you necessarily -- I mean, if you don't want
16 to -- you don't have to act on it. They're
17 making a request. There's nothing really before
18 you. You can make a motion to affirmatively
19 state --

20 MR. KERRICK: No, that's fine.

21 MR. ARMSTRONG: -- that you
22 don't want to proceed.

23 MR. KERRICK: If we don't have
24 to, that's fine. I didn't want to get into an
25 hour discussion.

55

1 MS. LAMBERTON: No, no, I agree
2 with you. And seeing that PennDOT -- I just
3 didn't want to --

4 MR. KERRICK: Understood.

5 MS. LAMBERTON: -- take away
6 the ability for somebody to own a piece of
7 property.

8 MR. KERRICK: They haven't

9 exhausted all their avenues at this point, from
10 reading Bob's letter. They haven't -- there's
11 other alternatives that they could possibly get
12 approval before they would reach that step.

13 MS. LAMBERTON: Okay. Okay.

14 Well, hearing John's opinion,
15 anyone else have anything?

16 MS. PICKARD: Just about the
17 85th percentile that Bob refers to, then that
18 would necessitate a traffic study; correct?

19 MS. HAASE: No.

20 MS. PICKARD: No?

21 MS. HAASE: No.

22 MS. PICKARD: How would you
23 know how fast 85 percent of the traffic goes?

24 MS. HAASE: What Bob explained
25 to me is that an individual, generally, could be

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1 an engineer, would go out there and target the
2 cars at the speed that they're at and then they
3 take a percentage off of that. It's not a true
4 traffic study that would need to be done.

5 MS. LAMBERTON: Okay. I'm kind
6 of getting the census that no one's in favor of
7 this, so we'll let them know that the request is
8 not by the consensus of the board.

9 MS. HAASE: I will let them
10 know that.

11 MS. LAMBERTON: Very good.
12 Public questions and comments?
13 Do you have anything?
14 You'll have to state your name
15 for the record.

16 MR. JOSEPH COLLIER: My name is
17 Joseph Collier. I own J&J Towing, as you all --
18 most of you know. I recently came in to apply
19 for my salvor's license because now -- it was
20 never a request -- the state didn't allow the
21 townships to approve or disapprove it before.
22 It's a new change. I was told I can't have it, I
23 believe for the fact that it's being considered a
24 junkyard.

25 The license that I am applying

1 to you for is for the purpose of me removing the

2 cars that are on my property abandoned; but they
3 are not abandoned because they are privately
4 owned and individually owned. You know through
5 the police department we go out and tow an
6 accident. The people don't have insurance,
7 they're not coming to get it, they're not going
8 to pay their bill. You know, they don't -- if
9 they don't bring me a title, I can't legally
10 remove that car from my property without being a
11 salvor.

12 So I'm asking for your help to
13 try to get this through, because if not, it's --
14 I'm going to have an abundance of cars there. I
15 don't want them, I know you don't want me to have
16 them. Blakeslee Garage had their salvor's
17 license prior and Murray's has one, but not in
18 Pocono Summit; they have one for their Mount
19 Pocono location.

20 It's being -- I think it's
21 being misinterpreted. This license that I am
22 applying for does not allow me to dismantle or
23 sell any parts of that vehicle, even after I
24 obtain that salvor's license. I have to remove
25 it in its whole, I cannot dismantle it.

1 MS. HAASE: Mr. Collier, as I
2 discussed with you --

3 MR. JOSEPH COLLIER: Yes.

4 MS. HAASE: -- the only relief
5 that you can receive -- and it's not from this
6 board -- you have to go to the zoning hearing
7 board for relief.

8 MR. JOSEPH COLLIER: Why is it
9 a zoning hearing issue?

10 MS. HAASE: Because it is a
11 zoning regulation, so this board cannot grant you
12 relief, as I explained to you.

13 MR. JOSEPH COLLIER: Is that
14 because it's being considered a junkyard?

15 MS. HAASE: As our ordinance
16 states, yes. A salvage or salvor, because you
17 have to have a salvage license --

18 MR. JOSEPH COLLIER: No, you do
19 not. It says it right on the paper here.

20 MS. HAASE: Our --

21 MR. JOSEPH COLLIER: That's why
22 I'm not getting the proper -- it's not being read

23 all the way through.

24 MS. HAASE: The only --

25 MR. JOSEPH COLLIER: You need a

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1 salvage license or to be a licensed --

2 Can I approach you with this?

3 MR. ARMSTRONG: Yeah. I will

4 say, I'm not familiar with the specifics, but

5 if --

6 MR. JOSEPH COLLIER: It says

7 right there.

8 MR. ARMSTRONG: If the

9 zoning -- I assuming the zoning officer made an

10 interpretation that whatever use you're proposing

11 falls within a certain use in the zoning

12 ordinance and that for some reason or another

13 it's not permitted on your property. I mean,

14 your recourse there is not before -- this board

15 can't do anything with respect to that. What you

16 need to do is -- if what I'm saying is accurate,

17 I'm not exactly sure --

18 MR. JOSEPH COLLIER: But that's

19 if it's being interpreted correctly --

20 MR. ARMSTRONG: Well, then --
21 MR. JOSEPH COLLIER: -- is what
22 I'm stating to you now.
23 MR. ARMSTRONG: -- what you
24 would need to do is you have to appeal that
25 zoning officer's determination to the zoning

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1 hearing board and argue for either a variance or
2 argue an interpretation of the ordinance in your
3 favor; but that's for the zoning hearing board.
4 MR. JOSEPH COLLIER: But --
5 right. If it's being interpreted wrong, why
6 should I have the expense to go into there to pay
7 \$1250 to prove that I do not have to be a salvage
8 dealer?
9 MR. ARMSTRONG: I --
10 MR. JOSEPH COLLIER: If I can
11 be a licensed tower and have it, then it's being
12 misconstrued, is the point I'm getting at. So I
13 have an expense to go prove that it's being
14 interpreted wrong.
15 MR. ARMSTRONG: That's --

16 MR. JOSEPH COLLIER: It's in
17 writing on the paper saying I don't have to have
18 it.

19 MR. ARMSTRONG: I understand --
20 that's the process. I understand that it's your
21 position that it's being interpreted wrong, I
22 don't --

23 MR. JOSEPH COLLIER: It states
24 there I don't have it.

25 MR. ARMSTRONG: I haven't

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1 looked at it, so I don't know what the -- but
2 apparently the zoning officer has a separate
3 interpretation. This board can't come up with a
4 different interpretation. It's not their place.
5 Your recourse -- and I
6 understand your concern with the process, but
7 your recourse is to go before the zoning hearing
8 board and present -- maybe they agree with you
9 in -- with respect to your interpretation, maybe
10 they don't, maybe they're going to agree with the
11 zoning officer; but that's for the zoning hearing
12 board to determine. That's why the zoning

13 hearing board is in place. I wish I had a better
14 answer for you tonight, but I don't. I mean,
15 that's -- I mean, we can't --

16 MR. JOSEPH COLLIER: What if I
17 get a letter -- what if I get a letter from the
18 state stating --

19 MR. KERRICK: I want to ask a
20 question. I'm not familiar with this.

21 MS. LAMBERTON: I'm not either.
22 I feel terrible.

23 MR. KERRICK: How do we treat
24 everyone else?

25 MS. HAASE: They have the same

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1 thing.

2 MR. KERRICK: Everybody here
3 has a salvor's license?

4 MR. ARMSTRONG: Oh, that I
5 don't know.

6 MR. KERRICK: All the other
7 towing companies?

8 MS. HAASE: No. I can't speak

9 to that. We can only speak to --

10 MR. KERRICK: I'm just asking
11 the question. I'm not familiar with this at all.

12 MR. JOSEPH COLLIER: Here's my
13 fear.

14 MS. HAASE: It is a process --
15 just so I can explain. Our zoning officer has
16 also called the state, so there's another step
17 that you can take, and has also spoken to
18 Lieutenant Lavery. There's two forms that can
19 be filled out by the police department. They
20 would go to the site, fill out the forms and then
21 the vehicles could be removed off the property.
22 So there is another step that Lieutenant Lavery
23 and the state and our zoning officer has all
24 discussed; so there is another option.

25 In our zoning ordinance, in

1 what this would fall under, is prohibited in a
2 residential district. This is a nonconforming
3 use that's allowed on the property. The only
4 relief, as I've explained to the gentleman, is he
5 must go to the zoning hearing board. If the

6 zoning hearing board grants him a variance or if
7 he wants to dispute the zoning officer's opinion,
8 that's the route that could go. If a variance is
9 granted, then it would come in front of the board
10 of supervisors, at that time, for a conditional
11 use hearing.

12 So that's the process that --

13 MR. ARMSTRONG: Wait.

14 MR. KERRICK: But he wouldn't
15 need this? I'm still not -- I'm sorry, I'm not a
16 hundred percent clear. He wouldn't need this --

17 MS. HAASE: That's through the
18 state.

19 MR. KERRICK: -- if we -- if he
20 went through the police department?

21 MS. HAASE: Correct.

22 MR. JOSEPH COLLIER: Yes. But
23 the problem with that is, first of all, I'm doing
24 it as a business. Those cars were hauled by me.
25 And when you take these cars and go through the

1 salvor's permit -- say you feel, when you get the

2 notice from the state, that something was done
3 wrong and you should not -- they get fined \$500.
4 Say they dispute it. Their dispute's with me,
5 because I am the one that towed the vehicle for
6 the police department or for them calling and
7 saying I was in an accident, call J&J. You know
8 what I'm saying? So their dispute is with me.

9 If I get a second party to step
10 in and take that car as another salvor, now --
11 now you have party in the middle. You have no
12 recourse against them, they didn't do anything,
13 they came and took it from me. There's a lot of
14 difficulties. But my thing to you is, also,
15 without this, they're saying there is -- there is
16 no legal way I know, there's other towers that --
17 my father-in-law works for Jimmy Schlier. The
18 state guy was at my place and said it is very
19 difficult for you to get these cars removed.

20 And without obtaining this
21 license, when I remove -- if -- if there is a
22 way -- which he wasn't aware of the other way
23 either and he's the guy that inspects for this,
24 and he told me you do not have to be a junkyard
25 to have this, you don't need a salvage license.

1 He was at my shop for over an hour. And I
2 understand --

3 MR. ARMSTRONG: In order to get
4 this salvage license you're talking about, are
5 they looking for something from --

6 MS. HAASE: Yes.

7 MR. ARMSTRONG: -- the township
8 certifying --

9 MR. JOSEPH COLLIER: Yes, the
10 township has to approve it. They used to never
11 do that, which --

12 MR. KERRICK: Maybe our
13 ordinance didn't keep up with the state. Maybe
14 we need to address the ordinance.

15 MS. HAASE: What is in the
16 ordinance --

17 MR. KERRICK: I understand.

18 MS. HAASE: -- what this use
19 is, is under a junkyard.

20 MR. JOSEPH COLLIER: Well, the
21 problem is now -- right now I have a few, quite a
22 few. And if the township comes to me -- if there
23 is another way, I have no recourse to gain any of

24 my money. If Regional calls me to tow a car from
25 an accident, whether the owner requested me or

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1 not, and I bring it to my house, say I get Gino
2 Murray to come get it, I get nothing. At least
3 if I get this, I can take the car to the junkyard
4 and at least recoup my fuel, my time. I mean,
5 it's -- in these storms, you don't know what
6 you're going to get.

7 MS. LAMBERTON: But in order
8 for us to help --

9 MS. PICKARD: Can Pat review
10 this, just to --

11 MS. HAASE: It is a zoning
12 issue, the way our zoning ordinance is written.
13 It is not something for this board to act upon.
14 It must go in to the zoning hearing board.
15 That's the only recourse that you have.

16 MR. MOYER: Well, maybe that's
17 something we need to change in the zoning.

18 MR. KERRICK: Yeah, but we
19 still do the ordinances. We can look at the

20 ordinance to see if it fits. I mean, maybe it
21 needs to be overhauled.

22 MS. HAASE: Then that's --
23 that's a decision of the board.

24 MR. KERRICK: I mean, that's a
25 decision that we all have to make.

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1 MR. MOYER: I agree.

2 MR. KERRICK: I'm in favor --
3 we want to make it simpler for our businesses to
4 stay in the township.

5 MS. HAASE: However, there
6 is --

7 MR. KERRICK: We're not going
8 to help this now, I understand, I'm just saying.

9 MS. HAASE: For this particular
10 case is a little different than something that
11 would be in a commercial or commercial --

12 MR. KERRICK: Understood.

13 MS. HAASE: -- industrial
14 district. This is in a residential district.

15 MR. BRENDAN CARROLL: Does Joe
16 have permission to run his business where he's

17 located? He has a towing business; correct?

18 MS. HAASE: A towing business.

19 MR. BRENDAN CARROLL: There's
20 several in the township. And I would say storing
21 a car on one's property in the towing business is
22 tacitly implied that that's part of the job.

23 MS. HAASE: Unfortunately, as I
24 stated, this is --

25 MR. BRENDAN CARROLL: No, it's

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1 not -- I mean, if you have a towing business, I
2 would assume that you bring your car back to drop
3 it off, to go get another one.

4 MS. HAASE: There were certain
5 stipulations, Mr. Carroll, with him going into
6 this residential business --

7 MR. BRENDAN CARROLL: Okay.

8 MS. HAASE: -- district, which
9 the gentleman is aware of.

10 MR. BRENDAN CARROLL: But it's
11 nonconforming, I understand that. And he has
12 permission from the township --

13 MS. HAASE: But this really
14 truthfully isn't the venue for this discussion.

15 MR. ARMSTRONG: I don't know --
16 I don't know if any of us really know the
17 specifics other than what's been represented this
18 evening. It's not the appropriate venue, I
19 apologize, you don't like that answer, but it's
20 not.

21 But to your point, Mr. Carroll,
22 you know --

23 MR. BRENDAN CARROLL: I know
24 Mr. Collier isn't running a junkyard, I know
25 that.

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1 MR. JOSEPH COLLIER: I don't
2 want them any more than you don't want them
3 there, that's -- it's just very difficult.

4 MS. LAMBERTON: Well, it also
5 enables you to get paid for your service too, so
6 I understand that.

7 MR. ARMSTRONG: If what -- I'll
8 be honest with you, if what you're representing
9 to us is accurate, present your case to the

10 zoning hearing board and they might be -- it
11 might be a quick hearing.

12 MR. JOSEPH COLLIER: Yeah, that
13 costs me \$1250 to prove that somebody's
14 interpreting something different than what it is.
15 Do you understand where I'm getting? Does
16 anybody understand that part of it?

17 MS. LAMBERTON: You're feeling
18 that our zoning officer is misinterpreting
19 your --

20 MR. JOSEPH COLLIER: Right. I
21 mean, the state guy, the guy that inspects us,
22 stood right there and told me you do not -- a
23 junkyard is where you dismantle vehicles with the
24 intent of selling parts, or that -- I'm not doing
25 that.

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1 MR. ARMSTRONG: What you're
2 doing right now is what you need to do before the
3 zoning hearing board. We can't do -- I can't --
4 legally they can't do anything for you at this
5 point. You need to present this --

6 MR. JOSEPH COLLIER: So they
7 can't read it and interpret it different than
8 what I'm saying?

9 MS. HAASE: No, sir.

10 MR. ARMSTRONG: No, no, we
11 can't.

12 MS. LAMBERTON: Did someone
13 have a question?

14 I'm sorry, go ahead.

15 MR. GREG HAMIL: Let me ask you
16 something. In the event that they were to
17 interpret it in his favor, would they reimburse
18 him the \$1250?

19 MS. HAASE: No, sir.

20 MR. ARMSTRONG: No. It's the
21 cost of hearing, steno -- yeah.

22 MR. RANDY HOFFMAN: That's the
23 ordinance you should check.

24 MR. HEINO FETTE: I'd like to
25 ask a question.

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1 MS. LAMBERTON: Heino, go
2 ahead. Whether it's a zoning --

3 MR. ARMSTRONG: Can you
4 identify yourself?

5 MS. LAMBERTON: I'm sorry.

6 MR. HEINO FETTE: My name is
7 Heino Fette, H-E-I-N-O F-E-T-T-E. Irregardless
8 of my relationship with these two, I'm speaking
9 as a resident of Tobyhanna Township.

10 No matter what the zoning
11 officer's interpretation, no matter what
12 anybody's opinion about anything is, I know the
13 two forms that Phyllis is talking about, the 952
14 and the 952PP. I'm very familiar with doing
15 abandoned vehicles. I do it every day.

16 I'd like to know, since the
17 board is elected by the people of Tobyhanna
18 Township, what are you going to do to help us? I
19 understand the zoning hearing, I understand all
20 of that. What is the board going to do to help
21 promote business? These two are not Kalahari,
22 they're not multibillionaire people, they're two
23 struggling kids trying to make a living for their
24 family; and I really think it's an unnecessary
25 burden being placed upon them in this particular

1 situation.

2 Whether it has to go before the
3 zoning hearing board or not, not my call. But
4 I'm looking for this governing body to get behind
5 small people, not just the big entities. I have
6 spoken my peace.

7 MS. LAMBERTON: I agree with
8 that, Heino, and I -- honestly, I think where it
9 stems from is 45-year-old zoning ordinances that
10 really need to be updated to today's needs.

11 MR. HEINO FETTE: You have
12 ordinances on the books, Annie, from when I
13 worked here that stated about unlicensed,
14 unregistered, abandoned vehicles throughout the
15 township. They tried to enforce it then;
16 however, where do you want the cars?

17 MS. LAMBERTON: No. I respect
18 that. And I think --

19 MR. JOSEPH COLLIER: I tow them
20 to the police station. I mean, I tow them all
21 over. I mean, if I'm in violation by having
22 vehicles there -- I was told by the zoning
23 officer the other day that I'm in violation by

24 having disabled vehicles on my property. I have
25 permission to be a towing facility and a repair

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1 shop. I'm not a Jiffy Lube.

2 MS. HAASE: Just to be --

3 MR. JOSEPH COLLIER: You can't
4 drive them in and drive them out. I mean, I
5 have -- I'm going to have disabled car there is
6 regardless. That's my business. I mean,
7 that's --

8 MS. HAASE: Just to be clear,
9 sir, for the record, you have permission to
10 repair your own vehicles.

11 MR. JOSEPH COLLIER: No, no,
12 no, no, no. I have permission to repair, to have
13 a repair shop on that property.

14 MS. HAASE: You have permission
15 to repair your own vehicles.

16 MR. JOSEPH COLLIER: No, that's
17 not true.

18 MS. HAASE: It is not a repair
19 center.

20 MR. KERRICK: Can I make a

21 suggestion --

22 MR. JOSEPH COLLIER: Yes, it
23 is.

24 MR. KERRICK: -- that we have
25 Pat and Phyllis look at this? I mean, we've

74

1 changed ordinances in the past when we had a
2 hardship. Look at it and let's see if we can do
3 something in the next month, so he doesn't
4 have --

5 MR. JOSEPH COLLIER: Can I show
6 you this real quick?

7 MS. LAMBERTON: Sure, of
8 course, you can.

9 MR. JOSEPH COLLIER: This does
10 not say my own vehicles. And repair shop. That
11 is not what I --

12 MS. HAASE: It was --

13 MR. JOSEPH COLLIER: I made
14 sure I got this before I moved in there and this
15 is why I moved out of Blakeslee, because I was
16 not allowed to repair cars. Now, am I

17 misinterpreting that too?

18 MS. HAASE: May I see that,
19 sir?

20 MS. LAMBERTON: Yeah. It does
21 say it.

22 MR. JOSEPH COLLIER: It says
23 it.

24 MS. HAASE: This one here was
25 repealed. This was not issued. The money was

75

1 returned to Mr. Selig.

2 MR. JOSEPH COLLIER: It's
3 signed and I have a copy if it.

4 MS. HAASE: Mr. Selig -- this
5 was returned to Mr. Selig because there was a
6 nonconforming certificate from 1977 on file, so
7 this was not valid.

8 MS. LAMBERTON: Okay. Well,
9 let's do this, let's --

10 MR. KERRICK: When Bob opened
11 the garage in 1970, he had a repair shop in the
12 front --

13 MR. JOSEPH COLLIER: He worked

14 there.

15 MR. KERRICK: -- so -- I'm just
16 saying, why don't we, instead of arguing here,
17 let's --

18 MS. HAASE: This is really not
19 the venue for this.

20 MS. LAMBERTON: Yeah, let's try
21 to find --

22 MR. KERRICK: -- try to find a
23 solution.

24 MS. LAMBERTON: -- a resolution
25 here. Yeah.

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1 MR. KERRICK: Perfect. Thank
2 you.

3 MS. LAMBERTON: Well, let's try
4 to find a resolution. Why don't we --

5 Patrick, if you wouldn't mind
6 taking a look at this to see how we can step in
7 and possibly help; and if not, move it to zoning
8 hearing.

9 MS. HAASE: Has to go to

10 zoning.

11 MR. ARMSTRONG: I will --

12 MS. LAMBERTON: And then see
13 what we can do to change, so it works --

14 MR. JOSEPH COLLIER: I'm going
15 do have to hire an attorney to look into it now
16 at this point too because, as you know, Annie,
17 John, Donny, I came here to look for this permit.
18 I went in -- it was never told to me that I
19 cannot have a repair shop there. That's what we
20 were fighting, trying to get this permit the
21 whole time. Then -- then I had -- this was sent
22 back to me and Bob also.

23 So, I mean, it's a signed --
24 maybe it wasn't granted, but it's signed and
25 dated by the zoning officer. So I would state

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1 that this is a valid -- correct? It's signed and
2 dated by the zoning officer.

3 MS. LAMBERTON: Let us -- let
4 us look into a way to try to help so it works
5 that you can continue with your business as you
6 are trying to.

7 MR. TED MOYER: The inspection
8 station sign is still there.

9 MR. JOSEPH COLLIER: Yep.

10 MS. HAASE: We do have pictures
11 of that from 1996, was the last time it was in
12 use.

13 MS. LAMBERTON: Well, thank you
14 for bringing this to our attention.

15 MR. JOSEPH COLLIER: Thank you
16 for hearing it.

17 MS. LAMBERTON: I agree that we
18 should be here to help --

19 MR. JOSEPH COLLIER: So will
20 somebody contact me --

21 MS. LAMBERTON: -- all the
22 taxpayers that work and live in our township.

23 MR. JOSEPH COLLIER: I guess
24 I'll hear from you, if you come up with anything.

25 MS. HAASE: You'll either hear

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1 from myself or from our zoning officer.

2 MR. RANDY HOFFMAN: The zoning

3 officer will show up.

4 FEMALE VOICE: Yep, exactly.

5 MR. JOSEPH COLLIER: Oh, I'm

6 sure.

7 MR. BRENDAN CARROLL: Yeah.

8 Who is the current zoning officer?

9 MS. LAMBERTON: Maureen

10 Minnick.

11 MR. BRENDAN CARROLL: Maureen

12 is?

13 MS. LAMBERTON: Um-hum.

14 MR. BRENDAN CARROLL: Yeah?

15 MS. HAASE: She's our sewer

16 enforcement officer as well.

17 MS. LAMBERTON: But there's no

18 reason we can't try to help.

19 MR. JOSEPH COLLIER: Yeah. I

20 mean, it's a 10,000 square foot garage that has

21 done way more than I'm ever going to do there. I

22 mean, if -- who builds a shop like that to grow

23 flowers, I mean --

24 MS. LAMBERTON: Well, we'll

25 have Patrick and Phyllis look into that this

1 week. And I'm sorry for your aggravation, the
2 both of you.

3 MR. JOSEPH COLLIER: Well, it
4 is what it is. I mean --

5 MS. LAMBERTON: Any other
6 comments or questions?

7 MR. TED MOYER: Yes.

8 MS. LAMBERTON: I'm sorry.

9 MR. TED MOYER: Regarding the
10 Memorial Day parade, has a permit been obtained
11 this year to travel across 423?

12 MS. HAASE: Um-hum, the fire
13 department.

14 MR. TED MOYER: So it will be
15 back to the normal --

16 MS. HAASE: Yeah. The issue
17 was, the legion did not want to apply to PennDOT
18 for a permit, it wasn't from the township, that
19 was a PennDOT issue. So the volunteer fire
20 fighters -- in fact, Ed Tutrone's in back of
21 you -- they are working with the legion to obtain
22 the permits, proper permitting; and I believe
23 they're helping funding it as well.

24 MR. ED TUTRONE: Yeah. The

25 permit application's been filled out. We're

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1 working with the legion for the insurance to
2 confirm it so it goes back to the former route.
3 I do not know if it's been issued yet, but I know
4 it was turned in for that.

5 THE REPORTER: May I have your
6 name, please, sir?

7 MR. ED TUTRONE: Ed Tutrone.

8 MR. TED MOYER: Ted Moyer.

9 MS. LAMBERTON: Anyone else?
10 Motion to adjourn?

11 Oh, do we have to go into
12 executive session?

13 MS. HAASE: Yes.

14 MR. KERRICK: Do we have to
15 come back? Do we have to come back?

16 MR. ARMSTRONG: There's no
17 action that I anticipate, so you can --

18 MS. LAMBERTON: Motion to
19 adjourn?

20 MS. PICKARD: I move.

21 MS. LAMBERTON: Second?
22 MR. MOYER: Second.
23 MS. LAMBERTON: Motion and
24 second.
25 John, call the vote.

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1 MR. KERRICK: You're going to
2 call the vote? Wow.
3 MS. LAMBERTON: Yep. I want to
4 do this official.
5 Heidi?
6 MR. KERRICK: You don't need it
7 for a motion to adjourn.
8 MS. LAMBERTON: You're already
9 leaving me. Was it something I said?
10 Thanks for coming.
11 (Meeting concluded at 8:00
12 p.m.)

13 ---

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

13

14

15

16

JESSICA L. HOLT, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

Northeast, In Re: Conditional Use Hearing for T-Mobile
LLC Proposed Facility at Camp Minsi.

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, April 30, 2015, beginning at 5:32 p.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

PATRICK ARMSTRONG, ESQUIRE, Solicitor

ALSO PRESENT: Phyllis Haase, Township Manager
Robert McHale, P.E., Township Engineer

APPEARANCE: NIKOLAUS & HOHENADEL, L.L.P.
by MICHAEL GRAB, ESQUIRE
327 Locust Street
Columbia, PA 17512
For the Applicant

PANKO REPORTING
 537 Sarah Street, Second Floor
 Stroudsburg, Pennsylvania 18360
 (570) 421-3620

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APPLICANT'S
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*Exhibits not provided to the reporter.

1 MR. ARMSTRONG: For purposes of
2 just a quick review, T-Mobile has filed a
3 conditional use application pursuant to the
4 township zoning ordinance for the ability to

5 construct and use a piece of property for the
6 purpose of a telecommunication tower facility
7 within the township. It's within the open space
8 district. It is permitted in that district as a
9 conditional use.

10 Part of the conditional use
11 process is a public hearing held before the board of
12 supervisors, which is yourselves. And you are to
13 sit as a quasi judicial body, listen to the
14 evidence to be presented by the applicant,
15 T-Mobile, and make a determination based upon the
16 zoning ordinance and the Pennsylvania MPC.

17 Attorney Michael Grab is here to
18 represent T-Mobile. This has been advertised for
19 the public hearing this evening. It's been
20 advertised in the Pocono Record on -- and the
21 advertisement dates of that legal notice were -- I
22 can't read it on this proof, but it has been
23 advertised pursuant to the Pennsylvania MPC.

24 So with that I'm going to open
25 the public hearing on the conditional use

1 application of T-Mobile Northeast, LLC. And I'll

2 read the legal notice into the record very briefly.
3 The Tobyhanna Township Board of Supervisors has
4 scheduled a special meeting to take place on
5 Thursday April 30, 2015 at 5:30 p.m., at the
6 Tobyhanna Township Government Center Building, 105
7 Government Center Way, Pocono Pines, PA. Notice is
8 also hereby given that the board of supervisors
9 will hold a public hearing at the special meeting
10 to consider the conditional use application of
11 T-Mobile Northeast, LLC.

12 The conditional use applications
13 for the construction of a new wireless
14 telecommunication tower and facility on Tax Map
15 Parcel No. 19/4/1/2, PIN No. 19634500155370, with
16 an address of 106 Camp Minsi Road, Tobyhanna
17 Township, Monroe County, Pennsylvania. The
18 property is currently owned by Bethlehem Area Boy
19 Scouts, Council of BSA, Boy Scouts of America. And
20 the applicant, pursuant to the township code of
21 ordinances, Chapter 155, Sections 155-15.E, Section
22 155-59 and Section 155-106, has requested the
23 approval to construct a new wireless
24 telecommunications tower and facility on the
25 aforementioned property.

1 This public notice has been
2 advertised pursuant to the MPC. It's been
3 available at the township office for purposes of
4 public availability. It's been provided to the
5 applicant and the applicant's attorney.

6 And before I get started with
7 some housekeeping items which would be marking the
8 exhibits from the township's point of view, I will
9 indicate for purposes of the public, this is a
10 public hearing, the applicant will be presenting
11 it's evidence before this board. If anyone from
12 the public wishes to speak, you may do so when the
13 appropriate time is made.

14 Is there anyone out there
15 requesting party status for this conditional use
16 application? Party status will give you the
17 opportunity to cross examine any witnesses, it will
18 give you the opportunity to appeal any decision
19 that this board makes with respect to the
20 application. Are there any individuals in the
21 public asking for party status?

22 Seeing none, what we'll mark as

23 Township Exhibit A, is a correspondence from
24 Attorney Michael Grab dated April 1, 2015.

25 Township Exhibit B is the

6

1 conditional use application filed and received by
2 the township of Tobyhanna on April 2nd, 2015.

3 Township Exhibit C is the April
4 9, 2015 review letter from the Tobyhanna Township
5 engineer in regards to the conditional use
6 application.

7 Township Exhibit D is the
8 written adjudication from the Tobyhanna Township
9 Zoning Hearing Board granting certain zoning relief
10 in the form of variances with respect to the
11 proposed telecommunication tower.

12 Township Exhibit E is a
13 correspondence from Attorney Michael Grab dated
14 April 13, 2015 to the Tobyhanna Township Zoning
15 Hearing Board.

16 Township Exhibit F is a
17 correspondence from my office dated April 15, 2015
18 addressed to Attorney Grab and copying the
19 Bethlehem Area Boy Scouts Council, with the

20 attached legal notice that was advertised in the
21 newspaper for tonight's hearing.

22 Township Exhibit G which is a
23 correspondence and affidavit of posting from the
24 Tobyhanna Township zoning officer affirming and
25 verifying that the property that's the subject of

7

1 this conditional use hearing has been posted
2 pursuant to the zoning ordinance and the
3 Pennsylvania MPC.

4 And Township Exhibit H, which
5 are photographs of the posting on the property as
6 posted by the township zoning officer.

7 What I had and was going to mark
8 as Township Exhibit I, was the proposed site plan
9 submitted with the application by T-Mobile
10 Northeast, LLC; however, I have been informed this
11 evening that there is a revised plan that the
12 applicant wishes to submit into evidence and
13 testify to this evening. So I will not submit or
14 admit the plan that was submitted with the
15 application at this point in time.

16 And Township Exhibit I, actual
17 Township Exhibit I, is the proof of publication
18 from the Pocono Record evidencing the advertisement
19 of the legal notice for purposes of this public
20 hearing.

21 Are there any questions or
22 comments from the board before I hand it over to
23 the applicant's attorney this evening?

24 MS. LAMBERTON: I have none.

25 MS. PICKARD: I have none.

8

1 MR. KERRICK: I have a question.
2 Why is the plan submitted, a last minute plan that
3 we haven't had a chance to review? Is there a
4 reason? Is it minor?

5 MR. GRAB: I can address that.
6 Good evening, board members. My name is Michael
7 Grab representing T-Mobile in connection with the
8 application. We met with the planning commission
9 earlier in April and there was a review letter
10 prepared by the township engineer that addressed
11 certain -- requested certain modifications to the
12 plan, what I would classify primarily as

9 get their share.

10 MR. ARMSTRONG: -- might have
11 been disruption from the audience --

12 MR. KERRICK: From the fourth
13 graders.

14 MR. ARMSTRONG: Right.

15 So this is a public hearing.
16 It's going to be -- the applicant is going to
17 present their evidence in the form of testimony.

18 Who will be testifying this
19 evening?

20 MR. GRAB: This evening I have
21 three witnesses, and I can have each of them stand
22 and be sworn and identify themselves, if you'd like
23 to do so now.

24 (Deborah Baker, Jeffery Nagorny
25 and Hansraj Rana were duly sworn.)

10

1 MR. ARMSTRONG: Before I
2 completely hand it over to you, I marked exhibits
3 Township A through I.

4 Are there any objections to
5 these exhibits?

6 MR. GRAB: No objection.

7 MR. ARMSTRONG: Any objections
8 from any other parties? Seeing none, consider them
9 admitted?

10 MR. GRAB: Yep.

11 MR. ARMSTRONG: I'll hand it
12 over to the applicant's attorney, Michael Grab, to
13 proceed with his case.

14 MR. GRAB: Thank you very much.

15 Mr. Armstrong did such a great
16 job in introducing the case and giving you all the
17 details of it, I think you know basically what the
18 specifics are. I know that this board is familiar
19 with these kinds of applications. It is
20 essentially a standard wireless communication
21 facility consisting of a monopole within a fenced
22 compound with some equipment. It is proposed to be
23 located on the boy scout camp property which is a
24 large property. And the use is permitted by
25 conditional use, which is why we're here before the

1 board of supervisors.

The applicant must demonstrate compliance with each of the requisite criteria in the ordinance in order to receive the approval. We hope to demonstrate that to you this evening via the witnesses that I'll present, as well as the documentary evidence.

8 So with that as a very brief
9 preface I'll go ahead and call my first witness who
10 is Deborah Baker.

11 -----

12 DEBRA BAKER, a witness called on
13 behalf of the Applicant, having been previously
14 duly sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. GRAB:

17 Q. Deb, you have been previously sworn. Would
18 you state again your full name and business address
19 for the record, please?

20 A. Yes. It's Deborah Baker, address of 1835
21 O'Hara Lane, Middletown, Pennsylvania, 17057.

22 Q. Deb, can you tell the board what duties you
23 perform on behalf of T-Mobile?

24 A. Yes. I'm a site acquisition contractor. I
25 perform site identification duties and leasing,

1 zoning and permitting also.

2 Q. And just in general, the board's probably
3 familiar, but what does a site acquisition
4 consultant do in terms of the actual functions you
5 perform on behalf of T-Mobile or other carriers?

6 A. My job starts when the radio frequency or RF
7 engineers with the company determine that a new
8 cellular site is needed. They give me a small
9 circle or a set of coordinates, latitude and
10 longitude, and it's my job basically to find an
11 existing site, an existing tower or an existing
12 tall structure or a place to build a tower for that
13 new proposed site.

14 Q. And that's generally what you do. With regard
15 to this particular application, did you receive a
16 search area from the T-Mobile radio frequency
17 department?

18 A. Yes, I did.

19 Q. What did you do at that point?

20 A. I do a number of things. Initially I obtain
21 the township ordinance and township map. For where
22 that search area is located, I drive the area,
23 that's one of the first things I do. And the

24 purpose of driving the area is to see if there are
25 any existing towers or tall structures of a

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13

1 sufficient height on which the T-Mobile could mount
2 their antennas.

3 Q. Now, why is that preferable, if needed, is the
4 collocation as opposed to building a new tower
5 somewhere?

6 A. It's much more preferable for all of the
7 carriers. Obviously, to put antennas on an
8 existing structure is a lot less expensive, and
9 it's faster to market, faster to get their site on
10 the air. All of the carriers have agreements with
11 each other, you probably already know that, where
12 they can share towers and go on each other's
13 towers. So it's the thing to do is to try to find
14 an existing tower.

15 Q. So you did that first, drove the area. Did
16 you find any existing tall structures that would
17 work for collocation purposes?

18 A. No, I did not. So then the next thing I do is
19 review the ordinance, see where towers are

20 permitted, either by special exception or
21 conditional use. I feel lucky when I find an area
22 where they actually mesh up, that where I need it,
23 it's actually a permitted use by some means. And
24 at that point I will try to find a landowner that's
25 interested in leasing for a tower to be built on

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14

1 their property.

2 Q. Again, just to confirm for purposes of
3 compliance with the ordinance, when you did your
4 initial search there were no suitable structures
5 within at least a half mile radius of the proposed
6 site?

7 A. That's correct, there were not.

8 Q. And then again, you identified the property of
9 the boy scouts that was within the permitted zone
10 for the use by conditional use?

11 A. Yes. I approached the boy scouts and worked
12 with them to come up with a suitable location that
13 -- we'll get to the exact location, but it's in a
14 nice treed area off the road. And we were able to
15 execute a lease agreement for T-Mobile to go on
16 that property.

17 Q. And you have that lease agreement with you
18 this evening, is that correct?

19 A. Yes, I do.

20 MR. GRAB: Board members, I'm
21 going to have this document marked as Applicant's
22 Exhibit 1 for identification. And I'll hand out
23 copies to the board.

24 (Lease Agreement was marked for
25 identification a Applicant's Exhibit No. 1.)

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15

1 BY MR. GRAB:

2 Q. I'll show you what's been marked as
3 Applicant's 1 for identification. Do you recognize
4 that document?

5 A. Yes.

6 Q. What is that?

7 A. This is the site lease agreement. It's
8 between T-Mobile and Bethlehem Area Council Boy
9 Scouts of America. And it is the lease agreement
10 for the proposed site. Consists of about -- the
11 agreement's seven pages with attachments. And part
12 of it's redacted and that's just the financial

13 terms.

14 Q. And that provides the legal authority for
15 T-Mobile to make this application and to place the
16 site at the property, if the board approves it, is
17 that correct?

18 A. That's correct, yes.

19 Q. Does it also have provisions in it for removal
20 of the tower if it's no longer used for wireless
21 telecommunication purposes?

22 A. Yes, it does.

23 Q. And is that standard in these kinds of uses?

24 A. Yes, that's very standard. Every lease has
25 that when towers are no longer used they'll be

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16

1 removed by the carrier.

2 Q. Then again, you identified the actual property
3 owner in there, which again, is what entity?

4 A. It's Bethlehem Area Counsel Boy Scouts of
5 America.

6 Q. And I know we've referred to them generally as
7 the boy scouts, but that's actually the property
8 owner?

9 A. That's correct, yes.

10 Q. Deb, you heard Mr. Armstrong say at the
11 beginning that there were certain zoning variances
12 that were granted for this site as well. T-Mobile
13 has actually appeared before the township zoning
14 hearing board and sought certain variances, is that
15 correct?

16 A. Yes. Yes, we did.

17 Q. And those variances were granted by the zoning
18 hearing board, correct?

19 A. Yes.

20 Q. And those had to do with the height of the
21 tower and the antenna size as well as the setback
22 to the neighboring residential zoning district, is
23 that also correct?

24 A. Correct. And that would be the zoning
25 district and the property line on the west of the

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1 proposed site.

2 Q. As part of your duties as well, do you
3 undertake what's called an FAA review to determine
4 whether the tower must be lighted?

5 A. Yes.

6 Q. And has that been done for this particular
7 site?

8 A. Yes, that's be completed and we do not
9 anticipate any lighting would be needed for this
10 tower. Normally towers under 200 feet do not need
11 to be lit unless they're very close to an airport.

12 Q. You brought a copy of that determination with
13 you, is that correct?

14 A. Yes.

15 MR. GRAB: I'm going to have
16 this document then, board members, marked as
17 Applicant's 2 for identification. And I'll hand
18 out copies.

19 (FAA TOWAIR Determination Letter
20 was marked for identification as Applicant's
21 Exhibit No. 2.)

22 BY MR. GRAB:

23 Q. So, Deb, I've shown you what's been marked
24 Applicant's 2 for identification. Do you recognize
25 that document?

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1 A. Yes.

2 Q. Is that the FAA review that you were talking

3 about in your testimony?

4 A. Yeah, it's a two page document. It's called a
5 TOWAIR determination. This tool is used to input
6 the exact proposed latitude and longitude, ground
7 elevation and proposed structure height. And this
8 one for this specific tower came back that the
9 tower passes slope for the Pocono Mountain
10 Municipal Airport, and that no lighting is
11 required.

12 Q. Is that unusual for towers that are under 200
13 feet?

14 A. No. No. Again, normally under 200 feet a
15 tower does not need to be lit.

16 Q. The proposed height of this tower is 155 feet,
17 correct?

18 A. Yes, 155.

19 Q. And it's a monopole design not a lattice cross
20 member type tower?

21 A. Yes.

22 Q. I know the board is probably familiar with it,
23 Deb, but as the site acquisition consultant can you
24 give the board some idea of what the boy scout camp
25 looks like in terms of the type of property, you

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1 know, developed, wooded, that kind of thing?

2 A. Oh, yes. Other than the lake, the rest of it
3 is very wooded. I don't know how many of you have
4 driven back there or whatever, it's very wooded.

5 Q. So you would expect that that's going to
6 provide substantial screening for the tower?

7 A. Yes, especially for the bottom portion of it,
8 yes.

9 MR. GRAB: That's all I have for
10 this witness, board members.

11 MS. LAMBERTON: Thank you.

12 MR. GRAB: My next witness then
13 if the board doesn't have any questions -- I don't
14 want to rush her off if the board has any
15 questions.

16 MS. LAMBERTON: I have none.

17 MR. KERRICK: I have one
18 question. This takes the place of the 7460 or are
19 you away from the airport far enough that you don't
20 have to do a 7460.

21 THE WITNESS: Yeah, we're away
22 from the airport far enough that we don't need to
23 do that.

24 MR. KERRICK: Thank you.

25 MR. ARMSTRONG: I just have a

D. Baker

20

1 few.

2 The lease agreement is with the
3 Bethlehem Area Counsel Boy Scouts of America,
4 correct?

5 THE WITNESS: Yes.

6 MR. ARMSTRONG: Did you get a
7 copy of the deed, by chance, of the property?

8 THE WITNESS: Yes, we do a title
9 recert, title search on the property. I do not
10 have it with me.

11 MR. ARMSTRONG: Okay. We would
12 request you to send a copy to supplement the
13 record.

14 MR. GRAB: We'd be happy to.
15 That's no problem.

16 MR. ARMSTRONG: Again, you're
17 the site acquisition consultant?

18 THE WITNESS: For T-Mobile,
19 correct. Yes.

20 MR. ARMSTRONG: You're not the

21 RF engineer, you're not a structural engineer? You
22 have someone else here to testify to that?

23 THE WITNESS: Yes.

24 MR. GRAB: Correct. We do,
25 Mr. Armstrong.

21

1 MR. ARMSTRONG: Will they also
2 be testifying to the actual plan and the lot
3 layout?

4 MR. GRAB: They will.

5 MR. ARMSTRONG: And they would
6 be the better people to ask with respect to
7 screening, fencing and the like?

8 MR. GRAB: Correct. All those
9 details about the design and the radio frequency is
10 what the next two witnesses will address.

11 MR. ARMSTRONG: That's all I
12 have.

13 MR. GRAB: Thank you.

14 My next witness then, board
15 members, is Mr. Hansraj Rana.

16 ---

17 HANSRAJ RANA, a witness called
18 on behalf of the Applicant, having been previously
19 duly sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. GRAB:

22 Q. Okay, Raj, you've been previously sworn, but
23 would you state your full name and business address
24 for the record, please.

25 A. First name H-a-n-s-r-a-j, last name Rana,

H. Rana

22

1 R-a-n-a. I'm working for T-Mobile and --

2 MR. ARMSTRONG: The first name
3 again, just the spelling.

4 THE WITNESS: H-a-n-s-r-a-j.

5 BY MR. GRAB:

6 Q. And your business address?

7 A. 400 Street Road, Bensalem, PA.

8 Q. That's 400 Street Road, Bensalem, PA?

9 A. Yep.

10 Q. Raj, you are the radio frequency engineer for
11 T-Mobile, is that correct?

12 A. Yes, correct.

13 Q. And it's your duty to design the proposed

14 coverage for T-Mobile and to determine in a
15 particular area where there may be a lack of
16 coverage, is that also correct?
17 A. Yes, correct.
18 Q. Can you tell the board what tools or systems
19 you used to make that determination. How do you
20 figure out where there's currently coverage and
21 where you need coverage?
22 A. T-Mobile has a (inaudible) called a --
23 Q. Raj, speak a little bit slower, maybe a little
24 bit louder just so we can get it down.
25 So there's a computer tool that's utilized, is

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23

1 that correct?
2 A. Yes, correct.
3 Q. What's the name of that tool?
4 A. ASSED, A-S-S-E-D.
5 Q. Is that kind of tool the custom and standard
6 in the industry in terms of determining where
7 there's coverage and where there is not?
8 A. Yes, correct.
9 Q. And that tool is actually backed up by real

10 live empirical data, like drive test data and
11 things like that?
12 A. Yes, correct.
13 Q. So it's not just some computer program?
14 A. No.
15 Q. And then that produces a map, a radio
16 frequency map that you can actually see where the
17 coverage is and where the coverage is not, correct?
18 A. Yes, correct.
19 Q. And you brought that with you this evening?
20 A. Yes.
21 MR. GRAB: Then, board members,
22 I'm going to have that document marked as
23 Applicant' Exhibit 3 for identification. For the
24 record there is a large display version of
25 Applicant's 3 that Raj has placed before the board,

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24

1 and I'll hand out small versions for the board to
2 look at.
3 (Radio Frequency Map was marked
4 for identification as Applicant's Exhibit No. 3.)
5 BY MR. GRAB:
6 Q. Okay, Raj, we placed before the board the

7 display version of Applicant's Exhibit 3 for
8 identification, which is a three page document, is
9 that correct?

10 A. Yes, correct.

11 Q. And the first page of that is labeled present
12 T-Mobile coverage with existing on-air sites,
13 correct?

14 A. Yes.

15 Q. Can you tell the board what that shows in
16 terms of the current T-Mobile coverage in the area?
17 And I'll tell you what, let's do this. When you
18 speak I need you to speak to the board over this
19 way so the court reporter can hear you.

20 A. Okay. You will see in the first map that this
21 is present T-Mobile coverage with the existing
22 on-air site in this area. So you will see the blue
23 dots, those are the existing on-air sites in this
24 area. And the -- this is the proposed site. And
25 the region shows light green color, it is reliable

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25

1 in building coverage, and the yellow color shows
2 reliable in vehicle coverage.

3 THE REPORTER: I'm sorry, I --

4 MR. GRAB: That's okay. I'll
5 cover that again just to make sure it's clear on
6 the record.

7 BY MR. GRAB:

8 Q. So, Raj, the green color is the reliable in
9 building coverage, correct?

10 A. Yes, correct.

11 Q. And then the yellow that's shown on the map,
12 is the reliable in vehicle coverage?

13 A. Yes, correct.

14 Q. And then the white areas are basically where
15 there is no reliable coverage, is that correct?

16 A. Yes.

17 Q. Now, the proposed site that's the subject of
18 the application tonight, that's in the middle of
19 Page 1 and labeled 2MN8801A, is that correct?

20 A. Correct.

21 Q. Now, does Page 1 here show that there is a
22 significant gap in coverage that T-Mobile has in
23 this area?

24 A. Yes, correct.

25 Q. And the idea is to begin to fill that in as

1 much as you reasonably?

2 A. Yes, correct.

3 Q. Let's go to Page 2, if we could, of
4 Applicant's 3. And that is labeled future T-Mobile
5 coverage with proposed site 2MN8801A.

6 Now, Raj, does this show the radio frequency
7 coverage that would be provided by this proposed
8 site in the center of the map?

9 A. Yes, correct.

10 Q. And that it shows the same color as the green
11 and the yellow?

12 A. Yes, correct.

13 Q. And how does that help? I mean it's probably
14 obvious from the map, but how does that help in
15 terms of providing additional coverage for
16 T-Mobile? What objectives does it cover?

17 A. Yeah. Basic objective of this site will be it
18 will cover the Pocono Summit and the Pocono Pines
19 area. Also it's going to cover the state highway
20 423 and the state highway 400 and -- 419. Also it
21 will provide coverage on the interstate highway
22 380. And the area in this Pocono Summit and the
23 Pocono Pines.

24 Q. Okay. And, Raj, T-Mobile is licensed and

25 regulated by the FCC, is that correct?

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1 A. Yes, correct.

2 Q. So all the emissions from the antennas are
3 licensed and regulated by the FCC as well?

4 A. Yes.

5 Q. And you've been designing these kinds of sites
6 for how long?

7 A. Almost like five years.

8 Q. So you've handled hundreds of sites for
9 T-Mobile?

10 A. Yes, correct.

11 MR. GRAB: Thanks. That's all I
12 have for this witness, board members.

13 MS. LAMBERTON: Thank you.

14 MR. ARMSTRONG: I have a few.

15 The plan that has been submitted
16 as A-3, Hansraj, is that a depiction of T-Mobile's
17 coverage or any and all cell coverage.

18 THE WITNESS: No, only T-Mobile
19 coverage.

20 MR. ARMSTRONG: Only for

21 T-Mobile coverage.

22 THE WITNESS: Yes.

23 MR. ARMSTRONG: Did you search
24 to see if there is any other coverage in that area?

25 THE WITNESS: No, we have only

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1 the access for the T-Mobile, so this is coverage
2 for T-Mobile only.

3 MR. GRAB: Each carrier, I can
4 tell the board, only has access to information for
5 its own radio frequency broadcast as opposed to
6 Verizon, AT&T. So it could be that other carriers
7 have coverage in this area but T-Mobile does not.

8 MR. ARMSTRONG: Were you
9 involved in searching out additional sites for this
10 particular gap in coverage for T-Mobile as the site
11 acquisition consultant.

12 THE WITNESS: No, basically they
13 provide us laterals, so we go ahead and enter the
14 information in our coverage prediction tool and
15 then the -- and so based on the height and the
16 available lat/long we run the prediction.

17 MR. GRAB: Just to be clear --

18 I'm sorry, I don't mean to interrupt, Mr.
19 Armstrong. But you're saying just based on the
20 lat/long, you're talking about the latitude and the
21 longitude --

22 THE WITNESS: Longitude, yeah.

23 MR. GRAB: -- that -- you tell
24 her where the area is that coverage is needed and
25 then she tries to locate a site in accordance with

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1 her testimony, provides that information to you and
2 then you run this analysis to figure out whether
3 it's going to work?

4 THE WITNESS: Yes, correct.

5 MR. ARMSTRONG: Okay. And
6 what's shown on Page 2 of A-3, is that a depiction
7 of what's anticipated for the coverage for the
8 proposed tower at the height of 155 feet?

9 THE WITNESS: Yeah. The antenna
10 will mount at the height of 150 feet, so tower
11 height will be 155. So this prediction is based on
12 the 150 feet.

13 MR. ARMSTRONG: Now, would you

14 be the proper person to ask questions with respect
15 to the propose tower?

16 MR. GRAB: In terms of
17 structural issues, no. That would be my next
18 witness.

19 MR. ARMSTRONG: In terms of the
20 actual plot, plan, layout?

21 MR. GRAB: That would be the
22 next witness too.

23 MR. ARMSTRONG: Have you done --
24 have you looked into whether or not the T-Mobile
25 proposed site would interfere with any other

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1 carriers in the area? Is he the appropriate --

2 MR. GRAB: He would be. And
3 maybe the larger question is --

4 MR. ARMSTRONG: You want me to
5 hand it back over to you?

6 MR. GRAB: Maybe just to
7 clarify. I know the point you're getting at.

8 The larger question is do the
9 emissions from these antennas which have to comply
10 with FCC regs, do they cause interference with

11 other carrier signals like Verizon or AT&T or
12 Sprint.

13 THE WITNESS: No.

14 MR. GRAB: And why is that?

15 THE WITNESS: Because they use
16 different frequency band as the T-Mobile using a
17 different frequency band, so there won't be any
18 interference in that area.

19 MR. GRAB: Okay.

20 MR. ARMSTRONG: Again, you're
21 specialty is simply the RF?

22 MR. GRAB: Simply radio
23 frequency. Had nothing to do with the design of
24 the --

25 MR. ARMSTRONG: Not degrading

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1 the RF engineering industry. I'm just trying to
2 make sure I don't miss anything.

3 If the tower would shrink would
4 that -- on Page 2, would that area shrink as well?
5 Meaning if the tower were lowered --

6 THE WITNESS: Yes.

7 MR. ARMSTRONG: -- would that
8 footprint similarly decrease?

9 THE WITNESS: Yes, definitely.

10 MR. GRAB: Just for the board's
11 information too, when we appeared before the zoning
12 hearing board, Raj, you testified before the zoning
13 hearing board, correct?

14 THE WITNESS: Yes, correct.

15 MR. GRAB: And you actually
16 brought in other radio frequency plots to show the
17 reduction in the coverage if the elevation of those
18 antennas were to be reduced?

19 THE WITNESS: Yes, correct.

20 MR. GRAB: And it was based on
21 that evidence that the zoning hearing board granted
22 the variance for the height of 155 feet?

23 THE WITNESS: Yes.

24 MR. GRAB: Okay.

25 MR. ARMSTRONG: The actual

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1 antennas themselves, do you know the size of those?

2 THE WITNESS: Maybe around like
3 four -- four to five feet.

4 MR. GRAB: Four to five feet in
5 length?

6 THE WITNESS: Yes.

7 MR. GRAB: How about width?

8 THE WITNESS: Width around like
9 one and a half feet.

10 MR. ARMSTRONG: You're familiar
11 that there are -- I think there are provisions in
12 the zoning ordinance with respect to the size of
13 the antenna.

14 MR. GRAB: Well, that's one of
15 the variances that we requested.

16 MR. ARMSTRONG: Okay.

17 MR. GRAB: And the board granted
18 that. And the reason we did is that it's actually
19 more prospectively -- because when the ordinance
20 was written that was the standard size for
21 antennas, but the industry has evolved since.
22 They're a little bit bigger so we just
23 prospectively requested that variance. So I think
24 it went from 5 by 3 to --

25 MR. HOLAHAN: 8 by 4.

1 MR. GRAB: -- 8 by 4, exactly.

2 MR. ARMSTRONG: You did indicate
3 that this will be licensed by the FCC. Do you have
4 a copy of that license?

5 MR. GRAB: I don't know if you
6 have a copy of FCC license with you but we can
7 certainly provide that to supplement the record.

8 MR. ARMSTRONG: Similar to the
9 deed from the --

10 MR. GRAB: Absolutely.

11 MR. ARMSTRONG: That's all I
12 have.

13 MR. HOLAHAN: Anybody?

14 MS. LAMBERTON: No.

15 MR. GRAB: Thank you, board
16 members. My last witness then is Mr. Jeff Nagorny.

17 ---

18 W. JEFFERY NAGORNY, a witness
19 called on behalf of the Applicant, having been
20 previously duly sworn, was examined and testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. GRAB:

24 Q. Okay, Jeff, you've been previously sworn as

25 well. Would you state your full name and business

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1 address for the record?

2 A. W. Jeffrey Nagorny, Advantage Engineers, 1025
3 Andrew Drive, Suite 100, West Chester,
4 Pennsylvania.

5 Q. And, Jeff, what is your profession?

6 A. I am a licensed civil engineer.

7 Q. That's in the Commonwealth of Pennsylvania
8 among other states, is that right?

9 A. Among other states, yeah.

10 Q. Advantage Engineers have prepared the zoning
11 drawings that were originally submitted as part of
12 the application, and you have revised versions here
13 with you this evening too, is that correct?

14 A. Yes, I do.

15 MR. GRAB: Board members, I'm
16 going to have this document marked as Applicant's 4
17 for identification. I'll hand out copies to the
18 board.

19 (Revised Zoning Plans were
20 marked for identification as Applicant's Exhibit
21 No. 4.)

22 BY MR. GRAB:
23 Q. Okay, Jeff, you placed before the board a
24 display version of what's been marked as
25 Applicant's 4 which is a multi-page document, is

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1 that correct?
2 A. That is correct.
3 Q. And those are the set of zoning drawings or
4 zoning plans that support the application here this
5 evening, is that also correct?
6 A. That is correct. And I would be remiss if I
7 didn't thank my colleague from T&M Engineering for
8 letting me borrow his easel so I didn't have to go
9 out to the car and get the one I left out there.
10 Q. Very good.
11 You placed before the board Sheet Z-1, which
12 is the second page of the zoning drawing set.
13 A. That's correct.
14 Q. Can you tell the board, Jeff, what sheet Z-1
15 shows for this proposal?
16 A. Sure. This basically is kind of a -- it's a
17 partial site plan as far as the overall boy scout

18 camp is concerned. Down along the bottom here we
19 have highway, Route 940, we have the main entrance
20 to the camp right in the middle, Minsi Drive, and
21 then obviously the -- or maybe not so obviously,
22 but this hatch pattern here is the lake within the
23 camp.

24 And actually the little dam, the overflow is
25 here where the stream starts and goes under the

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1 roadway. You come in Minsi Drive and you make a
2 left on Keiplers Lane right here, and a few hundred
3 feet down is the location of the proposed monopole
4 compound for installation.

5 This drawing is at a scale of one inch equals
6 200 feet. So maybe it's closer to a thousand feet
7 in on Keiplers Lane.

8 Q. So there's no significant modification to the
9 access that needs to be made in order to access the
10 proposed site?

11 A. No, there's not. Both Minsi Road and Keiplers
12 Lane are pretty much paved roads going back. And
13 right where the driveway kind of branches off to
14 Keiplers, there's actually a -- I don't know if

15 it's a gravel road, but it is a little pull off
16 area. I think there's some wood storage and
17 there's a -- I don't know if it's an Adirondack or
18 small shed in that area. So we actually have the
19 turn-off to come where we'll put our little access
20 road to the compound already in place so we don't
21 have to disturb the road.

22 And for construction purposes we're not,
23 obviously, whenever this takes place -- being an
24 assistant scout master down in Chester County, you
25 know, once June hits this thing is going to be

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1 popping all summer long. So the construction, if
2 it does take place during that time period should
3 not at all restrict scout camp operations.

4 Q. Jeff, what's the size of the parent tract, the
5 boy scout property?

6 A. Size of the parent tract, and I -- it's only
7 221 acres. I jest. It's 221.3, and that's a
8 decent size for a scout camp.

9 Q. What utilities will serve this site, Jeff?

10 A. It'll be served by electric and telecom only.

11 There is no need for water or sewer because this is
12 not a habited site. There will be no facilities
13 there. In fact, it will only be normally visited
14 once, at most maybe twice a month by a technician.
15 They do regular routes to check on all the towers,
16 but at the same time it will be monitored 24/7
17 remotely, such that if a piece of equipment breaks
18 down they know it and a tech can come out and
19 service the site.

20 Q. Sheet Z-1 shows the setbacks from the tower to
21 the nearest property lines, is that correct?

22 A. Yes, that is correct.

23 Q. And what are those?

24 A. There is a setback of 539 feet plus to the
25 front right-of-way line for Route 940, and there is

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1 a setback of 789 feet to the side property line to
2 the west.

3 Q. And those setbacks conform with the ordinance
4 requirements in terms of the tower setback, two
5 property lines, is that correct?

6 A. Yes.

7 Q. And the zoning hearing board granted a

8 variance from the setback requirement for the tower
9 from the property to the west which is a
10 residential zoning district line boundary, correct?

11 A. Right. Which is a specific separate
12 requirement for residential zoned properties.

13 Q. Very good.

14 Let's go ahead and turn to the next sheet then
15 which is Sheet Z-2.

16 Can you tell the board what that shows?

17 A. Yes. This is what we call a compound plan.
18 The six -- in this case 60 foot square fenced area
19 we refer to as the tower compound, that is the
20 area, the primary portion of the leased area
21 associated with this site. Obviously there will be
22 access easement across the roads coming in, and
23 there will be somewhere a utility access easement
24 to bring lines in.

25 But this is the primary area associated with

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1 the facility, so it's a 60 foot square, 3600 square
2 foot area. The tower being located directly
3 exactly in the center. This will be a secured area

4 with a chain link fence. We did a lot of gate, 12
5 foot wide gate on the front of it.

6 In this particular drawing you can see the
7 tower. The monopole itself is a circle in the
8 middle. We have a triangular shape which is
9 actually the antenna mounting platform that will be
10 located up at the level where the antennas are
11 going to be mounted on. And the kind of hatched
12 area is actually where tower climbers can get up
13 and work on the tower. And I have not and never
14 will. I ride a motorcycle and that's scary enough.

15 So for T-Mobile -- now, some carriers AT&T and
16 Verizon, typically, not always, use prefabricated
17 shelter buildings. T-Mobile, as in this instance,
18 typically constructs a concrete pad on which they
19 mount their equipment. And that's basically what
20 we're showing here. We have a concrete pad -- just
21 got to get the right scale. And that would --

22 Q. A quarter?

23 A. Yes, sir.

24 And that looks to be not quite 10 feet. Maybe
25 9, 9 and a half feet by not quite 20 feet. So

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1 there's a poured in place concrete slab and then
2 into that slab there are actually -- down the
3 middle this hatched long rectangle is what we call
4 an ice bridge or cable tray. The basis for that is
5 so that the cable is run under that, so if there's
6 any tree branches or snow or ice or anything
7 falling down, that the cables are protected. And
8 so you see there's some circles either side, those
9 are basically mounting posts.

10 And then the equipment cabinet is in the upper
11 left right here where the telecom feed comes in,
12 gets then routed from there up through cables
13 running inside the pole to the antennas. And also
14 on the end there's going to be a power cabinet
15 because obviously they need electric power to
16 operate the antennas.

17 We do also show a proposed parking space
18 located right inside the gate. There's plenty of
19 room for a vehicle to pull all the way in while
20 they're doing their operations. And then in the
21 far upper left you actually see what we call a
22 backboard, but that's where the power and the
23 telecom line come in underground, they hit that and
24 there's breakers, et cetera, and then it goes to
25 feed the actual equipment.

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1 One additional thing -- and cut me off, Mike,
2 at any point if I go on too long and let me know if
3 I talk too fast. We also show future carrier lease
4 areas, and that addresses the issue of collocation.
5 As Ms. Baker indicated, it's guidelines through --
6 all the major carriers have a master lease
7 agreement with each other, because if AT&T or
8 Verizon, God forbid, had a tower in this area that
9 met T-Mobile's needs and there was space available,
10 it is absolutely a heck of a lot cheaper to go in,
11 even if you had to go get it permitted, cheaper and
12 quicker to get it done. And that's why they
13 figured it out long ago besides the fact that
14 municipalities and communities don't necessarily
15 want towers popping up like evergreens in the
16 Poconos.

17 So we do show four additional lease areas
18 here. They're 12 by 20 for whether it be a
19 concrete pad or a shelter. Obviously any
20 additional carriers that would want to come in and
21 collocate which kind of meets the township's

22 preferences as far as the zoning code, we'd still
23 have to come back to the township to get such
24 installations permitted.

25 Q. And then, Jeff, I think it's called out on

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1 there, but what is the height of the chain link
2 fence?

3 A. I think the chain link fence is eight feet
4 including the, I believe, barbed wire.

5 Q. Okay. Let's go to the next sheet then, which
6 is Sheet Z-3.

7 MR. HOLAHAN: Not using razer
8 wire, huh?

9 THE WITNESS: It's a boy scout
10 camp. Lord help us when we got to put razer wire
11 inside a scout camp to keep them out. Although I
12 have almost 17 year old, well, let's say they do
13 get into trouble.

14 BY MR. GRAB:

15 Q. Jeff, you placed before the board now Sheet
16 Z-3. Can you tell the board what that shows?

17 A. Yes. This is the elevation view. This is a
18 typical view that we provide with our set of tower

19 drawings, whether it will be the zoning drawings or
20 the full construction plans. What this does is it
21 shows in a scaled view the actual depiction of the
22 tower as it would be constructed. So we do have
23 down on the ground here we have a fenced compound,
24 we have a little cut away so you can see the base
25 of the tower so you can see the ice bridge, a cable

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1 tray here, as well as the telecom equipment box,
2 and then the tower basically going up.
3 So it's to the full 155 foot for the tower.
4 They show a five foot lightning rod on top, so the
5 total would be 160 with that. It also then shows
6 the antennas being mounted. We normally list the
7 rad center or the radiation center, basically it's
8 the center of whatever the antenna panel is, and
9 that is at a height of 150 above ground level.
10 These are our -- at least according to the drawing
11 right now, it's 55 inch long or deep antennas. So
12 you'd be adding a little over two feet to the 150
13 going up, so it'd be about 152 and a half to the
14 top of the panel which is still below the top of

15 the tower.

16 We also do show future antenna possible
17 locations. We can't make any guarantee that there
18 is going to be a future collocater on this tower,
19 but as you drive around and see them everywhere,
20 you still see some with a single antenna platform
21 but a lot of them have two, three, even four
22 platforms on them. So we do show those. And we do
23 show it at the typical separation these days which
24 is ten feet. So each platform would be about ten
25 foot difference. The largest antennas that we're

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1 mounting right now are actually eight feet tall, so
2 that's, well, two and a half feet taller than I am,
3 with it. So with a ten foot separation an antenna
4 mounted here would have four foot above that line,
5 four foot below, so it does still allow for a gap
6 of a couple of feet in between top and bottom of
7 adjacent antennas if they were at maximum height.

8 One other thing that you can actually see on
9 this is right down at the bottom there's this
10 little oval. That's basically an access port into
11 the interior of the monopole. And that's for the

12 cables to go in and be run up the inside of the
13 tower and then they pop out at the top to supply
14 both power and telecom feeds to the antennas.
15 Q. So there's no exterior cabling at all, is that
16 correct?
17 A. No, there is not.
18 Q. What's the exterior finish of the monopole
19 tower, Jeff?
20 A. I believe we're going with a gray mat finish.
21 Q. With that galvanized gray finish?
22 A. Yes.
23 Q. Okay. Can you tell the board a little bit
24 about the tower design criteria? How is the tower
25 designed?

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1 A. Yes. The criteria have been around for a
2 while. They've actually been modified and we like
3 to think improved several times over the years.
4 The guiding criteria or guidance document is the
5 American National Standards Institute, Electronic
6 Industries Association, The Telecommunications
7 Industry of America; ANSI, EIA, TIA, all three --

8 ANSI is a government agency. The EIT, the TIA are
9 actually trade associations. And it's 222G-2. So
10 we're actually on Revision G, Double Revision No.
11 2, I guess. So they've been revising. But these
12 standards basically talk all about the design, the
13 structural design for the tower based on the actual
14 loadings of the equipment, et cetera that's on
15 there, wind loadings on the tower, ice loadings on
16 the tower. And basically guides how the tower
17 structure and the foundation are to be designed to
18 resist the wind loads.

19 They actually reference another guidance
20 document, the American Society of Civil Engineers,
21 ASCE, 7 dash -- well, it's either 7-05 or 7-10.
22 2010 there was a revision. Not all jurisdictions
23 have adopted that, but basically if you're inland
24 from the coast, along the east coast, it's much
25 somewhere in the range of 90 to 95 miles an hour is

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1 your top wind speed. If you get close though to
2 the shore it'll bump up to 110, 120 miles an hour
3 because obviously they get hurricane force winds.

4 So the tower is not yet designed structurally.

5 One of the reasons is obviously we need to make
6 sure we have our zoning approvals, et cetera to
7 move forward before we do that. But the tower
8 itself will be designed according to those
9 standards. The foundation for the tower will
10 actually be designed based on a geotechnical
11 investigation. They need to come out with a rig,
12 they're going to figure out how tight and firm the
13 soil is, how deep they need to go. Typically for a
14 tower like this you might be looking at anywhere
15 from 20 to 30 feet deep and four to five foot
16 diameter reinforced concrete caisson that is going
17 to anchor this tower into the ground.

18 Q. Thank you, Jeff. The next sheet that you have
19 there, do you have sheet Z-4?

20 A. Yes, I do.

21 Q. That's a fence detail as well as an antenna
22 detail and an equipment cabinet detail, is that
23 correct?

24 A. Yes, it is.

25 Q. Just to confirm for the record, there's no

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1 equipment shelter, no building per se proposed
2 here. It's merely the cabinets that are placed on
3 the pad that you talked about?

4 A. Yes, that is correct.

5 Q. Let's go to Sheet Z-5 which is the last page
6 of Applicant's 4. Can you tell the board what that
7 is?

8 A. Yes. This is a copy of the decision issued by
9 the Tobyhanna Township Zoning Hearing Board.
10 There's a cover letter from Solicitor Joe McDonald
11 dated April 10th. It indicates, enclosed please
12 find the written decision of Tobyhanna Township
13 Zoning Hearing Board confirming the board's verbal
14 decision on this date, March 11th. And then along
15 with that then is a record of the decision which
16 specifically granted relief in three instances.
17 Communications tower height in excess of a hundred
18 feet, which is relief from Section 155-59B from the
19 zoning ordinance; two, relief for directional or
20 panel communication antennas in excess of five feet
21 in height and three feet in width which is relief
22 from Section 155-59E; and the third one being a
23 variance to the 2,000 foot minimum setback
24 separating a residential district from an open
25 space resource conservation district boundary, and

1 that is Section 155-59T.

2 I would point out for the board that's
3 specifically with respect to the second item of
4 relief which Mr. Grab mentioned earlier, the
5 ordinance has a maximum of five foot height, three
6 foot width. I don't know -- I've been with
7 Advantage for a little over a year now, but I've
8 literally done a few hundred of these. I don't
9 remember any antennas anywhere close to three foot
10 in width. We still do some that are four, four and
11 a half feet. The majority of them are actually six
12 to eight feet in length. This ordinance has
13 probably been on the books for a while. The
14 technology has evolved and, you know, at some point
15 in time it may make sense to amend the ordinance or
16 revise the ordinance accordingly, but we appreciate
17 the zoning board's understanding.

18 As it is, the antennas at least right now are
19 55 inches which is a little under that five foot
20 height. But we're definitely nowhere near the
21 three foot in length.

22 Q. Sheet Z-5 that you just reviewed, that was one

23 of the additions that was made, a change from the
24 original zoning drawing submission that was made as
25 a result of the township engineer's review letter

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1 of April 9, 2015 that's been marked as Township
2 Exhibit C, is that your understanding?

3 A. Yes, that's true.

4 Q. If you could just very briefly, we don't need
5 to go through each one in detail, but give the
6 board some idea of what the other modifications
7 were to this plan from the original plan based on
8 the township engineer's review letter.

9 A. Okay. From Section 155-11, artificial lights.
10 No artificial lights, which shall cause
11 illumination in excess of one half foot candle
12 beyond the property lines of such use, provide
13 photometrics. We actually -- might as well show it
14 since it's on here. On Z-2 there's actually an
15 indication or little rings of light, dashed lines
16 shown on Z-2. So there are to be lights on the end
17 of these cross members, if you will, for when the
18 technician comes in. I believe that that line

19 right there, the circles are one foot candle line.

20 I can't tell you how many lumens it is or
21 whatever, but typically the standard for a shopping
22 center parking lot would be a minimum of one foot
23 candle for safety to cover the entire parking lot
24 for the cars. Obviously underneath a light head in
25 a parking lot is a lot higher. We're just

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1 indicating here we're well -- we're basically one
2 foot candle still within our compound. So you're
3 not even going to be able to see it from off the
4 property.

5 MR. GRAB: If the board doesn't
6 want us to go through each identification of the
7 changes, I mean, we could generally indicate that
8 we've made those changes based upon the
9 recommendation of the township engineer and have
10 added those various notes and items to the plan, is
11 that correct? Maybe if you just --

12 MS. LAMBERTON: We're fine with
13 that. Absolutely, yes.

14 MR. GRAB: Rather than go
15 through each one.

16 MR. ARMSTRONG: Just for
17 purposes of the record, the witness was identifying
18 what's -- I see indicated as Z-2. It's actually
19 Z-2 of Exhibit A-4. It's the third page of A-4.

20 MR. GRAB: Very good.

21 THE WITNESS: Thank you.

22 BY MR. GRAB:

23 Q. Okay. Then, Jeff, your company also prepared
24 something called a balloon test, which is a visual
25 analysis of the proposed site, is that correct?

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1 A. Yes.

2 Q. And you brought a copy of that with you or
3 copies, correct?

4 A. Yes.

5 MR. GRAB: Board members, I'm
6 going to have this document marked as Applicant's 5
7 for identification and I'll hand out copies to the
8 board.

9 (Balloon Test Report was marked
10 for identification as Applicant's Exhibit No. 5.)

11 BY MR. GRAB:

12 Q. Jeff, I've shown you what's been marked as
13 Applicant's A-5 for identification. That's a
14 multi-page document, is that correct?
15 A. That is correct.
16 Q. Do you recognize that?
17 A. Yes.
18 Q. What is it?
19 A. Basically this is a -- the top sheet there it
20 is kind of like a key or index sheet for where the
21 observation points were made.
22 Q. Before we get to that though, it's a balloon
23 test report, is that correct?
24 A. It's a balloon test report and basically what
25 that is, is the location where the tower is going

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1 to go. The technician actually goes out with a six
2 foot diameter balloon. It's six foot when they
3 fill it with helium. Tied to a tether and it's
4 raised up to the height of the proposed tower.
5 It's anchored to the ground at that point and then
6 different observation points are visited with a
7 camera, you go around and look and take pictures if
8 it's visible; if it's not, just to so document.

9 Q. And it provides you with a good visual
10 analysis of where the tower may be visible from if
11 it's approved to be constructed?
12 A. Yes.
13 Q. So the first sheet, the top sheet you
14 indicated is the cover sheet that shows the
15 proposed location. Looks like there's a red ring
16 around that, and then various numbers that show the
17 various viewpoints that were looked at, is that
18 correct?
19 A. That is correct.
20 Q. Let's go ahead and go through those as quickly
21 but as thoroughly as we can. So if you turn to
22 View No. 1 on the next page, which is Page 2 of
23 Applicant's 5. Can you tell the board what that
24 shows?
25 A. That is the view from Position No. 1 which is

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1 if you look at the key sheet that's basically right
2 out across Route 940. I don't know that it's right
3 across from the entrance to the camp. Probably
4 more directly across perpendicular from where the

5 tower location is. And if you look there,
6 basically what it's saying is the balloon is not
7 visible. It's basically shielded by the existing
8 tree cover.

9 Q. Let's go on the next one and proceed through,
10 Jeff.

11 A. Okay. Same thing with View No. 2 which is
12 located to the west. I'm going to say to the west
13 approximately -- I'm not sure that if that scale is
14 correct. According to scale, if it's accurate on
15 the bottom there, 4,000. Might not be quite that
16 far, but basically directly over to the west.
17 Again the balloon is not visible due to the tree
18 cover in No. 2. No. 3 the same situation, the
19 balloon is not visible.

20 MR. MOYER: Let's go to the
21 couple that are visible.

22 A. Number 17. Actually if you go to the very
23 back, 17, it points to the balloon. And even if
24 you had a magnifying glass right now I don't know
25 that you would actually see it with the naked eye

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1 that way. Now, if we did it on a computer screen

2 and kind of blew it up, you probably would faintly
3 see that orange.

4 And, again, the nice thing with the balloon
5 test is a balloon, a bright orange, slightly
6 oranger than the salmon sweater that you're
7 wearing, stands out really well. If you have a
8 gray mat tower or kind of a galvanized steel color,
9 you're not even going to see that. But that's why
10 we use the orange balloon because a lot of times
11 you wouldn't be able to see that tower. But in
12 this case the balloon stands out really well so
13 then we know for sure.

14 So here 17 is due north within the camp. It
15 is, trust me, it's visible. We wouldn't point it
16 out if it wasn't, but it's still -- even in the
17 middle of winter, obviously the snow cover on the
18 ground, indicates that. With the leave cover on
19 the trees pretty much all gone, the density of the
20 trees and the branches is such that you're really
21 not going to see it.

22 MR. HOLAHAN: We're talking
23 about the Poconos, we can have snow in the spring
24 too.

25 THE WITNESS: I mentioned about

1 the motorcycle, I don't want any more snow. We've
2 had enough two winters back to back.

3 BY MR. GRAB:

4 Q. Jeff, in general with that report, what does
5 that tell you about the general visibility in the
6 vicinity of this tower if it were to be approved
7 and constructed?

8 A. It really would not be visible from any of the
9 surrounding areas. In fact, it really would not be
10 visible probably for most of the camp itself. My
11 guess is if you took a canoe out in the middle of
12 the lake, because you're backing away from the tree
13 cover, you might see the very top, but really it's
14 not visible.

15 MR. GRAB: Thank you. That's
16 all I have for this witness then, board members, if
17 you have any questions.

18 MS. PICKARD: Could you show me
19 where 16 is on here?

20 MR. KERRICK: You're talking
21 940, I believe, but I don't know where.

22 THE WITNESS: I wonder if it was

23 on here but not within when I went to blot the
24 thing from the computer.

25 MR. HOLAHAN: Well, that's

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1 really the only place that we can kind of see the
2 balloon.

3 THE WITNESS: That's true. And
4 that's in part because you have the power cut going
5 right through there. I apologize, Ms. Pickard, I
6 can't tell you exactly where that is. I can
7 probably go out and find it but --

8 MR. ARMSTRONG: Any other
9 questions from the board?

10 I just have a few. Since we're
11 on the balloon test, are there any of the photos
12 taken from -- if you look at Page 2 of Exhibit A-4,
13 were there any other photos taken from that
14 Tanglewood Drive or over in that residential area,
15 facing the tower? If you know.

16 THE WITNESS: I'm not sure
17 exactly -- well, I don't know how far -- No. 2,
18 obviously, if you look on the key there.

19 MR. HOLAHAN: Right. 2 and 4 --

20 THE WITNESS: Now, depending on
21 how you define that neighborhood, there's -- I can
22 see on the aerial image that there's -- it's a
23 residential subdivision there because I can see the
24 streets. No. 14 I'm not sure if that's still on
25 the camp property or possibly across Tanglewood. I

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1 can look real quick and see what the image looks
2 like. I'm saying 14 is probably from right in the
3 middle of Tanglewood.

4 MR. ARMSTRONG: Okay.

5 THE WITNESS: If you look at it
6 there it's obviously that's 940 in the middle part
7 of the picture going off in the distance with power
8 lines.

9 MR. ARMSTRONG: You're
10 referencing 14 on Exhibit A-4? View 14 on A-4?

11 THE WITNESS: Yes.

12 MR. GRAB: I think it's A-5.

13 MR. ARMSTRONG: On Z-1 of
14 Exhibit A-4, of actual A-4, the access road, do you
15 know if that's proposed to be paved? Did you

16 testify to that.

17 THE WITNESS: I believe
18 typically we just gravel that road. Obviously that
19 would be to the satisfaction of the township and
20 the township engineer. Occasionally, very rarely,
21 we're requested to run blacktop to the compound, to
22 the fenced compound. In keeping with environmental
23 stewardship, minimizing stormwater impacts, et
24 cetera, we typically like to go with gravel. It
25 works fine. It's a road that's not going to be

J. Nagorny

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1 traversed but once or twice a month, if that. And
2 to be honest, you know, in the wintertime, gravel
3 makes more sense than asphalt anyway.

4 Q. And Keiplers Lane and Camp Minsi Road, do you
5 know if those are public or private roads?

6 A. Oh, well, it's in within the camp, that's
7 private.

8 Q. Private.

9 A. In fact --

10 Q. Are they addressed? I haven't had a chance to
11 look at the lease agreement. Do you know if
12 they're addressed in the lease agreement, the use

13 and access to those roads?

14 A. I would have to believe they are but I do not
15 -- I have not reviewed the lease exhibit itself.
16 But we always have to have an access easement as
17 part of the agreement for these kinds of sites.
18 Not only that, we're dealing with a scout camp and
19 there is other issues, youth safety issues as far
20 as who's going to be able to access the camp. And
21 I'm sure that's going to be addressed between
22 counsel and the carrier.

23 MR. ARMSTRONG: And I know a lot
24 of us know the area, but for purposes of the
25 record, in each direction can you just briefly

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1 describe, you know, the neighboring properties? If
2 they're residential, commercial, industrial,
3 vacant, if they're the camp property? Just for
4 purposes of the record.

5 THE WITNESS: Well, based on
6 this drawing right here obviously we have
7 residential over here to the west, Tanglewood.

8 MR. ARMSTRONG: To the west?

9 THE WITNESS: To the west.
10 To the north it's camp and more
11 camp for quite a ways. I don't know that it's
12 developed right off the north edge of the camp. I
13 believe there is some residential property to the
14 east but that's going to be a ways again because we
15 have the camp extending over for a ways. And I
16 believe there is commercial properties directly
17 across 940 there, but I don't recall specifics.
18 MR. ARMSTRONG: On the other
19 side of 940, commercial property?
20 THE WITNESS: Yes.
21 MR. ARMSTRONG: Do you know if
22 the applicant is proposing any screening or
23 buffering around the site?
24 THE WITNESS: No. And we did
25 add a specific note to the plan on sheet Z-1 which

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1 would be the second sheet of A-4, Applicant's No.
2 4. Note No. 20, note No. 20 says the existing
3 mature tree cover around the proposed facility will
4 provide the required screening from all adjoining
5 residential properties. And I think we've

6 indicated that at least in part with the balloon
7 test exhibit that's provided, anyone familiar with
8 the camp knows that it's pretty much as heavily
9 wooded as most of the other area. And I guess from
10 a safety standpoint, safety slash security
11 standpoint it would make more sense to allow the
12 fencing to provide the security, but being in a
13 scout camp, rather than screening it, if somebody
14 could somehow get inside and not be seen, as the
15 camp director and staff are driving through, they
16 can look back in there, they can see nobody's in,
17 everything's clear.

18 MR. ARMSTRONG: On the second
19 page of A-4, the 789 feet and one inch distance
20 from the proposed tower to the west towards
21 Tanglewood Drive, that is to the border of the boy
22 scouts property.

23 THE WITNESS: Yes.

24 MR. ARMSTRONG: And do you know
25 if that's the border of the zoning district?

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1 THE WITNESS: I believe that is

2 the border of the zoning district. You do see the
3 little jog but there is an electric substation
4 that's in there. I don't know for sure whether
5 that zoning district jogs or not. My assumption is
6 that it would run straight out to 940, but I'd have
7 to check the zoning map on this.

8 MR. ARMSTRONG: Do you know if
9 there's any residential structures on the east side
10 of Tanglewood Drive bordering the boy scouts
11 property?

12 THE WITNESS: Well, I don't know
13 if there is right up front. Is there right up --

14 MS. LAMBERTON: There's a vacant
15 lot right on the corner and then there are homes.

16 THE WITNESS: Okay. Because we
17 do show some woods right up on the corner right
18 there.

19 MR. ARMSTRONG: You didn't
20 measure the distance between those residential
21 properties and the proposed tower?

22 THE WITNESS: No, I don't have
23 that measurement.

24 MR. ARMSTRONG: Have you been
25 involved in any discussions with the owners, by

J. Nagorny

1 chance?

2 THE WITNESS: I have not.

3 Typically the engineer does not
4 get involved in that. That's either the site
5 acquisition consultant who does a lot of the up
6 front negotiating, and sometimes the carriers
7 actually have their own internal site acq services,
8 but a lot of them do use consultants. We also
9 provide site acq services similar to but not quite
10 as good as Deb Baker's. And she would be the one
11 that actually has the direct contact and
12 negotiation with the property owners. I believe.

13 MR. ARMSTRONG: Aside from that
14 area to the west towards Tanglewood Drive, the
15 other directions from the tower are nonresidential
16 to the best of your knowledge?

17 THE WITNESS: Yes.

18 MR. ARMSTRONG: Or in the open
19 space part of the --

20 THE WITNESS: Camp.

21 MR. ARMSTRONG: -- camp? Okay.
22 That third page of A-4, Z2, do
23 you know the size of the cabinet? Did you testify

24 to that?

25 THE WITNESS: There's a detail

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1 on the Sheet 5 of 6, I believe it is.

2 MR. ARMSTRONG: So would you
3 agree that that cabinet is 59 inches in height, and
4 28.9 inches in depth? Am I reading that correctly?

5 THE WITNESS: Yes. Although if
6 you add the eight inches for the doors that swing
7 open I guess 36, 37 inches. So 60 inches by 37 by
8 -- well, actually I guess it's the little step on
9 the front of it. So yeah, 29 inches by 59 inches.

10 MR. GRAB: Just so I could, Mr.
11 Solicitor. We were going to be a little cautious
12 with it. That's the current cabinet that is
13 proposed --

14 THE WITNESS: Yes.

15 MR. GRAB: -- but those kind of
16 change a little bit based on technology.

17 Would it be fair to say that
18 whatever equipment is proposed would have to
19 conform with whatever the ordinance requirements

20 are for accessory structures in terms of size,
21 setback, those kinds of things?

22 THE WITNESS: Yes. And I would
23 also, if it's appropriate to point out, note that
24 we would be preparing and submitting a set of
25 construction drawings along with the building

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1 permit that would contain a little bit more detail
2 than the zoning drawings themselves.

3 MR. ARMSTRONG: And on Z-3, Page
4 4 of A-4, the height of the tower itself is 155
5 feet?

6 THE WITNESS: Yes.

7 MR. ARMSTRONG: And then with
8 the top of the lighting rod is 160 feet?

9 THE WITNESS: Correct.

10 MR. ARMSTRONG: And the concrete
11 pad that's shown on Page 3 of A-4?

12 THE WITNESS: Yes.

13 MR. ARMSTRONG: I don't see
14 actual measurements, but I think you did testify to
15 it, I just --

16 THE WITNESS: It's approximately

17 10 by 20.

18 MR. ARMSTRONG: 10 by 20?

19 THE WITNESS: Yeah.

20 MR. ARMSTRONG: In the proposed
21 parking on Z-2, the third page of A-4, it's
22 proposed as 10 feet by 15 feet?

23 THE WITNESS: Correct.

24 MR. ARMSTRONG: And that's going
25 to be gravel as well or is that going to be paved?

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1 THE WITNESS: Yes. Basically
2 the entire compound other than where the concrete
3 pad for the T-Mobile equipment and then the
4 concrete caisson, big round foundation for the
5 tower itself, will be gravel. At such time as any
6 other carriers may come in, obviously probably be
7 on concrete foundation for either their pad or
8 their prefabricated shelter as well. But
9 otherwise, yes, the entire compound will be gravel.
10 Maybe like six inches of gravel on top of fabric.

11 MR. ARMSTRONG: So the entire
12 compound within the fencing will be gravel?

13 THE WITNESS: Yes.
14 MR. ARMSTRONG: Okay. Is there
15 any lighting proposed?
16 THE WITNESS: There is lighting
17 on the -- mounted on the equipment right here.
18 That lighting basically is --
19 MR. ARMSTRONG: Maintenance?
20 THE WITNESS: -- by switch and
21 it's only for maintenance when they come in if they
22 need it.
23 MR. ARMSTRONG: No security
24 lighting?
25 THE WITNESS: No.

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1 MR. ARMSTRONG: No parking
2 lighting?
3 THE WITNESS: No.
4 MR. ARMSTRONG: Is there a
5 generator proposed on this site?
6 THE WITNESS: There is not at
7 this time. T-Mobile doesn't normally have them in
8 there. Obviously if that were the case later
9 they'd come back, any other carriers --

10 MR. ARMSTRONG: They'd come back
11 before this board?

12 THE WITNESS: Well, a lot of
13 times AT&T and Verizon do provide generators, but,
14 yes, that would all be coming back. And if we're
15 fortunate they would ask us to do it because --

16 MR. ARMSTRONG: In the event
17 that they do put a generator, is there noise
18 associated with that? Are they on a continuous
19 routine? Does it kick on?

20 THE WITNESS: There is a normal
21 once a week shakedown run on the generator just to
22 make sure it's operational. Typically that would
23 occur in midday. It's not going to be early
24 morning, late night kind of a thing. I'm not sure
25 how long they run them, maybe ten minutes, maybe a

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1 half hour.

2 MR. ARMSTRONG: But, again,
3 you're not proposing a generator at this time?

4 THE WITNESS: No, we're not.

5 MR. ARMSTRONG: You're familiar

6 with Section 155-59 of the Tobyhanna Township
7 Zoning Ordinance?

8 THE WITNESS: In general, yes.

9 MR. ARMSTRONG: Have you gone
10 through all of those in general?

11 THE WITNESS: Yes.

12 MR. ARMSTRONG: Is it your
13 understanding that the applicant is going to comply
14 with all of those requirements with the exception
15 of that zoning relief granted by the zoning hearing
16 board to Sections 155-59B, 155-59E and 155-59T?

17 THE WITNESS: Yes.

18 MR. ARMSTRONG: So all of the
19 other sections of the zoning ordinance,
20 specifically 155-59 will be complied with by the
21 applicant?

22 THE WITNESS: That is my
23 understanding.

24 MR. ARMSTRONG: Okay. How many
25 carriers can be held on this tower?

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1 THE WITNESS: We have it shown
2 as a total of four including T-Mobile.

3 MR. ARMSTRONG: I'm assuming you
4 can't testify to this, but -- and I don't see
5 anyone else here to testify -- there will be
6 insurance policy pursuant to the zoning ordinance
7 as well as a security posted for removing the site
8 in the event that it's abandoned?

9 MR. GRAB: Yes, that's correct.
10 We'll comply with those ordinance requirements.
11 What we would generally call post-approval,
12 municipal approval requirements, T-Mobile would
13 readily agree to those.

14 MR. ARMSTRONG: I don't have
15 anything else at this time for the witness.

16 MR. HOLAHAN: Anybody else?

17 MS. LAMBERTON: I do not.

18 MR. GRAB: That's all we have
19 then. Board members, we appreciate your time on
20 this. Again, hopefully the evidence that we
21 presented demonstrates compliance with all of the
22 requirements of Section 155-59, with the exception
23 of those three variances that Mr. Armstrong had
24 referenced.

25 So, again, thanks for your time.

1 MR. ARMSTRONG: Before we move
2 on, there were a few items that the applicant's
3 going to provide to supplement the record after
4 this evening; that being the deed for the property
5 owned by the Boy Scouts of America, as well as --

6 MS. LAMBERTON: FCC license.

7 MR. ARMSTRONG: -- FCC license
8 as testified by Hansraj.

9 MR. GRAB: Yes. And on the
10 record we would agree to provide those so we can --
11 if you're agreeable, keep the record open until I
12 get those submitted, then we can close the record
13 automatically.

14 MR. ARMSTRONG: What I was going
15 to suggest to the board is not close the hearing
16 this evening. Continue it until your May 11th
17 meeting which is at what time and what place?

18 MS. HAASE: 9:15 at Tobyhanna
19 Elementary School.

20 MS. LAMBERTON: Why do we need
21 to do that?

22 MR. ARMSTRONG: So he can
23 supplement the record. What you'll so is -- you

24 can supplement that by mail --

25 MR. GRAB: Uh-hmm.

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1 MR. ARMSTRONG: -- at your May
2 11th meeting you can accept those, enter them into
3 the record, close the hearing at that point in time
4 so long as the applicant and applicant's
5 representative this evening agree that the 45 day
6 with respect to the written adjudication does not
7 run until this board closes the hearing on that
8 date.

9 MR. GRAB: We agree. I think
10 that would be the case under the MPC, but on the
11 record, we would agree with that as well. So,
12 again, we would submit that directly to the
13 solicitor, that can be provided to the board, and
14 then you can wrap up matters at the May 11th
15 hearing. In fact, it wouldn't be our intent
16 probably to attend that meeting since it's only an
17 administrative matter that it's remaining open for.

18 MR. KERRICK: Can we
19 conditionally approve? I mean, it's all
20 administrative, while we're here now or is that not

21 recommended?

22 MR. ARMSTRONG: What I'll likely
23 do is I'll probably start putting the draft written
24 adjudication together. Potentially I could have
25 that by your May 11th meeting. If you want to

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1 close the hearing and act on it immediately, you
2 can. We can do that.

3 MR. GRAB: We have no objection.
4 We will still supplement that information so you
5 have it for the file.

6 MR. ARMSTRONG: At this point in
7 time to allow the applicant to supplement the
8 record, I would suggest not closing the hearing,
9 continuing it until May 11th at 9:15 a.m. at the
10 Tobyhanna Township Elementary School meeting of
11 this board of supervisors.

12 Is there a motion to continue
13 this hearing?

14 MS. PICKARD: So moved.

15 MR. MOYER: Second.

16 MR. ARMSTRONG: Motion made and

17 second. All those in favor?
18 MR. HOLAHAN: Aye.
19 MS. LAMBERTON: Aye.
20 MR. MOYER: Aye.
21 MS. PICKARD: Aye.
22 MR. KERRICK: Aye.
23 MR. ARMSTRONG: Motion carries.
24 MR. GRAB: Thank you for your
25 time, board members. We appreciate it.

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1 A VOICE: I have a question.
2 Are we going to have public questions here at this
3 point?
4 MR. ARMSTRONG: I was remiss. I
5 failed to -- let's do this. The hearing has not
6 been closed, so if the board would like, let's
7 reopen the hearing.
8 The hearing has been reopened.
9 There were no requests for party status, but in the
10 event that there are comments from the public at
11 this point in time, now would be the appropriate
12 time for that.
13 And please identify yourself for

14 the purposes of the record.

15 MR. BRAD GRAHAM: My name is
16 Brad, B-r-a-d, Graham, G-r-a-h-a-m. I just have a
17 couple questions. Some of this material was
18 covered.

19 Let's start with the height of
20 the tower which is going to be a total of 155-160,
21 which is fine. You did a balloon test. You did a
22 balloon test at that height of 160 or 155, correct?

23 MR. JEFFREY NAGORNY: Yes.

24 MR. ARMSTRONG: I guess before
25 you proceed. The witnesses have been excused,

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1 however, I would ask that the applicant's attorney
2 allow the witnesses to continue to testify in
3 response to these questions if that's agreeable to
4 everybody.

5 MR. GRAB: We have no objection
6 to that. That's fine.

7 MR. BRAD GRAHAM: I appreciate
8 that. Thank you. These are very simple questions.

9 MR. JEFFREY NAGORNY: The answer

10 is yes.

11 MR. BRAD GRAHAM: The balloon
12 test was taken at the time when none of the
13 vegetation or trees were removed prior to the test
14 in the 360 square foot -- or 3,600 square foot
15 area? And also on Tanglewood there are undeveloped
16 lots on the east side -- I'm sorry, the east side
17 of that roadway. If there is development on that
18 property those trees will be removed.

19 So what's the possibility of
20 seeing the tower at that time through that area
21 once all these trees have been removed? You don't
22 have to answer that right now.

23 MR. JEFFREY NAGORNY: May I?

24 MR. BRAD GRAHAM: Yeah, go
25 ahead.

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1 MR. JEFFREY NAGORNY: If you
2 look at the photo, I believe No. 14 was the one we
3 believe is from Tanglewood --

4 MR. HOLAHAN: Did you see that,
5 Brad?

6 MR. BRAD GRAHAM: I'm looking at

7 it here. Was it 14?

8 MR. JEFFREY NAGORNY: I think
9 it's 14. And it shows no trees on that initial lot
10 up front. I think where the treeline actually --

11 MR. BRAD GRAHAM: It's not the
12 corner lot that's a concern. We're going
13 approximately maybe a thousand feet down the road
14 to where this would line up.

15 MR. JEFFREY NAGORNY: Well, the
16 point I was going to make though with that view is
17 there are no trees on this lot and you can't see
18 the balloon. So even if other trees were removed
19 our point being that that -- it's far enough back
20 --

21 MR. BRAD GRAHAM: But that
22 doesn't line up with that lot. It's actually
23 sitting east of that lot behind trees, correct?

24 MR. JEFFREY NAGORNY: Yes.

25 MR. BRAD GRAHAM: So when you're

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1 looking down a power line you can't see it anyway
2 because it's sitting behind. But when I remove all

3 the trees in front of it and all the trees in front
4 of that between the power line and Tanglewood,
5 you're certainly going to see it.

6 MR. JEFFREY NAGORNY: That could
7 be the case, I can't answer that.

8 MR. BRAD GRAHAM: Just another
9 case.

10 You used terminology you don't
11 anticipate as far as a warning beacon on top of the
12 tower. Now, is that confirmed through the FAA that
13 it's never going to be put on there or never going
14 to be needed?

15 MR. GRAB: I can probably answer
16 that. I don't think you can ever say never if they
17 change the regulations. But under the current
18 regulations it will not be lighted. We only light
19 the towers if the FAA requires it. And in this
20 case the FAA said it is not required.

21 MR. JEFFREY NAGORNY: Or
22 actually in the case if the municipality requests
23 it as well. And that happens almost never.

24 MR. BRAD GRAHAM: Total
25 vegetation and trees that are going to be removed.

1 You're talking about a parking lot, you're talking
2 about a 66 foot -- 60 by 60 foot break area, and
3 also how about an access road? What are we looking
4 at as far as removal of vegetation and trees?

5 MR. GRAB: Deb, can you answer
6 that? This is Deb Baker for the record.

7 MS. DEBORAH BAKER: I don't know
8 the specific amount, but I was at that location
9 during the design visit and meeting with them. And
10 that area doesn't have a lot of trees in it to
11 begin with, that specific area right there. Coming
12 in where we're adding that little short piece of
13 gravel road, it already is -- most of it's already
14 clear. There's a little section that will need
15 some trees removed. But I can't speak how many
16 trees are in that 60 by 60 area, but when we met
17 out there with the boy scout camp we
18 specifically -- trying to meet setbacks and where
19 there was not a lot of large trees to be taken
20 down.

21 MR. BRAD GRAHAM: And the last
22 question I have, you already answered the question
23 about other communication companies having access.
24 Are you going to allow access for public safety

25 communications possibly on that tower, if

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1 requested?

2 MS. DEBORAH BAKER: Yes,
3 T-Mobile would.

4 MR. BRAD GRAHAM: By local
5 municipalities?

6 MS. DEBORAH BAKER: T-Mobile
7 would permit that, yes.

8 MR. BRAD GRAHAM: Thank you very
9 much for your time.

10 MR. PETER TOTA: Peter Tota,
11 T-o-t-a.

12 You said you needed electrical
13 service to the tower.

14 MS. DEBORAH BAKER: Yes.

15 MR. PETER TOTA: Is it just
16 going to be for lighting, is it gonna be 220's, is
17 it going to be three phase?

18 MS. DEBORAH BAKER: It's single
19 Phase 120. They install a 200 amp service for each
20 of the carriers on the tower. So there will be one

21 200 amp meter installed initially.

22 MR. PETER TOTA: Is that gonna
23 be over head or underground.

24 MR. JEFFERY NAGORNY: Typically
25 it's underground. We find the nearest pole mounted

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1 service -- well, and part of that depends obviously
2 on the scout camp and also the cover. There may be
3 a supplemental pole installed, but almost always,
4 when we need a compound, it's going to be by
5 conduit underground.

6 MR. PETER TOTA: Okay. Because
7 an over head service would be poles and lines and
8 --

9 MR. JEFFREY NAGORNY:
10 Understood. Our preference would be conduit
11 underground as well. It's just more protection
12 that way.

13 MR. PETER TOTA: That's why I --
14 I worked 20 years with Power and Light. When you
15 hit the line, sometimes your fuse doesn't trip, it
16 goes to the main line and now we have a problem.

17 MR. JEFFREY NAGORNY: Yeah.

18 MR. PETER TOTA: Another point.

19 This 200 foot balloon test, how is this, like 200
20 feet of rope and then a balloon?

21 MR. JEFFREY NAGORNY: Yeah, they
22 measure off the tether itself. I think it's marked
23 in like ten foot increments. They inflate the
24 balloon and they put it up 150 or 155 feet and it's
25 weighted, anchored at the bottom. Somebody stays

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1 with the balloon while another person goes around
2 to the locations with a camera.

3 MR. PETER TOTA: With a camera.
4 So it's actually more -- you went 200 foot?

5 MR. JEFFREY NAGORNY: No.

6 MR. PETER TOTA: You went 155 --

7 MR. JEFFREY NAGORNY: 150 and
8 it's a six foot balloon, so it's probably 156 to
9 the top of the balloon.

10 MR. PETER TOTA: So is that
11 balloon straight up, it's not going left and right?

12 MR. JEFFREY NAGORNY: You're
13 always going to get a little bit of sway. But if

14 it's heavy winds we don't even come to do the
15 tests.

16 MR. PETER TOTA: So actually it
17 could be 150 now instead of 155, the balloon?

18 MR. JEFFREY NAGORNY: I don't
19 know that -- a five foot drop is pretty significant
20 when you figure out how much -- if the wind is
21 blowing that hard we don't do the test.

22 MR. PETER TOTA: Thank you very
23 much.

24 MR. JEFFREY NAGORNY: Thank you.

25 MR. GRAB: I don't have any

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1 questions based on those questions.

2 MR. ARMSTRONG: Two others
3 triggered.

4 What's the color of the tower?
5 Did you testify to that?

6 MR. JEFFREY NAGORNY: Gray mat.

7 MR. ARMSTRONG: This is likely
8 for the applicant's attorney. You had requested a
9 waiver of land development. The board is now aware
10 of it. The question is, that'll be probably

11 included -- whether or not you will act on the
12 waiver of land development, there will be a fee in
13 lieu thereof. The fee that's been, I guess,
14 discussed preliminarily was a \$2,000 fee in lieu of
15 land development. So in the event that the board
16 is ready to act on May 11th, that would be one of
17 the conditions of any conditional approval granted.

18 MR. GRAB: Understood.

19 MR. ARMSTRONG: As well as all
20 the other requirements discussed this evening as
21 well as --

22 MR. GRAB: So we will supplement
23 the record so that you're ready to act on this
24 hopefully at the May 11th meeting. But, again,
25 just for the record our plan would not be to attend

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1 unless, Mr. Armstrong, you see something that leads
2 you to believe we should attend for some reason
3 between now and then.

4 MR. ARMSTRONG: Absent anything
5 unforeseen I'm not aware of anything at this point.

6 MR. GRAB: Once again thanks for

7 your time.

8 MR. ARMSTRONG: Once again with
9 the understanding that the applicant agrees that
10 the 45 day time frame will not run until after the
11 hearing is closed on May 11th, is there a motion to
12 continue this public hearing again until May 11th
13 at 9:15 at the Tobyhanna Township Elementary
14 School.

15 MS. PICKARD: So moved.

16 MS. LAMBERTON: Second.

17 MR. ARMSTRONG: Motion and
18 second. All those in favor?

19 MR. HOLAHAN: Aye.

20 MS. LAMBERTON: Aye.

21 MR. MOYER: Aye.

22 MS. PICKARD: Aye.

23 MR. KERRICK: Aye.

24 MR. ARMSTRONG: Motion carries.

25 (Hearing concluded at 6:56 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.

JOSEPHINE HOLLMAN, C.R.

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, May 11, 2015 beginning at 10:30 a.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
ROBERT J. McHALE, Township Engineer
MAUREEN MINNICK, Zoning Officer

1 MR. HOLAHAN: Call to order the
2 meeting -- special meeting, again, for May 11.
3 Let's start with the pledge of allegiance.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Solicitor report.

7 MR. ARMSTRONG: Well, let me
8 see what's on the agenda. We got to consider the
9 advertisement, so I -- I'll have some comments on
10 the resort overlay later on in the agenda. The two
11 items that aren't listed is -- one is the sewer
12 collection resolution for the Sewer District No. 1,
13 which is the sewer district that was created for
14 Kalahari and Pocono Manor commercial probably about
15 a year and a half, two years ago.

16 You've adopted the ordinance
17 creating Sewer District No. 1. You've adopted the
18 sewer connection ordinance in relation to that

19 district. This is the resolution addressing the
20 collection, you know, addressing fees and related
21 regulations primarily taken straight from the
22 existing Pocono Township Sewer Collection
23 Resolution. As the board's aware Tobyhanna
24 Township entered into an intergovernmental
25 agreement with Pocono Township with respect to this

3

1 Sewer District No. 1, in connecting to the existing
2 Pocono Township sewer line. And one of the
3 requirements is that we adopt a resolution
4 addressing regulations the same as and/or more
5 stringent than Pocono Township.

6 So this resolution, I circulated
7 probably early last week. I don't know if Bob's
8 had a chance to take a look at it, but it is
9 primarily straight from Pocono Township's. Given
10 the fact that it looks like Kalahari's going to be
11 looking to dedicate the sewer line in the not too
12 distant future, this is something that's becoming
13 more and more important for the township to move
14 forward with and adopt in order to get it on the
15 books.

16 Now, I will say this is a
17 resolution and the majority of it is coming from
18 Pocono Township. You know, I've looked at it, I've
19 spent time on it. It's maybe something that you're
20 going to have to amend, you know, as we progress
21 towards dedication. So the question to you is
22 really, number one, let's discuss it today if you
23 have any questions or concerns. Number two, are
24 you comfortable moving forward with adopting this
25 as is today, with the understanding that as

4

1 revisions may come up that are necessary to revise
2 it, maybe from comments from Pocono, maybe from
3 concerns with the township staff as they get more
4 of a chance to kind of digest it; with that
5 understanding or if you want to hold off altogether
6 with respect to adopting it. I will say it's a
7 resolution, there's no prerequisite to advertise
8 for a public hearing. If there's changes made, we
9 can make those changes and adopt it at the next
10 meeting. And like I said, the majority of this is
11 coming from Pocono's existing resolution.

12 Obviously I went through it,
13 I've made changes that I think are necessary
14 tweaking it for Tobyhanna Township. For instance,
15 some of the attachments in the Pocono resolution
16 are the -- when you do -- Bob probably knows more
17 about this. But when you figure out fees and user
18 fees, there's a study that you do, EDU fees.
19 Pocono Township has a pretty significant attachment
20 to their resolution.

21 I simply incorporated by
22 reference, given the fact that we didn't have the
23 study done, we're assuming that Pocono had that
24 study done appropriately to come up with the fee --
25 or the fee schedule for those EDUs in Pocono

5

1 Township. And incorporated in this resolution is
2 the intergovernmental agreement between Pocono and
3 Toby, as well as the agreements between Tobyhanna
4 and Pocono Manor/Kalahari.

5 Again, nuts and bolts of it,
6 you're establishing fees. Again, your fees, your
7 user fees and EDU fees are coming straight from
8 Pocono. And you're simply passing that on to

9 Pocono Manor/Kalahari through the agreements with
10 them as part of the operating expenses of the
11 Tobyhanna Township Sewer District No. 1.

12 MR. HOLAHAN: So we're just
13 passing it through, but where do we pick up the --
14 the costs associated with administering this?

15 MR. ARMSTRONG: They're --
16 administering the resolution or administering the
17 Sewer District No. 1 or all of it together?

18 MR. HOLAHAN: Yeah, I guess all
19 of it.

20 MR. ARMSTRONG: In the
21 agreements that you have with Pocono
22 Manor/Kalahari --

23 MR. HOLAHAN: Right.

24 MR. ARMSTRONG: -- they are on
25 the hook for, what's been defined as, operating

6

1 expenses. Operating expenses is not only the user
2 fees and charges that Toby's going to be charged
3 through Pocono, but it also includes insurance
4 costs with respect to the Sewer District No. 1,

5 operating and maintenance related items for the
6 Sewer District No. 1. The operating expenses
7 pretty much involves everything relating to the
8 cost of operating your system except for capital
9 improvements and significant repairs.

10 And those are -- those are
11 covered under a separate provision in the agreement
12 wherein -- you know, when there is a capital
13 improvement or significant repair that's required,
14 either Tobyhanna, Pocono or Kalahari/Pocono Manor
15 are going to realize it. And then, you know, we're
16 going to have to put Pocono Manor/Kalahari on
17 notice that we need those capital repairs and then
18 we'll proceed in that fashion.

19 Operating expenses, at the
20 beginning of the year in this case, when and if we
21 get this sewer district up and running, Pocono
22 Manor/Kalahari are going to post 20 percent of the
23 estimated operating expenses for the full year. I
24 believe staff are in the process of trying to
25 quantify what the estimated operating expenses will

1 be for this system. Obviously we haven't operated

2 it yet, so the first year -- this first year's
3 going to kind of be a best guesstimate on the part
4 of Tobyhanna after doing a lot of consideration.

5 I believe the staff has looked
6 into -- actually earlier today was an O&M,
7 operating and maintenance agreement through Aqua.
8 That's going to be a -- that's going to be a cost
9 to the township on an annual basis and that'll be
10 incorporated into the operating expense estimate
11 that the township ultimately comes up with.

12 Did that -- I don't know if that
13 answered your question.

14 MR. HOLAHAN: Yes, I -- but --
15 so this resolution, we can adjust this at any
16 meeting as something comes up?

17 MR. ARMSTRONG: Yeah. It's a
18 resolution. And one thing I will say, Pocono
19 Township, I looked, I think the last time they
20 adopted or amended their resolution was probably
21 2014; but they have made several revisions and
22 additions since they first adopted it. And a lot
23 of that is likely related to the regs between BCRA
24 and Pocono. What I see happening with respect to
25 the actual -- not the fee. Well, the fees, yes,

1 but the actual regulations, the technicality of the
2 system and what you transferred, BCRA, if they make
3 a change as to what's allowed, that'll be then
4 conveyed to Pocono Township. Pocono Township will
5 amend their resolution and obviously will be made
6 aware and we'll in turn revise, amend our
7 resolution --

8 MR. HOLAHAN: Okay.

9 MR. ARMSTRONG: -- to address
10 whatever potential revisions are on the future.
11 But as to housekeeping items, after -- if you were
12 to move forward with adopting this as is today,
13 housekeeping items is after the next couple weeks.
14 If Bob sees something that we need to change, if I,
15 after looking over it again -- sometimes you look
16 over these documents too many times and it all kind
17 of -- it's hard to see the forest through the
18 trees, but -- or if Pocono --

19 I mean, what's going to happen
20 is, after you approve this, like we did with the
21 two other ordinances that you passed in relation to
22 Sewer District No. 1, this will be forwarded on to

23 Pocono Township. If they have any concerns, if
24 they say, hey, you guys forgot to do this or you
25 forgot to include this or incorporate that, they'll

9

1 let us know and in response to that, we can, you
2 know, then amend it at one of your next meetings.
3 There is no advertisement requirement for this
4 resolution.

5 MR. HOLAHAN: Did you get to
6 look this over, Bob?

7 MR. McHALE: Not in detail. But
8 I think that if you adopt it based upon what Pat's
9 saying that it does follow all the agreements that
10 are in place now, rather than wait with the time
11 crunch that we have only being five weeks away from
12 an opening, be better to have the resolution on the
13 books and then amend it as Pat's saying, I think.

14 MR. ARMSTRONG: Yeah. I think
15 somewhere in here I address -- I know I address;
16 the question is where -- whether or not there's a
17 conflict between this and Pocono's or this and the
18 agreements. In that case, I believe I have, you
19 know, the more, you know, stringent would apply for

20 the agree -- or the agreements. I mean, the
21 agreements incorporate Pocono's -- it's really --
22 this is all going to be on Pocono's resolution. If
23 there's anything in conflict with Pocono's regs,
24 Pocono's primarily going to comply -- or it's going
25 to comply with Pocono unless, of course, we have

10

1 something more strict. And I don't believe we have
2 anything more strict unless it's already agreed to
3 in those agreements that you've adopted.

4 MR. HOLAHAN: Okay.

5 Anybody? You all have any
6 questions?

7 MS. PICKARD: I don't have
8 anything. I don't even --

9 MR. HOLAHAN: You didn't have
10 this resolution?

11 MS. HAASE: No, no. I have it
12 on this --

13 MS. HAASE: It was in your
14 packet from the school.

15 MS. PICKARD: -- I didn't bring

16 my book with me, so -- and John and I both didn't
17 have it.

18 MR. KERRICK: If it's in the
19 packet or the school's in here, I did not get a
20 chance to --

21 MS. PICKARD: Yeah, where are
22 we? What --

23 MR. HOLAHAN: So it's the
24 resolution, it's No. it's D, Item D.

25 MR. KERRICK: I could read it

11

1 13 times over, but the one's important is Bob
2 McHale and Pat, so -- grass can grow faster than
3 that agreement.

4 MR. HOLAHAN: I get it.

5 MR. KERRICK: I would refer it
6 to -- defer to Pat and --

7 MR. ARMSTRONG: This isn't an
8 agreement, this is a resolution.

9 MR. KERRICK: Resolution, I
10 apologize.

11 MR. ARMSTRONG: This is
12 something that was -- is needed in response to all

13 of the agreements, in response to the fact that
14 you'll be operating a Sewer District No. 1 in the
15 next -- I don't know what the time frame is yet.

16 MR. STEVE PINE: Tomorrow
17 afternoon.

18 MR. ARMSTRONG: In the not too
19 distant future. So it's something that you need to
20 do whether it be this or an amendment of this or
21 something, but you're going to need something.

22 MR. HOLAHAN: If we don't do
23 this, we'll have to have a special meeting for it,
24 another special meeting for it.

25 MS. PICKARD: I'm sure we'll

12

1 have another special meeting.

2 MR. KERRICK: Can we make a
3 motion?

4 MR. HOLAHAN: Yeah, I'll accept
5 a motion.

6 MR. KERRICK: Do you want to
7 state the motion, Pat, so I --

8 MR. ARMSTRONG: It would be a --

9 if the board is willing to entertain a motion to
10 adopt resolution -- it looks like it's Resolution
11 2015 dash 012?

12 MS. HAASE: Yes, sir.

13 MR. ARMSTRONG: -- establishing
14 fees and the collection of fees and additional
15 regulations governing the Tobyhanna Township Sewer
16 District No. 1.

17 MR. HOLAHAN: Is that your
18 motion, John?

19 MR. KERRICK: Yes, sir.

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

22 I'll second.

23 MR. KERRICK: Well said.

24 MR. HOLAHAN: So I have a
25 motion and second.

13

1 Any further discussion? Look,
2 it's not the healthcare bill that we're passing
3 here, so it's -- I don't want to sound like Nancy
4 Pelosi, but it certainly sounds like something --
5 I agree with you, John. Mr.

6 Armstrong and Mr. McHale have gone through this and
7 we can change it at any time, so I'm okay with it.
8 So I've got a motion and 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'll abstain.
19 MR. HOLAHAN: And I vote in
20 favor. Motion carries. Okay.
21 Do you have anything else,
22 Patrick?
23 MR. ARMSTRONG: I'm going to
24 have -- actually I guess before you get into new
25 business, and I think we touched it -- I think we

14

1 touched on it at the prior meeting, but I see some

2 representatives from Kalahari in the audience. The
3 development agreement for the revised Kalahari
4 plan, that's in the process of being finalized.
5 You've already conditionally approved that latest
6 revision to the plan, so maybe just an
7 acknowledgement, acknowledging the fact that Mr.
8 Chairman can execute that agreement when it's
9 finalized and agreeable between both parties.

10 MS. LAMBERTON: Where is it
11 right now?

12 MR. ARMSTRONG: It's with me.
13 This is the development agreement with respect to
14 the revised plan that occurred on April 30.

15 MR. HOLAHAN: Acknowledged.

16 MR. ARMSTRONG: That's all I
17 have at this point in time. I believe the overlay
18 district is on later on.

19 MR. HOLAHAN: Well, it's -- the
20 resort overlay is actually next.

21 MR. ARMSTRONG: Would you like
22 me to --

23 MR. HOLAHAN: Just go right into
24 it, you're on a roll here. The planning commission
25 met -- well, let's start off, Pocono Manor/Kalahari

1 petitioned the township to consider a commercial
2 overlay district. In response to that, the
3 planning commission held a meeting last week and
4 there was a pretty extensive discussion between the
5 planning commission; Pocono Manor, Kalahari were in
6 attendance. And what ultimately happened was the
7 planning commission made a recommendation to make
8 certain changes subject to and consistent with that
9 meeting and the discussion and recommendation at
10 that meeting.

11 What I did was, I prepared a
12 revised version of the -- what is now the
13 commercial resort overlay district within a
14 specific area of the commercial zoning district of
15 Tobyhanna Township. I prepared a tract change
16 version, as well as a clean version based on my
17 understanding as to what came out of that planning
18 commission meeting. I circulated to the board late
19 yesterday, as well as the planning commission late
20 yesterday; and I also included a Ralph Matergia,
21 who represents Pocono Manor, and Steve, who is here
22 on behalf Kalahari.

23 I already got a response back

24 from Ralph Matergia, he seems to be fine with the
25 revisions and believes it's consistent with the

16

1 discussion. He indicated that James Cahill -- Jim
2 Cahill is reviewing it, as we speak most likely,
3 with Pocono Manor. I see Steve in the audience, I
4 don't know if he's had a chance to look at it.

5 MR. STEVE PINE: I did.

6 MR. ARMSTRONG: Phyllis brought
7 to my attention this morning at your earlier
8 meeting, there may be one additional concern or
9 change that may be needed so long as the board is
10 agreeable. I'll let Phyllis bring that up.

11 MS. HAASE: There's actually a
12 few that I have. One pertains to -- the most
13 pressing issue right now is, Kalahari would like to
14 have two off-premise signs off of 314 -- 314 and
15 Kalahari Boulevard abuts. Mr. Matergia wants --
16 there's two options. Currently in this area anyone
17 who would like to develop can go under our current
18 regs or they can go under resort overlay. And Mr.
19 Matergia would like it as a conditional use.

20 However, the way this is written, it would not
21 allow Kalahari to move forward without a
22 conditional use hearing, which would take ex --
23 additional time.

24 So with that being said, Pat and
25 I had spoke before our 9:15 meeting that we can put

17

1 verbiage in there that if it's a -- if it is a
2 preexisting resort, that they would be allowed no
3 more than two off-premise signs without it going
4 through the conditional use hearings, which would
5 then delay things further.

6 When this project is going to be
7 totally developed, there's going to be a master
8 signage plan, that would be reviewed under the
9 conditional use at that time. But this would allow
10 Kalahari to move forward with their two off-premise
11 signs. So there would be some verbiage that would
12 be amended into this to allow that to occur. So
13 that is one item that the board will need to
14 address.

15 Do we want to do them
16 individually? Did you want --

17 MR. ARMSTRONG: Yeah, let's --
18 just so I have some clear direction going --

19 MS. PICKARD: I'm fine with
20 that. I think we need to do that obviously.

21 MR. ARMSTRONG: Okay. Does
22 everyone understand what that change is going to
23 be?

24 MR. STEVE PINE: Pat, let me
25 just understand it. It seems clear that this would

18

1 allow me to move ahead with the two off-premise
2 signs, but when we go through all of the 30 days of
3 comments and everything that -- would the new
4 overlay then kick in after that time?

5 MR. ARMSTRONG: No, what this --

6 MR. STEVE PINE: Okay. That's
7 where I got lost.

8 MR. ARMSTRONG: If you remember
9 at the planning commission what was discussed was,
10 we were having trouble determining how many of
11 these off-premise signs to permit. And Ralph
12 Matergia suggested that well, why don't we just

13 make it up to and within the discretion of the
14 board of supervisors at the time of that
15 conditional use hearing.

16 MR. STEVE PINE: Okay.

17 MR. ARMSTRONG: For each of
18 those three uses, resort -- we're really talking
19 about resorts, gaming resorts and what's been
20 titled PCREDs, which is a combination of commercial
21 uses. So that's how it's written, by conditional
22 use, you know, the board at that time can decide
23 how many of these off-premise signs can be
24 permitted.

25 The one item -- the one issue

19

1 that's popped up is, Kalahari's preexisting. And
2 that conditional use is going to be the same when
3 Pocono Manor or if some other owner comes in and
4 they apply for a PCRED within this overlay, part of
5 that application and part of the conditional use
6 application will incorporate a master sign plan
7 which will incorporate these off-premise signs.
8 And at that point in time this board can decide if
9 they're okay with however many off-premise signs

10 they're proposing or not, without having it
11 strictly provided for in the ordinance.

12 MR. STEVE PINE: Okay.

13 MR. HOLAHAN: Okay.

14 MR. ARMSTRONG: The problem
15 here is Kalahari's already existed, so they're not
16 going to -- their resort use is already there;
17 permitted, it's already there. But the way this is
18 written, if they wanted to proceed with an
19 off-premise sign, which I believe they do --

20 MR. STEVE PINE: We do.

21 MR. ARMSTRONG: -- the way it's
22 written, they'd have to come before you for a
23 conditional use because this doesn't really
24 anticipate a preexisting use. So what we're
25 talking about doing is incorporating some very

20

1 simple and to the point language for a preexisting
2 use in this overlay district -- resort, gaming
3 resort or PCRED, and it's a resort, that -- that we
4 can carve out an ability for them to proceed with
5 these off-premise signs pursuant with this

6 ordinance without going through a conditional use
7 so long as it does not exceed --

8 MR. STEVE PINE: Two.

9 MR. ARMSTRONG: Two. And --

10 MR. STEVE PINE: Over after
11 right now.

12 MR. ARMSTRONG: There's only one
13 preexisting use right now that falls under this
14 overlay district and that's Kalahari.

15 MS. PICKARD: How will the size
16 and the types of those signs, does that go under
17 the old ordinance or it would be --

18 MS. HAASE: Well, that's
19 something that the board would need to consider,
20 the size that you want the off-premise sign at.
21 Currently, and this is the other issue that --

22 MS. PICKARD: But then we don't
23 have a master site plan to --

24 MS. HAASE: That's correct. So
25 the -- the monument signs that would be down -- if

21

1 the board recalls, the zoning hearing board last
2 year approved a digital sign along 940. And I

3 think everybody is acceptable to the size, and et
4 cetera, of that. You go by it, it doesn't really
5 bother anyone. And it's a substantial size, that's
6 255 square feet. So that's a pretty good size that
7 we currently have on 940. So that's something that
8 you can take into consideration.

9 Bob also, to demonstrate to the
10 planning commission, the 200 square foot sign, if
11 I'm not mistaken, was to the corner of the wall
12 here up until where the clock was.

13 MR. McHALE: That is correct.

14 MS. HAASE: I believe that was
15 200 square feet. So that's a pretty good size
16 sign, especially for a monument sign.

17 MR. HOLAHAN: Well, that's 20
18 feet and a 10 feet ceiling.

19 MR. McHALE: Ten feet would be
20 the ceiling -- the lower ceiling is ten feet --

21 MR. HOLAHAN: Okay.

22 MR. McHALE: -- nine-eleven,
23 that's -- that's right.

24 MR. HOLAHAN: Okay. I've got
25 you. What size signs are being requested?

1 Go ahead, Mr. McHale.

2 MR. McHALE: Just had a question
3 related to the district itself. There's going to
4 be an attachment to this ordinance and the
5 attachment's going to depict the limits of the
6 overlay district. Are the two signs that -- or one
7 or two or both of these signs that they're
8 proposing, are they going to fall within that
9 district or are they going to fall on the other
10 side of 314 and not be in the district? Would that
11 --

12 MR. STEVE PINE: They're
13 within.

14 MR. McHALE: They're within.

15 MR. ARMSTRONG: I guess --
16 thank you for bringing that up. One thing we're
17 waiting for is a revised plan attachment to be
18 attached to this ordinance. You know, part of this
19 ordinance is you're creating a new overlay
20 district. That overlay district is surrounded by
21 380, 940, 314 and the Swiftwater, that pocket on
22 the end. And the plan, I believe Jim Cahill from
23 Pocono Manor is putting that together, the last

24 item.

25 I think you're on those emails,

23

1 Bob.

2 My suggestion was to, rather
3 than just kind of copy and paste something, put
4 something together specific for this overlay
5 district since you're going to be adopting the
6 ordinance, creating it. And I think he's amenable
7 to that. I just don't know when we're going to --
8 hopefully we'll get it in the next couple of days
9 so we -- 'cause the next question for -- once we
10 get through some of these revisions that Phyllis is
11 bringing up, the next question is whether or not
12 the board is agreeable to authorizing this to go
13 out for advertising for a public hearing, as well
14 as sending it to the Monroe County Planning
15 Commission for review pursuant to the MPC.

16 MR. McHALE: And the limits in
17 the district is I-380, 940, 314 and the Swiftwater
18 Creek and the municipal boundary.

19 MS. HAASE: The one thing I do
20 want to bring to the board's attention and

21 certainly Kalahari's attention, if the board
22 chooses to move forward with allowing the
23 off-premise signs at 314 and 940, currently
24 Kalahari has an off-premise sign directly across
25 the street and that would be in conflict with the

24

1 ordinance.

2 So, Steve, was it your intent
3 then that sign was coming down with a monument --

4 MR. STEVE PINE: Soon as these
5 two monuments go up that was to come down.

6 MS. HAASE: So just as long as
7 we do --

8 MS. PICKARD: Which one are we
9 talking about?

10 MS. HAASE: Directly across the
11 -- on the opposite side of 314 there's an
12 off-premise sign.

13 MR. STEVE PINE: That little
14 yellow one that's been out there for about a year.

15 MS. PICKARD: Okay. I didn't --
16 yeah.

17 MR. STEVE PINE: That little
18 yellow one that's been out there for about a year,
19 Heidi, that's --

20 MS. PICKARD: Okay. Yeah.

21 MS. HAASE: Now, the other item
22 that just came to mind right now as we're speaking,
23 Kalahari last month erected roof signs that are 10
24 foot in height. At that particular time we
25 directed them to go zoning hearing board for

25

1 relief. They opted not to do that with hopes that
2 this overlay would correct the problem. So they
3 still are going to have the issue of the 10 foot
4 letters that are on the building, on the roof
5 versus what our current ordinance states at two
6 feet. So unless -- unless that's --

7 MS. PICKARD: Where would that
8 go here?

9 MS. HAASE: Well, in the overlay
10 with the conditional use, it's addressed.

11 MS. PICKARD: Okay.

12 MS. HAASE: So I don't know if
13 we need to put some language in there.

14 MS. PICKARD: For preexisting --

15 MR. McHALE: Just add it to the
16 language you're developing for the off-premise --

17 MS. PICKARD: With the
18 preexisting?

19 MR. McHALE: -- and include the
20 roof sign.

21 MR. ARMSTRONG: Wait. Your
22 concern is the roof sign that's already been
23 constructed --

24 MS. HAASE: And erected.

25 MR. ARMSTRONG: -- the fact that

26

1 they proceeded without a conditional use --

2 MS. HAASE: Without permitting,
3 I just thought of that.

4 MS. PICKARD: Can it be
5 permitted with the preexisting monument sign is my
6 question.

7 MR. ARMSTRONG: Let me --

8 MS. PICKARD: Just in one nice
9 sentence.

10 MR. ARMSTRONG: Is the board
11 agreeable if I think we need to incorporate it
12 somehow in this revision or if I think we can
13 address it in some other fashion?
14 MR. HOLAHAN: You're forgiven.
15 MR. STEVE PINE: Well, I'll
16 tell you exactly what happened is I had -- I had
17 talked to Bill Burton and I had talked to Maureen
18 here. My misunderstanding, however, and I
19 proceeded and I told my crew to go ahead and start
20 putting up the signs, that we worked this all out.
21 Maureen called me probably half an hour after I
22 left her office and left me a voice message that I
23 didn't get right away saying, whoa, whoa, whoa,
24 this is too tall, I double-checked the ordinances,
25 this is not going to work.

27

1 I didn't see it right away. It
2 was probably an hour later, so it'd been an hour
3 and a half, so I called my staff to stop and they
4 said well, we just put up the last letter, it's
5 done. And 'cause they had all the -- had the --
6 the contractors had put all the steel in place on

7 the roof of the port-cochere. So they're sitting
8 there.

9 The only reason I didn't remove
10 them, again, is, first of all, all of the work,
11 plus secondly, it's a closed site, it's not open to
12 the public and I figured until it is, I can
13 probably get away with it, to be honest with you.
14 But I told Maureen that I had put them up, I told
15 Bill, I told Phyllis, I got my hand slapped, I got
16 dirty looks and one of those three had a batch of
17 kittens that afternoon all over me, but that's
18 fine.

19 MS. HAASE: That would be me.

20 MR. STEVE PINE: But -- so
21 they're still there. I don't any mean disrespect
22 to this board or the planning commission or
23 anything else, but the economics of it, I just left
24 it and waited to hear. And nobody's told me to
25 take them down yet, but I was told that that was an

1 illegal sign and it was left at that. So when we
2 did the work with the planning commission Thursday

3 night, we fixed that.

4 So if it's okay with the board
5 that they sit there on a closed site that's not
6 open to the public until this ordinance comes into
7 play, hopefully this will -- if you pass it today,
8 will be accomplished by June 12 and we're not
9 planning on opening up till June 26. By that time
10 it'll be a legal sign and of course then I'll come
11 in, fill out the proper paperwork, which I did, and
12 Maureen gave it back to me when she said it was not
13 permitted so I had --

14 MR. HOLAHAN: Did you roll it
15 up and hit him with it?

16 MR. STEVE PINE: Kind of.

17 MS. MINNICK: I left that to
18 Phyllis.

19 MS. HAASE: What Steve is
20 saying is accurate where I -- I don't like the fact
21 they proceeded without the proper permitting, I
22 will say on behalf of Kalahari, it certainly looks
23 in proportion to the building.

24 MS. PICKARD: Yeah, definitely.

25 MS. HAASE: It does not look out

1 of proportion. It's just how do we accomplish
2 allowing that to stay as it is, as of this date
3 without going through the conditional use. So
4 that's where I think Pat and I will have to be
5 somewhat creative to allow them to have --

6 MS. PICKARD: Can we just say
7 that one line that if it was, you know, being done
8 in the midst of this and it falls under this, we
9 would exclude them from the conditional use because
10 it's preexisting?

11 MR. KERRICK: Have it come in
12 compliance when they open. Keep it simple.

13 MS. HAASE: Well, if they come
14 in compliance when they open, either they'd have
15 to --

16 MS. PICKARD: He has to do a
17 conditional use hearing.

18 MS. HAASE: -- go through a
19 conditional use hearing --

20 MR. KERRICK: Use your term
21 creative, do whatever you got to do.

22 MS. PICKARD: I'm just saying if
23 it falls in here, but it's preexisting, they didn't
24 -- it negated the need for the conditional use

25 hearing.

30

1 MS. HAASE: As long as the
2 board is in agreement, Pat and I could work out
3 some --

4 MS. PICKARD: As long as it's
5 something that we're going to agree with the rest
6 of it. I mean, I had one or two other questions,
7 which I was waiting for you to finish.

8 MR. McHALE: Phyllis, did you
9 mention the digital part or did you find that?

10 MS. HAASE: I haven't, not yet.

11 MS. PICKARD: Yeah, that was my
12 question.

13 MS. HAASE: So we're fine with
14 this aspect?

15 MR. HOLAHAN: Figuring that out,
16 right.

17 MS. HAASE: Speaking with Jim
18 Cahill this morning, he went over this quickly.
19 However, Jim and I spoke, Jim is requesting to have
20 a digital sign on 940 where this ordinance does not

21 speak to. He thought that was discussed last night
22 -- or last week at the planning commission. It's
23 my understanding that was not brought up.

24 MR. McHALE: We had them depict
25 it on the -- we had the plans.

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1 MR. STEVE PINE: Nondigital,
2 but it was on 380.

3 MS. LAMBERTON: Not digital.

4 MR. McHALE: And we were saying,
5 yeah, off of 380 there was one digital, one
6 nondigital.

7 MS. LAMBERTON: Right.

8 MS. HAASE: So he's looking to
9 have a digital sign on 940 as well.

10 MS. LAMBERTON: By Handyman
11 Rental.

12 MS. HAASE: Well, and that would
13 be at, I think, an appropriate size.

14 MR. ARMSTRONG: As one of the
15 off-premise signs are we talking about?

16 MS. HAASE: He did not --

17 MS. PICKARD: This is on-premise

18 for him, isn't it?

19 MS. HAASE: It would be
20 on-premise.

21 MR. ARMSTRONG: So it would be
22 one of the freestanding signs under type of --
23 under C-1.B on Page 4?

24 MS. HAASE: Correct.

25 MS. LAMBERTON: So you could

32

1 make it 380 and 940.

2 MR. McHALE: What size would it
3 be?

4 MR. KERRICK: C-1. B, did you
5 say, Pat?

6 MR. ARMSTRONG: If you're
7 looking at the clean copy --

8 MS. PICKARD: But he's going
9 have to come in to the conditional use thing,
10 though --

11 MR. ARMSTRONG: -- it's on Page
12 4, freestanding signs.

13 MS. PICKARD: -- he'll be

14 coming in with the conditional use for this,
15 correct?

16 MS. HAASE: Correct. However,
17 regardless, under the freestanding signs, the way
18 this is currently proposed and this was the
19 direction of the planning commission that they were
20 allowed to have four freestanding signs. The 1200
21 square feet was -- initially should have been for
22 the interstate, where it initially was being
23 proposed. I believe that the chairman of the
24 planning commission felt four would be sufficient;
25 however, it's also allowed along 940. So to have a

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1 1200 square foot sign along 940, I'm pretty
2 comfortable in saying that that's way too big.

3 MR. McHALE: If 255 is what's
4 there now, it's going to be two -- almost two and a
5 half times that size.

6 MR. ARMSTRONG: If I remember
7 correctly --

8 MR. HARRY FORBES: It's split in
9 half.

10 MS. HAASE: It's still 600

11 square feet, it's still very large.

12 MR. ARMSTRONG: If I remember
13 correctly, this board approved --

14 MS. PICKARD: Three times that.

15 MR. ARMSTRONG: -- an amendment
16 to your zoning ordinance addressing this digital
17 sign but within the commercial district, right?
18 Which the result of which is the Kalahari existing
19 digital sign off of 3 -- maybe we can address --
20 I'm trying to think back, I wish I had it with me,
21 but the ordinance revision that we did at that
22 time, I think we incorporated some language in the
23 commercial district resort section of the
24 ordinance, correct?

25 MS. HAASE: Correct.

34

1 MR. ARMSTRONG: So maybe what we
2 can do is just take what we did, if -- if the board
3 is agreeable to allowing a digital sign as part of
4 one of their freestanding -- one of their four
5 freestanding signs, as part of this Section
6 155-16.1.C.B, you know, we can maybe use that

7 language.

8 I guess the ques -- the question
9 for me is they're allowed four of these
10 freestanding signs. They're required to be within
11 50 feet of frontage of state route or interstate.
12 Two questions for the board -- well, three
13 questions. One, are you okay with this potential
14 revision of adding the digital sign? Two, is the
15 600 square feet per sign -- per sign side agreeable
16 to the board for a digital sign, not a regular --
17 this will be a digital sign. And three, would you
18 -- the language would it be out of those four
19 freestanding signs they're allowed one digital
20 sign, meaning, one digital, three other, whatever
21 other freestanding signs they perceive?

22 MS. PICKARD: Well, one thing I
23 have a problem with is the state or the interstate
24 because I think when you're going 65 miles an hour
25 larger is okay. But when you're on 940 at 45 miles

35

1 an hour in a shorter distance, I don't think that
2 it's necessary to be that large. So I think -- I
3 have not -- you know, I'm okay with the size on

4 380, but not on 314 or 940.

5 MS. HAASE: Currently your
6 regulations, that was approved a few months back,
7 allowed 1200 square foot signage along the
8 interstate as being digital. But at that
9 particular time, the board limited it to one per
10 parcel. So that is something we'd have to look at,
11 but the interstate I do feel should be separate
12 than the state route just because of close
13 proximity of it. Handyman Rental --

14 MR. STEVE PINE: The only --

15 MS. HAASE: -- just one minute,
16 Steve. Handyman Rental, as I said, that's that 255
17 square feet and I think that even though we
18 anticipated or I anticipated a lot of complaints
19 from our residents, I only received a few. It's
20 not that obstructionable (phonetic).

21 MS. LAMBERTON: Actually it
22 looks better.

23 How big's your sign on 380?

24 MR. STEVE PINE: 262 or
25 something like that.

1 Maureen, do you recall what it
2 was?

3 MS. MINNICK: It's 600 square
4 feet per side.

5 MR. STEVE PINE: Per side.

6 MS. LAMBERTON: See, that
7 doesn't seem real big to me.

8 MS. PICKARD: Per side which
9 it's --

10 MR. STEVE PINE: Per side.

11 MS. HAASE: Because it's all set
12 back --

13 MS. PICKARD: Well, on the
14 interstate.

15 MS. HAASE: -- on the
16 interstate.

17 MS. PICKARD: But it's on the
18 interstate. That on 940 that's -- I'm fine with
19 that sign on the interstate. I just think it
20 doesn't need to be that big on 940 and we don't
21 have a -- there's not a lot of space there. I
22 mean, it's --

23 MR. STEVE PINE: It's 596 if I
24 --

25

MS. LAMBERTON: Well, PennDOT

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1 also that was also brought up at the planning
2 commission. PennDOT has a regulation.

3 MS. HAASE: They will not
4 regulate 940 or 314.

5 MS. LAMBERTON: 380, PennDOT
6 had a --

7 MS. HAASE: You're correct.

8 MR. STEVE PINE: Actually they
9 told me told me they do regulate 940, just 940 not
10 314.

11 MS. HAASE: Just not 314, okay.

12 MR. STEVE PINE: But what I
13 started to say -- and I apologize, Phyllis, I
14 thought you were done. I had thought that we
15 talked about it at the planning commission and what
16 Jim had said is that he wanted a sign that would
17 have whatever the name of his -- I think he's
18 tossing around the name of Summit now -- the Summit
19 at Mount Pocono, Kalahari and Pocono Manor. So
20 there would in fact be three advertisers on that.

21 And we were concerned, as you

22 recall, Phyllis, about the contingency of property
23 and et cetera, which I think we figured out that
24 they are there. But I don't recall ever talking
25 about 1200 square feet of digital sign either at

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1 the planning commission. And I'm certainly not
2 trying to shoot down Jim and his endeavors because
3 he's been more than cooperative with us. But
4 that's what I do recall bringing up, is that there
5 would in fact be three advertisers on that 940
6 sign.

7 MR. McHALE: That would be
8 off-premise sign.

9 MR. HARRY FORBES: 1200 feet is
10 --

11 MR. STEVE PINE: Two would be
12 off-premise.

13 MR. HARRY FORBES: Split it.

14 MS. PICKARD: 600 on either
15 side.

16 MS. HAASE: If it's going to be
17 a digital sign that's advertising multiple, then

18 that's going to be an off-premise sign, so then
19 that changes things again.

20 MR. STEVE PINE: The one he
21 mentioned was the three -- three venues.

22 MS. PICKARD: What is the size
23 of 84 Lumber's sign?

24 MS. HAASE: I couldn't tell you
25 that offhand.

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1 MS. PICKARD: Do you know what
2 I'm saying?

3 MS. LAMBERTON: I don't, I'm
4 sorry.

5 MR. STEVE PINE: If you've
6 driven by the property before the road was closed,
7 the one that's across the street is a 10 by 10; so
8 that's a hundred square feet, that little square
9 one that you see there of vinyl. And that's
10 two-sided, so that's -- that was our maximum we
11 were allowed in the commercial district although it
12 was 200 square feet.

13 MR. HOLAHAN: Well, I can't
14 imagine something three times the size of that wall

15 on 940 at 50 feet back. That would be -- that's
16 closer to like a drive-in movie.

17 MS. PICKARD: Yeah, exactly.

18 MS. HAASE: Where it currently
19 is situated on 380, it's perfect.

20 MR. HOLAHAN: Right. I mean, it
21 makes -- that makes sense.

22 MS. HAASE: But when we put it
23 in perspective here --

24 MS. PICKARD: Exactly.

25 MS. HAASE: -- the 300 square

40

1 feet -- or the 600 square feet, it's -- because it
2 would be longer than this entire wall.

3 MR. McHALE: When you relate
4 that to the existing signage west of 380 and then
5 as you go into Mount Pocono, all the signs are much
6 smaller along that corridor.

7 MS. PICKARD: I'm a little
8 confused now because of the off-premise,
9 on-premise.

10 MR. HOLAHAN: Yep. I hate to

11 be capricious about this --

12 MS. LAMBERTON: Well, what did
13 Handyman Rental put on there? They flash up
14 different businesses all day long.

15 MS. HAASE: No. That's -- and
16 it's correct, but it's different than what's being
17 proposed here in the regulations by Mr. Matergia.

18 MR. McHALE: And the size of
19 that one you said was 255?

20 MS. HAASE: 255 per side.

21 MS. MINNICK: That is
22 considered an off-premise sign to begin with.

23 MS. HAASE: Handyman Rental is
24 off-premise.

25 MR. STEVE PINE: Wouldn't this

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1 all be reconsidered at the time of the master plan
2 sign, where they have to come back to a conditional
3 use?

4 MR. ARMSTRONG: This is --
5 listen I was informed of this, this morning. I
6 would've -- I want to look at what we adopted, I
7 want to say like six months ago, with respect to

8 digital signage and to see if there's any -- if
9 it's an off-premise sign in the commercial district
10 --

11 Is this it?

12 MS. HAASE: Yeah, Maureen is
13 looking for the regulation.

14 MR. ARMSTRONG: It may be able
15 to fall under that, I don't know. Unfortunately no
16 one from Pocono Manor is here this morning. Was
17 that limited to interstate?

18 MS. HAASE: Yes.

19 MS. LAMBERTON: Yeah, that's
20 what I thought.

21 MR. ARMSTRONG: So that would be
22 --

23 MS. LAMBERTON: That's why it's
24 covered by that.

25 MS. HAASE: Because in here it

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1 says state route, interstate and state route. So
2 that's where it would include 940 and 314.

3 MR. HARRY FORBES: Phyllis, I

4 have it on this, they had the other one?

5 MS. HAASE: No, that -- yeah,

6 that's --

7 MR. STEVE PINE: That's what

8 she proposed.

9 MS. HAASE: That's what Bob and

10 I put together. It's changed since. Yeah, it's

11 since changed.

12 MR. KERRICK: So where are we

13 going from here?

14 MR. ARMSTRONG: What we could

15 do --

16 MS. LAMBERTON: You got to say,

17 can we have a digital sign on 940 and how big.

18 MR. KERRICK: 255.

19 MS. LAMBERTON: There you have

20 it.

21 MS. PICKARD: Exactly, yeah.

22 MR. ARMSTRONG: What we --

23 MR. KERRICK: Keep it the same

24 as other one, done.

25 MS. PICKARD: But how many

1 digital signs and are they on-premise or
2 off-premise?

3 MR. ARMSTRONG: What we could --
4 what we could do -- I'll look at this in a second,
5 but what we could do is that same -- if we're
6 confident -- this is with respect to an off-premise
7 sign for Pocono Manor, which it sounds like it is.
8 That language I'm going to -- if you look at that
9 off-premise sign language in Section C-1.A, the
10 reason we left it somewhat within the discretion of
11 the board of supervisors for these off-premise
12 signs with respect to size, we can incorporate
13 language as to type -- or I'm sorry, number and
14 incorporate -- I'm sorry.

15 We couldn't come to terms with
16 the amount of these off-premise signs. So what we
17 did, we -- we're putting this in the hands of the
18 board supervisors at the time of the conditional
19 use, which Pocono Manor would be subject to because
20 they're going to be coming in for a new likely --
21 my understanding, a PCRED at some point in time in
22 the future.

23 At that time of the conditional
24 use, you as the board or the current board at that
25 time, will be able to determine how many, if any,

1 of these off-premise signs would be permitted as
2 part of that conditional use. Perhaps what we want
3 to do is add in that not only the number of signs,
4 but the size and the type not inconsistent with the
5 existing ordinances of Tobyhanna Township.

6 MR. HOLAHAN: As much as we
7 probably don't want to have a meeting every time
8 someone wants to put a sign up, I think to take
9 care of this right now -- because otherwise, just
10 to -- I think it's going to be too difficult for us
11 to kind of flush out exactly what this is -- what
12 these signs are going to be. That way we can go
13 ahead and let Pat take care of that and let's
14 authorize advertisement for it.

15 MR. KERRICK: I'm okay with
16 that, but I would like to flush it out eventually.
17 It's not up to the board because as boards change,
18 you don't know what's going to happen.

19 MR. HOLAHAN: And I agree, but
20 not right now.

21 MR. KERRICK: No, no, no. I'm

22 okay with you there, but future we need to flush it
23 out.

24 MS. LAMBERTON: Well, when we
25 have a hearing.

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1 MS. PICKARD: But what are we
2 going to advertise? We don't know what we're
3 advertising?

4 MR. ARMSTRONG: That's what I'm
5 trying to figure out because in order to advertise
6 the ordinance, it has to be in final form.

7 MS. PICKARD: So we're going to
8 look at it on our email and say we're okay?

9 MR. ARMSTRONG: No. We're
10 talking about these revisions right now. And if
11 you're okay with in theory, what I can -- I mean,
12 if you're okay -- let's figure out what these
13 potential revisions to the existing document are.

14 MR. HOLAHAN: Right.

15 MR. ARMSTRONG: And then I'll
16 put the language together, I'll circulate it. But
17 after today, I mean, you're going to have to let me
18 know if you're comfortable with me making these

19 changes in writing and sending it out for
20 advertisement and review for the Monroe County
21 Conservation -- or Monroe County Planning
22 Commission or not. Because if it's going to come
23 back to you, you know, I'm not going to send
24 anything out.

25 MS. PICKARD: Right. I just

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1 want to clarify on whatever you said Cahill said.
2 You're saying the digital and three things as
3 off-premise, but Pocono Manor's proposing to put it
4 on-premise?

5 MR. HOLAHAN: But advertise
6 other people --

7 MS. HAASE: That it be
8 considered an off-premise sign.

9 MS. PICKARD: Even though it's
10 on their property?

11 MS. HAASE: If they're
12 advertising businesses that are not on that
13 property, it's considered an off-premise sign.

14 MR. STEVE PINE: Because

15 Kalahari would be an off-premise and so would
16 Pocono Manor actually.

17 MR. HOLAHAN: Right.

18 MR. STEVE PINE: Even though
19 it's on part of their property.

20 MS. PICKARD: So it's
21 off-premise even though it's on part of their
22 property?

23 MS. HAASE: If they're only
24 advertising your own business, then it's an
25 on-premise sign.

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1 MR. KERRICK: I'm confident they
2 can come up with a solution.

3 MS. PICKARD: But I thought
4 off-premise had to be off the premise, okay.

5 MR. HOLAHAN: Okay. So what do
6 we have to do? What else do we have to do to
7 authorize this things?

8 MR. ARMSTRONG: With this
9 specific issue -- I mean, remember, representative
10 from Pocono Manor already said he's okay with these
11 changes. This is kind of -- the digital aspect and

12 likely the sub -- 'cause I'm looking at it. We
13 didn't really address the sign size of the
14 off-premise but, you know, arguably we can -- are
15 you okay with respect to the size of the
16 off-premise incorporating the existing commercial
17 requirements for those off-premise signs?

18 MS. HAASE: There is not a
19 commercial -- okay. There is not a current reg for
20 commercial signage for digital.

21 MR. ARMSTRONG: No, I'm not --
22 I'm talking about size alone right now.

23 MS. HAASE: Okay.

24 MR. ARMSTRONG: There is --
25 there is a size commercial off-premise sign

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1 requirement, right?

2 MS. HAASE: Umm-hmm.

3 MR. ARMSTRONG: We're okay
4 keeping that sign size the same for these
5 off-premise within the overlay?

6 MS. LAMBERTON: Or you can
7 provide the size sign that you were looking at.

8 MR. STEVE PINE: I can't today.
9 Because I don't have it with me.
10 MS. LAMBERTON: Remember from
11 the planning commission, weren't they asking?
12 MR. STEVE PINE: I asked him if
13 I needed just forward to anybody and he told me no.
14 MR. HARRY FORBES: But that's
15 covered in the -- under the freestanding signs for
16 the monument signs. Remember we talked about 25
17 feet?
18 MS. LAMBERTON: Okay. Yes.
19 MR. STEVE PINE: These are 17.
20 MS. LAMBERTON: But that's
21 off-premise though?
22 MR. STEVE PINE: These are 17.
23 MR. HARRY FORBES: Right.
24 MS. LAMBERTON: Okay.
25 MR. STEVE PINE: I do know that,

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1 I just can't remember what it is. I know that
2 first phase only Kalahari's going to be on there.
3 So on the two that we're talking about with the
4 monument signs, they'll be smaller than what will

5 eventually be there.

6 MR. ARMSTRONG: All right. I'm
7 trying to figure how we're going to do this, if
8 we're going to push it forward today in order to
9 keep this moving. Otherwise, I'm not sure how we
10 will. But the size of the off-premise signs -- and
11 what I think we can do is, if the board is
12 amenable, incorporate the size requirements or the
13 size restrictions for other off-premise signs -- I
14 believe it's the commercial industrial, the CI
15 district -- unless otherwise permitted by the board
16 at the time of conditional use. And that kind of
17 leaves it, again, within your discretion.

18 MR. HOLAHAN: We'll know it
19 when we see it.

20 MR. ARMSTRONG: Right. And
21 then the next item is the digital, perhaps we can
22 do the same, you know. Maybe I will specifically
23 call out in this off-premise sign provision at the
24 time of the conditional use, the board can decide
25 whether or not a digital sign is permitted. But do

1 you want to restrict that to a certain number at
2 this point? Meaning, you can -- at the point in
3 time of the conditional use, you can -- if they say
4 hey, we want one or we want two or we want three
5 digital signs as part of our off-premise signs, you
6 can decide at that point in time. But do you want
7 to restrict the maximum amount of these digital
8 off-premise signs at this point?

9 MR. HOLAHAN: Yeah, let's --

10 MR. ARMSTRONG: I mean, right
11 now the change you made -- remember, the change you
12 made for the --

13 MS. HAASE: Commercial resort.

14 MR. ARMSTRONG: -- commercial
15 resort was one of these digital signs per lot. So
16 you just -- I guess you want to keep that in mind
17 whatever we do today.

18 MS. PICKARD: But we have 25
19 acres, so conceivably Pocono Manor could subdivide
20 that and then be allowed multiple off-premise
21 digital signs for --

22 MS. HAASE: Minimum acreage is
23 25 acres, you're correct. But at that time as
24 well, they would have to, with it being conditional
25 use, come before the board and depending upon who's

1 seated here, they would make those decisions.

2 MR. HOLAHAN: Okay?

3 MR. ARMSTRONG: That didn't
4 help.

5 MR. HOLAHAN: I guess the thing
6 is that 600 --

7 MS. LAMBERTON: Do you just want
8 to limit it to two on 940, just spell it out, be
9 done with it?

10 MS. PICKARD: Yeah, I just --
11 there's not a lot of space.

12 MS. LAMBERTON: You don't want
13 six of them.

14 MS. PICKARD: Exactly.

15 MR. ARMSTRONG: No, okay. So
16 we're talking --

17 MS. LAMBERTON: And maybe I
18 shouldn't be talking, but --

19 MR. KERRICK: There's only a
20 thousand feet there.

21 MS. PICKARD: No, that's what
22 I'm saying.

23 MR. KERRICK: Wasn't there a
24 thousand feet, Bob, between 380 and 84 Lumber?

25 MS. PICKARD: Was it on either

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1 side?

2 MR. McHALE: The off-ramp?

3 MS. LAMBERTON: Yes.

4 MR. KERRICK: It was around a
5 thousand.

6 MR. McHALE: It's about 3,000
7 feet.

8 MR. KERRICK: 3,000 feet.

9 MS. LAMBERTON: Okay. So two in
10 the 3,000 feet. It's more than enough, right?

11 MS. PICKARD: Can we
12 incorporate a distance between? Can we use so much
13 --

14 MS. HAASE: Currently our --

15 MR. KERRICK: This could
16 change.

17 MS. HAASE: -- ordinance speaks
18 to a thousand feet.

19 MR. HARRY FORBES: Your
20 distance between -- I'm sorry, you're doing a side
21 conversation -- is covered by the PennDOT regs.
22 That's why, Pat, you put that in
23 there, the distance between --
24 MR. ARMSTRONG: That's --
25 that's -- we're talking about digital signs right

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1 now. And right now in the existing ordinance that
2 we adopted a few months ago, there's -- I believe
3 there's a distance separation between, I could be
4 wrong.
5 MS. HAASE: Well, they're only
6 allowed one and, yes, there is -- we do go by
7 PennDOT in that situation. Our current regs speak
8 to the separation distance of a thousand feet --
9 MR. HOLAHAN: Right.
10 MS. HAASE: -- between
11 off-premise signs.
12 MR. HOLAHAN: Right.
13 MS. PICKARD: So that would be
14 whether they're digital or otherwise?
15 MS. HAASE: For off-premise

16 sign -- well, for off-premise sign's a thousand.
17 If it's on-premise, it's a separation of 300 feet
18 per sign, is what our current regs speak to.
19 MR. HOLAHAN: So we could -- we
20 could give -- we could say two because that's all
21 they're going to get anyway with a thousand feet.
22 MS. LAMBERTON: Exactly.
23 MS. PICKARD: All right.
24 MR. ARMSTRONG: Okay. So what
25 I'm going -- this is off-premise signs in the

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1 overlay?
2 MR. HOLAHAN: Right.
3 MR. ARMSTRONG: I'm going to add
4 -- it's going to be probably a quick one sentence
5 line in here.
6 MR. HOLAHAN: We've spent much
7 too long talking about this.
8 MS. LAMBERTON: That can't be.
9 MR. ARMSTRONG: Basically no
10 more than two off-premise digital signs will be
11 permitted within the overlay district along 940.

12 MS. LAMBERTON: Correct,
13 perfect.

14 MR. ARMSTRONG: Now, no other
15 digital signage in the overlay, correct? Unless it
16 falls under the commercial provision, which is
17 along 380.

18 MS. HAASE: 380, but that's
19 under --

20 MR. ARMSTRONG: So we don't have
21 to do -- I don't think we have to do anything with
22 respect to that.

23 MS. HAASE: That spoke to the
24 commercial resort. Would that fall for the planned
25 commercial retail entertainment district? 'Cause

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1 the way I think Ralph has it, he has it separate.

2 MR. ARMSTRONG: Well, we can --

3 MS. LAMBERTON: Tell the retail
4 they can have one more, like Kalahari has one.

5 MR. ARMSTRONG: I'm just trying
6 to think how I'm going to put this.

7 MS. LAMBERTON: In my mind
8 you've got Kalahari and you got Pocono Manor.

9 MR. HOLAHAN: Then I want you to
10 read it to your children.

11 MS. HAASE: What if the board --

12 MR. KERRICK: And the neighbors.

13 MS. HAASE: What if the board
14 was to consider one digital sign for each use
15 adjacent to the interstate at the 1200 like we
16 currently have, and then two off-premise on the
17 state route up to the, say, 600, 300 per side?

18 MS. LAMBERTON: Right.

19 MR. HOLAHAN: I'm good with
20 that.

21 MS. LAMBERTON: I think that
22 makes the most sense.

23 MS. HAASE: Now, do we want to
24 limit it just on -- only allow it on 940 or does
25 the applicant have the option to go 940 or 314?

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1 MS. LAMBERTON: I think we
2 should keep it on 940.

3 MS. PICKARD: There's not much
4 space on --

5 MR. HARRY FORBES: You don't
6 want to limit yourself if more of these comes in
7 down the road somewhere else.

8 MS. LAMBERTON: No, this is just
9 for this overlay.

10 MS. PICKARD: Just this overlay.

11 MR. HARRY FORBES: Oh, just for
12 this here?

13 MS. LAMBERTON: Yeah. Not
14 commercial in general, just the overlay, right.

15 MS. HAASE: That's correct.

16 MR. STEVE PINE: Then the minute
17 you get just beyond our boulevard there, you're in
18 Pocono Township, so it's not your issue.

19 MS. PICKARD: So the two
20 monument signs that Kalahari is proposing at
21 Kalahari and 314, what is Pocono Manor going to
22 have out there?

23 MS. HAASE: They will have --
24 that sign would be utilized by both.

25 MS. PICKARD: Okay.

1 MR. STEVE PINE: That's what

2 those two off-premise signs are for. There will be
3 something there initially so you'll see kind of
4 open space on the bottom of it, but eventually --

5 MS. PICKARD: Can they put
6 another 600 square foot digital sign on 380?

7 MS. LAMBERTON: Yes.

8 MS. HAASE: 1200 square feet,
9 yes, PCRED.

10 MR. ARMSTRONG: So this is --
11 this is what I'm going to do, under C-1.A I'm going
12 to probably have a subsection for digital
13 off-premise. And it's going to be, you know,
14 subject to Kalahari --

15 Steve, you guys aren't moving
16 forward with any more digital signs at this point
17 in time, are you?

18 MR. STEVE PINE: No. I don't
19 foresee it because the other two resorts we have
20 only have the one.

21 MR. ARMSTRONG: So the way I'll
22 phrase it is, at the point of conditional use
23 hearing, the board can consider these digital signs
24 subject to no more than two along 940 in the resort
25 over -- in the commercial resort overlay and no

1 more than one per use along the interstate,
2 correct?

3 MS. HAASE: Yes.

4 MR. ARMSTRONG: The interstate
5 being 380, 'cause that's the only interstate that
6 abuts the overlay district.

7 MS. PICKARD: What is per use
8 then?

9 MS. LAMBERTON: What does per
10 use mean?

11 MS. PICKARD: For the PC
12 L-M-N-O-P thing.

13 MS. HAASE: The resort or the
14 PCRED?

15 MR. ARMSTRONG: No, per use; the
16 PCRED or resort or gaming resort.

17 MS. PICKARD: Okay. So that's
18 one use.

19 MR. ARMSTRONG: Those are the
20 only three uses that are permitted in this
21 district.

22 MS. PICKARD: All right. Okay.

23 Good.

24 MR. ARMSTRONG: The size -- the
25 size of these potential digital signs will be

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1 subject to the sign size -- the digital sign size
2 restrictions already in the current commercial
3 district ordinance, I'll incorporate those, right?
4 They must be 600 because if Kalahari has a 596
5 square foot side --

6 MS. HAASE: That was for the
7 commercial resort use.

8 MS. LAMBERTON: On 380.

9 MR. McHALE: On the interstate.

10 MR. ARMSTRONG: For the
11 interstate.

12 MS. LAMBERTON: Right

13 MR. ARMSTRONG: And the state
14 route, you want a smaller --

15 MS. LAMBERTON: It's like 250 or
16 --

17 MR. HOLAHAN: Three --

18 MR. McHALE: You were going to
19 cut it in half, you were going to go 600 total, 300

20 a side.

21 MR. KERRICK: 255.

22 MS. PICKARD: 255.

23 MR. McHALE: That would be
24 slightly bigger than what's out there now, which is
25 255.

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1 MR. ARMSTRONG: So the two
2 permitted along 940 is two -- what was it per side?

3 MS. LAMBERTON: 300 square feet
4 per side.

5 MR. McHALE: 300 per side,
6 maximum 600.

7 MR. ARMSTRONG: 300.

8 MR. HARRY FORBES: Per side?

9 MS. LAMBERTON: Per side, yes.

10 MR. ARMSTRONG: Per side, yes.

11 Just the nondigital off-premise signs, the size --

12 MS. LAMBERTON: That's them.

13 MR. HARRY FORBES: You already
14 have the --

15 MR. ARMSTRONG: No, those are

16 the digital. I want to make clear for the -- if
17 you come up -- if someone comes in with an
18 off-premise sign that's not digital --

19 MS. LAMBERTON: Oh, that would
20 be what you need for your entrance.

21 MS. HAASE: Would it not make
22 sense to the board that we keep it consistent? If
23 we're allowing the off-premise sign as being 600
24 square feet, 300 per side, the nondigital should
25 stay the same so there's some continuity going down

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1 940?

2 MR. ARMSTRONG: So 600 square
3 feet per side off the interstate for other
4 off-premise signs and 300 for off-premise signs
5 other than digital along 940.

6 MS. HAASE: 600 hundred total,
7 300 per side.

8 MR. ARMSTRONG: Oh, 600 for all
9 of them regardless.

10 MS. HAASE: No, no, no,
11 interstate --

12 MR. STEVE PINE: Kalahari

13 doesn't own any property on 940, so I don't care.
14 MS. HAASE: Interstate at 1200
15 square feet, 600 per side and nondigital and
16 digital --
17 MR. ARMSTRONG: 300 per side.
18 MS. HAASE: Correct. Does that
19 make sense of staying on 940?
20 MR. HOLAHAN: Yes.
21 MR. KERRICK: Could I ask a
22 question for clarification?
23 MS. LAMBERTON: Oh, dear God.
24 MR. KERRICK: Sorry. How many
25 on 380 total?

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1 MR. ARMSTRONG: No more than
2 one per use.
3 MR. KERRICK: So what could be
4 there? Two?
5 MS. PICKARD: If it's 25 acres,
6 could the --
7 MR. ARMSTRONG: Well, that's a
8 good question, one thing we talked about --

9 MR. KERRICK: I hated to bring
10 it up, but I don't want to see 50 signs there
11 either.

12 MS. HAASE: That was my concern
13 with the planning commission.

14 MR. ARMSTRONG: One thing we
15 talked about with the planning commission was the
16 25 acre minimum for the PCRED, the planned
17 commercial redevelopment. The concern is there's
18 potentially a hundred plus acres out there that
19 Pocono Manor could carve up into separate 25 acre
20 parcels and then have a couple different PCREDs.

21 MR. McHALE: With this being a
22 hundred seventy-five --

23 MS. LAMBERTON: No more than
24 four.

25 MR. McHALE: -- they were

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1 talking about digital/nondigital for Kalahari;
2 digital/nondigital for this lot if it stays one
3 lot. But if this carves up into 25 acres, then you
4 would end up with additional signage.

5 MR. KERRICK: Isn't the idea of

6 digital that you could advertise more than one?

7 MS. LAMBERTON: Then you're
8 getting into the whole off-premise thing.

9 MS. PICKARD: Well, what do the
10 PennDOT regs that you can -- how far --

11 MR. KERRICK: Well, I don't want
12 -- I think we're here long enough, I don't want to
13 flip it.

14 MS. HAASE: Just so you
15 understand, John, PennDOT will allow on the
16 interstate off-premise advertisement.

17 MR. KERRICK: So the most we'll
18 ever have there is two?

19 MS. PICKARD: No.

20 MS. HAASE: Well, that's going
21 to depend upon what the board decides, but Kalahari
22 has a digital sign, Pocono Manor's proposing to
23 have a digital sign there. But as far as PennDOT
24 regs, as they stand currently, they are not allowed
25 to advertise off-premise.

1 MR. ARMSTRONG: Along the

2 interstate?

3 MS. HAASE: Along the
4 interstate.

5 MR. ARMSTRONG: So why don't we
6 take the dig -- you mean, for -- why don't we take
7 the digital along the interstate out then if
8 PennDOT doesn't allow it, right?

9 MS. HAASE: They don't allow
10 off-premise advertisement.

11 MS. LAMBERTON: So let me ask,
12 just for my clarification for -- Kalahari's fine.
13 Pocono Manor has multiple businesses on-premise
14 that they can put up on that digital sign on 380?

15 MR. STEVE PINE: Umm-hmm.

16 MS. LAMBERTON: Correct? That's
17 how I'm -- that's how I'm interpreting it. So
18 they'll be like, you know, let's say a shop or a
19 restaurant or whatever is in the confines of that
20 parcel, one digital sign. Give them one.

21 MS. HAASE: The issue that we're
22 discussing is if they subdivide it.

23 MS. PICKARD: Why can't we just
24 raise -- why does it have to be 25 acres when we
25 were talking about it --

1 MS. HAASE: They have one
2 parcel I believe is -- they have one parcel, Lot 3C
3 is 25 acres.

4 MS. LAMBERTON: I know there was
5 also a question --

6 MR. KERRICK: So take away the
7 25 acres, one more sign, end it.

8 MS. LAMBERTON: -- Jim Cahill
9 said some of the tenants want their own property
10 and tax map. So they might want to be subdivided
11 within that acre -- or within that acreage.

12 MS. PICKARD: But can't we make
13 them combine their signs? I mean, I don't know if
14 that entitles them to a sign.

15 MR. ARMSTRONG: Again --

16 MS. LAMBERTON: Then they'd be
17 off-premise. Is that ridiculous? Can't we just
18 make it for that area? Can we just make it for
19 that area? Doesn't have to be that hard, right?

20 MR. HARRY FORBES: They're going
21 to have to come before you either way.

22 MS. PICKARD: Yeah, that's true.

23 MR. STEVE PINE: They're still

24 going to have to come back for a conditional use.

25 MS. LAMBERTON: I hope to God

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1 that my years are over.

2 MS. MINNICK: Even if it is
3 subdivided, you're only going to get seven lots in
4 there.

5 MS. PICKARD: I know. But we
6 don't want seven digital signs on there.

7 MS. MINNICK: No, but if you put
8 the -- if you put the 1200 or whatever the PennDOT
9 regulations are on 380 and 940, you're only going
10 to get a certain amount of signs in there
11 regardless, even if they subdivide it into seven
12 parcels.

13 MS. LAMBERTON: Oh, because of
14 distances that they require. Okay.

15 MS. MINNICK: Yeah.

16 MS. PICKARD: Now --

17 MS. MINNICK: So even if you do
18 it per lot, it's still going to be restricted.

19 MR. STEVE PINE: What I don't

20 know about PennDOT is what their distance
21 restriction is on 940, I only checked on 380,
22 'cause that's all I was interested in.

23 MS. LAMBERTON: Right.

24 MS. PICKARD: But I thought they
25 weren't doing it; now they are. What if they say

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1 they're not next week, PennDOT?

2 MS. MINNICK: What's the
3 difference between 380 and the off-ramp on 314, do
4 you know what the -- the distance?

5 MS. LAMBERTON: One digital sign
6 on 380 and allow everyone in that overlay besides
7 Kalahari to advertise on it and be done with it.

8 (Inaudible discussion.)

9 MS. HAASE: I think the
10 stenographer is having a hard time because we have
11 multiple conversations going on.

12 MR. HOLAHAN: Okay. But if --
13 what can we do?

14 MS. LAMBERTON: What can we do
15 to achieve this, where -- and this is just my
16 thought -- one sign --

17 MS. PICKARD: Then we have to
18 limit it in case PennDOT doesn't.

19 MS. LAMBERTON: -- and allow
20 whoever is in that overlay area, aside from
21 Kalahari, can advertise on 380.

22 MS. PICKARD: It's not per use,
23 it's per the whole district?

24 MS. LAMBERTON: Yes, yes.
25 Then, you know, you're guaranteeing just one sign,

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1 you're not crowding up that whole area. And then
2 everybody has an opportunity for their business to
3 be up there.

4 MS. PICKARD: To be on one sign.

5 MR. HARRY FORBES: Remember
6 what Jim was talking about the other night, was the
7 sign on 380 --

8 MS. PICKARD: It's a shame he's
9 not here.

10 MR. HARRY FORBES: -- like
11 Kalahari's resort is a destination location. When
12 they figure out what they're going to do with his

13 parcel, that's the type of digital sign he was
14 talking about, was an attraction type of
15 destination location, whatever he calls this
16 shopping area or entertainment area. It's a matter
17 of trying to attract people off the interstate to
18 stop and look at this place, not the individual
19 shop, shop and shop or a restaurant. They'll be
20 individual signs along the property.

21 MS. LAMBERTON: I don't know.
22 Look at like the Crossings, when they advertise,
23 they advertise everything that's there.

24 MR. HARRY FORBES: Yeah, but I
25 don't know if that's what the intent was.

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1 MS. HAASE: That's correct, but
2 the way this is currently written, the minimum lot
3 is 25 acres. So, again, if we want to say it's for
4 that district, only the district is allowed, that's
5 different than the fact of them subdividing it and
6 having that option on each parcel.

7 MS. LAMBERTON: I think it
8 should be the district.

9 MR. ARMSTRONG: All right.

10 Then why don't we do this. That subsection --

11 MS. LAMBERTON: Just to make it
12 more clearer, that just doesn't make sense.

13 MR. ARMSTRONG: At the time of
14 conditional use, this board can consider digital
15 signs if they're being proposed, with the
16 understanding that the size is going to be 600 per
17 side along -- if it's along the interstate and 300
18 per side if it's along 940 and that the overlay
19 district shall not have more than X amount of
20 digital signs.

21 MS. LAMBERTON: One on 380 and
22 two on 940.

23 MS. PICKARD: Two on 380.

24 MR. ARMSTRONG: You already have
25 one on 380, so it would be --

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1 MS. LAMBERTON: One more, I'm
2 sorry.

3 MS. PICKARD: A total of two.

4 MS. LAMBERTON: A total of two.

5 MR. ARMSTRONG: Total of two.

6 MS. LAMBERTON: Yep.
7 MR. ARMSTRONG: Wait, a total
8 of four.
9 MS. HAASE: Two on 380.
10 MR. ARMSTRONG: Two on 380 and
11 two on --
12 MS. HAASE: Two on an
13 interstate and two on a state route.
14 MS. PICKARD: Yes.
15 MR. ARMSTRONG: Okay.
16 MS. LAMBERTON: Doesn't have to
17 be that hard.
18 MS. PICKARD: You look like
19 you're thinking.
20 MS. LAMBERTON: Does that make
21 sense?
22 MR. McHALE: I think it'll be
23 put together a little more concisely when the
24 master signage plan is submitted --
25 MS. LAMBERTON: And you could

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1 see everything.
2 MR. McHALE: -- and somebody

3 says here's the spacing, here's what we can do,
4 here's the size of each sign. But right now
5 there's a lot of --

6 MR. ARMSTRONG: Wait. This is
7 a Tobyhanna Township -- don't lose sight of this.
8 This is a Tobyhanna Township ordinance. I
9 understand what the requestors have asked in their
10 petition and what their potential plans are, but
11 this is your ordinance. You could have one digital
12 sign, you could have ten digital signs, you could
13 none. This is for the board of supervisors to
14 decide -- okay? -- with the understanding that the
15 planning commission didn't discuss this last week;
16 so just keep all of that in mind as well. Okay?

17 MS. PICKARD: On the part that
18 we're going to do the preexisting so they don't have
19 to go through the conditional use, they will submit
20 --

21 MS. LAMBERTON: Yeah, they're
22 going to work that in.

23 MS. PICKARD: They will submit
24 a master site plan now?

25 MS. HAASE: No, not for -- you

1 mean for Kalahari?

2 MS. PICKARD: Umm-hmm.

3 MS. HAASE: That's not -- it
4 wouldn't go in front of the board. This is
5 something the zoning officer approves so they don't
6 need a master site plan because all their signage
7 is approved.

8 MS. PICKARD: Okay.

9 MS. LAMBERTON: You just need
10 to make sure that the signs are where they're
11 supposed to be and how it's sized.

12 MS. HAASE: Because the way it's
13 currently written, the zoning officer would not be
14 allowed to issue and that's why we have to be
15 careful how this is addressed.

16 MR. ARMSTRONG: We -- we --

17 MR. KERRICK: This will still
18 be a living document, though, you can change it,
19 correct? We need to address this issue, we want to
20 look forward; but if we find out six months from
21 now is not correct or --

22 MR. ARMSTRONG: You'll have to
23 amend it.

24 MR. KERRICK: We'll have to
25 amend it.

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1 MS. HAASE: Correct.

2 MR. KERRICK: But we can't
3 solve all the problems of the world today.

4 MS. HAASE: Well, where I think
5 the -- back to it has to be realistic, is right now
6 that Lot 3 and 3C is being marketed. So when
7 individuals call to talk to me or I meet with them
8 or with Mr. Cahill, we're going through the
9 ordinances. They're looking to see what can and
10 can't be done. So that's where I think it has to
11 be as realistic in fairness to them as possible.

12 MR. KERRICK: So they possibly
13 could have a requirement, part of their lease or to
14 buy, that they have to have certain frontage
15 sign -- okay.

16 MS. HAASE: So that's where I
17 think we have to be realistic and not just say
18 we'll just wait.

19 MR. KERRICK: I was trying to
20 get out of here before dinner.

21 MS. HAASE: I've gone through
22 everything. My concern was, A, the off-premise
23 signs, I think we need to be realistic down 940,
24 how that's going to look. And also we needed to
25 address Kalahari's concern and issues right now

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1 with the off-premise sign at 314 and Kalahari
2 Boulevard, as well as the roof signage. Putting --
3 and then also Jim Cahill's concern was the digital
4 along 940. Absence of those three, I don't have
5 any other major concerns as long as somehow we can
6 address that minimum lot coverage issue to protect
7 that large parcel.

8 MR. ARMSTRONG: So the last
9 I've gathered is the digital sign aspect of this is
10 maximum regardless total maximum along 380 to --
11 subject to the 600 per square feet -- side -- side
12 and total of two along 940 with a maximum of 300
13 square feet per side, that's it.

14 MR. KERRICK: Digital.

15 MR. HOLAHAN: Yeah, well, I
16 think we worked on making the distinction that

17 digital or nondigital, they're still going to be
18 limited to the same sizes. So that didn't matter.

19 MR. KERRICK: I just wanted to
20 see if Pat was paying attention.

21 MS. HAASE: Just to throw one
22 more thing in there. I'm trying to go through my
23 conversation with Jim. Jim had mentioned to me
24 that they are only in agreement with the adjacent
25 property owner to have one off-site sign along 940.

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1 So his concern is when we put our little map
2 together for the planning commission, where we
3 specifically designated two off-premise signs on
4 940, where he said I would rather use one myself
5 and not have it as off-premise.

6 So maybe Pat and I can work with
7 that if in fact it is not used as an off-premise
8 sign, it could be reverted to an on-premise sign
9 for that. You see what I'm saying? That would
10 still give them that two signage, two structures in
11 case PMI chooses not to use it as off-premise.

12 MR. HOLAHAN: At this point?

13 MS. HAASE: Yes.

14 MR. HOLAHAN: But being digital
15 they can do anything in the future?

16 MS. HAASE: In the future, yes.

17 MR. KERRICK: Need any motions
18 for anything?

19 MS. PICKARD: Authorize the
20 advertising.

21 MS. LAMBERTON: There you go.

22 MR. ARMSTRONG: Well, if
23 there's nothing else and the board is comfortable
24 with that, between Phyllis and I -- we'll probably
25 recirculate this to the requestors in this case and

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1 copy the board, of course, and the planning
2 commission. If the board's comfortable with
3 allowing us to proceed, once we get that language
4 finalized, to proceed with advertisement
5 immediately thereafter and forwarding it to the
6 Monroe County Planning Commission immediately
7 thereafter, given the time restraints under the
8 MPC, you know, it would be -- it would be
9 appropriate to make that motion at that time, if

10 you're comfortable with that.

11 MR. KERRICK: I make that

12 motion.

13 MS. PICKARD: Second.

14 MR. HOLAHAN: Okay. We've got

15 a motion and a second.

16 Further discussion from the

17 board?

18 Anything from the public?

19 Hearing none. I'll call the

20 vote.

21 John?

22 MR. KERRICK: In favor.

23 MR. HOLAHAN: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. HOLAHAN: Anne?

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1 MS. LAMBERTON: I'll abstain.

2 MR. HOLAHAN: I vote in favor.

3 Motion carries.

4 MR. ARMSTRONG: So what I'm

5 going to do is I'm going to -- I mean, listen,

6 there's a lot of conversations on the side about

7 timing. And this is what I'm going to do, I'm
8 going to do my best to get to these tract changes
9 by the end of the day. I'll recirculate it to the
10 board and the PC, I'll copy Steve Pine and Ralph
11 Matergia. I'll wait to hear back from, likely
12 Phyllis, because she's the point in contact mostly
13 as to whether or not everyone's on the same page.

14 Then we'll -- once I get that
15 green light, we'll -- I'll -- actually I'll
16 probably in the interim just forward you the legal
17 advertisement and, you know, the draft letter you
18 have to the Monroe Planning Commission. So when
19 it's in a spot where it's ready to sent out, it
20 will be sent out. However, with the understanding
21 no one appeared here -- from Pocono Manor's here,
22 we still need the revised formal exhibit plan
23 showing the overlay district.

24 I mean, we've described it, it's
25 along -- it's within the boundaries of 380, 940,

1 314 and Swiftwater and the township boundary, but
2 we need an exhibit plan revised showing that,

3 designated as the Commercial Resort Overlay
4 District of Tobyhanna Township. You know, the
5 other exhibit you'll see is just the attachment 1.1
6 which shows the three uses and the lot and yard
7 requirements required for that.

8 MR. HOLAHAN: Cool.

9 MR. STEVE PINE: Mr. Chairman, I
10 did want to make a comment to -- after attending
11 last week's planning commission meeting, I wanted
12 to compliment not only the chair of that
13 commission, but all their members on how long and
14 hard they worked on getting this all to you so you
15 could have it for today's meeting. It's a pretty
16 rare sight to see that in any township, how hard
17 they worked and you should be very proud of that
18 commission.

19 MR. HOLAHAN: Well, thank you.

20 MS. HAASE: Well, I certainly
21 would like to add too that our solicitor has worked
22 very hard trying to get this all pulled together to
23 get this to this board today. And if it wasn't for
24 Pat doing this, this would not be in front of you
25 today.

1 MR. HOLAHAN: I'll tell you --
2 when -- the next water park that we build up here
3 we know how we're going to handle this one, right?

4 MR. KERRICK: Simple.

5 MR. HOLAHAN: Simple, right.

6 Harry could help us with that.

7 MR. STEVE PINE: Don't be

8 surprised if you do get somebody --

9 MS. PICKARD: So, Pat --

10 MR. STEVE PINE: -- coming

11 looking at --

12 MR. HOLAHAN: Let's move on.

13 I want to do these other things

14 real quick here. Appoint emergency management

15 coordinator.

16 MS. LAMBERTON: I'll make a

17 motion to appoint Ed Tutrone.

18 MR. HOLAHAN: Do I have a

19 second?

20 MS. PICKARD: I'll second the

21 motion.

22 MR. HOLAHAN: Motion and

23 second.

24 Further discussion from the

25 board?

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1 Anything from the public?

2 Eddie, now's the time, brother,
3 speak up.

4 MR. ED TUTRONE: There's not
5 really a choice.

6 MR. HOLAHAN: Call the vote.
7 John?

8 MR. KERRICK: In favor.

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: 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 Congratulations.

17 MS. LAMBERTON: What's the
18 difference between --

19 MR. HOLAHAN: I would like a
20 motion for the emergency management deputy.

21 MS. LAMBERTON: What is the
22 difference there?

23 MR. HOLAHAN: It's deputy --

24 MS. LAMBERTON: Second in
25 command?

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1 I'll make a motion to appoint
2 Phyllis Haase as emergency management deputy.

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

5 MR. HOLAHAN: Got a motion and
6 second.

7 Further discussion from the
8 board?

9 Anything from the public?

10 Hearing none. Call the 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 vote in
17 favor.

18 MR. HOLAHAN: And I vote in
19 favor. Motion carries.

20 Congratulations, deputy.

21 MS. HAASE: Thank you. I
22 appreciate that.

23 MR. HOLAHAN: Then we got
24 designate BLS coverage for Arrowhead Lakes during
25 the Trout Creek Bridge replacement project.

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1 MR. HAASE: Yes. Mr. Chairman,
2 I just wanted to explain to the board. On May 5
3 PennDOT, along with Walsh Partnerships, held a
4 meeting at the college, and Thornhurst, PMR EMS and
5 Company 41, I don't believe 33 was in attendance.
6 The bridge is going to have a replacement in
7 August.

8 At that particular time, the
9 entities there had spoke amongst themselves
10 designating during the time of the replacement.
11 I've spoken to, which is now our new emergency
12 management coordinator, and we had discussed that
13 it would be advisable for us not to have to rush

14 and make that designation now, get the paperwork to
15 control center. So when the bridge replacement
16 project begins everything has already been planned
17 and set. The entities that I just spoke about,
18 along with myself, will be meeting discussing prior
19 to the project any coordinations that need to
20 occur.

21 MR. HOLAHAN: Okay.

22 MR. KERRICK: Do you need a
23 motion for that or anything?

24 MR. HOLAHAN: No. I guess we're
25 just going to table that at this point then.

83

1 MS. HAASE: If it's acceptable
2 to the board, you can designate Thornhurst to begin
3 for the BLS project.

4 MS. LAMBERTON: I'll make a
5 motion to designate Thornhurst --

6 MS. PICKARD: So wait a minute.
7 So what are we -- what are we doing now for what?

8 MR. KERRICK: When they start
9 the bridge.

10 MS. LAMBERTON: When they do

11 the bridge.

12 MS. PICKARD: For the other
13 side or for what side of the bridge? 'Cause we're
14 still -- they're not going to be able to be on our
15 side. I'm just kind of confused.

16 MS. LAMBERTON: No. I would
17 say for their side of the area, 'cause you're right
18 there.

19 MR. KERRICK: When they start
20 the bridge, they'll take care of their side, you
21 take care of --

22 MS. PICKARD: Yeah, exactly.

23 MS. DENISE REMAK: Currently we
24 have a paid (inaudible) station out at the
25 substation currently right now. So we're talking

84

1 about -- I don't know if you're familiar with
2 Arrowhead, but there's a little bridge between the
3 two gates. And for PMR to come, if we need ALS,
4 they would have to go all the way around the lake
5 to get to the other side.

6 MS. PICKARD: Then that's going

7 to be a problem especially for Coolbaugh, you know,
8 so we're not worried about that here. But I just
9 didn't know where -- 'cause I didn't have time to
10 --

11 MS. HAASE: But we still have
12 patients -- we still have residents on the other
13 side that's not in Coolbaugh, it's in Toby.

14 MS. PICKARD: So let's let them
15 cover it.

16 MS. HAASE: So I believe -- I
17 believe Denise had also concerns actually for ALS.

18 Ed, did you want to speak to
19 that?

20 MR. ED TUTRONE: Well, I had
21 attended that meeting that Phyllis was talking
22 about at the college. And we as the emergency
23 responders that are covering that area, fire and
24 EMS, had a conversation and to table it -- they're
25 going to have a preconstruction meeting prior to

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1 closing the road and doing whatever they're going
2 to do with emergency services, I'm assuming
3 township officials, 'cause they're doing like 18

4 bridges throughout the county.

5 So at the -- after the
6 preconstruction meeting, we were going to sit down
7 as emergency responders and figure out -- because
8 obviously we know the area and what's going to be
9 easy to get to and not -- as emergency responders,
10 along with the township officials, you guys, to
11 say, okay, we should be covering this part and that
12 part and that's where we're at today.

13 As far as the concerns, I know
14 Denise had some concerns, especially the ALS
15 portion with Coolbaugh, it's going to have some of
16 Coolbaugh, Riverside Estates. And even some spots
17 in Arrowhead, Lake Orono Drive and all the way in
18 the back there, you're going to have issues
19 timingwise getting to the people. We're going to
20 have the same with the fire department, 'cause we
21 also cover into Riverside for Coolbaugh, where
22 Gouldsboro would probably be quicker to get down
23 there than us to go all the way around.

24 So the conversations I had with
25 Phyllis and a little bit with Heidi was that if you

1 guys get it together right now so that when we have
2 the preconstruction meetings -- 'cause the way they
3 were talking, they may have -- they may call us --

4 Correct me if I'm wrong, Denise,
5 did he tell us a week or two weeks leave time?

6 They might call and say
7 preconstruction meeting is tomorrow and they're
8 closing the bridge in a week and a half. So in
9 order not to have to come back to the board, to try
10 to redesignate, if you do it now, because they're
11 shooting for, they said, I believe, August on that
12 bridge. So we want --

13 MS. PICKARD: I'm still not sure
14 what we're redesignating on the BLS, I don't have a
15 map or anything, where is that cut-off coming?

16 MR. ED TUTRONE: That's where
17 once -- once we have the preconstruction meeting,
18 that's where you would figure out, for Orono Drive
19 -- just off the top of my head, I know going in
20 Orono Drive, which is the second entrance to
21 Arrowhead, right now PMR is designated ALS and BLS,
22 it would be crazy to have PMR come all the way
23 through that development and that's where we're
24 getting at.

1 that. I'm just wondering where the line is and
2 where -- whether we have a map or something or what
3 -- what are we designating is what my question is.

4 MR. ED TUTRONE: That's where
5 basically the emergency responders or the township
6 will get together and draw the line to see exactly
7 where -- timewise where it's going to make sense.

8 MS. PICKARD: All right, so we
9 have to make --

10 MS. LAMBERTON: Okay. I'll make
11 a --

12 MR. KERRICK: Why don't the
13 emergency manage -- or the emergency services
14 people make a map? And I'm okay with it. I'm not
15 going to micromanage it.

16 MS. LAMBERTON: I'll make a
17 motion to designate Thornhurst for the BLS coverage
18 and I will let the emergency management, in my
19 motion, determine the areas at the time of your
20 meeting, on what best suits our residents for
21 whatever needs that they would have.

22 MR. HOLAHAN: Okay. I have a
23 motion.
24 Do I have a second?
25 MR. KERRICK: Second.

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1 MR. HOLAHAN: I got a motion and
2 second.
3 Further discussion?
4 Hearing none. 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: I vote in favor.
13 Motion carries.
14 MS. HAASE: One other item for
15 the board.
16 Sorry, Mr. Kerrick.
17 Actually two. We received

18 notification from Transco with regards to some
19 heavy equipment that will be coming into our
20 township and also Tunk pertaining to the pipe line.
21 And Bob and I, along with Eddie, we met with two
22 representatives last week. The Transco
23 representative is highly recommending that the
24 township go into an agreement with the company for
25 road maintenance and security. Because due to the

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1 weight of this equipment and vehicles, it has
2 actually damaged roads in other areas that they
3 have --

4 MS. LAMBERTON: Look at
5 Susquehanna County, I couldn't agree more.

6 MS. HAASE: So what we will do
7 is, we do have a draft agreement, we'll be
8 forwarding that to Pat for review. They provided
9 that to us from another municipality that they
10 worked in. So we will bring that over to Pat.

11 MR. HOLAHAN: When are they
12 looking to start?

13 MS. HAASE: Possibly in June
14 and that's why I needed to bring it forward to the

15 board because we'd like to have this agreement put
16 together and the bond in place certainly before
17 they begin exercising and moving the equipment.

18 MS. LAMBERTON: That's nice.
19 They brought it forward to us.

20 MS. HAASE: I'm sorry, I don't
21 --

22 MR. KERRICK: What roads does
23 that impact, Phyllis?

24 MS. HAASE: It's Caughbaugh,
25 Thomas and Burger. So if it's acceptable to the

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1 board, we'll have Pat certainly review, make
2 whatever changes and then either the chairman or
3 myself can be authorized to --

4 MS. PICKARD: They are bonding
5 that?

6 MS. HAASE: We will require it
7 to be bonded.

8 MS. LAMBERTON: That's the goal.

9 MS. PICKARD: How's that going
10 to be determined, just out of whatever?

11 MR. McHALE: Depending on the
12 amount of damage would be the actual repairs, but I
13 think we're going to look at probably a total
14 rebuild as a worst case scenario. Dorrance
15 Township in Luzerne County had about 300,000, it
16 looks like, in their draft agreement. And I was
17 just primarily looking at our numbers, for just the
18 two roads, Burger and Thomas, could be half a
19 million to 600,000. And that would be totally
20 redoing those roads with the cross section that we
21 normally do. That's not with remove and replace
22 and other things that we'd be looking at but --

23 MS. LAMBERTON: So you'll
24 determine that amount?

25 MR. McHALE: We'll figure out a

1 number that makes sense for all three roads. They
2 did -- they were amenable to things like geogrids
3 if we need them on Caughbaugh Road. They're going
4 to have equipment on the Caughbaugh to blade that
5 on a regular basis to keep that passable and they
6 are going to have it passable to -- on any of the
7 roads to the township standards.

8 MR. HOLAHAN: What's the
9 duration of the project?

10 MR. McHALE: They're looking at
11 through probably Thanksgiving.

12 MS. HAASE: They had hoped --
13 they're what, a 60-day -- they're behind about 60
14 days?

15 MR. McHALE: Yes.

16 MS. HAASE: They had hoped to
17 have it done by the end of the summer, beginning of
18 fall.

19 MS. LAMBERTON: Does anybody
20 tie into it?

21 MR. KERRICK: No, it's for
22 storage.

23 Are they going to use open cut
24 on our roads?

25 MR. McHALE: Well, on -- they're

1 just gaining access off of Burger and -- well,
2 Burger actually is a crossing --

3 MR. KERRICK: Caughbaugh would

4 be a crossing.

5 MR. McHALE: Caughbaugh would

6 be a crossing, yes.

7 MR. KERRICK: 940 is not us.

8 MR. McHALE: Right, correct.

9 MS. LAMBERTON: So that

10 shouldn't be a big deal.

11 MR. HOLAHAN: Has anybody

12 contacted the residents out that way as well?

13 MS. HAASE: Yes.

14 MR. McHALE: They sent a letter

15 that they'll forward to Phyllis as well so that we

16 can begin to post something on the website to let

17 people know approximate times. We looked at

18 schedules and things like that. They're going to

19 provide us a number of items that the amount of

20 vehicles, wheel loads, that kind of information

21 too.

22 MS. HAASE: I just want to make

23 certain the board was informed about the activity

24 out there.

25 MS. LAMBERTON: Thank you.

1 MR. HOLAHAN: Anything else?

2 MR. KERRICK: You had two.

3 MS. HAASE: I did. Thank you.

4 I'm just like somebody else, my friend over here.

5 The advertisement for Barrett, if in fact the

6 solicitors can get the language put together, it

7 would be acceptable to the board if we authorize

8 advertisement of the -- it would be by ordinance,

9 correct?

10 MR. ARMSTRONG: Yeah. This is

11 the amendment to the 1996 agreements and

12 intermunicipal agreement, so you'd have to do it by

13 ordinance.

14 MS. PICKARD: Can I make that

15 motion, we authorize advertising once it's --

16 MS. LAMBERTON: Second.

17 MR. HOLAHAN: Got a motion and

18 a second.

19 Further discussion from the

20 board?

21 Anything from the public?

22 Hearing none. John?

23 MR. KERRICK: I have a

24 question. We will have that -- never mind.

25 In favor.

1 MR. HOLAHAN: Heidi?

2 MS. PICKARD: In favor.

3 MR. HOLAHAN: Anne?

4 MS. LAMBERTON: I vote in
5 favor.

6 MR. HOLAHAN: I vote in favor.
7 Motion carries.

8 MR. ARMSTRONG: Yeah, John, to
9 answer your anticipated question, what I'll do is
10 when we get that draft amendment from the solicitor
11 from, I believe, Tunk, I'll probably look at it.
12 Do you want me to -- if I have suggested changes,
13 I'll track my changes and then circulate it to the
14 board and see if you guys have any comments or
15 concerns. If not, I'll just keep in contact with
16 Phyllis to make sure there's nothing that I need to
17 be concerned with before proceeding with
18 advertising the ordinance.

19 MR. HOLAHAN: Okay. Anything
20 else?

21 I'll entertain a motion to

22 adjourn.

23 MS. LAMBERTON: So moved.

24 MR. HOLAHAN: Do you have

25 something, Heidi?

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1 MS. PICKARD: No.

2 MR. HOLAHAN: How come you're

3 looking at me like that?

4 MS. PICKARD: I want to get out

5 of here.

6 MR. HOLAHAN: I have a motion.

7 Do I have a second?

8 MS. PICKARD: I'll second.

9 MR. HOLAHAN: All in favor, aye?

10 BOARD MEMBERS: Aye.

11 We're adjourned.

12 (Meeting concluded at 11:51

13 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 notes

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

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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, April 30, 2015, beginning at 7:06 p.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

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: Let's call to
2 order the special meeting for April 30th. Let's
3 start with the pledge.

4 (Pledge of Allegiance.)

5 MR. HOLAHAN: Anybody that will
6 be getting up to speak we'll need you to announce
7 your name, please, also for our reporter, for the
8 stenographer. With that said, let's go right to
9 Patrick, solicitor's report.

10 MR. ARMSTRONG: Thank you
11 Mr. Chairman. The first item under my report is
12 the conditional use public hearing of T-Mobile.

13 (At this time the Conditional
14 Use Hearing for T-Mobile was held from 5:32 p.m.
15 through 6:58 p.m. This hearing was transcribed in
16 a separate transcript.)

17 (The special meeting resumed at
18 7:06 p.m.)

19 MR. HOLAHAN: We'll move to our
20 next public hearing, Proposed Sewage Collection and
21 Disposal Agreement with Pocono Township Ordinance.
22 Patrick.

23 MR. ARMSTRONG: Thank you, Mr.
24 Chairman.

25 This public hearing will be a

3

1 lot quicker, I believe. As the board is aware,
2 there came a point in time where the
3 inter-municipal agreement between Tobyhanna
4 Township and Pocono Township needed to amended due
5 to the change in the connection point for the
6 Kalahari sewer line, Kalahari Pocono Manor sewer
7 line. The Amendment No. 1 to the intermunicipal
8 sewage collection and disposal services agreement
9 between Pocono and Tobyhanna Township has been back
10 and forth for quite some time. Those of you may
11 have attended -- some of you may have attended a
12 joint meeting with the Pocono Township Supervisors
13 or Commissioners to discuss some requested changes.
14 Some were agreeable and some were not. And I think
15 you're all familiar with the issues involved in

16 that discussion and the concerns relating to those.
17 So given the fact that this is an amendment to an
18 intermunicipal agreement between Pocono and Toby it
19 did need to be authorized and advertised for a
20 public hearing before this board. And in respect
21 to that, it has been advertised for a public
22 hearing this evening with the Pocono Record
23 pursuant to the second class township code. It's
24 been advertised for public hearing. And with that,
25 we can open the public hearing.

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1 Public hearing is now open. Are
2 there any questions or comments from the board of
3 supervisors at this time? Seeing none, just to
4 very briefly describe the ordinance.

5 The ordinance is authorizing the
6 entrance into the intergovernmental agreement,
7 cooperation agreement between Tobyhanna and Pocono
8 Township, which is attached -- a copy of a
9 substantial form of the agreement is attached as
10 Exhibit A to the ordinance with respect to the
11 change in the connection point of the Tobyhanna

12 Township sewer collection system to the Pocono
13 Township sewer collection system and some
14 additional revisions to the existing intermunicipal
15 sewage collection and disposal services agreement
16 dated September 30, 2013.

17 Are there any questions or
18 comments from the public at this time? Seeing
19 none, questions or comments from the board? There
20 being none, does the board have any further
21 question or comments from me or my concerns with
22 respect to the agreement? Seeing none, we can
23 close the public hearing. Public hearing is now
24 closed.

25 Now would be an appropriate time

5

1 if the board wanted to entertain a motion approving
2 the ordinance, which would be Ordinance No. 522,
3 the Sewage Collection and Disposal Agreement, 522,
4 which is authorizing Amendment No. 1 to the
5 intermunicipal sewage collection and disposal
6 services agreement between Tobyhanna and Pocono
7 Township.

8 MR. HOLAHAN: Do I have a

9 motion.
10 MR. KERRICK: I'll make that
11 motion.
12 MR. MOYER: I'll
13 second.
14 MR. HOLAHAN: Got a motion and a
15 second. Sorry, Patrick, go ahead.
16 MR. ARMSTRONG: Motion's been
17 made and seconded. All those in favor?
18 MR. KERRICK: Aye.
19 MS. PICKARD: Aye.
20 MR. MOYER: Aye.
21 MS. LAMBERTON: Aye.
22 MR. HOLAHAN: Aye.
23 MR. ARMSTRONG: Motion carries.
24 In relation to that, you have
25 the Amendment No. 1 to the intermunicipal sewage

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1 and collection and disposal services agreement. If
2 you want to make a motion authorizing it to be
3 executed pursuant to the authorization provided in
4 the ordinance. One thing I would suggest you add

5 to the motion that it be executed concurrently with
6 the anticipated amendments to the sewer development
7 and sewer service agreements between Tobyhanna
8 Township and Pocono Manor and Kalahari due to the
9 fact that they are directly related.

10 MR. KERRICK: I'll make that
11 motion.

12 MR. MOYER: I'll second.

13 MR. ARMSTRONG: Motion made and
14 second. All those in favor?

15 MR. KERRICK: Aye.

16 MS. PICKARD: Aye.

17 MR. MOYER: Aye.

18 MR. HOLAHAN: Aye.

19 MS. LAMBERTON: I'll abstain.

20 MR. HOLAHAN: Shall we close
21 that hearing then?

22 MR. ARMSTRONG: Oh, I'm sorry.
23 We did. The hearing has been closed.

24 MR. HOLAHAN: Okay. So we move
25 on then.

2 are we down to D now?

3 MS. HAASE: Yes, Mr. Chairman.

4 We ask that the board table Item A and I will place
5 that on the May agenda.

6 MR. HOLAHAN: And that's to
7 consider the waiver of land development for the
8 T-Mobile Northeast, LLC proposed facility at the
9 Camp Minsi Trails. So we'll table that to the May
10 meeting.

11 MS. HAASE: Then we would move
12 on to Item B.

13 Okay. So now we are looking for
14 Kalahari Resorts revised land development plan.

15 MS. HAASE: No, B.

16 MR. HOLAHAN: Oh, got you. The
17 Amendment No. 1 to the sewer development agreement.

18 MR. ARMSTRONG: I guess I can
19 maybe start the conversation. Related to the
20 motion you just made authorizing the intermunicipal
21 agreement between Pocono and Toby to be executed
22 concurrently, i.e., not before these additional two
23 amendments between Kalahari, Pocono Manor and
24 Tobyhanna Township are finalized and agreed to, in
25 the last few weeks, Ralph Matergia is here for

1 Pocono Manor, I see representatives from Kalahari
2 but not legal counsel at this point in time, but I
3 have gone back and forth with counsel for both
4 Pocono Manor and Kalahari with respect to the
5 amendments needed to the sewer development
6 agreement with Tobyhanna Township as well as the
7 sewer service agreement with Tobyhanna Township
8 directly related to the Amendment No. 1 to the
9 intermunicipal agreement between Pocono and
10 Tobyhanna. We've come a long way I think, however
11 there may still be some issues that Kalahari and
12 Pocono Manor may not agree to. I believe T and M
13 are here to speak a little bit about the status of
14 the sewer line. My understanding is the reason T
15 and M are here this evening is one of the proposed
16 inserts that is being proposed by Kalahari and
17 Pocono Manor at this point in time to the sewer
18 development amendment, is a provision or provisions
19 requesting that Tobyhanna Township consider
20 accepting dedication of the sewer line prior to the
21 completion of all the work necessary to that line.
22 What that means is they'll be looking to Toby to

23 accept dedication, not this evening, my
24 understanding not this evening, but at some point
25 in the future, not too distant future, however,

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1 prior to final completion of the project. What
2 that means is the engineers, T and M, Pennoni,
3 they'll get together, figure out a punch list,
4 quantify that punch list with respect to dollars
5 and cents and there will be another posting of
6 financial securities with the township if the
7 township is agreeable to accepting that sewer line
8 and facilities associated with it prior to its
9 final completion. Under the original agreement,
10 under the original sewer development agreement,
11 this board and Kalahari/Pocono Manor agree that the
12 dedication of the line would be dedicated when it's
13 complete subject to a significant time period for
14 review and approval by the board and the consulting
15 engineers for Tobyhanna Township. But at this
16 point in time, under the amendment, Kalahari and
17 Pocono Manor are looking to make this additional
18 amendment to your agreement.
19 Does everyone -- I guess before

20 we get into the details, does everyone understand
21 what's being requested at this point in time? They
22 are not requesting that you accept dedication this
23 evening because I think everyone can agree that
24 that's -- we are not at that point. The question
25 is whether or not this board would be amenable to

10

1 agreeing to a potential procedure to be inserted in
2 this amendment that would allow them to offer and
3 you accept dedication of the sewer line prior to
4 its completion, meaning with the punch list items
5 in a manor of substantial completion. I'll use
6 that term.

7 MR. HOLAHAN: So what we have to
8 figure out is what substantial completion is going
9 to be then. So who is going to establish that or
10 how will that be established?

11 MR. ARMSTRONG: That will be a
12 job and a task for the engineers. Obviously you
13 have a consulting engineer T and M and Associates.
14 When and if that time is before us, they'll provide
15 a certain report to this board whether or not they

16 feel the system at that point in time is ready to
17 be dedicated. But I think before we get there,
18 this board needs to -- and the reason I said that
19 before we get there, I have gone back and forth.
20 Right now we have two potential versions of this
21 amendment to the sewer development. One is a
22 version that I initially and may still, you know,
23 recommend to an extent, is not including that
24 provision in the agreement. The other version is
25 inserting that provision in the agreement, but with

11

1 changes that both I and Pocono Manor and Kalahari
2 have gone back and forth on, you know, making the
3 provisions more appropriate in the event that
4 that's the direction this board wants to go.

5 MR. RALPH MATERGIA: May I
6 address the board?

7 MR. ARMSTRONG: Absolutely.
8 Well, I mean that's up to the board.

9 MS. LAMBERTON: Absolutely.

10 MR. RALPH MATERGIA: Thank you.
11 Ralph Matergia, Pocono Manor. I'm here also
12 speaking for and with the authority of Kalahari.

13 Mr. Zwally couldn't make it here this evening and
14 Bruce is in Wisconsin at this time.

15 So to try to put this in maybe
16 some simple terms for everybody to understand
17 what's going on: As you know there's a couple
18 changes that happened. One is the point of
19 connection of the sewer line in Pocono Township.
20 So to accommodate the opening needs for Kalahari's
21 Hotel, we worked through that to get the first
22 phase of the sewage dropped into a manhole that
23 exists rather than the original point of connection
24 that was signed off by everybody. And that's part
25 of what you just did with this revision agreement

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1 with Pocono Township. And of course everything
2 that you agree to do, you just turn around and tell
3 Pocono Manor and Kalahari you have to agree to do
4 these things because you're really just a conduit
5 for the service and the cost and the expense and
6 the liability if any that arises out of this entire
7 project. Right? So then we go to those next two
8 agreements which is the first part of this

9 amendment is to reflect what happens with that
10 point of connection. The position of PMK frankly
11 is that we are in for the first phase where it is
12 and assuming that we can get the agreement worked
13 out with the easements with the property owners, I
14 think we are there, except they're not signed, we
15 are going back to the original point of connection
16 at some point shortly after that because of cost as
17 well as other issues with capacity. So that's one
18 part of this agreement.

19 The second part of this
20 agreement really marries up with sewer and water
21 service. And I'm primarily handling the water
22 service issues and Chuck Zwally has primarily taken
23 the lead on the sewer issue here, but we are all in
24 this together. And what we are doing with the
25 water is we proposed similarly that we know that to

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1 make this -- try to make the opening date you need
2 a couple things to happen. First of all you have
3 to have a safe and operable water system, you have
4 to have a safe and operable sewer system. If you
5 can't get to that point, there's nothing to talk

6 about. BCRA is not going to take the water and
7 accept it and the township certainly is not going
8 to take the sewer, and Pocono Township is looking
9 to Tobyhanna Township to say you guys make sure
10 that this is working on your end because we are
11 taking the flow that comes down to Pocono Township.
12 And, fortunately, we have the same engineer
13 involved with both townships, so there's not a lot
14 of, you know -- so to speak, there's one municipal
15 engineer, so to speak, that has to accept this on
16 the sewer side; there is a municipal engineer, if
17 you will, on the water side. Same arrangement.

18 Okay, so what we're saying is,
19 look, we know there's going to be some things that
20 have to be done other than the pipes are all
21 connected and everything works. There's going to
22 be grass to plant, there's going to be grading,
23 whatever they are, and this incomplete -- the list
24 of incomplete items we call punch list is, it is a
25 moving target right now. I mean, it's working it's

1 way down everyday. Little by little it's whittling

2 it's way down.

3 MR. HOLAHAN: We know how that
4 works.

5 MR. RALPH MATERGIA: We know how
6 that works. So to accommodate this need to open,
7 we're asking the BCRA to accept ownership of the
8 water lines before it's fully finally complete.
9 Now these development agreements that we drafted
10 and entered into a year ago they don't contemplate
11 this. They contemplate, you know, when everything
12 is done, done right to the end, okay, we take it.
13 You've met your obligation. So we're looking for
14 something that'll bridge this completion issue.
15 And of course the magnitude of the punch list,
16 whether it be on the sewer line or whether it be on
17 the water line is really where, you know, the
18 devil's in the detail so to speak. But we are
19 being assured by the engineers and the contractors
20 that we can get to that point within a few weeks
21 and we think that if they are telling us that we
22 can get to that point in a few weeks that we'll
23 satisfy the municipal engineers, subject to then
24 establishing what's left to do and what the cost is
25 to perform what's left to do and then agree upon a

1 time period within which to complete what is left
2 to do, all of which has to be accepted and
3 reasonable. You don't want to be sitting here
4 talking about incomplete items, you know, a year
5 from now. Nobody does. And so you have
6 performance guarantees in place for the
7 construction of the facilities. They are in place.
8 Then there is, after the acceptance of the
9 facilities and the completion of the facilities
10 there is a maintenance security that lasts -- that
11 runs for 18 months, so there'll be new letters of
12 credit issued at 15 percent of the agreed upon cost
13 of final construction and they'll stay in place for
14 18 months in case something doesn't work right, has
15 to be corrected.

16 So what we're looking to do is
17 in the in between is create a cash escrow for the
18 punch list items. Why cash? Well, we don't have
19 to manipulate the letter of credits and deal with
20 the bankers to get them to reduce down to some
21 agreed upon amount and have them sit. We'll just
22 put the cash up. That amount is going to be
23 subject of course to the engineers approving what

24 the amount of that money is. It will be cash
25 security for the sewer. There's going to be an

16

1 equal cash security or a similar cash security I
2 should say for the water system. So that's sort of
3 the concept that we are asking you to accept. I
4 can tell you that BCRA, their board has accepted
5 that concept. They are going to, you know, they're
6 the permit holders of the water system. So
7 naturally, you know, they could have said I guess
8 to some degree, well, go ahead. When it's all done
9 we'll let the water run through the line. What do
10 we care. They own the permits. So they are, on
11 the water side, they are obligated to the public to
12 give them, you know, safe water service. And their
13 lines have to be tested. They have to be satisfied
14 with the punch list. They have to be satisfied
15 with the cash collateral and so forth. And they're
16 going to take ownership even though we are not 100
17 percent there. We are 98 percent there, if you
18 want to just hypothetically apply a percentage. So
19 we are asking you to do the same thing in similar

20 fashion, sort of follow that lead if you will.

21 The draft changes to the
22 amendment that deal with that issue, that issue
23 being less than 100 percent completion, ownership
24 before it's one hundred percent complete, are
25 primarily the same terms that are in the water.

17

1 Pat's taken some issues with some of these terms,
2 you know, he has reasons why he's doing that. We
3 have some concerns why maybe they should be
4 different. That's the lawyers working on a
5 language.

6 MS. LAMBERTON: Can I ask a
7 question?

8 We have water going to the
9 building.

10 MR. RALPH MATERGIA: Right.

11 MS. LAMBERTON: The line's
12 complete.

13 MR. RALPH MATERGIA: Right.

14 MS. LAMBERTON: You've got sewer
15 leaving the building and then hooked into a
16 manhole.

17 MR. RALPH MATERGIA: Right.
18 MS. LAMBERTON: The line's
19 complete.
20 MR. RALPH MATERGIA: Right.
21 MS. LAMBERTON: So you're just
22 talking about backfilling areas, hay and seed.
23 We're not talking about the actual --
24 MR. RALPH MATERGIA: I think
25 everything will be backfilled.

18

1 MS. LAMBERTON: Right.
2 MR. RALPH MATERGIA: I don't
3 think that's the issue, but there may be certain
4 things that aren't yet done. I mean, I don't have
5 the punch list, but --
6 MS. LAMBERTON: And I'm just
7 thinking on a logical level, the line's in.
8 MR. RALPH MATERGIA: Some of the
9 types of things that remain, you know Tim can tell
10 us the kinds of things we are talking about.
11 MR. TIM EDINGER: If the board
12 would like.

13 MS. LAMBERTON: Yes, please.

14 That would make more sense.

15 MR. MOYER: And maybe an
16 estimated cost.

17 MR. RALPH MATERGIA: Well,
18 you're probably not there yet. The cost sort of
19 follows the list.

20 MS. PICKARD: On the dedication
21 are we talking about to the point of connection,
22 the current point of connection not for the
23 easement and maybe moving it over. We are talking
24 about the line that's in? That 1400 feet is not in
25 yet. We are not taking dedication at some point --

19

1 MR. RALPH MATERGIA: Oh, you
2 mean to the original point? No, no.

3 MS. PICKARD: So we are only
4 talking about the --

5 MR. RALPH MATERGIA: That's
6 right. The deed of dedication will be to the
7 as-built line.

8 MS. PICKARD: Okay. And it's
9 not -- it's going through testing this week.

10 MR. TIM EDINGER: I'll give you
11 a little bit of an overview and Matt's going to
12 assist me where I fall down here, because Matt is
13 the inspector on the job, he's out there everyday,
14 Matt Harleman from T and M. So if there's a
15 particular question about a particular component,
16 he can obviously talk to it. But just a quick
17 overview.

18 The length of pipe that's
19 actually installed goes from the pump station that
20 is not complete. It's about 70 percent complete.
21 So that's not up and operational yet. The length
22 of pipe force main that's installed is
23 approximately 1700 feet. That connects into a
24 manhole down here behind the Amber Inn off of 314.
25 That's the manhole that has the gravity line. It

20

1 takes the sewage via gravity, the existing sewage
2 line that Pocono put in, down to the pump station
3 across from Sanofi. So that connection is done.
4 That force main is done. What isn't done relative
5 to the force main currently is the testing of the

6 force main to find out if there are fully
7 operational, fully have integrity. The testing I
8 understand is going to be done in sections, I
9 believe four or five sections throughout here are
10 going to be tested. About 2000 feet of the line
11 directly down stream from the pump station I
12 believe is filled with water. It's going to be
13 tested tomorrow if they can get the pressure to
14 that, standing pressure. I suspect it's going to
15 take all of next week at least to get through the
16 balance of the line testingwise to fill it up, get
17 the pressure, let it sit, see if there is any kind
18 of issues.

19 What we don't know at this stage
20 of the game, if there are issues, if there are
21 leaks, how are they going to isolate the leak, how
22 long it's going to take to repair the leak. That
23 could take several more days if not a week if there
24 are some issues here.

25 The other components, the major

21

1 components that aren't done yet, I talked about the
2 pump station, that's about 70 percent complete.

3 They are working on that currently. The
4 electrician is supposed to be out there -- what,
5 Matt, next couple of days?

6 MR. MATT HARLEMAN: The
7 electrician estimates 70 percent completion by next
8 Tuesday on his portion of the work. He doesn't
9 have a date for 100 percent completion right now.

10 MR. TIM EDINGER: The other
11 major item affiliated with the project that's
12 outstanding is the final wearing course and
13 stabilization of PA Route 314. That is going to be
14 dependent somewhat on H and K and the completion of
15 the intersection out here on 314 with the major
16 boulevard. Apparently PennDOT will not allow them
17 to pave the portion of 314 through here until H and
18 K is done with that intersection work. And I'm
19 under the impression that may not occur until the
20 end of May, beginning of June. So that component
21 of the overall project won't be done potentially by
22 the time Kalahari would want the full line to be
23 dedicated, if I understand your position correctly.

24 MR. RALPH MATERGIA: Right.

25 MR. TIM EDINGER: Some other

1 minor items along the line. I believe there are
2 some air release valves throughout the system that
3 have to be finalized. And then lastly, the pump
4 station has to go through start up operations.
5 It's one thing to do the testing on the lines but
6 you really gotta bring the station up, put it
7 through the operational procedure, see how the pump
8 station physically works. Does it do what it's
9 supposed to do? Does the line hold up? Does the
10 sewer water get down to that last manhole? That's
11 probably the last element of the substantial
12 completion process to make sure that that pump
13 station works and the line holds up to the
14 pressure.

15 Mr. Matergia talked about the
16 final stabilization. That's correct. There may be
17 some say chainlink fence that has to be put up
18 around the station. That could be a punch list
19 item. All the operation and maintenance manuals,
20 getting them in, that could be a punch list item
21 for example. Maybe some restoration through Pocono
22 Manor, final seeding and grading, that could be a
23 punch list item. That's not critical to the

24 operation of the sewer line itself.

25 So that's a quick snapshot of

23

1 where we are at currently. Hopefully by the end of
2 next week a lot more of these items on the punch
3 list will be taken care of. We know that 314 isn't
4 going to be done. That's a big dollar item,
5 although it's not critical to the operation of the
6 line. The critical item as I see it right now,
7 timeframe is going to be the testing of the sewer
8 force mains. Make sure that they are complete and
9 can hold the water. And then the completion of the
10 pump station having a start up operation, pump
11 station, making sure all the components there work
12 as intended.

13 So I think I summarized pretty
14 much where we are at right now. What I haven't
15 mentioned is anything related to deeds, easements,
16 et cetera, etcetera. That's a little bit out of
17 the realm of the inspection process. But, you
18 know, that will go part and parcel with how you're
19 going to dedicated this particular line from
20 Kalahari to the township --

21 MR. RALPH MATERGIA: I'll speak
22 to that. What has occurred so far is Pocono Manor
23 conveyed easements to Kalahari. And those
24 easements are going to be corrective easement
25 grants that go on record because the surveyors --

24

1 there have been some changes in the actual
2 construction of the line between the time of the
3 grant of easement and today. So, in other words,
4 they're doing an as built survey to pinpoint the
5 exact location of those lines. And where those
6 lines are at variance to the actual easement are
7 going to be corrected, the descriptions are going
8 to be corrected and then there'll be a dedication
9 deed that comes from Kalahari to the township which
10 Pat will have to review and approve.

11 There will be title insurance on
12 the dedicated facilities. And the same thing, by
13 the way, holds for Kalahari Boulevard. A portion
14 of these lines are in Kalahari Boulevard. So we
15 are working on the assumption that the boulevard's
16 going to be dedicated at the time that the line's

17 going to be dedicated. Otherwise there has to be a
18 created easement for the lines because they're not
19 in a public road. And that holds true for water.
20 So we are working under the assumption you're going
21 to take dedication of Kalahari Boulevard as well,
22 subject to this less than 100 percent complete
23 procedure.
24 I mean, the key really here is
25 that everybody has to be satisfied. I mean, no

25

1 water, no sewer, right? So, I mean, the starting
2 point is on the water side. BCRA has to be
3 satisfied that it has a system that is safe to
4 operate, is complete and safe to operate and then
5 be satisfied that the magnitude of the punch list
6 items isn't so large they don't feel comfortable
7 with it. And then the same thing holds true for
8 you, your engineers have to be satisfied that the
9 brown going back the other way is safe and
10 operational and that the magnitude of the punch
11 list items is a not so large that your engineers
12 are not comfortable with it.

13 MR. HOLAHAN: I don't think any

14 of us have a problem with it not being 100 per
15 cent. It's what percent of completion that we have
16 to wrestle with, and then how do we guarantee that.

17 MR. RALPH MATERGIA: The
18 guarantee will be contractual initially, you know,
19 we promise to do it. It will be secured
20 financially with cash funds so that there will be
21 more than enough money to do that work if we don't
22 keep our promise, and done within a time period
23 that we obligate ourselves to contractual.

24 MR. KERRICK: Mr. Chairman, I
25 was here this morning with the manager, engineer

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1 and the inspection people and got a breakdown or an
2 update of where we are. And I was very comfortable
3 with their performance and where we are today and,
4 you know, we are right at the 10 yard line, it's
5 the last play of the game and I don't want to move
6 the goal post. Our people and I'm very comfortable
7 with our solicitor, they need to get together and
8 it's time that this is finished up. This has gone
9 on long enough. It's like a marriage. We're not

10 all going to get everything we want, but it's time
11 that we protect our tax payers, us and let's move
12 on. This thing has drawn on for too long. And I
13 agree with you that we come up with that agreement,
14 whatever it is and let's move forward.

15 MR. RALPH MATERGIA: Well, also,
16 I should -- one of the things that we put into the
17 water side was a mediation provision. We'd like to
18 have the same thing in your agreements. I mean,
19 nobody wants to get into a full blown proceeding if
20 you can. If you disagreed on something in the
21 punch list, we say it's done, you say it isn't
22 done, how do you resolve that? I mean, the money
23 is there, but, you know, we have enough faith on
24 the BCRA side with the water, but the mediation
25 provision with nothing else is fine with us.

27

1 The development agreements, by
2 the way, on the water and on your side, do not
3 provide for a dispute resolution mechanism.
4 Basically it says you do what the contract says and
5 if you disagree go litigate it. Right? I think we
6 are well beyond that. We are willing to mediate

7 those, any disputes and that's -- we don't assume
8 we're going to have disputes, but sometimes they do
9 arise.

10 MR. ARMSTRONG: The only -- I'll
11 chime in. On the mediation, that specific section,
12 what we are talking about right now is if this
13 insert that we've tracked changes back and forth,
14 that could be plugged into this amendment to the
15 sewer development agreement. And if that's the
16 direction this board is okay to go in -- but the
17 mediation provision that Ralph just mentioned would
18 be with respect to -- I forget the term, but it was
19 the completion deposit or whatever that cash escrow
20 is going to be for the punch list items. And the
21 way I have it phrased is the way your development
22 agreement certificate will be phrased, if the
23 developer defaults and if they don't complete those
24 punch list items, we give them 15 days to cure it,
25 and if it can't be cured, if it can't reasonably be

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1 cured within those 15 days, but they take
2 significant steps to cure it, so be it, but if they

3 don't, we have the ability to draw on that
4 financial security immediately, we don't have to go
5 through mediation or waste any period of time and
6 perform those improvements pursuant to the punch
7 list. And my understanding of the provision and
8 language that they continually want to push in is
9 to require this mediation option. Before we take
10 that money, let's mediate it, which means it's an
11 additional period of time that the punch list items
12 are not going to be complete and it ties the
13 township's hands with respect to using that money.

14 I'm not saying that we won't use
15 mediation, you can always use mediation if you want
16 to, it's just I would not recommend requiring
17 Tobyhanna Township to go down that path.

18 MR. RALPH MATERGIA: We're
19 asking it to be a 30 day period. That's all we are
20 looking for.

21 MR. KERRICK: What items are you
22 talking about?

23 MR. ARMSTRONG: We don't know.
24 We don't know. I don't think we have a punch list
25 yet.

1 MR. RALPH MATERGIA: No, no, no.
2 You don't have a punch list yet.

3 MR. KERRICK: I'm not saying the
4 punch list, but what can you draw on? Erosion
5 control? Are you talking piping? I mean you're
6 opening --

7 MR. ARMSTRONG: It's going to be
8 your system at that point, so you will be accepting
9 dedication with this punch list yet to be
10 completed. And if it's your system, I would
11 recommend that you have the ability to draw on that
12 money to complete certain items on that punch list
13 if you feel they're necessary to be completed in a
14 timely fashion.

15 MS. LAMBERTON: But don't we
16 already have T and M inspecting it. We have our
17 township engineer looking at that as well. Why
18 don't we let it up to the engineers?

19 MR. RALPH MATERGIA: Well, it
20 will be -- the first step in that will be the
21 engineers.

22 MS. LAMBERTON: That's worked
23 this far.

24 MR. RALPH MATERGIA: This

25 presumes you're beyond -- you know, in other words,

30

1 Tim says I think it's not finished and Pennoni says
2 I think it is finished, you know. And they can't
3 resolve that.

4 MS. LAMBERTON: I was trying to
5 keep it easy, Ralph.

6 MR. RALPH MATERGIA: I mean,
7 look, in the real world what do you do? You sit
8 down and try to work it out. That's what you do.
9 And so we were just opting for this 30 day
10 mediation thing that would put manners on everybody
11 saying before you touch the money, before we have
12 to argue about whether you can touch the money or
13 not or we have to litigate over whether you
14 breached the agreement by touching the money --
15 because you're still going to have the dispute. I
16 mean Pat's right. The way the development
17 agreement says if you don't do what you're supposed
18 to do and we say so, we take the money. Well,
19 that's fine. That doesn't mean the developer sits
20 back and says, oh, have a nice day. The developer

21 can say, well, you breached the agreement. We'll
22 see you down on 7th and Monroe Street. Right?
23 MR. ARMSTRONG: A quick response
24 to that, there wouldn't be a breach of the
25 agreement --

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1 MR. RALPH MATERGIA: All it does
2 is, you know, in prudence, you don't act that way
3 any way. You don't go in and just grab the money
4 because you can't come to terms, you try to work it
5 out. That's what the mediation provision is about.
6 Basically it says, hey before you take that leap,
7 go through this next step, go 30 day, sit down and
8 mediate it. It forces everybody to come in the
9 room.

10 MR. HARRY FORBES: May I say
11 something? I'm sorry. I've been sitting here for
12 hours listening. Harry Forbes for somebody that
13 may not know me. I'm working as a consultant for
14 Kalahari.

15 This is a company that has come
16 before you with a major project, has brought
17 everything to you that you wanted to see, has

18 worked through every project. What they're asking
19 for, and this is really simple, it's the same as
20 any large project where you end up with a few items
21 of punch list to be completed. The sewer line will
22 be complete and operable by the day they want to
23 open. They're asking for this agreement that the
24 attorneys will work through with security to be set
25 aside in case there is a few items that need to be

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1 finalized. They're asking you to take control of
2 this real simple with a few items to be complete.
3 Your attorney or your engineers and the engineers
4 for Kalahari will do that. They've got a 350
5 million dollar project in your township. They're
6 asking you to work with them in faith to do that.
7 This sewer line is nothing more -- this is crucial
8 to the opening of the event. It's that simple.
9 And I'm sure Ralph and Pat and the other attorney
10 will work out your agreement to protect everybody
11 involved, but I'm simplifying it for you because
12 that's basically what this is about.

13 If you've ever done any major

14 project, you're always going to have some small
15 minute items to finalize and that's all they're
16 asking you on this sewer line.

17 MR. McHALE: We're all hopeful
18 that that punch list is, as you're saying,
19 incidental items. And if it is, then there really
20 is no need for any major involvement. I don't
21 think the mediation part is necessary. It should
22 be simple close out. There shouldn't be anything
23 to argue over. The main components are completed.
24 So I just wanted to express that that's our hope is
25 that that punch list is very limited and very

33

1 small.

2 MS. PICKARD: We've done this in
3 the past and we've never had an issue so, I don't
4 see --

5 MR. KERRICK: I don't have a
6 problem with 30 days if they want to insert that.

7 MS. LAMBERTON: I don't either.

8 MR. HOLAHAN: Thirty days for
9 what?

10 MR. KERRICK: For a mediator --

11 well, to try to cure the problem.

12 MR. HOLAHAN: I think we know
13 that some of the things that are going to come up
14 are going to be well beyond it. I think we need to
15 be realistic on what those items are going to be.
16 We appreciate what you're saying Mr. Forbes, this
17 has not been real simple. This has taken a bunch
18 of attorneys a lot of time back and forth with us
19 getting involved in that. So it's gotten
20 complicated. We want to make sure that as we get
21 to the end of it, we understand what we're doing
22 here. So we do want to make this -- we want this
23 project to open. We want the project to open. I
24 just need to know what are the items that'll be
25 left over when we are taking dedication.

34

1 MR. ARMSTRONG: I guess the
2 answer to that question is, we don't know that yet.

3 MR. HOLAHAN: When will we know
4 that?

5 MR. RALPH MATERGIA: This
6 agreement would provide for the framework --

7 MS. LAMBERTON: To get it
8 started.

9 MR. RALPH MATERGIA: -- to then
10 go to the punch list approach.

11 You know, keep in mind, what has
12 to happen here is your engineers have to feel
13 comfortable enough because T and M -- your
14 consulting engineer, also Pocono's consulting
15 engineer, the agreement between you and Pocono
16 required the completion certificate issue, so, if
17 they're not, you know, Tim's not happy with it on
18 this end, he's not going to stick his other
19 municipal client with a problem as well. I mean,
20 he's covering two bases where there is mutuality of
21 interest without any dispute.

22 MR. TIM EDINGER: Well, I can
23 tell you right now, the biggest issue that Pocono
24 is going to have is Pocono Manor and the restoring
25 trenches, making sure the roadways are complete

35

1 because that's where I'm going to get the
2 complaints if I'm representing -- putting my Pocono
3 Township hat on, that's where I'm going to get it.

4 MR. ARMSTRONG: There is a
5 couple other items that we should discuss, but
6 before we move on, can I just get a consensus from
7 the board at this point in time, are you amenable
8 to agreeing to at least insert these provisions
9 into the amendment to the sewer development
10 agreement allowing for this potential substantial
11 completion type acceptance of dedication. I think
12 I know my answer after hearing some of the board
13 members. I just want to make sure.

14 MR. MOYER: Yes.

15 MS. LAMBERTON: Yes.

16 MR. KERRICK: Yes.

17 MR. ARMSTRONG: So that being
18 said, there are still a few items. Ralph was nice
19 enough to hand me a copy of the email that Chuck
20 Zwally sent this afternoon. I have not seen it
21 before this evening. It looks like maybe there's
22 minor changes yet to the sewer development
23 amendment, the sewer service amendment, including
24 that insert that potentially may need to be
25 discussed. Do we want -- this is all aside from

1 some of the other items that are necessary for
2 acceptance of dedication is the -- I think Ralph
3 touched upon it, the easement for the sewer line.
4 Kalahari Boulevard is a separate line, so that's
5 not an issue, but for the sewer itself, you know,
6 there's an easement form Kalahari -- there's going
7 to be a dedication of easement from Kalahari to
8 Tobyhanna Township, but also I sent you a
9 declaration of covenants, conditions and
10 restrictions for PMI to grant as well, to declare
11 as well.

12 The issue with that is, I
13 believe Chuck's working on the assignment from
14 Kalahari to Toby. Ralph, I sent you a draft of the
15 declaration for PMI. But one of the outstanding
16 items is we still don't have, I don't have, the
17 descriptions of the actual sewer line that'll be an
18 exhibit to those documents prior to dedication.

19 MR. RALPH MATERGIA: It's being
20 finished up I'm told this week.

21 MR. ARMSTRONG: I thought it was
22 the end of this week or sometime next week, there
23 was some discussion. And those descriptions are
24 going to have to be reviewed by either, I don't

25 know if it's T and M or Bob.

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1 MR. TIM EDINGER: One of us will
2 do it.

3 MR. ARMSTRONG: That's just an
4 aside for purposes of dedication for this board to
5 understand. And then there's some additional
6 issues that I haven't been personally involved in,
7 but I've heard conversations on the side with
8 respect to some roadway repair issues between
9 Kalahari and Pocono Manor in association with the
10 construction of the sewer line, as well as
11 potentially some contractor issues that I don't
12 think we necessarily have to get involved in
13 discussion this evening, but it's just aside issues
14 that are going to go part and parcel with the
15 acceptance of dedication when and if that time
16 comes for this board.

17 I think, Ralph, you should
18 likely be aware of those potential issues as well,
19 right? Correct me if I'm wrong.

20 MR. RALPH MATERGIA: Well, I'm
21 aware of what's going on.

22 MR. ARMSTRONG: All right. I'm
23 not aware of everything that's going on.

24 MR. RALPH MATERGIA: Some of
25 what's going on, it has no bearing on the

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1 development here. Some of it is outside of the
2 development.

3 MR. HOLAHAN: Well, but
4 dedication of lines that we are free of any
5 encumbrances, on those guarantees, right?

6 MR. RALPH MATERGIA: Well,
7 there's bonds.

8 MR. TODD NELSON: There's also
9 title insurance. My name is Todd Nelson. I'm the
10 owner of the Kalahari.

11 MR. HOLAHAN: Attorney Matergia
12 made reference to the title insurance.

13 MR. TODD NELSON: Okay. And I
14 understand that you had somewhat agreed to that
15 today, Pat?

16 MR. ARMSTRONG: What are we
17 talking about?

18 MR. TODD NELSON: Title
19 insurance. Is that acceptable?
20 MR. ARMSTRONG: Title insurance?
21 MR. STEVE PINE: For dedication
22 of the line.
23 MR. HOLAHAN: Title insurance
24 that would guarantee the title --
25 MR. ARMSTRONG: Oh, yeah, that's

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1 part of the original agreement. But the issues
2 that I'm talking about are potential roadway
3 repairs necessary between Pocono Manor and Kalahari
4 as well as some issues with respect to the
5 outstanding disagreements between the developer and
6 the contractors, which may impact the ability to
7 transfer your title or provide clean title to
8 Tobyhanna Township given the fact of the potential
9 of a lien. I don't know where all that is.
10 MR. RALPH MATERGIA: No, no, no.
11 Let's be clear. The dispute with the contractor is
12 not interfering with the performance of the work.
13 There is no job stop, there is no cease of work.
14 And payment issues between the parties, it will be

15 resolved in whatever resolution of that dispute is,
16 outside of the conveyance of the sewer facilities.
17 So you're going to get a deed of dedication to
18 facilities that is going to be title insured. So
19 that any dispute that may impact title is going to
20 be insured. So you better believe that when it
21 comes time for the insurance, there's going to be
22 financial assurances that have to be handled so
23 that the contractor dispute doesn't put unnecessary
24 leverage on the parties in the dispute. You can't
25 allow yourself to be party to that. You get what

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1 you're supposed to get by terms of the contract,
2 which is --

3 MR. ARMSTRONG: The original
4 agreement.

5 MR. RALPH MATERGIA: A deed and
6 title insurance on the deeded facilities. So if
7 there is an ability of somebody to lien property
8 that's going to be the headache of the title
9 insurance company that gives that guarantee. I can
10 assure you, this is how it works.

11 There's financial securities put
12 in place before that happens, before anybody, a
13 third party takes on that risk. But to do
14 otherwise -- you can't hold the owner's head under
15 water and say go resolve all your problems because
16 all you're doing is creating leverage in a dispute
17 where you have no role. You have no role in that
18 dispute.

19 MR. ARMSTRONG: Right. Well,
20 the title insurance was a requirement regardless.
21 I think there is additional provision in the
22 original agreement that may say otherwise with
23 respect to that. But I can look at it. We haven't
24 discussed that in detail in our conversations.
25 I've heard bits and pieces from individuals other

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1 than Kalahari and Pocono Manor. That hasn't been
2 the substance of my conversations with Chuck or
3 Ralph or Bruce up to this point.

4 The title insurance, that's a
5 requirement regardless. That's something that if
6 we're going to accept dedication of the line and
7 the easements, we need to have title insurance for

8 purposes of property rights or property interest of
9 the township.

10 MR. HOLAHAN: Which they
11 wouldn't be able to get if there were liens --

12 MR. ARMSTRONG: Right.

13 MR. McHALE: Pat, one of the
14 terms was the certification from PMK that all
15 bills, construction inspection are all paid in
16 full.

17 MR. ARMSTRONG: Right. And
18 that's probably what I'm thinking.

19 MR. RALPH MATERGIA: Sure you
20 get that. That doesn't mean the contractor agrees
21 with it. You don't get a certification from the
22 contractor you get a certification from the owner.
23 So if there is a dispute between the owner and the
24 contractor over an invoice, you know, the owner's
25 got to resolve that to the satisfaction of the

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1 parties that are securing the quality of the title.

2 MR. ARMSTRONG: Well, we can
3 talk about that. But I just wanted to bring those

4 up because those are kind of aside, we haven't
5 really gotten into those. But we have this email
6 from Chuck. Do we want to go through that Ralph?
7 It's up to you.

8 MR. RALPH MATERGIA: Sure. If
9 you have the time endure it.

10 MS. LAMBERTON: Let's get this
11 resolved tonight. Absolutely.

12 MR. ARMSTRONG: The first item
13 on this email, there's bee back and forth on
14 this -- I'm going to call it the insert. This is
15 the insert that's going to address the potential
16 acceptance of dedication prior to the final
17 completion and I continue to put in that it's
18 something that Tobyhanna Township may accept it
19 subject to the substantial completion. And, you
20 know, Chuck Zwally and PMK, they wanted to reach
21 out. Now, granted, I understand where they're
22 coming from. They're saying they shall, but it's
23 going to be subject to and conditional upon, you
24 know, all of these items we were taking about
25 earlier, posting financial security for the punch

1 list. T and M being agreeable to when they submit
2 the substantial completion notice, and so on and so
3 forth. I still suggest that it read may, because
4 we don't have that punch list yet. It's -- you
5 know, there's a lot of unknowns in my mind right
6 now. I don't think putting may does anything other
7 than leave this in the hands of the board of
8 Tobyhanna Township until we know exactly what we
9 are talking about.

10 MR. RALPH MATERGIA: Now, let me
11 address that. It doesn't get you anywhere. What
12 it does is you just poked a hole in the contract,
13 unnecessarily, unnecessarily, because the contract
14 says once your board accepts the proposal you shall
15 accept dedication. And your language is once the
16 board accepts the proposal, you may accept
17 dedication. There's no contract. We just vitiated
18 the agreement.

19 MR. ARMSTRONG: No. No. That
20 section is --

21 MR. RALPH MATERGIA: Right?

22 MR. ARMSTRONG: The original
23 section in your original agreement there's a
24 section in there saying completion for the project.
25 This new section is phrased an alternative to that

1 section, an alternative to that section currently
2 in the agreement, you may accept or you may allow
3 them to proceed in this alternative procedure with
4 respect to the substantial completion rather than
5 you shall. That's really the issue. If they are
6 amenable to it, there is no need to put shall in
7 there.

8 MR. RALPH MATERGIA: But the you
9 shall accept this proposal, which is why I'm here
10 tonight, is going to happen only when you accept
11 the proposal. Do you understand? It's like you
12 could change your mind now in two weeks and say,
13 no, we don't like that procedure. We don't want to
14 undertake that procedure.

15 MR. ARMSTRONG: And I think that
16 should potentially be the ability of this board
17 until we see what that punch list is going to be.

18 MR. RALPH MATERGIA: Well, you
19 always have that. That's written right in the
20 document. It says you have to accept the punch
21 list proposal. You have to agree to it.

22 MR. ARMSTRONG: Well, I haven't
23 with you, Ralph, but I've gone back and forth with
24 Chuck on this. I mean, our positions are -- at
25 this point it's -- if the board is comfortable with

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1 it reading shall, with the understanding that it's
2 still got to go before T and M and the posting of
3 the financial security, I mean, I'll let that up to
4 the board. I think you understand my position. I
5 won't take anything personally if you --

6 MR. KERRICK: I would hope not.
7 You still have, T and M, the engineer, you still
8 have other avenues. So I don't have an issue with
9 it.

10 MS. PICKARD: We all want an
11 agreement, why can't you just go and work it out --

12 MS. LAMBERTON: Absolutely.

13 MS. PICKARD: I don't want to
14 sit here and listen to wordsmithing every line.

15 MR. KERRICK: If he needs to
16 talk to us we need to get it done tonight or it's
17 going go on another 30 days.

18 MR. HOLAHAN: The words are

19 important to Attorney Matergia as it is to Patrick.

20 MS. LAMBERTON: I understand
21 what Ralph is saying, there is no contract if you
22 put may in there. It doesn't make sense.

23 MR. RALPH MATERGIA: If we go
24 through the trouble of going through this
25 procedure, we don't want to be left with now, all

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1 of a sudden, there's some discretion not to
2 follow --

3 MS. PICKARD: I think
4 everybody's intention is to move this forward. We
5 all want to get this going, but we want to be
6 protected.

7 MR. HOLAHAN: But once we say
8 shall, it's going to be that procedure.

9 MR. ARMSTRONG: For purposes of
10 my position in explaining myself to the board, I
11 feel a lot more comfortable agreeing to the shall
12 if I knew what that punch list was. That's just my
13 position.

14 MS. PICKARD: We're not agreeing

15 to it until we have a punch list, correct?

16 MR. ARMSTRONG: Right. Because
17 T and M's going to have nothing to review until you
18 have a punch list.

19 MR. KERRICK: You can put the
20 shall in and we still didn't agree to it.

21 MS. LAMBERTON: I think we want
22 shall, right guys?

23 MS. PICKARD: We'll have the
24 punch list. If we just weren't sitting here
25 wasting everybody's time and money we could get a

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1 shovel and a have the damn thing done already.
2 That's what is frustrating to me. Just get it
3 done.

4 MS. LAMBERTON: Yeah, get a
5 punch list.

6 MR. ARMSTRONG: I got direction.
7 The next item in Chuck's email the maintenance
8 security needed a fixed period of time. The way
9 we're doing or the way it's proposed right now is
10 when we have that punch list, they are going to
11 post whatever that punch list amounts to, they're

12 going to post it in cash. You're going to deposit
13 it in a separate account for the purposes of
14 securing a punch list and at that point in time
15 clearly they're going to ask you to accept
16 dedication. There is a requirement that they post
17 the maintenance security for the sewer line at the
18 time of dedication, but the period, the maintenance
19 period, I've indicated that I don't think that
20 should start to run until it's done, meaning you
21 don't want the maintenance period to start at the
22 point of dedication because there is still a punch
23 list that needs to be completed. So the
24 maintenance period, we don't really know when that
25 will start without knowing what the punch list is.

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1 If the punch list is a 30 day timeframe, it's going
2 to start 30 days after dedication. If it's a 60
3 day, we don't know that.

4 MR. RALPH MATERGIA: Except you
5 want the maintenance on the day that we hand you
6 the deed to the facility.

7 MR. ARMSTRONG: Yes.

8 MR. RALPH MATERGIA: And I
9 understand that, because you're taking ownership,
10 so you don't want to be left without any security
11 for maintenance and you still have ownership.

12 MR. ARMSTRONG: Right.

13 MR. RALPH MATERGIA: And it
14 provides for 18 months. And we know it's going to
15 be 18 months plus something. We don't know the
16 something. Yet when we go by the letter of credit
17 we have to know the something.

18 MR. ARMSTRONG: You just put an
19 idea in my head. Do you know for a fact this punch
20 list when and if you have it, will it not exceed --
21 two months -- will it not exceed --

22 MR. RALPH MATERGIA: I think
23 what will happen is this, and this is how I'm
24 handling it with the water and I think you can
25 handle it the same way with the sewer. When we

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1 submit the completion notice on the water you can
2 do the same thing with the township on the sewer,
3 in the completion notice you say everything is
4 complete but for the attached punch list which will

5 be complete. And you're going to put a time period
6 in there. And if the time period, let's just say
7 hypothetically is 90 days, then I know that when I
8 go buy the letter of credit, I have to buy 90 days
9 plus 100, plus 18 months.

10 MR. ARMSTRONG: Well, the
11 question is do we know -- do we have any idea what
12 that term is?

13 MR. RALPH MATERGIA: Maybe Tim
14 would know.

15 MS. HAASE: Tim do you have an
16 idea?

17 MR. MATT HARLEMAN: The final
18 punch list?

19 MR. RALPH MATERGIA: In other
20 words does anybody have an idea what the magnitude
21 of the punch list will be?

22 (Inaudible group discussion.)

23 MR. STEVE PINE: We do know that
24 part of that is the reopening and re-repair of 314.
25 That's still all part of the sewer system. We have

1 to go back and ask PennDOT when we can do it. Now
2 they may say we'd like you to do it at the end of
3 June. They may say we want you to wait until the
4 end of July. They might say we want you to start
5 the day after Labor Day and get it done. We don't
6 know that. So that won't allow us to give you that
7 exact time, now, unless you take that one
8 particular item and put it out there as --

9 MR. HOLAHAN: Well, that's what
10 I would -- that we would separate out maybe a large
11 item that way.

12 MR. ARMSTRONG: I'll be honest.
13 I don't think this is really an issue that we are
14 going to disagree on. It's just a matter of coming
15 up with how to phrase it. So long as you agree
16 that the maintenance period isn't going to start
17 until it's finally completed.

18 MR. RALPH MATERGIA: We'd accept
19 that as a concept.

20 MR. ARMSTRONG: Okay.

21 MR. TIM EDINGER: Mr. Chairman,
22 I just have one question about the maintenance
23 period. Maintaining a line is one thing, but that
24 pump station, if something goes down, that has to
25 be repaired right away. Typically, when we deal

1 with maintenance agreements we call up the
2 contractor, he schedules a vendor to come out and
3 take care of that. Typically with roads you can
4 wait a week to get somebody out there to repair the
5 surface or if it's an inlet that's not working
6 right, take the inlet grade off and stuff like
7 that. But if we have a pump go down or we have a
8 valve go down, that has to be repaired for the
9 operational sense of Kalahari immediately. Okay?
10 How is that going to be addressed under that
11 maintenance period and how -- and what items are
12 going to be covered.

13 MR. RALPH MATERGIA: No
14 differently, Tim. I mean, it's just that if you
15 have a repair issue that has urgency like that,
16 you're going to turn to the owner and say you gotta
17 fix this right away. And if the owner says --

18 MR. ARMSTRONG: Well, we're
19 going to be the owner at that time, is what he's
20 saying.

21 MR. RALPH MATERGIA: I'm talking
22 about the party that put up the -- that entered

23 contract, the developer. So you're going to turn
24 to Kalahari, you're going to say, you gotta fix
25 that like right away. And if for some reason,

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1 unexplained reason Kalahari were to say no, that's
2 almost unfathomable, by the way, for a pump station
3 for a sewer, they don't have a hotel if they don't
4 have sewage, you have the maintenance bond. What
5 you're going to do is say, I'm not waiting for
6 those guys. I'm fixing it.

7 MR. TIM EDINGER: I just want to
8 be clear about that.

9 MR. RALPH MATERGIA: That's
10 exactly what happens.

11 MR. TIM EDINGER: That pump
12 station is a point of urgency. You have to act on
13 that.

14 MR. KERRICK: Mr. McHale, wasn't
15 there a spare pump in that whole proposed thing? I
16 know there's a pump, but I thought --

17 MR. McHALE: I think there had
18 to be one --

19 MR. KERRICK: It's been a while
20 since I looked at the plans, but I thought there
21 was a spare pump to be on the floor in case of
22 that.

23 MR. McHALE: I think it had to
24 be available. We'll have to look and see.

25 MS. LAMBERTON: I remember that.

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1 MR. KERRICK: It was there
2 initially, but I don't know whether it's still
3 there. Sorry.

4 MR. RALPH MATERGIA: I don't
5 know.

6 MR. HOLAHAN: We are not going
7 to decide that tonight. Take that into
8 consideration and put it in the agreement. Let's
9 go ahead.

10 MR. TIM EDINGER: Okay.

11 MR. ARMSTRONG: The next one is
12 with respect to the mediation. We already kind of
13 talked about that. Does the board --

14 MS. LAMBERTON: You guys care
15 about the mediation clause that's being proposed?

16 Do you have any issues with that?

17 MR. ARMSTRONG: I'll just
18 reiterate the fact that we can always do mediation
19 if it's not in there. My suggestion is to keep it
20 out and have the ability to draw on that
21 financial security for the punch list in the event
22 that the township needs to and they default.

23 MS. PICKARD: Who's going to be
24 mediating?

25 MR. ARMSTRONG: It's general

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1 form language with respect to mediation that they
2 proposed.

3 MS. LAMBERTON: A mediator
4 person comes in here and takes care of the issue
5 and they have 30 days to do it.

6 MS. PICKARD: Who?

7 MR. ARMSTRONG: That will tell
8 you whether or not they defaulted on a punch list
9 item on your system rather than you simply going
10 and taking the money and fixing the --

11 MS. LAMBERTON: We can do it.

12 MR. KERRICK: I have no problem
13 with it.

14 MR. ARMSTRONG: Again, I want to
15 make sure the --

16 MS. PICKARD: I'm sure I
17 understand, but the question, like if we are having
18 a labor dispute and they mandate mediation and
19 somebody decides what it's worth to them or are we
20 going to be deciding it ourselves.

21 MR. RALPH MATERGIA: It's
22 non-binding mediation.

23 MR. ARMSTRONG: It's
24 non-binding. It might not result in it. That's
25 why I say we could end up doing it anyway.

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1 MS. PICKARD: Then it's not an
2 issue.

3 MR. ARMSTRONG: In my mind it's
4 more of a timing issue. It makes you go through
5 this process.

6 MS. PICKARD: Thirty days is not
7 a really long time.

8 MR. ARMSTRONG: Is that the

9 consensus of the board?

10 MR. HOLAHAN: Yes. How is

11 everybody with that? All right?

12 MR. KERRICK: I'm okay with

13 that.

14 MS. LAMBERTON: Yes.

15 MR. ARMSTRONG: And the last

16 one -- wow, the changes appear satisfactory. There

17 must be a catch. Let me read on.

18 MS. LAMBERTON: That can't be

19 true.

20 MR. ARMSTRONG: I don't have a

21 problem with the second one, Ralph, two little I's,

22 however the first one I think I did mean it to be

23 if there is a conflict, obviously the one in favor

24 of Tobyhanna will control. But I think we can work

25 that out. Okay.

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1 MR. RALPH MATERGIA: Okay.

2 MR. ARMSTRONG: And I think

3 that's all of Chuck's comments. Ralph, I don't

4 know if you had any additional ones.

5 MR. RALPH MATERGIA: No, I had
6 no additional comments. We still have some ground
7 to cover in the other agreements.

8 MR. HOLAHAN: Mr. Pine.

9 MR. STEVE PINE: I have a
10 question or concern, before you guys voted very
11 quickly to make this agreement that you've agreed
12 to sign with Pocono Township tonight, and then
13 added the concurrency of our agreement with you to
14 be signed first. I want to make sure that that
15 doesn't tie my hands in anyway from proceeding with
16 Phase II which we are planning on doing. And part
17 of Phase II, the permission to get foundations and
18 getting permits from the township and BB, I'm
19 hoping to do as early as next Tuesday as soon as we
20 hear on Monday night that Pocono has signed this.
21 Does this agreement not being signed tie my hands
22 further on that is what I'm trying to find out.
23 Because if it does, I would like an exemption for
24 us. One of the things we are trying to do is move
25 ahead with Phase II. My understanding, that's why

1 I came here tonight, that you would agree to sign

2 the agreement with Pocono. The minute Pocono
3 signed it then I could come back to Phyllis and
4 Maureen and BB and say I want my permits now. Does
5 this change that?

6 MR. ARMSTRONG: It does
7 minimally, but it looks like we got some answers
8 from the board tonight, so it shouldn't take much
9 time to finalize these, unless you guys come up
10 with something else tomorrow. But the reason for
11 that, Steve, is we don't want to sign the agreement
12 with Pocono before we have a final agreement with
13 Pocono Manor Kalahari because we would be agreeing
14 without, as Ralph indicated earlier, what we are
15 doing is we are a conduit. We are turning around
16 and agreeing and securing whatever is required with
17 Pocono Manor/Kalahari.

18 MR. STEVE PINE: So I can't get
19 my permits for Phase II next week?

20 MR. RALPH MATERGIA: Let your
21 lawyer argue here for a minute.

22 MR. STEVE PINE: I'm just
23 asking.

24 MR. RALPH MATERGIA: I'm kidding
25 you, but we still have, even if you sign the

1 agreement with Pocono Township tomorrow morning and
2 you don't have a development agreement amendment,
3 your existing development agreement says very
4 clearly you don't have to accept the lines.
5 There's nothing going through those lines until you
6 accept it. So, I mean, it's not like -- you do
7 need this to fulfill your obligations with Pocono
8 Township, you need a contract with PMK --

9 MR. STEVE PINE: Yes.

10 MR. RALPH MATERGIA: And now you
11 need an amendment of the contract with PMK, but you
12 still hold the cards under the original agreement.
13 You can say no, we're not taking the lines. We
14 signed the contract with Pocono Township that is
15 meaningless. We can rip it up. It doesn't mean
16 anything until you put water through those lines.

17 MR. ARMSTRONG: I guarantee
18 Pocono Township's probably spent some money on
19 their professional consultants on this and they may
20 be submitting a bill. We are agreeing in that
21 agreement. I would feel more comfortable -- it's
22 not going to be an issue. Pocono doesn't meet and

23 adopt the ordinance until Monday. These changes we
24 just talked about, this very short email, I don't
25 foresee it taking very long. I don't.

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1 MR. STEVE PINE: What's very
2 long? You'll get it done by Monday?

3 MR. PICKARD: We don't have a
4 punch list.

5 MR. ARMSTRONG: Well, this is
6 just a procedure. We don't have a punch list yet.

7 MR. KERRICK: So am I clear they
8 are not able to get a permit for Phase II on
9 Tuesday even if Pocono signs off?

10 MS. HAASE: The land development
11 plan will have to come back to us because what we
12 received today is not -- we need additional copies
13 and there needs to be changes on it. The board,
14 later on the agenda, you're going to approve, if
15 you so choose, the revisions to land development.
16 That there itself needs to get recorded at the
17 county. Just as we discussed today, it needs to
18 get recorded. We need the recorder's receipt, the
19 land development agreement needs to be amended.

20 MR. KERRICK: Even if all that
21 was done, this agreement or these amendments aren't
22 going to --

23 MS. HAASE: Well, these
24 agreements, as Pat stated and Ralph, that they
25 should hopefully have this done I would say by

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1 tomorrow, as long as the game doesn't change. So
2 if that's the case and you authorize the chairman
3 to execute the documents, I don't see what the
4 issue is.

5 MR. KERRICK: Okay.

6 MR. STEVE PINE: Okay.

7 MS. HAASE: But that's going to
8 depend upon all the players agreeing.

9 MR. KERRICK: As you know, John,
10 I'm sure they want to get started.

11 MR. ARMSTRONG: So we've gone
12 through Chuck's email correspondence. The one
13 other item, we didn't really discuss the substance
14 of the amendments aside from this.

15 One thing I will bring up is,

16 the board's aware of one of the issues between
17 Tobyhanna and Pocono was in the event of the
18 termination of water service in the future, that
19 there's that -- well, the sewer base fees or
20 charges will continue, potentially continue from
21 Pocono to Toby. Okay?

22 Some of you were at that joint
23 meeting and Pocono did not agree to change that.
24 There is a provision in their resolution allowing
25 in the event of that occurrence allowing Tobyhanna

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1 or the owner or the customer to approach Pocono and
2 request the reduction in EDU charges or elimination
3 altogether depending on the circumstances, but
4 that's going to be based upon a six month flow
5 average. So one of the provisions in that sewer
6 service amendment is, initially we were proposing
7 for them to post nine months worth of estimated
8 base user charges. In my discussions today,
9 considering the fact that you also have them
10 posting on an annual basis at 20 percent of your
11 anticipated operating expenses, given that, I
12 indicated that I would probably be okay with a six

13 month timeframe estimated cash escrow for purposes
14 of securing the user fees. I just need to make
15 sure that the board is okay with that six month
16 period as opposed to the nine month period.

17 MR. HOLAHAN: I think so as
18 well. One of the discussions we had here is we
19 wanted to make sure that Kalahari is being treated
20 just like one of the regular customers.

21 MS. LAMBERTON: Pocono also
22 indicated that they handle them as soon as
23 possible.

24 MR. TODD NELSON: Could I speak
25 to that, please?

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1 MR. HOLAHAN: Yeah.

2 MR. TODD NELSON: Could I speak
3 to this whole thing?

4 What Mr. Armstrong is asking and
5 I finally agreed to it tonight with Bruce Harms,
6 because it's the most unreasonable aspect seen
7 ever. But none the less, I'll do it. It's one
8 hundred thousand bucks that he agreed to insert

9 that I can at least come to the board in two years
10 and ask you to release my money. What this is
11 assuming is that I am going to go bankrupt, we are
12 going to shut the doors on an almost 400 million
13 dollar project and walk away. My whole life is
14 sitting right over here at this thing and I'm
15 treated like a criminal. It's unbelievable to me
16 that what I am going through -- I'm trying to open
17 up the doors in 56 days. I have 700 people hired.
18 We have four thousand applications. We are ready
19 to go and this is my single largest concern right
20 here.

21 You all came to me three years
22 ago, I remember the day, we were in Sandusky, Ohio,
23 and you all told me that you would do anything in
24 your power to help me get open. I have 56 days
25 left and I need your help. I have been held to a

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1 gold standard, not just a bronze standard or
2 anything else. I have been held to the highest
3 standard on every single thing we've done. We have
4 been abused in every way shape or form we could
5 humanly possibly be. You have more security, more

6 letters of credit, more bonds, more cash offers.
7 I'm asking you to understand. We have done every
8 single thing that we have said we were going to do.
9 Everything. Everything. And if you think that I'm
10 going to walk away from this project, it's
11 incredible. It is incredible. And if you ever
12 want any more development in this area you guys are
13 going to have to figure out how to loosen the belt
14 a little bit, because this is an incredible process
15 to have to go through to get permitted to do
16 anything. It is insanity.
17 We've had two horrific, winters,
18 horrific winters. PennDOT has made it hell, has
19 changed their deal. Poor old Mr. Flannanger
20 (phonetic), which was a sewer line, it was supposed
21 to be done in November. That was the game plan all
22 long. We would have had a punch list done. We had
23 absolutely every single thing done, but PennDOT
24 changes the rules. Every time we turned around
25 there was more road -- there was five road blocks a

1 day put up for us. Every day. And we can knock

2 them down. We can work with it, we can deal with
3 it. But to sit here and have to listen to this
4 like I am some common criminal, it makes me sick.
5 It really makes me sick. And this will be the last
6 meeting I will attend. Mr. Pine is very good at
7 it. Harry's good at it. Dale is good at it and
8 Bill will do it. But to sit here and listen to
9 this. Up until today my hundred thousand dollars
10 was going to be held indefinitely. Now that's
11 unreasonable, Pat. That is unreasonable.

12 MR. ARMSTRONG: I understand
13 your frustration, however, my job is to watch out
14 for the interest of Tobyhanna Township.

15 MR. TODD NELSON: And you're
16 excessive. You're completely excessive. You're
17 completely over the top. And I came here to just
18 kind of tonight to you rah, rah, let's go, it's got
19 56 days left, we know we have a water and sewer
20 line issue and da-da, da-da, da-da, we're going to
21 get through it. It's just plain and simple. We're
22 going to pay you. Everything's going to happen
23 according to -- we're going to need some exceptions
24 over the next 56 days. We don't have time for
25 things to sit on people's desk. We don't have time

1 for you -- and by the way, every signal attorney,
2 every single engineer, I'm paying for them all.
3 Nobody's having to pay any money. Is that a
4 correct statement, Pat?

5 MR. ARMSTRONG: That I don't
6 know.

7 MR. TODD NELSON: Well, I am.
8 Trust me, I am. When we have phone conferences and
9 there's 6 and 8 attorneys on the line and multiple
10 engineers and I am paying the tab for this
11 ridiculous stuff. I mean, we are opening up in 56
12 days or I'd like to. But if this stuff continues
13 on, I'll miss the entire summer.

14 I came to tell you tonight that
15 we're going to expedite our plans. We want to
16 start Phase II, another 140 million dollars, five
17 years earlier than what it was going to be. You're
18 going to get another 140 million of tax increment
19 so that the great folks of Tobyhanna Township,
20 their financial worries will be over. The next
21 plan is Phase III which will start next July, which
22 is another 35 million dollars, and we are treated
23 like this. It's incredible to me. I understand

24 you have to cover your -- everybody's tail, but we
25 are crunch time now. We are beyond that.

66

1 MR. HOLAHAN: Have we done
2 anything to delay this project tonight, Patrick.

3 MR. ARMSTRONG: No. And just in
4 response to that, we attempted to eliminate that
5 risk with Pocono. We weren't successful. I wish
6 we would have been, but we weren't. Which is why
7 we have -- for purposes of Tobyhanna Township,
8 that's why we are requesting this additional
9 financial security. We tried to eliminate that,
10 sir. We couldn't. But, no, I mean the reason this
11 is on your agenda tonight, we -- as soon as Pocono
12 and Toby came to terms, came to the agreed upon
13 terms of the Pocono Toby agreement, this board held
14 a special meeting to adopt the ordinance to approve
15 that agreement. And in between, I think it was
16 sometime in mid April by the time we finally agreed
17 with Pocono on those terms, between now and then,
18 I've been on the phone with Bruce and Ralph and
19 Chuck and we've come up with these two and a half

20 type agreements. Now, granted, we couldn't agree
21 on every provision, but sometimes that happens,
22 sir. I mean, that's why you're before the board
23 tonight. And you were very successful in
24 petitioning some of these changes. And I think
25 that goes to show -- I mean, I don't have a vote,

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1 but it goes to show that this board is working in
2 an effort to try and help your project. Now, I
3 can't -- I have a fiduciary duty to my client, sir.
4 Which is why I held tight on some of those issues.
5 But it came before the board. The board's --

6 MR. TODD NELSON: You're holding
7 a royal flush, Pat. We're at your mercy.

8 MR. HOLAHAN: Well, the thing is
9 we were dealing with Pocono Township on your behalf
10 because we certainly were just pass through and we
11 could have just agreed to anything because let's
12 agree to it and Kalahari has to pay the bill.
13 That's not what we were doing. Short of putting on
14 tool belts ourselves, I don't know how much more we
15 could have helped you.

16 MS. LAMBERTON: Well, I think

17 right now --

18 MR. TODD NELSON: I just don't
19 think you know all the facts then, John. We could
20 write a book. And I'm not saying that this board
21 hasn't been good all along. I like Mr. Armstrong,
22 but he's been a road block from day one. And
23 maybe -- look at me like you're not. I mean, Pat,
24 this is incredible. This is incredible. Alls I'm
25 asking for is a little consideration here. You're

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1 getting covered every way you possibly can. I
2 don't know how many more bonds, cash, letters of
3 credit, anything else we can get. We're out of
4 time. To get a new letter credit it takes a
5 minimum of 30 days. So we don't have time for this
6 stuff to sit on somebody's computer.

7 MR. FORBES: Could this
8 agreement that you're wordsmithing now be
9 tentatively agreed to by the board so that they
10 don't have to come back?

11 MR. ARMSTRONG: Absolutely.
12 I think that was already

13 discussed. If you want to conditionally approve
14 these two amendments in the sewer development and
15 the sewer service agreement with PMK you can do so
16 with the understanding that these changes discussed
17 tonight will be made and the chairman can execute
18 them once it's finalized.

19 MR. HOLAHAN: All right. Do I
20 have a motion?

21 MR. KERRICK: That's my motion.

22 MR. MOYER: I'll second.

23 MR. HOLAHAN: Motion and
24 seconded. Discussion from the board? Anything
25 from the public? Hearing none. John?

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1 MR. KERRICK: In favor.

2 MR. HOLAHAN: Heidi?

3 MS. PICKARD: Vote in favor.

4 MR. HOLAHAN: John?

5 MR. MOYER: In favor.

6 MR. HOLAHAN: Anne?

7 MS. LAMBERTON: I'll abstain.

8 MR. HOLAHAN: I vote in favor.

9 Motion carries.

10 What else?

11 MR. ARMSTRONG: Was that for

12 both agreements?

13 MR. KERRICK: My vote was for

14 both agreements.

15 MS. LAMBERTON: Yes.

16 MS. HAASE: And Anne, you're

17 abstaining from both agreements?

18 MS. LAMBERTON: Yes, I am.

19 MS. HAASE: Mr. Chairman, the

20 next item we have is land development revisions.

21 MR. HOLAHAN: Okay.

22 MR. TIM EDINGER: Could we be

23 excused? I don't think we have any more input into

24 the land development --

25 MS. HAASE: Yes. Thank you so

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1 much.

2 MR. TIM EDINGER: Okay. Thank

3 you. Good night.

4 MR. KERRICK: Back to the Phase

5 II, with what we did there, did we just hold them

6 up or can we make --

7 MR. ARMSTRONG: I don't know
8 where Phase II is --

9 MR. KERRICK: I know what
10 Phyllis -- Phyllis explained all that process. I
11 understand it.

12 MR. ARMSTRONG: What you just
13 did was authorize John to execute these two
14 amendments on the sewer billing and sewer service
15 once those final revisions are made and finalized,
16 which could be tomorrow, could be --

17 MR. KERRICK: Well, we hope it's
18 by tomorrow.

19 MS. HAASE: Well, that's going
20 to depend upon what --

21 MR. KERRICK: I understand. But
22 I'm just saying we want to get this done, but I
23 don't want to hold them up on Phase II.

24 MR. RALPH MATERGIA: The Pocono
25 agreement cannot be signed until Tuesday, Monday,

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1 Tuesday.

2 MS. LAMBERTON: Their meeting is

3 Monday night.

4 MS. HAASE: It'll be Tuesday
5 before they sign it.

6 MR. RALPH MATERGIA: It'll be
7 Tuesday because they meet Monday evening. So
8 assuming these drafts can get worked out, then the
9 way I heard your motion, you've authorized now all
10 of the agreements to be signed.

11 MR. ARMSTRONG: Yep.

12 MR. KERRICK: So if that's
13 finished and Phyllis is satisfied with the things
14 recorded, then they can get their permits. That's
15 all I'm asking.

16 MS. HAASE: We need the land
17 development agreement.

18 MR. KERRICK: That's what I
19 said.

20 MS. HAASE: The plans have not
21 even been submitted to us.

22 MR. KERRICK: Okay. So do we
23 have to come back?

24 MS. PICKARD: We have to approve
25 the plans. Are we approving the plans we don't

1 have yet?

2 MR. HOLAHAN: No. You're going
3 to allow the plan changes that are being made for
4 Mr. McHale to look at those.

5 MR. KERRICK: I'm okay with that
6 if the staff can handle it.

7 MS. HAASE: What needs to occur
8 if the board is in agreement tonight, that what
9 happens is Pennoni has to get the plans back to the
10 board for signatures. So we're hoping that we'll
11 have them tomorrow. Changes are you're not going
12 to have them till Monday. So the board and the
13 planning commission will have to come in as all the
14 other plans, it's the same process, you're going to
15 have to come in for signatures. At that point,
16 when we get the land development agreement as well,
17 the agreement and the plans will go to Mr. Pine. He
18 will record them as he's done with all the other
19 changes.

20 MR. KERRICK: Well, I'm sure I
21 can speak for the board that we will come any time
22 to sign them.

23 MS. HAASE: Understood, but we

24 need to get them from Pennoni first.

25 MR. STEVE PINE: And I'm

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1 volunteering that if you have difficulty getting
2 here on tomorrow or Monday that I'll drive them to
3 you.

4 MS. LAMBERTON: Maybe you should
5 just do that, Steve.

6 MR. STEVE PINE: I'm perfectly
7 willing to. And then when Phyllis is satisfied
8 with that and the proper copies are made I'll go
9 down to the courthouse and record them myself.
10 That's what I've done in the past.

11 MS. HAASE: Correct.

12 MS. LAMBERTON: We have to sign
13 them first.

14 MS. HAASE: Correct.

15 As far as the changes in the
16 land development plan, I'm sorry, they came in just
17 at the end prior to your meeting. Bob has reviewed
18 them. There are a few pages that will need to be
19 revised and submitted back in. Apparently the
20 overlay was not turned on for the steak house, so

21 that was omitted from some of the pages. So that
22 will need to be changes and inserted too. The two
23 changes that have been made to this plan, the
24 outdoor water park, Mr. Pine noticed that it was
25 not in the exact location it should be. That has

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1 now been extended slightly over. We have also
2 added to the plan building envelopes for 20 outside
3 cabanas in the one section and I believe --

4 MR. McHALE: Forty in the other.

5 MS. HAASE: Forty in the other.

6 So those are the minimal changes to the land
7 development plan.

8 MR. STEVE PINE: At the same
9 time I can bring up as part of land development my
10 letter that I sent to you today?

11 MS. HAASE: Yes. I have
12 provided to the board a copy of -- if you recall,
13 initially the plan, if you could turn to the
14 fencing, initially the plan that was presented to
15 us was a chainlink fence with gating. Then
16 Kalahari presented to my office, which we shared

17 with the board and they agreed upon, was the fence
18 that you have in front of us. When the image was
19 shot, Kalahari was only proposing the township to
20 review the piers and the rope. If you notice --
21 which that doesn't quite meet our ordinance. In
22 the back is the fencing which does meet our
23 ordinance, so at that particular time the board
24 looked at this and approved this.

25 It has since been brought to my

75

1 attention that that is not what they would like to
2 do. They just would like to put in the roping.

3 MR. STEVE PINE: The roping and
4 the wooden bollards. And what I supplied Phyllis
5 with today is a letter from our insurance company
6 explaining the fact that we've been open 15 years
7 in Wisconsin Dells and ten years in Ohio with this
8 exact type of fencing and had no issues at all.
9 The photo that I sent you the first time that you
10 approved it was 100 percent my fault. I was
11 focusing on the wooden bollard and roping, and
12 didn't even notice in the background of my photo
13 there was another small fencing there about 24

14 inches high. And the only reason that fencing is
15 there is to keep the tame ducks that we own in
16 there, so they wouldn't be walking out onto the
17 road in that one particular pond and that one pond
18 of all the ponds on our property is the only one
19 that has that type of fencing on it. So the letter
20 that I shared with Phyllis today was from Debbie
21 Sweeney who has been our insurance agent with the
22 Hayes Company for the past slightly over five years
23 and shows no issues with it. They are completely
24 comfortable with insuring us with this type of
25 thing. And with the combined two locations, with

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1 the 25 year history of no incidence, we are
2 requesting that you allow us to move ahead with the
3 wooden bollard and the double roping.

4 MS. LAMBERTON: I honestly, to
5 be honest with you, Steve, when I first looked at
6 this, that's what I concentrated on. I did not
7 concentrate on the fence behind it.

8 MR. KERRICK: I'll be honest, I
9 didn't even see the fence behind it.

10 MR. HOLAHAN: The thing is our
11 ordinance speaks to a different kind of barrier?

12 MS. HAASE: Well, it speaks to a
13 fencing, a barrier. If you go to the definition of
14 a barrier, as Bob -- we reviewed today, refers to a
15 fence. So this is going to have to be the decision
16 of the board how you so choose to move forward.

17 MR. McHALE: And it's a SALDO
18 item so the board can choose to grant a waiver if
19 they feel necessary to do so.

20 MS. LAMBERTON: I'll make a
21 motion to grant a waiver.

22 MR. MOYER: I'll second it.

23 MR. HOLAHAN: Okay. A motion
24 and second --

25 MS. HAASE: Wait. Wait. Anne

77

1 can't.

2 MS. LAMBERTON: I can make a
3 motion, I don't have to vote on it.

4 MR. KERRICK: I'll make the
5 motion if she can't, if it makes it easier.

6 MS. PICKARD: I'll second the

7 motion.

8 MS. LAMBERTON: I'm just
9 frustrated.

10 MR. KERRICK: I don't like the
11 looks of that other fence to be honest with you. I
12 like the rope and bollards.

13 MR. HOLAHAN: Well, the other
14 thing, so if we have fencing, but we don't really
15 define the fencing -- do we define fence as rails
16 or pickets four inches apart.

17 MR. STEVEN PINE: I looked at
18 the ordinance from start to finish and I couldn't
19 find the definition. It simply said barrier. And
20 as you can see, our insurance company, and again, I
21 know it's insurance and not ordinance, our
22 insurance considers that to be a barrier.

23 MR. HOLAHAN: Okay. I got a
24 motion and a second. For discussion? Anything
25 from the public? Hearing none, all in favor? Aye.

78

1 MR. MOYER: Aye.

2 MS. PICKARD: Aye.

3 MR. KERRICK: Aye.
4 MR. HOLAHAN: Opposed?
5 MS. LAMBERTON: And I'll
6 abstain.
7 MR. HOLAHAN: Motion carries.
8 MS. HAASE: So that is
9 pertaining to the fence?
10 MR. HOLAHAN: To the chicken
11 wire there.
12 MS. HAASE: So with regards to
13 the land development --
14 MR. HOLAHAN: That will be a
15 waiver to the --
16 MS. HAASE: I believe that
17 was --
18 MR. HOLAHAN: In addition to the
19 land development plan?
20 MS. HAASE: Were you approving
21 the land development or the fence?
22 MR. HOLAHAN: The land
23 development with the fence. Am I right?
24 MS. LAMBERTON: Yes. Right,
25 John.

1 MR. KERRICK: I'll amend my
2 motion if it is not clear.

3 MR. MOYER: Yes.

4 MR. KERRICK: The land
5 development and fence.

6 MS. PICKARD: Contingent upon
7 Bob's --

8 MR. HOLAHAN: Bob's -- Mr.
9 McHale's review.

10 MR. McHALE: I can get with
11 Pennoni in the morning.

12 MR. KERRICK: Fantastic. Thank
13 you.

14 Who seconded that?

15 MS. PICKARD: That was me
16 seconding it.

17 MR. KERRICK: And you're okay?

18 MS. PICKARD: If you're okay,
19 I'm okay.

20 MR. KERRICK: I'm okay. Let's
21 get it done.

22 I vote in favor.

23 MS. PICKARD: I vote in favor.

24 MR. MOYER: Favor.

25

MS. LAMBERTON: I'll abstain.

80

1

MR. HOLAHAN: And I vote in

2

favor. Motion carries.

3

Item E, consider Kalahari

4

Resort's letter of credit reduction Category 1

5

Improvements Request of \$42,193.46.

6

MS. HAASE: The board has been

7

provided with the Mr. McHale's letter. It's the

8

recommendation that you reduce it by \$42,193.46.

9

Upon the board's approval I'll sign off.

10

MR. HOLAHAN: Do I have a

11

motion?

12

MR. MOYER: So moved.

13

MR. KERRICK: Second.

14

MR. HOLAHAN: Motion and second.

15

Further discussion from the board? Anything from

16

the public? All those in favor, aye.

17

MR. KERRICK: Aye.

18

MS. PICKARD: Aye.

19

MR. MOYER: Aye.

20

MR. HOLAHAN: Opposed?

21 Abstentions?

22 MS. LAMBERTON: I abstain.

23 MR. HOLAHAN: Motion carries.

24 Item F, consider resolution

25 2015-011 authorization to submit PennDOT

81

1 application for State Route 940 and State Route
2 8021, which is 380 north bound off ramp, existing
3 traffic signal.

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

6 MR. HOLAHAN: And I'll second.
7 Got a motion and a second. Further discussion from
8 the board?

9 MR. KERRICK: Whoa, what are we
10 voting on here?

11 MR. HOLAHAN: The resolution
12 authorizing --

13 MR. KERRICK: The location, but
14 I mean, this is the first I saw this. I'm sorry.

15 MR. HOLAHAN: This is for the
16 realignment?

17 MS. HAASE: Yes. No, I'm sorry.

18 This is not the realignment. It's actually in your
19 board packet.

20 MR. KERRICK: I obviously didn't
21 see it in my board packet. I apologize.

22 MS. HAASE: Yeah. It's in your
23 board packet. It is for the north ramp not the
24 realignment of Long Pond. And this resolution will
25 authorize -- will give me the authorization to

82

1 submit the submittal of the application to PennDOT.

2 MR. HOLAHAN: Okay. So I've got
3 a motion and second. Any further discussion? All
4 in favor, aye.

5 MR. KERRICK: Aye.

6 MS. PICKARD: Aye.

7 MR. MOYER: Aye.

8 MR. HOLAHAN: Opposed?

9 Abstentions?

10 MS. LAMBERTON: I'll abstain.

11 MR. HOLAHAN: So moved.

12 Item G. Pocono Mountain

13 Regional Police Commission Resolution, Barrett

14 Township Joinder.

15 Do we need to vote on the
16 joinder now or was this --

17 MR. ARMSTRONG: Yeah. This is
18 still -- I spoke with Dan Lyons who is solicitor
19 for Tunkhannock. It looks like there is a
20 disconnect between how to procedurally accomplish
21 this between the member municipalities and the
22 regional. My understanding was Dan Lyons was going
23 to try to reach out to Harry Coleman to get a
24 conference call between the solicitors of the
25 member municipalities and Harry Coleman, who is the

83

1 solicitor for the regional, in order to accomplish
2 this joinder or implement the joinder
3 appropriately.

4 From our perspective, you know,
5 it's going to be an amendment to that existing
6 intermunicipal agreement, so you're going to have
7 to do it by ordinance. But that amendment's going
8 to have to be agreeable to the member
9 municipalities. I haven't heard back from Dan
10 Lyons as to a conference call yet. What I can do

11 is I can reach out to Dan tomorrow in the event
12 that he has not and I can give Harry Coleman a call
13 to see if we can set something up.

14 MR. KERRICK: So, if we do this,
15 this will be the final step to accept them or --

16 MR. ARMSTRONG: Well, here's the
17 thing, I don't know how in depth you want to get
18 into it, but --

19 MR. KERRICK: I just had some
20 questions at the last meeting with price and
21 different things. Did we finalize that or -- I
22 want the Reader's Digest.

23 MR. ARMSTRONG: The amendment to
24 the intermunicipal agreement between the existing
25 member municipalities needs to be amended in order

84

1 to add Barrett. In order to do that, we need an
2 ordinance. And that amendment isn't going to
3 get -- it's going to say we agree that Barrett is
4 coming in, they get so many representatives. If
5 you look at the resolution and the attachment to
6 the resolution that's been circulated, it goes into

7 other avenues that aren't currently in the
8 intermunicipal agreement that I don't necessarily
9 think we want in. There's in there with respect to
10 certain aspects of Barrett's existing labor
11 agreements. And that's something that needs to be
12 ironed out with the regional, I don't think it's
13 something that we want to put into the
14 intermunicipal agreement.

15 MR. KERRICK: I don't think it
16 belongs there anyway. They've got to sooner come
17 around to the whole thing in my mind.

18 MR. ARMSTRONG: It's member
19 municipalities getting together and agreeing that
20 okay, we're forming this regional. That's the
21 basis of it. The specifics of the actual, that's a
22 little separate and distinct animal. So I thought
23 we'd have that conference call before your meeting
24 tonight. We have not. What I can do is I can
25 reach back out to Dan Lyons to see what the statis

85

1 of that is.

2 MR. KERRICK: So it's tabled?

3 MR. ARMSTRONG: Yeah. I don't

4 think if you look at Harry Coleman's letter -- I
5 don't know who it was addressed to, but if you look
6 at his letter he references your May meeting
7 anyway, because I think he acknowledges the fact
8 that you're going to have to do it by ordinance
9 which would require an advertisement.

10 MS. PICKARD: Can we give you a
11 motion to authorize advertising?

12 MR. ARMSTRONG: But there's
13 no -- if you look at what he attached to that
14 resolution it's not really what I foresee being the
15 amendment to that intermunicipal agreement because
16 those other items --

17 MS. LAMBERTON: We'll act on it
18 when we should. Okay.

19 MR. HOLAHAN: Then I have the
20 final A & C flooring warehouse, Lot 2, New Ventures
21 Park land development plan and it's the site work
22 cost estimates.

23 MS. CINDY HINELINE: I'm kind of
24 looking to get the reduction.

25 MR. HOLAHAN: We need you to

1 identify yourself, though.

2 Cindy Himeline. Owner of A&C
3 Flooring.

4 So I'm just looking for a
5 reduction. There was two estimated costs put in.
6 I'm hoping to get it reduced to the second one that
7 doesn't include the asphalt paving, the stone
8 driveway, the wall mounted lighting and grading.
9 If we don't move forward, I won't need those.

10 MR. McHALE: You're not going to
11 install them. You're going to install them, but
12 you're just asking the board to reduce the
13 financial security requirement not to include
14 paving and these items similar to what we've done
15 at Kalahari where they did not include paving as a
16 financial security.

17 MS. HAASE: But she still
18 understands that you still have to do that.

19 MS. CINDY HINELINE: No, I
20 understand that.

21 MS. LAMBERTON: So do we need a
22 motion?

23 MR. HOLAHAN: We do need a
24 motion.

25

MS. LAMBERTON: I'll make that

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1 motion.

2

MS. PICKARD: I'll second the

3 motion.

4

MR. HOLAHAN: I have and a

5 second. Further discussion from the board?

6 Anything from the public? All in favor, aye.

7

MS. PICKARD: Aye.

8

MR. MOYER: Aye.

9

MS. LAMBERTON: Aye.

10

MR. KERRICK: In favor.

11

MR. HOLAHAN: Okay.

12

MR. McHALE: For the record

13 could you just --

14

MS. HAASE: The number, please.

15

MS. CINDY HINELINE: The

16 reduction amount is \$24,200.

17

MR. McHALE: The lessor amount

18 is what?

19

MS. CINDY HINELINE: 24,200.

20

MR. LAMBERTON: \$24,200.

21

MR. ARMSTRONG: And is that the

22 amount of the actual financial security note?

23 MR. McHALE: Yes. And that's in
24 lieu of 89 thousand or so.

25 MR. HOLAHAN: \$83,900.

88

1 MR. ARMSTRONG: And do you know
2 how they are going to post that?

3 MS. CINDY HINELINE: I think it
4 was in cash.

5 MR. ARMSTRONG: Then I can
6 finalize that agreement. Who should I be sending
7 it to?

8 MS. CINDY HINELINE: To me.

9 MR. ARMSTRONG: Do we have
10 the --

11 MS. HAASE: Uh-huh. I believe
12 you're on the application, correct, Cindy?

13 MS. CINDY HINELINE: Yes.

14 MS. HAASE: Have you been
15 enlightened this evening?

16 MS. LAMBERTON: I apologize you
17 sat through this.

18 (Inaudible group discussion.)
19 MR. HOLAHAN: Okay.
20 MR. TED MOYER: Did you hear
21 that fellow talking. The great citizens of
22 Tobyhanna Township, he already thinks bad of us and
23 it's because of you.
24 MR. HOLAHAN: Okay. Time for
25 public comment.

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1 MR. KERRICK: You just got it.
2 MR. TED MOYER: Am I wrong. I
3 don't know the fellow's name that is the head of
4 Kalahari or the owner, but you heard his words,
5 paraphrasing, the great citizens of Tobyhanna
6 Township. You guys are doing this.
7 MR. HOLAHAN: I guess I was a
8 little taken back at first, so I didn't fully catch
9 the words verbatim, but I sure took his frustration
10 on what is going on. I know this guy's under
11 crunch time, I get that, but I also know this board
12 has bent over backwards to help take care of this
13 project too. And I made the statement that I
14 didn't think we could do anything more other than

15 put on tool belts to help him out. And so, listen,
16 it didn't hurt my feelings.

17 MR. TED MOYER: You guys have a
18 bad rep, I'll tell you. The citizens of this
19 township are sick and tired of yous. A lot of
20 businesses are closing up. They're moving out and
21 it's because of you guys.

22 MR. HOLAHAN: I haven't heard
23 that before.

24 MR. TED MOYER: No, you haven't,
25 because you're off in some other world.

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1 MR. HOLAHAN: Okay.

2 MR. KERRICK: I think the
3 frustration with Mr. Nelson was all the agencies he
4 worked with. I know that we've done what, I feel,
5 what we could do.

6 MS. LAMBERTON: I think we all
7 have discussed this at one point. I think we need
8 to seriously look at how we approach small
9 business.

10 MR. KERRICK: Absolutely.

11 MS. LAMBERTON: And we need to
12 become more user friendly.

13 MR. KERRICK: I totally agree
14 with that.

15 MS. LAMBERTON: And that I think
16 is what your frustration is as well and I do agree
17 with that. And I really think that that should be
18 a task that we take.

19 MR. MOYER: Yeah. I agree.

20 MS. LAMBERTON: You know, like
21 in the last meeting that everyone was at, and I
22 understand your frustration too Joe, and I heard
23 (inaudible) say these ordinances are old, but it's
24 their job to enforce them. So we, unfortunately,
25 we can get angry with them, they're doing their

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1 enforcement, but I think what we need to do is
2 change the ordinance so it can become conducive for
3 small business to be able to exist and sustain
4 themselves here. So I think that we should take
5 that on as a responsibility.

6 MR. JOSEPH COLLIER: Joseph
7 Collier. It's not -- I'm not saying that anybody

8 is vindictive or anything but, you know my
9 situation is a little different. I'm in a building
10 that's been there for 45 years, used exactly for
11 multiple uses, but one of them was what I am doing
12 there and it's not being recognized that way.
13 That's just wrong. I mean, there's a board member
14 that worked there that knows it was used the way
15 I'm using it, and then I still have to accommodate
16 the fees to go in front of a board to be allowed to
17 use something that was here before zoning, used the
18 way I'm using it. But, you know, that's my
19 frustration. Bob Selig, there is probably 50
20 people that would walk through that door. I think
21 Donnie knows what it was used for. It was always
22 an auto, truck, equipment, repair facility.

23 MR. HOLAHAN: The Selig Center?

24 MR. JOSEPH COLLIER: Selig's
25 Garage on Slutter Road. He worked on Locust

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1 Ridge's stuff when they were building the quarry.
2 And when was that?

3 MR. KERRICK: He built it around

4 the 70s.

5 MR. JOSEPH COLLIER: The front
6 shop was built in 1970.

7 MR. KERRICK: Before zoning,
8 yes.

9 MR. JOSEPH COLLIER: But he
10 worked on Locust Ridge's equipment while they were
11 building the quarry, welding their stuff. They had
12 no own housing facilities.

13 MR. KERRICK: He was one of the
14 owners of the quarry at one time.

15 MR. HOLAHAN: Right.

16 MR. JOSEPH COLLIER: And that's
17 my frustration.

18 MR. MOYER: And this is over a
19 determination or --

20 MS. LAMBERTON: So what do we do
21 about this?

22 MR. MOYER: I don't know.

23 MS. HAASE: Again, the relief
24 has to go to the zoning hearing board. This board
25 cannot grant him relief.

1 MR. JOSEPH COLLIER: I don't see
2 why the zoning hearing board has any say over a use
3 that was here before zoning.

4 MR. HOLAHAN: Probably something
5 you need to take up with zoning and their
6 solicitor.

7 MR. ARMSTRONG: I don't recall
8 this specific scenario, but I remember you coming
9 from the last meeting, but I think when you make
10 that application --

11 MR. JOSEPH COLLIER: We can end
12 this. I'm just --

13 MR. ARMSTRONG: When you make
14 the application you don't only make it with respect
15 to a variance, but also ask for an interpretation
16 in your favor, so they can make either or at the
17 time of that hearing.

18 MR. JOSEPH COLLIER: The problem
19 is they weren't there.

20 MR. HOLAHAN: You all want to
21 hear what Joe had to say or Patrick?

22 MR. JOSEPH COLLIER: I
23 understand what he's saying. I'm just saying for
24 someone up there that wasn't there, this is 1970,
25 before zoning, it's trying to be enforced as a

1 zoning issue. It was there prior to zoning.
2 Whatever was done there, by law, is allowed to be
3 done there, correct?

4 MS. LAMBERTON: Patrick?

5 MR. ARMSTRONG: Well, wasn't
6 there an issued with the preexisting non-conforming
7 certificate?

8 MR. JOSEPH COLLIER: It says
9 right on it garage. Is that being interpreted any
10 other way than a garage.

11 MR. ARMSTRONG: I don't know,
12 but apparently there's an issue.

13 MR. JOSEPH COLLIER: I just wish
14 somebody would interpret one thing I'm getting done
15 in my favor, not everything interpreted the other
16 way.

17 MR. ARMSTRONG: The proper
18 avenue is to have the zoning hearing board
19 interpret it and if it's in your favor great. It
20 sounds like you got your answer from the zoning
21 officer. So your next step is to the zoning board.

22 It's the process under Pennsylvania law. This
23 board can't really do anything.

24 MR. KERRICK: Understand, but
25 it's expensive for the applicant to go forward.

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1 It's a small business.

2 MS. HAASE: Just to be clear,
3 the applicant was using the facility and the
4 township was acceptable with what was being done.
5 Now the applicant wants to somewhat change it. The
6 only way that that can be accomplished and I know
7 that Mr. Collier has disputed it, in our ordinance
8 where it speaks to abandoned vehicles, wrecked
9 vehicles, etcetera, falls under the junkyard
10 ordinance. Mr. Collier himself is disputing that.
11 However, in the state regulations, which I have and
12 can share with all of you, it specifically speaks
13 in there that if the salvor, not salvage but the
14 salvor is using the property and it abuts a state
15 route, it's considered -- it has to follow the
16 state regs as a junkyard. So that's in the state
17 regs. Our ordinance is not an old ordinance. It's
18 from 1999. It's less restrictive than what PSATS

19 is requiring. So that is what follows and it also
20 speaks in the state regs. The problem with this is
21 the zoning district that it's in. It's in a
22 residential district. That's the issue. We allow
23 this use but not in a residential district. This
24 is the back gate to a very large community where
25 people are backing out. He can continued to do

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1 what he's doing. The township did not have an
2 issue with him dispatching vehicles out of there.
3 I personally discussed this with him. But the
4 game's changed somewhat. So in order for the
5 zoning officer to sign the affidavit to submit to
6 the state, he has to be following all the
7 regulations of the township. That's the state.

8 MR. KERRICK: You said state
9 route. Did you mean township route as well?

10 MS. HAASE: No, I mean state
11 route, but --

12 MR. KERRICK: That property
13 doesn't border a state route.

14 MS. HAASE: I'm fully aware of

15 that.

16 MR. KERRICK: So I'm just asking
17 the question.

18 MS. HAASE: What I'm stating is
19 Mr. Collier is saying it's not a junkyard.

20 MR. KERRICK: Understood. I
21 just asked the question.

22 MS. HAASE: In 2009, if you
23 recall, that there was a junkyard that was going to
24 go in the commercial industrial district --

25 MR. KERRICK: You reminded me of

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1 that, yes.

2 MS. HAASE: -- adjacent to 940
3 and the township was in an uproar. The residents
4 were in uproar. Okay? So, again, we're not
5 talking about a commercial industrial district.
6 We're talking about the residential district. So
7 dispatching the vehicles for towing, that's not an
8 issue. We've made it work for him. Did we have
9 to? No, we looked in a way to be businesses
10 friendly for him. But, again, this is a
11 residential district that now the game's changed

12 that if he gets a call within a thirty mile radius
13 he needs to go pick up the abandoned vehicle and
14 bring it back and then do what he needs to do
15 moving forward with it. But, again, that is a
16 residential district, not a commercial industrial
17 district.

18 There is an avenue for him to go
19 for relief and that's the zoning hearing board. By
20 your second class township code, by your
21 ordinances, you do not have the ability to grant
22 the relief.

23 MS. PICKARD: There is a second
24 part of this, so I've got that part, but I think
25 what Joe's also been saying is that there's signs

1 there that it had been used as an inspection
2 station and outside vehicles were taken there. And
3 that seems to have been occurring over the years,
4 whether it was on their certificate or not that is
5 how it was used. So I think that was part of what
6 you were saying also. So I see there are two
7 separate issues in my mind. One is a salvager and

8 one is the station.

9 MS. HAASE: That's correct. And
10 we were not aware of that until that was brought to
11 our attention last meeting.

12 MS. PICKARD: So is that an
13 issue that is --

14 MS. HAASE: It is an issue. It
15 has to go -- there's not an approval -- and when we
16 met, it was specifically discussed that he
17 certainly can repair his own vehicles.

18 MR. JOSEPH COLLIER: No, it was
19 not. That was never the issue.

20 MS. PICKARD: But there is
21 pictures of that having been done, repairing
22 others, that's my separate --

23 MS. HAASE: Correct. So that's
24 a completely separate issue.

25 MS. PICKARD: I know that's

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1 separate, but I'm saying it appears that that had
2 been occurring.

3 MS. HAASE: That will have to be
4 decided by the zoning hearing board.

5 MS. PICKARD: That also.

6 MS. HAASE: Correct. The
7 nonconforming certificate that was filed by Mr.
8 Selig, it was not for a repair center. I wasn't a
9 part of it. I can't dispute it. All I can work
10 with is what we have. I don't have the authority
11 to change it nor does Maureen. It has to go to the
12 zoning hearing board.

13 MR. HOLAHAN: But there is no
14 adverse possession by operating something that's
15 outside zoning for a number of years that makes it
16 grandfathered.

17 MR. ARMSTRONG: Well, no, it's
18 what's called a preexisting lawful nonconforming
19 use, meaning if he was up -- and he has a
20 certificate to that effect, it's what the
21 certificate says.

22 MR. JOSEPH COLLIER: The
23 certificate came in 1979. That was 7 years after
24 it was operated, but two years after --

25 MR. ARMSTRONG: It's really an

1 interpretation of that certificate that he needs to
2 present to the zoning hearing board.

3 MS. HAASE: The issue too is
4 that the use --

5 MS. LAMBERTON: Can the zoning
6 officer do interpretation. I'm sorry, well, no,
7 you just had a very valid point, Patrick, because
8 you said it's the interpretation of that document.
9 So did Maureen interpret that document?

10 MR. ARMSTRONG: My understanding
11 is that the language in that document doesn't allow
12 for what he would like to do completely, which is
13 why, you know, the next step is to go to the zoning
14 hearing board. If the board sees something
15 different or if they are agreeable to either an
16 interpretation in your favor or a variance in your
17 favor, that's -- I mean, I don't want to keep
18 repeating myself.

19 MR. JOSEPH COLLIER: The issue
20 is, just so you're aware and then I'm going to shut
21 up, you guys can go on and eat dinner, but we
22 applied for this before it was -- we were granted a
23 permit to run a repair shop there in July. Okay?
24 It wasn't until we got a letter that I wasn't aware
25 of until October. I already moved. All my

1 expenses, equipment that I put in that building,
2 that money's going to come from somewhere if I
3 can't operate there. It's just as simple as that.
4 I have a paper saying in July that we can run a
5 repair shop there. If the township wasn't aware of
6 the old one that ain't my fault. I moved in there
7 under the permit I was granted. And we asked for
8 permission to run a repair shop. I don't want to
9 hear that we did not. It's proven on that permit
10 that was handed to you, Anne, I have other copies.
11 I didn't bring them tonight I wasn't planning on
12 getting in there, but I moved in there with a
13 permit stating I could do it before a letter was
14 sent out saying I couldn't. That's my problem.

15 MS. LAMBERTON: So why are there
16 two documents?

17 MS. HAASE: The issue was when
18 Mr. Selig submitted the document he said he did not
19 have a nonconforming certificate. He submitted a
20 document, had it notarized that that is what he was
21 using the property for. We had further discussion.
22 The inspections were done the last time in 1996.

23 So the use then becomes abandoned.

24 MS. LAMBERTON: Well, I had an
25 argument with another township, Phyllis, let me

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1 finish.

2 MR. HOLAHAN: You know, what
3 Phyllis was speaking first. Hold on a minute.

4 MS. HAASE: If you do not intend
5 to abandon the use, it continues. I've spoken to
6 Mr. Selig. When he comes back I have no problem
7 speaking with again. This is his property. I had
8 these discussions with him. What we said is that
9 use specifically speaks to Selig Construction.
10 That's what's on the certificate for Selig
11 Construction. That's what it says.

12 MS. LAMBERTON: Doesn't the use
13 attach to the property?

14 MS. HAASE: The non-conforming
15 certificate speaks to Selig Construction. What he
16 was doing, because that was a non-conforming use.
17 That use can continue. This is a different type of
18 use, bringing and transferring the vehicles in and

19 out, the abandoned vehicles. What's being asked
20 for is different. Selig did not have a towing
21 business. Selig did not bring wrecked vehicles
22 back to his property. He did not bring abandoned
23 vehicles back to his property. So, again, we can
24 hash this all night, but the bottom line is I can't
25 make that decision, the board can't make the

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1 decision, Pat can't make the decision. It has to
2 go to the zoning hearing board.

3 MS. LAMBERTON: No, I understand
4 that part of it, I'm just saying a lot of it it
5 just seems like a dual interpretation.

6 MR. HOLAHAN: But we can't make
7 that --

8 MS. LAMBERTON: No, I understand
9 that, but I mean it starts in our zoning office.

10 MS. HAASE: And specifically
11 what is in there speaks to abandoned vehicles,
12 wrecked vehicles. That's exactly what it says.
13 The determination is not incorrect off of what's
14 being presented, so, you know.

15 MS. LAMBERTON: Well, I'm

16 assuming if you go to zoning hearing you should
17 have Mr. Selig there with you, you know. I hate to
18 say that that's the answer, but it sounds like
19 that's the avenue you're going to have to take.
20 MR. HOLAHAN: Anything else?
21 MR. JOSEPH COLLIER: I'm getting
22 out here.
23 MR. HOLAHAN: See you. Hearing
24 nothing else.
25 MS. LAMBERTON: Motion to

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1 adjourn.
2 MS. PICKARD: Second.
3 MR. HOLAHAN: All in favor, aye.
4 MS. PICKARD: Aye.
5 MS. LAMBERTON: Aye.
6 MR. KERRICK: Aye.
7 MR. MOYER: Aye.
8 MR. HOLAHAN: We're adjourned.
9 (Meeting concluded at 8:51 p.m.)

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I hereby certify that the
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 JOSEPHINE HOLLMAN, 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 11, 2015 beginning at 9:15 a.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

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1 MR. HOLAHAN: Call to order the
2 meeting of May 11, 2015. We start with the pledge
3 of allegiance, so if you'd all stand up.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: First we're going
7 to start with some announcements. We're going to
8 wait for -- well, we're having a Memorial Day
9 Parade, that's Monday, May 25. Then we're having
10 Township Movie in the Park, Friday, June 12. Now,
11 you'll be able to see this on our website so you
12 don't have to remember this, okay?

13 Have you ever been on our
14 website before? We'll get that information to you.

15 What do we have next here? The
16 --

17 MS. HAASE: The Pocono Summit
18 Volunteer Fire Company, Mr. Chairman.

19 MR. HOLAHAN: Yes. That is a
20 festival and parade June 26 and 27. And then we
21 have Township Community Celebration Day, which is
22 Saturday, July 11. That's it for announcements.

23 Now we're going to consider the
24 minutes for the March 25, 2015 special meeting.

25 MS. HAASE: Mr. Chairman, I had

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1 one correction, Page 45, Line 8; 2014 should be
2 2015.

3 MR. HOLAHAN: So noted.

4 Do I have a motion to approve?

5 MS. LAMBERTON: So moved.

6 MS. PICKARD: Second.

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

9 Further discussion from the
10 board?

11 Anything from the public?

12 So what we're doing is we're
13 approving -- this lady down here is our
14 stenographer and she keeps -- everything that we
15 say, she's typing up and she'll send us the

16 minutes, a report of what our meeting is. So we're
17 approving what we did for our last 20 -- March 25
18 meeting.

19 Further discussion?

20 All in favor, aye?

21 BOARD MEMBERS: Aye.

22 MR. HOLAHAN: Opposed?

23 Abstentions?

24 Motion carries.

25 Next consider the treasurer's

4

1 report. Looking for a motion to approve treasur --

2 Yes.

3 MS. PICKARD: I make a motion
4 we approve the treasurer's report in the amount of
5 \$412,733.27.

6 MS. LAMBERTON: I'll second.

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

9 Further discussion?

10 MS. HAASE: Mr. Chairman, just
11 to notify the board, there is one bill from Sharp

12 Energy that's included in the bill pack.
13 MR. HOLAHAN: Thank you.
14 So I have a motion and 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: I'll abstain.
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 vote in
3 favor. Motion carries.
4 We just spent \$412,733.27.
5 Next is the solicitor's report.
6 Mr. Armstrong?
7 MR. ARMSTRONG: Thank you, Mr.
8 Chairman. If the board recalls, you continued the

9 T-Mobile Northeast, LLC conditional use hearing
10 from April 30, 2015 to this morning's meeting. So
11 the meeting -- or the hearing is still open. And
12 if you recall, the reason we did that was the
13 applicant was going to submit the deed for the
14 property wherein the tower was being proposed, as
15 well as the FCC license.

16 We have not received that yet.
17 I shot their counsel an email over the weekend, but
18 this is what I think we can do. Do you want me to
19 --

20 Are you guys all familiar with
21 those big cell towers that you talk on the phones
22 with? We had -- this board had an applicant come
23 in asking to be able to put up a new tower within
24 Tobyhanna Township. And in doing so, that use
25 required a conditional use hearing before this

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1 board. This board acted as judges, they heard
2 testimony and they will be issuing a written
3 decision at a certain point in time. The applicant
4 is still going to be submitting some written

5 documents for this board to include into the
6 record. We haven't gotten that yet.

7 What I suggest doing is you can
8 close the hearing with the one caveat that you
9 allow the applicant to submit those two documents
10 after today into the record. And once we receive
11 that, as well as the transcript from the hearing,
12 I'll finalize the written decision and you can
13 formally approve that written decision at the next
14 meeting. I already have a draft, I just can't
15 finalize it until those two documents -- and I want
16 to cross check a few things with the written
17 transcript.

18 MR. HOLAHAN: All right. I'll
19 make a motion that we close the hearing.

20 MS. PICKARD: Second.

21 MR. ARMSTRONG: Conditional
22 upon allowing the applicant to submit the deed, as
23 well the FCC license after today?

24 MR. HOLAHAN: Yes.

25 MS. PICKARD: Yes.

1 MR. ARMSTRONG: Thank you.

2 Patrick, do you want to call the
3 vote on it?

4 MR. ARMSTRONG: Sure. I'll call
5 the vote. Motion made and second.

6 All those in favor?

7 BOARD MEMBERS: Aye.

8 MR. ARMSTRONG: Motion carries.

9 The hearing is now closed and I will let the
10 applicant's counsel know that they have a certain
11 period of time to submit the two documents
12 discussed this morning. And after we receive that,
13 I'll circulate the proposed written decision for
14 this board to potentially approve at your next
15 meeting.

16 MR. HOLAHAN: Okay. Very good.
17 Thank you.

18 MR. ARMSTRONG: The next item
19 under my report was to consider approving T-Mobile
20 Northeast conditional use. Clearly we can't
21 formally do that. I believe the board was inclined
22 to approve the actual application, that's how I'm
23 going to prepare the written decision, if that's
24 still the will of the board.

25 MS. LAMBERTON: I'm fine with

1 that.

2 MR. KERRICK: Yeah, I'm fine
3 with that.

4 MR. HOLAHAN: By consensus.

5 MR. ARMSTRONG: Thank you. Just
6 a few other items, just kind of updates. Pocono
7 Manor Investors, they had that subdivision
8 application before the board last month or the
9 month before. We're just waiting for the
10 development agreement. The applicant's attorney
11 indicated that he has one or two minor changes to
12 make. Once I get that, that development agreement
13 will be for this board to execute after the
14 applicant's representative --

15 You don't have to make any
16 formal motion, you've already conditionally
17 approved that subdivision plan and part of that was
18 that this development agreement be finalized. So
19 once that is, I'll send it to the board and the
20 chairman can execute that agreement at that time.
21 Similarly, we're still waiting for the access
22 easement which the applicant's attorney is

23 preparing. Once we receive that, I'll circulate
24 it, but I don't anticipate any issues with that
25 condition of the approval.

9

1 The Kalahari project, just a
2 couple updates. It's my understanding that the
3 amendments to the sewer development and sewer
4 service agreement between Pocono Manor, Kalahari
5 and Toby have been -- or in the process of being
6 executed. We have those final documents. As you
7 know, you adopted your ordinance approving the
8 Pocono Township/Tobyhanna Township agreement. And
9 my understanding is that Pocono Township also
10 approved their ordinance and potentially executed
11 their agreement as well, so that's moving forward.

12 There is a draft resolution --
13 proposed resolution for the sewer collection within
14 the Sewer District No. 1 of Tobyhanna Township. I
15 do understand that you have a meeting later at
16 10:30 that's been advertised for a public meeting.

17 Do you want to discuss that
18 resolution now or at that 10:30 meeting?

19 MR. HOLAHAN: 10:30 meeting?

20 Yes.

21 MR. ARMSTRONG: Okay. You also
22 at the 10:30 meeting, you'll have that commercial
23 resort overlay district ordinance amendment. It's
24 on the agenda for the 10:30 meeting. And the one
25 other update is on adding Barrett Township to your

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1 -- to the regional police commission. There was a
2 conference call between the solicitors for the
3 member municipalities. It's my understanding that
4 the solicitor for Tunkhannock is preparing an
5 actual written amendment to the 1996
6 intergovernmental agreement.

7 Once he finalizes that, he'll
8 circulate it to us. In so long as everything's
9 amendable, the next step will be for this board to
10 adopt an ordinance authorizing the execution of
11 that amendment to the intergovernmental agreement
12 regarding the regional. Again, this is simply for
13 the purpose of implementing and allowing Barrett
14 Township to join the regional police commission.

15 MR. HOLAHAN: Very good.

16 MR. ARMSTRONG: Okay? I
17 believe that's all I have. I may have comments on
18 some of the other items later on, in the agenda,
19 but that's it for my report, at least, until the
20 10:30 meeting.

21 Thank you, Mr. Chairman.

22 MR. HOLAHAN: You're welcome.

23 Manager report?

24 MS. HAASE: Thank you, Mr.
25 Chairman. As requested by the board, I did send a

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1 letter to Coolbaugh Township with regards to the
2 wood grinder. The letter was sent and authored on
3 April 15. I have received no response as of this
4 date. We have had residents that have gone to the
5 facility and they have been turned away by
6 Coolbaugh Township. So at this particular point we
7 still are at a standstill or our residents do not
8 have a facility to take the branches to. So I will
9 update you as soon as and if and when I do receive
10 a response.

11 Our finance department had
12 submitted a request for a recycling grant.

13 Unfortunately, it was not awarded to us, but we
14 will still continue to submit any grants that come
15 before us. The new field management system that
16 was approved by the board in the last budget has
17 been installed. And right now we're just working
18 through a couple issues, but it seems to be
19 definitely a benefit to us with the reporting
20 aspect of it.

21 The advertisement to repair the
22 rehabilitation of the Old Route 940 bridge has been
23 sent out and advertised. We'll be accepting bids
24 until May 22, 11 o'clock. The project is to be
25 completed in a hundred and twenty days and we

12

1 anticipate notice to proceed beginning of July.

2 And also State Representative
3 Rader's office wanted me to announce that the Girls
4 On The Run will be holding a benefit this afternoon
5 from four to five. It's a car wash at the cost of
6 five dollars per vehicle.

7 That's all I have at this point,
8 sir.

9 MR. HOLAHAN: Thank you.
10 Where is the car wash being
11 held?
12 MS. HAASE: TEC.
13 MR. HOLAHAN: Okay. Have the
14 fire company bring over one of their trucks, five
15 bucks is a great deal.
16 I got to tell you, what we just
17 went through there was a whole lot more exciting to
18 us than to you all. I mean, we're just tickled
19 pink up here of what was just done.
20 Oh, look, our librarian. Do you
21 know our librarian Laura Laspee?
22 Let's go on to old business.
23 The proposed zoning ordinance, we're going to table
24 that.
25 MS. HAASE: Committee reports,

13

1 Mr. Chairman. Committee reports.
2 MR. HOLAHAN: Oh, committee
3 reports. I'm sorry. Yep, I went right by that.
4 In my excitement I passed by there.
5 Do we have somebody to report

6 for the Pocono Mountain Regional EMS?

7 MS. HAASE: Yes, Denise.

8 MR. HOLAHAN: Denise, please?

9 MS. DENISE DOREMUS: Hi, I'm
10 Denise. I'm from Pocono Mountain Regional EMS.
11 This month's call volume was up in Tobyhanna
12 Township three percent at seventy-four calls. Our
13 total call volume for the month of April was 441,
14 which total now is up -- total call volume is up 14
15 percent this year so far. We did get our new
16 ambulance last Friday, it came in, 11-03 it will
17 be. It will be licensed on May 19 and be stationed
18 at 11-2, Tobyhanna Station.

19 MR. HOLAHAN: Very good. Thank
20 you.

21 MS. DENISE DOREMUS: You're
22 welcome.

23 MR. HOLAHAN: Anybody have any
24 questions?

25 MS. DENISE DOREMUS: Oh, oh.

1 Subscriptions have been out and they've been coming

2 in now for the last week.

3 MR. HOLAHAN: How about Pocono
4 Mountain Regional Police Commission?

5 MS. HAASE: Pocono Mountain
6 Regional Police Commission welcomed a new
7 representative from Mount Pocono, Miss Claudette
8 Williams. We do have a meeting tomorrow evening at
9 seven o'clock, at Tobyhanna Township's Municipal
10 Building.

11 MR. HOLAHAN: Thank you.

12 MR. HOLAHAN: Heidi, anything
13 on open space?

14 MS. PICKARD: No, not at this
15 time.

16 MR. HOLAHAN: Okay. Then let's
17 move on to old business. Proposed zoning
18 ordinance?

19 MS. HAASE: I have nothing to
20 update at this time, Mr. Chairman. We hope after
21 the end of June, when our large project is on its
22 way, we can spend some more time and submit a draft
23 to the board.

24 MR. HOLAHAN: Very good. Thank
25 you.

1 How about anything on the
2 potential sale of the wastewater treatment plant?

3 MS. HAASE: Yes. I spoke to Mr.
4 Hendricks this morning. He is finalizing the
5 valuation. He had hoped to have it to us today,
6 not realizing it was a morning meeting. So it will
7 be given to us this week, at the end of the week.

8 MR. HOLAHAN: Very good. Thank
9 you. How about Arcadia properties, the New
10 Ventures Park reimbursement agreement?

11 MS. HAASE: I have not received
12 any amendments to the agreement.

13 MR. HOLAHAN: Are we going to
14 discuss the waiver of development -- land
15 development for the T-Mobile's Northeast proposed
16 facility?

17 MR. ARMSTRONG: You can. If
18 you remember that, was discussed briefly at the
19 conditional use hearing. They requested a waiver
20 of land development. There is case law out there
21 that suggests that it would be appropriate to do
22 so. The fee in lieu thereof that was discussed --
23 the fee in lieu of land development was a \$2,000

24 figure.

25 So if the board wanted to

16

1 entertain a motion approving that request for the
2 waiver of land development subject to the \$2,000
3 fee in lieu thereof, as well as, you know,
4 compliance with all appropriate and applicable
5 township ordinance and regulations, that would be
6 appropriate.

7 MS. LAMBERTON: I'll make that
8 motion.

9 MS. PICKARD: I'll second.

10 MR. HOLAHAN: Got a motion and
11 second.

12 Further discussion from the
13 board?

14 Anything from you all?

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: Anne?
21 MS. LAMBERTON: I vote in favor.
22 MR. HOLAHAN: And I vote in
23 favor. Motion carries.
24 Then we've got the resolution
25 joinder for the Pocono Regional Commission.

17

1 Do you want to discuss that now
2 or do you want to -- would you like to hold that?

3 MS. HAASE: Yes, sir.

4 MR. HOLAHAN: Hold that till
5 10:30?

6 Let's go on to new business. I
7 want to consider awarding the bid for the 2002 Ford
8 F-150 (sic).

9 MS. HAASE: Mr. Chairman, as
10 you recall, the township advertised a surplus item,
11 which was a 2002 Ford F-450 4 by 4 with a utility
12 body and a 9 foot Meyers plow. The vehicle had a
13 hundred and eight thousand two hundred and
14 thirty-eight miles on it. And the advertisement
15 was listed in the Pocono Record. We accepted bids
16 until April 28 and they were publically opened.

17 We received one bid -- and for
18 the sake of our stenographer, I'll spell the last
19 name, it's Anthony S-c-h-u-t-z -- in the amount of
20 \$5,500.

21 MR. HOLAHAN: Do I have a
22 motion to accept that bid?

23 MS. LAMBERTON: So moved.

24 MS. PICKARD: I'll second the
25 motion.

18

1 MR. HOLAHAN: Got a motion and
2 second to accept the bid in the amount of \$5500.

3 Further discussion from the
4 board?

5 Anything from the adoring
6 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: Anne?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. HOLAHAN: And I vote in
17 favor. Motion carries.
18 Next let's look at the Pocono
19 Summit Volunteer Fire Company for a request for a
20 waiver of their festival fee.
21 MS. HAASE: Mr. Chairman, their
22 festival is from June 26 and June 27, from 4 to 7
23 in the evening. They're requesting the board of
24 supervisors consider waiving the \$10 fee for the
25 permit.

19

1 MS. PICKARD: I'll make that
2 motion to waive the fee.
3 MS. LAMBERTON: Second.
4 MR. HOLAHAN: I have a motion
5 and a second.
6 Further discussion from the
7 board?
8 Anything from the public?
9 Hearing none. All in favor,

10 aye?

11 BOARD MEMBERS: Aye.

12 MR. HOLAHAN: Opposed?

13 Abstentions?

14 Motion carries.

15 Item C, township auditor

16 appointment.

17 MS. LAMBERTON: I'll make a
18 motion to appoint John Burger from 229 Burger Road,
19 Blakeslee, PA, to fill the auditor's position for
20 the remainder of this year.

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

22 Do I have a second?

23 MR. KERRICK: I'll second it.

24 MR. HOLAHAN: Got a motion and
25 second.

20

1 Further discussion from the
2 board?

3 Anything from the public?

4 Hearing none. Call the vote.

5 All in favor, aye?

6 MS. LAMBERTON: Aye.
7 MR. KERRICK: Aye.
8 MR. HOLAHAN: Opposed?
9 MS. PICKARD: I'll abstain.
10 MR. HOLAHAN: Abstentions, one.
11 Motion carries.
12 We're going to skip B and we'll
13 go to -- we're going to skip E as well.
14 MS. HAASE: Actually, Mr.
15 Chairman, the board does need to take action on E.
16 We need that prior to Friday because they will need
17 -- whomever the board so choses to put in this
18 position needs to be on-site at Kalahari on Friday.
19 MR. HOLAHAN: I just meant to
20 push it to 10:30.
21 MS. HAASE: Okay.
22 MR. HOLAHAN: Is there any --
23 anything in here that we really need -- let's go
24 ahead and handle this one.
25 MS. LAMBERTON: I'll make a

21

1 motion to accept the Aqua's operation and
2 management agreement related to Tobyhanna Township

3 Sewer District No. 1.

4 MS. PICKARD: We're on E?

5 MR. HOLAHAN: Yes.

6 MS. LAMBERTON: Yes, we are.

7 MS. PICKARD: I'll second that.

8 MR. HOLAHAN: We've got a

9 motion and a second.

10 Further discussion from the

11 board?

12 MR. KERRICK: Did we get any

13 other prices or we just went with Aqua?

14 MS. HAASE: We've reached out

15 to Aqua since they currently are operating our

16 systems in the township.

17 MR. KERRICK: So the answer

18 would be no?

19 MS. HAASE: That is correct.

20 MR. HOLAHAN: Further

21 discussion?

22 Anything from the public?

23 Jeanine, do you have anything on

24 this?

25 MS. JEANINE HOFBAUER: I'm

1 fine. Thank you.

2 MR. HOLAHAN: Just checking.

3 Hearing none. I'll call the

4 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 Item F, landscaping time

15 extension for Kalahari Resorts.

16 MS. HAASE: Mr. Chairman, the

17 landscaping will be completed for Phase 1 with the

18 exception of an area that they anticipate housing

19 and staging their construction equipment for Phase

20 2. So with that being said, they're asking for the

21 small area that's highlighted or bolded out in red,

22 that you consider waiving that till the completion

23 of Phase 2.

24 MR. HOLAHAN: Okay. Do I have a
25 motion to waive off the time extension, Kalahari

23

1 Resorts?

2 Did you see that paper here?

3 MS. PICKARD: I make a motion we
4 approve the time extension for Kalahari Resorts
5 landscaping.

6 MR. HOLAHAN: Got a motion.

7 Do I have a second?

8 MR. KERRICK: I'll second.

9 MR. HOLAHAN: Got a motion and a
10 second.

11 Further discussion from the
12 board?

13 Anything from the public?

14 Hearing none. Call the 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. ARMSTRONG: May I just ask
24 one question?
25 MR. HOLAHAN: Sure.

24

1 MR. ARMSTRONG: What's the time
2 frame for the extension? Did we put a date on
3 that? I may have missed that.
4 MS. HAASE: Completion of Phase
5 2.
6 MR. ARMSTRONG: Completion of
7 Phase 2? The reason I ask is one of the
8 outstanding items of the revised plan that you
9 conditionally approved last -- at the last meeting
10 April 30th, the development agreement, you know,
11 I'm putting that together to the extent that I can
12 incorporate this into it and just be done with it,
13 I'll do that. So I'm going to have the completion
14 at the end of Phase 2, right?
15 MS. HAASE: Correct.
16 MR. ARMSTRONG: Similar to the

17 Pocono Manor Investors subdivision development
18 agreement, you've already conditionally approved
19 this revised plan to Kalahari. So once this
20 development agreement is prepared and finalized,
21 John, Mr. Chairman, can proceed with executing it.

22 MR. HOLAHAN: Very good, Mr.
23 Armstrong.

24 Item G, looking for
25 authorization to create new funds for Tobyhanna

25

1 Sewer District No. 1.

2 MS. HAASE: Yes. Mr. Chairman,
3 we're going to have to open up a new fund in the
4 budget for Tobyhanna Sewer District No. 1 and the
5 board would need to do that by motion.

6 MR. HOLAHAN: Do I have a motion
7 to create the new fund for Tobyhanna Sewer District
8 No. 1?

9 MS. PICKARD: So moved

10 MR. HOLAHAN: Have a motion.
11 Do I have a second?

12 MR. KERRICK: Second.

13 MR. HOLAHAN: Got a motion and

14 a second.

15 Further discussion from the
16 board?

17 Anything from the public?

18 You see I'm looking over the top
19 of my glasses here. This is what my dad used to do
20 when he was my age, I was just wondering, when does
21 that happen. When does it -- now, if I start
22 wearing them like a chain around my neck, you're
23 allowed to say something to me. Okay?

24 Call the vote. John?

25 MR. KERRICK: In favor.

26

1 MR. HOLAHAN: Heidi?

2 MS. PICKARD: I vote in favor.

3 MR. HOLAHAN: Anne?

4 MS. LAMBERTON: I'll abstain.

5 MR. HOLAHAN: I vote in favor.

6 Motion carries.

7 Next, we need authorization for
8 open accounts for the Sewer District No. 1 capital
9 operations.

10 MS. HAASE: Yes. Mr. Chairman,
11 we're going to have to open up multiple accounts
12 for the Sewer District No. 1. I believe that there
13 is going to be more than two, if the board could
14 author -- we have capital account, an operations
15 account --

16 MS. PICKARD: -- one was for
17 sewer user fees and the other was for the EDUs.

18 MS. HAASE: And the reserve
19 user fee account.

20 MR. HOLAHAN: So we're looking
21 at perhaps three or four accounts? Can we
22 authorize opening the number of accounts necessary?

23 MS. HAASE: Yes.

24 MR. ARMSTRONG: Yes.

25 MR. HOLAHAN: I'll make that in

27

1 form a motion.

2 Do I have a second?

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

5 MR. HOLAHAN: Got a motion and
6 second.

7 Further discussion from the
8 board?
9 Anything from the public?
10 MR. KERRICK: I have a
11 question.
12 MR. HOLAHAN: Sure.
13 MR. KERRICK: Is this just to
14 open the accounts? You didn't pick the bank
15 account -- or the financial institution? Do I need
16 to abstain?
17 MR. HOLAHAN: I don't know.
18 MS. HAASE: You may, sir.
19 MR. KERRICK: I should abstain?
20 MS. HAASE: Yes, you should.
21 MR. KERRICK: Thank you.
22 MR. HOLAHAN: We'll have the
23 discussion. So we've got a motion and a second.
24 Further discussion from the
25 board?

28

1 Anything from the public?
2 MS. PICKARD: The motion is to

3 open the accounts, not to pick the financial
4 institution?

5 MR. HOLAHAN: Not to pick the
6 financial.

7 MR. KERRICK: So then I can
8 vote?

9 MR. HOLAHAN: Yeah.

10 MS. HAASE: Well, just to be --

11 MR. HOLAHAN: And then --

12 MS. HAASE: Just to be --

13 I'm sorry to interrupt you.

14 MR. HOLAHAN: Go ahead.

15 MS. HAASE: Just to be clear,
16 in the beginning of the year, we assigned the
17 financial institutions that we are going to be
18 using. We're still looking out to having the best
19 rate, but it may include or it may be Landmark
20 Bank.

21 So that's why it's my
22 recommendation, Mr. Kerrick, that you do abstain.
23 It may end up being Landmark.

24 MR. KERRICK: Thank you.

25 MS. PICKARD: But as of today

1 it would be likely that was really the best rate
2 and they said if we did go there they'd raise the
3 rate of other accounts.

4 MR. HOLAHAN: Okay.

5 MR. KERRICK: I didn't hear it.

6 MS. PICKARD: They were going
7 to raise our rates on all the accounts if we move
8 these accounts there as well.

9 MR. KERRICK: Okay.

10 MR. HOLAHAN: It works.
11 They're going to pay us more interest.

12 MS. PICKARD: Yes.

13 MR. HOLAHAN: Yes. We're going
14 to get more money if we go with one bank. We give
15 them this one account, they'll make the other
16 accounts pay us more interest as well. It's good
17 for all of us.

18 Further discussion?

19 Hearing none. Mr. Kerrick?

20 MR. KERRICK: I will abstain
21 due to a conflict.

22 MR. HOLAHAN: Okay.

23 Ms. Pickard?

24 MS. PICKARD: I will vote in

25 favor.

30

1 MR. HOLAHAN: Ms. Lamberton?

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: And I vote in
4 favor.

5 MR. ARMSTRONG: So what has
6 happened is we have four supervisors sitting here
7 this morning. A vote was made for this board to
8 proceed in open accounts with a potential financial
9 institution that both Supervisor Kerrick and
10 Supervisor Lamberton have a conflict with.

11 My understanding is the
12 conflicts is related in some fashion to the board
13 or membership on the board or some fashion with
14 respect to that institution. Pursuant to the
15 Second Class Township Code, since they abstained,
16 disclosed the specific conflict, if this board so
17 chooses, you can proceed with another motion. And
18 after that disclosure, Supervisors Lamberton and
19 Kerrick may vote due to the fact that there are
20 four members present today. And with the two

21 abstaining, there is no way for you to secure
22 majority vote this morning.

23 MR. HOLAHAN: Thank you.

24 Everybody understand that?

25 MS. LAMBERTON: We don't

31

1 either.

2 MR. HOLAHAN: Would you explain
3 it to us? There's a conflict of interest. So Mr.
4 Kerrick and Ms. Lambertson have a relationship with
5 the bank that we're looking to open the accounts
6 with. The -- as a supervisor, you're not supposed
7 to make any decisions that might -- could be
8 perceived as being beneficial to you. Now, Mr.
9 Kerrick doesn't own the bank, but are you on the
10 board?

11 MR. KERRICK: I'm on the board,
12 a nonpaying position for the advisory board. That
13 would be -- put that in the record.

14 MR. HOLAHAN: Okay.

15 MR. KERRICK: So I'm stating my
16 conflict.

17 MR. HOLAHAN: All right.

18 MS. LAMBERTON: My conflict is
19 that my company works for the Kalahari/Pocono
20 Manor. So I abstain from anything that has to do
21 with any decisions that are voted upon for those
22 two companies.

23 MR. HOLAHAN: Okay. So we have
24 the conflicts out there. Now we're going to take
25 another motion.

32

1 Do I have a motion to -- what
2 Patrick -- what Mr. Armstrong said.

3 MR. ARMSTRONG: Again, my
4 understanding of the motion -- and the motion again
5 will be to authorize the township staff to proceed
6 with opening the accounts necessary for the Sewer
7 District No. 1 arrangement for that area of the
8 township, which would mean opening an operating
9 expense fund -- or account and a user charge
10 reservation account, as well as some additional
11 potential accounts related to that aspect.

12 MR. HOLAHAN: I'll make that
13 motion.

14 MS. PICKARD: I'll second that
15 motion.
16 MR. HOLAHAN: We've got a
17 motion and a second.
18 Further discussion from the
19 board?
20 Anything from the public?
21 Hearing none. I'll call the
22 vote.
23 John?
24 MR. KERRICK: In favor.
25 MR. HOLAHAN: Heidi?

33

1 MS. PICKARD: I vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: Well, I'll vote
4 in favor.
5 MR. HOLAHAN: And I vote in
6 favor. Motion carries.
7 MR. ARMSTRONG: Just so it's
8 clear, this is more of a formality. By entering
9 into the multiple agreements that you did with
10 Pocono Township, as well as Pocono Manor and

11 Kalahari, you've arguably already indirectly did
12 that.

13 MR. HOLAHAN: Thank you, Mr.
14 Armstrong.

15 Let's go on to the next item.
16 Locust Lakes Village Property Owners Association.

17 Who lives in Locust Lakes?

18 Okay. They're asking for permission to have a
19 fireworks display on September 6, 2015.

20 MS. LAMBERTON: Motion to
21 approve.

22 MS. PICKARD: Second.

23 MR. HOLAHAN: Got a motion and
24 second.

25 Further discussion from the

34

1 board?

2 Anything from the public?

3 Might have some fireworks out
4 there.

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 Oh, we've got somebody else that

17 wants to do fireworks, Kalahari Resorts. So they

18 want to do a fireworks display.

19 Do we know when that's going to

20 be?

21 MS. HAASE: Yes, Mr. Chairman.

22 That is going to be July 4 and when you get to the

23 discussion, I do have a comment related to this

24 application.

25 MR. HOLAHAN: Okay. They filled

35

1 out their application for public display of

2 fireworks, they've got their amount of bond.

3 So do I have a motion to approve

4 the fireworks display for Kalahari Resorts?

5 I'll make that motion.

6 Do I have a second?

7 MS. PICKARD: I'll second that

8 motion.

9 MR. HOLAHAN: Got a motion and a

10 second.

11 Further discussion from the

12 board?

13 MS. HAASE: Mr. Chairman, I ask

14 the board approve this conditionally upon them

15 submitting additional information that's required.

16 The township was not listed as additional insured

17 on the insurance policy. Also the evacuation plan

18 was not submitted and the proper location of the

19 display has not been submitted to the township.

20 MR. HOLAHAN: I'll amend my

21 motion to include those items.

22 MS. PICKARD: I'll amend my

23 second.

24 MR. HOLAHAN: Further

25 discussion from the board?

1 They want to set off 900 pounds,
2 almost a thousand pounds of fireworks. This ought
3 to be pretty cool.

4 Call the vote. 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'll abstain.

10 MR. HOLAHAN: And I vote in
11 favor. Motion carries.

12 And then we've got the last
13 thing here, the township certificate of deposit, at
14 maturity.

15 MS. HAASE: Mr. Chairman, this
16 is more just informational purposes for the board.
17 We had a CD that has been rolled over now and is
18 going to be at a rate of .67. So our finance
19 department did a very good job at securing the
20 rates, so we're very pleased that we're rolling
21 over the 990,000 into a CD for 365 days at a rate
22 of .67.

23 MR. HOLAHAN: Very good. Thank
24 you.

25

Now, hey here's the fun part.

37

1 You all get to ask questions.

2 So we have public questions and
3 comment. Does anybody have any questions?

4 Sir?

5 (Discussion off the record with
6 students.)

7 MR. HOLAHAN: Motion to
8 adjourn?

9 MS. LAMBERTON: So moved.

10 MR. KERRICK: Second.

11 MR. HOLAHAN: All in favor,
12 aye?

13 BOARD MEMBERS: Aye.

14 MR. HOLAHAN: Opposed?

15 We're adjourned.

16 (Meeting adjourned at 9:50 a.m.)

17 ---

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I hereby certify that the

8

proceedings and evidence are contained fully and

9

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

10

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

11

that the foregoing is a true and correct transcript

12

of the same.

13

14

15

16

TARA WILSON, C.R.

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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
Friday, May 15, 2015, beginning at 8 a.m.

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

PATRICK ARMSTRONG, ESQUIRE, Solicitor
(Via Teleconference)

PHYLLIS HAASE, Township Manager

ALSO PRESENT: Maureen Minnick,
Zoning Officer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: Open the meeting of
2 May 15th. Start with the Pledge of Allegiance.

3 (Pledge of Allegiance).

4 MR. HOLAHAN: Good morning
5 everybody. First we start off with solicitor's
6 report. Do you have something for us,
7 Mr. Armstrong?

8 MR. ARMSTRONG: My
9 understanding, I guess there's two potential items
10 before the board this morning. One of them the
11 board's aware we discussed and made some changes to
12 the proposed Commercial Resort Overlay District
13 Ordinance at your last meeting, and the idea was I
14 was going to incorporate those changes and move
15 forward with forwarding it on to the county PC, as
16 well as advertising it for a public hearing.
17 However, since that time I think there has been
18 some concerns or questions with respect to number

19 1, the number of potential off-premise signs in
20 Section C.1.A as well as the size of the
21 free-standing signs along a state route versus an
22 interstate in Section C.1.B. So since that time
23 what I have done is, without the board actually
24 discussing it, I plugged in C.1.A the same
25 limitation that you have for free-standing signs,

3

1 as not to exceed four within the entire commercial
2 resort Overlay District for off-premise signs. We
3 still put that within the discretion of the board
4 of supervisors at the time of conditional use,
5 however, we are restricting the total number of
6 these off-premise signs before in the entire
7 Overlay District itself. And then what I did in
8 Section C.1.E for the free-standing sign section,
9 we did -- I did what we did for the digital signs
10 and the off-premise sign section. For signs along
11 the interstate it's 1200 square feet total, 600
12 square feet per sign side. And for those along a
13 state route, 600 square feet total, 300 square feet
14 per sign side.

15 I guess for purposes of this

16 morning and moving forward, the board has to, I
17 guess number 1, decide whether or not those
18 revisions are appropriate in what the board had in
19 mind; but number 2, you know, we talked rather at
20 length with the PC when I was there and I got my
21 direction from the PC, but I was thinking back to
22 your meeting last week, I don't know if we actually
23 discussed it in here this week, I don't know if we
24 actually discussed it in general, but if you
25 consider this accessory use section, you know, the

4

1 advertising signs, it might be a good idea, so
2 everyone's on the same page, consider what the
3 total amount of signage would be and with the
4 off-premise sign section there could be a total,
5 the way it reads now, a total of four of these
6 off-premise signs. And, remember, the off-premise
7 signs, it could be up to 1200 square feet along an
8 interstate or 600 square feet along a state route.
9 And then if you go to the free-standing signs,
10 which would be signs advertising the actual use
11 wherein the sign is located, you know, that could

12 be a maximum of four free standing signs per use.
13 So you have the four off premise and now you have
14 the four free-standing sign per potential use
15 within this Overlay District.

16 Then the other ones, the wall
17 signs, the directional signs and the roof signs, I
18 think everyone understands those specific signs,
19 they're going to be, the wall signs they're
20 actually -- and the roof signs, they will be on the
21 actual use structures themselves. The directional
22 signage is more of an almost like informational
23 type sign. But the two sections that the board
24 should really be aware of are the off premise and
25 the free standing in the potential number of signs

5

1 we are talking about.

2 MS. HAASE: And just to further
3 catch the board up, a few days ago or actually last
4 weekend, I received a call from the county asking
5 to meet with me. A planning commission member had
6 reached out to the county planning, and they had
7 some concerns. We did meet yesterday. The
8 Director, Christine Meinhart and Eric Koopman met

9 with me yesterday at nine o'clock. They had
10 multiple questions. Their one concern again was
11 one that I had brought up about further subdividing
12 the property. We know both of the owners at this
13 particular point are very tasteful -- that own the
14 property -- are very tasteful. It's what happens
15 down the road if it was to be subdivided.

16 I know that Mr. Cahill brought
17 up some valid concerns that there may be an
18 individual that would like to come into the complex
19 and maybe either lease out the footprint or own the
20 footprint or a small section of it. So we
21 certainly recognize that those are valid concerns.
22 The county did provide a map showing that it could
23 be further subdivided out, and from their
24 calculations would come up to forty signs, and that
25 was a concern of theirs, the amount of signage that

6

1 would be.

2 What the county wanted to make
3 certain that I recognized, and I did, and I'm quite
4 certain the board does, that nowadays billboards

5 aren't as popular as they were years ago because
6 everyone uses their GPS. If they're in an area
7 they may put in they want to go to a water park or
8 an eatery or theater, etcetera, it takes you there.
9 You do have individuals who don't use that, but the
10 majority of people nowadays do. They said that
11 they will have certainly the opportunity to review
12 under the MPC, definitely will have comments
13 related to this overlay.

14 MS. LAMBERTON: Can I ask a
15 question? I thought we were going to do maximum of
16 signs for the entire overlay not per use.

17 MS. PICKARD: That was just for
18 the off-premise sign and that's my confusion too.

19 MR. KERRICK: That's what I
20 thought. Because we thought we'd let them come up
21 with some language that that was the understanding.
22 You understand that, Jim, that we don't want four
23 signs per use on 25 acre individual lots
24 throughout. I believe that's the question. Did
25 you see this map?

1 MR. STEVE PINE: I thought the

2 ordinance also stated that we had to submit a
3 master plan.

4 MS. LAMBERTON: What they are
5 saying is if this is broken up into 25 acres --

6 MS. PICKARD: But is that per a
7 potential subdivision, master plan?

8 MR. STEVE PINE: We have no
9 intentions of subdividing the property.

10 MS. PICKARD: We know you don't.

11 (Inaudible discussion.)

12 MR. JAMES CAHILL: But it's
13 limited for the whole underlay, two and two.

14 MS. LAMBERTON: Exactly. That's
15 what I think we were under the understanding.

16 MS. HAASE: There was discussion
17 but that was not the final decision. That's why I
18 kept having the concern of the minimum lot is 25
19 acres. So unless we do denote it as Ms. Lamberton
20 stated and have it for the entire overlay, that's
21 my concern, because if we don't, the minimum lot is
22 25 acres. So the regulations in essence are going
23 to go for the minimum lot unless we have language
24 that speaks to the entire overlay.

25 MS. LAMBERTON: That's what I

1 thought we were going to do.

2 MS. PICKARD: And that's what I
3 thought so too. And I also thought with the 1200
4 and the 300 square feet on the interstate or
5 whatever, that was throughout the whole thing and
6 then when I read that it wasn't, on the free
7 standing it still had the 1200, so Pat changed that
8 as well. And then when he, John had mentioned
9 about the total number, I got confused as well.

10 MS. LAMBERTON: Two on 940 two
11 on 380 is how I thought --

12 MS. PICKARD: Those are off
13 premise.

14 MS. LAMBERTON: Well, they'd
15 only be off premise for whoever would want to
16 advertise on Jim's 940 and 380 sign.

17 MS. PICKARD: But the question
18 then becomes the free standing section that says
19 four per use. And that's where I got a copy of
20 that Myrtle Beach that had the size like 45,000
21 square feet, if we could incorporate something on a
22 free-standing sign instead of per use. And my

23 question was, if there's one strip mall with 10
24 stores in it, is each store a separate use?
25 MR. ARMSTRONG: No. The purpose

9

1 of a free-standing sign, if they're in a strip mall
2 that you're talking about, that would be the
3 PCREDS, and the PCRED use is the one use itself
4 that would be permitted for a free-standing sign.

5 If the board is saying that you
6 would like to have a maximum amount of off premise
7 and free standing combined within the overlay
8 district, that shouldn't be that hard to add some
9 language into the ordinance. But the question is
10 what's that number.

11 MS. PICKARD: I think if we're
12 talking two on the Interstate and two on the other
13 that's not going to be enough for each separate
14 PCREDS.

15 MS. HAASE: Well, if you went
16 through the material that Maureen gathered
17 yesterday from Broadway on the Beach, their signage
18 is more restrictive but still gives each business
19 owner the ability to have signage up. Like there

20 is a Ripley's sign there which is much smaller than
21 what we are allowing. So they do -- they are
22 allowed to advertise their business, but the
23 signage is smaller.

24 MS. PICKARD: But if we have
25 something where they max so much square footage per

10

1 certain area, so then they could have more smaller
2 signs rather than one big sign or a sign not to
3 exceed the 300 but a total square footage of 1200,
4 but not to exceed 300 per individually.

5 MR. HOLAHAN: Do we want to set
6 a maximum number of signs then, and if we do, can
7 that be changed afterwards?

8 MS. PICKARD: Well, we have
9 still a conditional use.

10 MR. HOLAHAN: Right.

11 MS. HAASE: You do. The one
12 thing though that I do ask, in fairness for the
13 potential new development coming in, is that --

14 MS. PICKARD: The existing part.

15 MS. HAASE: Well, no. For the

16 new development that will be coming into our
17 township, we need to make certain that this is
18 realistic because those individuals are going to be
19 looking at our ordinance and saying will this be
20 doable. Certainly there always is an option to
21 come back to the board or the zoning hearing board
22 for changes, but we want to make certain that
23 there's something that's realistic that both
24 parties can live with, both Tobyhanna Township
25 residence and Pocono Manor Investors.

11

1 MS. PICKARD: That's why I
2 suggested some flexibility.

3 MR. HOLAHAN: And I would agree.
4 We don't want to seem wishy-washy on this, but by
5 the same token, we don't want to hamstring anybody
6 with some other ideas.

7 MR. KERRICK: How does the rest
8 of the board feel about conditional use? If it
9 falls under that, I mean -- we know what we have
10 today, what about tomorrow?

11 MS. LAMBERTON: I know.

12 MR. KERRICK: That's only my --

13 I want to throw it out there.

14 MS. PICKARD: But I think that
15 on the other side they want a conditional, Ralph
16 wanted that, so they had some flexibility.

17 MR. KERRICK: Be careful what
18 you wish for.

19 MS. PICKARD: I know.

20 MR. HOLAHAN: The thing is, I
21 think what we're trying to imagine is what this
22 property is going to look like without -- right now
23 it's a golf course and a bunch of trees. What, you
24 know, if I sold off land, you say this looks good.
25 And there's eight signs here and it's done

12

1 tastefully. But without seeing that, I'm having an
2 issue conceptualizing.

3 MR. JAMES CAHILL: That was
4 handled as part of the conditional use. You have
5 to submit a sign master plan, so to speak. It
6 would be handled that way, but when the project
7 came in, you can look at the uses that are there,
8 the ones that are signed up already. The ones you

9 anticipate and come up with an overall sign master
10 plan. Under the limitations that there'll be only
11 one digital allowed, one additional digital allowed
12 on 380 and two smaller digitals allowed on 940,
13 regardless of what there is.

14 MR. HOLAHAN: I'm thinking along
15 those lines as well.

16 MS. PICKARD: Did you guys look
17 at this at all?

18 MR. HOLAHAN: I did, yeah.

19 MS. PICKARD: I kind of like
20 this one line at number 2 that they have
21 highlighted it. I don't know if those numbers are
22 correct, but I think if we have something built
23 into that for those subdivided parcels.

24 MS. LAMBERTON: But we don't
25 know how it's going to be subdivided yet. I think

13

1 that's very valuable.

2 MS. PICKARD: I know, but that's
3 why we put the square footage in or some other --

4 MR. HOLAHAN: If that refers to
5 the 45,000 square feet.

6 MS. PICKARD: I'm not saying
7 that's the number, that's what they came up with,
8 and my feeling is because that exists it must work
9 for what they have down there and everybody seems
10 to be happy with that.

11 MS. MINNICK: Their signage in
12 Myrtle Beach is very tasteful in that complex.
13 Their smaller signs like Phyllis spoke about, are
14 more directional signs, but it gives each use that
15 opportunity to have that signage and then their
16 signage is on the buildings as well, and they're
17 done tasteful.

18 MS. LAMBERTON: I did Google
19 their signs. It does look nice.

20 MR. STEVE PINE: Keep in mind,
21 though, you've got -- you're on the Interstate
22 where the speed limit is 65, and you're on 940
23 where it's 45. And Myrtle Beach, most the speed
24 limits are 15 and 25 miles an hour.

25 MS. MINNICK: That was off of

1 highway 17, which is pretty quick.

2 MR. STEVE PINE: I was just
3 saying it all depends on speed. I'm not trying to
4 influence it. When you're a sign person you know
5 that speed depends on -- it's going to determine
6 how big or small your letters are, how much space
7 you have. We have a 600 square feet roughly sign
8 up on the Interstate, and as you can see, as you
9 approach it, it's almost hard to read because it's
10 on the interstate until you're right up on it and
11 you only have time for one message.

12 MS. PICKARD: We have the two on
13 940 and the two on 380. These are more interior
14 and then we're going to have the slower speed limit
15 interiorly.

16 MR. STEVE PINE: But I'm saying
17 even at 65 miles an hour, that 600 square foot per
18 side is almost too small. You can read the word
19 Kalahari and it's almost hard to read any of the
20 letters inside the video. I'm not suggesting we go
21 any larger, I'm just telling you how speed is
22 related to sign size.

23 MS. PICKARD: That's why you've
24 got to use your pictures or whatever you do to
25 incorporate it.

1 MR. STEVE PINE: Right.

2 MS. HAASE: And what we've
3 provided to the board was off the highway, the
4 signage from the highway.

5 MR. HOLAHAN: Signage was
6 typically -- with billboards it was to get people
7 driving by to say, hey, let's think about stopping
8 there. I'm pretty much looking at a destination
9 here as well. So with the signs on the highway, if
10 people would pull in and the directional signs
11 interior are going to help people maneuver around
12 inside that.

13 So what's the pleasure? Do you
14 want to go with the two digital on the interstate
15 where we're talking about?

16 MS. PICKARD: I don't want to
17 change that. I thought we were good with that. I
18 think it's in the free standing that I -- we were
19 questioning the per use.

20 MR. HOLAHAN: So how do we get
21 beyond that per use?

22 MS. LAMBERTON: It's hard to say
23 until you know what is going to be drawn up and

24 presented.

25 MS. HAASE: Well, just keep in

16

1 mind, there's only three uses allowed. There's a
2 resort, a gaming resort and the -- which I wish to
3 use a different one, PCRED SZVB (sic).

4 MS. MINNICK: The entertainment
5 district.

6 MS. HAASE: Just so the board
7 doesn't lose sight, those are the three uses. We
8 are not talking about a restaurant. There's three
9 uses allowed, that's resort, gaming resort and the
10 PCRED.

11 MR. ARMSTRONG: That's a
12 combination of at least five of your commercial
13 uses.

14 MS. HAASE: So there is only
15 three uses allowed.

16 MS. PICKARD: But there could be
17 how many PCREDs in here. Eight of the 25 acres.

18 MS. HAASE: Potentially. Most
19 probably not, but there is the option, yes.

20 MS. LAMBERTON: We're just
21 trying to be considerate of it being broken into,
22 like if you have one of your tenants that want to
23 own a parcel, that's where it would become --

24 MS. HAASE: So if they own that
25 parcel then the way it's written right now they

17

1 would have still the ability for all those signs.

2 MS. PICKARD: We talked about
3 raising that, but there was an issue with the 25
4 acres that wanted to be kept.

5 MS. HAASE: Well, one suggestion
6 was that you had either two separate regulations,
7 one for lots that are 25 acres up to X amount, and
8 then one for larger amounts. So that was an option
9 as well that was presented.

10 MS. PICKARD: That's what I
11 think I was trying to get across with the square
12 footage. I mean if that's a better option, I'm all
13 for that, but I just didn't want it to have that
14 many potentially.

15 MS. LAMBERTON: How do we
16 resolve it?

17 MS. MINNICK: Excuse me one
18 minute. There was another thing in this Myrtle
19 Beach ordinance that kind of stood out to me. It
20 talks about a commercial center on the highway.
21 And it's almost in the same similarity as the
22 PCRED. It speaks to a commercial center containing
23 two or more businesses is allowed a one
24 free-standing sign. If we limit it to the PCRED or
25 the overlay district, that would be a way to get

18

1 the uses that these folks need and limit the number
2 of signs. Just throwing that out there as well.

3 MS. PICKARD: Where was that at?

4 MS. MINNICK: That's on page
5 103, all the way at the bottom.

6 MS. LAMBERTON: I didn't get
7 through all that. I apologize for that.

8 MS. MINNICK: These were just
9 items that stood out to me.

10 MR. JAMES CAHILL: From our
11 point of view, I think we want to get people to the
12 property and once they are looking at the property

13 they have to be able to find where they want to go.
14 And a lot of that in Myrtle Beach is done with the
15 roof signs or the wall signs on the building.

16 MS. MINNICK: And the
17 directional signs too.

18 MR. JAMES CAHILL: Directional
19 signs, yes.

20 MS. HAASE: You as well as a
21 landowner, if you're subdividing a piece of land,
22 you may want to have some control or you may not
23 want to see all these additional to clutter up the
24 development as well.

25 MR. JAMES CAHILL: Yeah, I don't

19

1 envision people driving by and seeing a sign farm.
2 I picture people driving by and seeing a nice
3 project that they want to go to, and having a
4 couple of digital signs just to identify the
5 project and anything new or an event that's going
6 on, you know, car show this weekend, you know, free
7 helicopter rides, whatever, whatever is going on in
8 there.

9 MS. HAASE: So if you had the

10 four free-standing digital signs, if you had the
11 two on 380 and two on 940, are you really going to
12 need the additional 600 square foot signs?

13 MR. JAMES CAHILL: I don't
14 envision it. It might be a nice attraction that a
15 potential anchor tenant may want there, but we
16 don't want the project cheapened by everybody
17 having their own --

18 MS. PICKARD: And neither do we.
19 That's the issue.

20 MS. LAMBERTON: And that's the
21 concern.

22 MR. JAMES CAHILL: By having one
23 sign right after the other and just, you know,
24 confusing everybody is what is going on. Identify
25 the project, a little blurb about what's going on,

20

1 get everybody onto the property and then let them
2 find --

3 MS. PICKARD: Well, then that's
4 what Maureen is just saying, it says a commercial
5 center containing two or more businesses shall be

6 permitted one free-standing sign.

7 MS. MINNICK: And you could
8 limit that to 380. I mean, you could do 380 and
9 940, limit that to two out on 940 and two out on
10 380. You know, and it will get each use that you
11 want to put on there, whether it's digital, to get
12 your advertisement. And then you'll be able to
13 advertise what you need to as well at the same
14 token.

15 MS. HAASE: And currently, the
16 way this is written, it's allowed four off-premise
17 digital signs, but with the hopes of helping Pocono
18 Manor Investors, they've already stated that
19 they're not necessarily wanting to have four off
20 premise. The digital signs on 940 maybe one would
21 be off premise and one would be for their use, so
22 perhaps we take those four digital signs and give
23 them the option whether they use it for off
24 premise or on premise, because right now it's
25 restricted to off premise and PMI most likely is

21

1 not going to want to do that.

2 MR. JAMES CAHILL: The only

3 off-premise sign that I envision right now, you
4 know, subdividing the property, I look at it more
5 only as a mechanism to help tenants with financing,
6 not so much that we, you know, we break it into 7
7 or 8 different parcels and have 7 or 8 different
8 developments. In my mind it's all one big master
9 plan. So for me, the only off-premise sign that I
10 envision is the one that Kalahari and us envision
11 at the off ramp of where 314 goes off of 940. And
12 it'd just be a nice monument type sign that just
13 says Pocono Manor, the Summit and Kalahari Resorts
14 directing people onto the 940 ramp. Do you
15 envision anything else over there, Steve?

16 MS. HAASE: So that may be a
17 better way to try to resolve this problem is give
18 them the option of four total in that size whether
19 they're off premise or on premise and then PMI can
20 use that at their discretion to work through that.

21 MR. ARMSTRONG: Four total off
22 premise or free standing large 1200 to 600 right?

23 MS. HAASE: Right. We are
24 speaking to the digital, yes.

25 MR. HOLAHAN: Just digital.

1 MS. HAASE: Yes, you're correct.

2 MR. ARMSTRONG: Just digital.

3 Okay.

4 MS. HAASE: Because right now,
5 the way it went through the planning commission,
6 the board, it's specifically off premise.

7 MS. PICKARD: And I was confused
8 by that.

9 MR. STEVEN PINE: And, Jim, is
10 that going to work for you with that being on 940,
11 being only 600 square feet, essentially 200 square
12 feet per --

13 MR. JAMES CAHILL: 300 per side,
14 which is half the size of 380.

15 MR. STEVE PINE: So 300 per
16 side. That's going to be 100 square feet, which is
17 the size of that yellow vinyl sign at the end of
18 the current Pocono Manor. You wouldn't have three
19 different locations.

20 MR. JAMES CAHILL: That's the
21 off-premise sign. So the way I understand we're
22 leaning now is, we have one big control sign on
23 380, 1200 square feet, 600 feet a side; two smaller

24 digital signs on 940, and then one off-premises
25 monument sign to get people off of 940 and onto

23

1 314.

2 MS. HAASE: That would be an
3 option. The way I'm suggesting is you would have
4 the option of having four and where you so put them
5 or if you choose the 1200 versus the 600, the 600
6 of course would be along 940 and the 1200 would be
7 along the Interstate. So if you wanted to have two
8 and two or one, however that works out with the off
9 premise versus on premise.

10 MR. HOLAHAN: Are you talking
11 about an extra one, an extra monument?

12 MS. PICKARD: That's what I'm
13 thinking and I think that's what I was envisioning
14 because I was thinking two on 940, two on 380,
15 separate from the monument on Kalahari.

16 MS. HAASE: No. This is not the
17 monument on Kalahari. What Mr. Cahill is speaking
18 of is having an off-premise sign on 940 prior to
19 the exit ramp to 314. That would be an off
20 premise monument sign. The monument is just the

21 style. Whether it's off premise or on is how the
22 use is.

23 MR. JAMES CAHILL: It would be
24 off premise for Kalahari. It would be on premise
25 for us.

24

1 MR. HOLAHAN: Right.

2 MS. HAASE: Yes, but it still
3 would be considered --

4 MR. JAMES CAHILL: If we
5 advertise The Inn at Pocono Manor, it would be off
6 premise.

7 MS. HAASE: Well, Kalahari would
8 still be off premise too.

9 MR. JAMES CAHILL: Right. So
10 those two uses would be off premise.

11 MR. HOLAHAN: And I don't think
12 we really care the digital if they decide to use it
13 exclusively for themselves or as off premise. It's
14 still a digital sign that's going to be either 600
15 or 300 per side.

16 MS. LAMBERTON: Make it either

17 or.

18 MS. HAASE: Well, on 380 it
19 would not be allowed to be off premise. PennDOT
20 will not allow that.

21 MR. HOLAHAN: Okay.

22 MS. HAASE: So that is an
23 option. And I think that that may protect PMI to
24 make certain it isn't cluttered up so they have
25 some control if it was to be further subdivided.

25

1 And then with regards to the section that speaks to
2 the additional four free standing signs, maybe Pat,
3 Maureen and I can work some language in there to
4 speak to what we had just discussed.

5 MS. PICKARD: Which would be?

6 MS. HAASE: That they are
7 allowed to have four and how they so choose to use
8 them --

9 MS. PICKARD: Or for the
10 entire --

11 MS. LAMBERTON: Or digital.

12 MS. HAASE: Or digital.

13 MS. LAMBERTON: And be either on

14 premise of off premise.

15 MS. PICKARD: Okay. Those are
16 the ones on 380/940, but within -- if this is
17 subdivided, they -- each use has how many free
18 standing signs?

19 MS. HAASE: Again the use is --

20 MR. JAMES CAHILL: PRECD --

21 MS. HAASE: See, you're having a
22 hard time with it as well.

23 That's the use. It's not for a
24 restaurant. Whatever. That's the use. There's
25 only three uses allowed in this overlay. And I

26

1 think that's where I think there is some confusion.

2 MS. PICKARD: Couldn't there be
3 eight potential PCREDs in here?

4 MS. HAASE: Yes. There could be
5 if it was subdivided.

6 MS. PICKARD: And they could
7 each have four or they need to share four. That's
8 what I'm saying. Each PCRED is one use.

9 MS. LAMBERTON: So you're saying

10 there is going to be eight there.

11 MS. PICKARD: I'm saying that
12 potentially --

13 MR. ARMSTRONG: One thing we
14 talked about before and I don't know if we talked
15 about it a little bit with any of the board, is the
16 acreage, is the minimum acreage for a PCRED. Is
17 there any interest in increasing that acreage and
18 if not then let's make that decision, just
19 something that we can take off the list right now
20 to talk about.

21 MS. HAASE: Right. I see your
22 point Pat, and I've spoken about this, my concern.
23 The issue is there is one parcel along Kalahari
24 Boulevard that is at 25 acres. So I don't think
25 that we can change the minimum acreage, otherwise

27

1 it's going to be a nonconforming lot, but I do
2 think we can put a restriction on the amount of
3 size of the signage for lots that are smaller than
4 X.

5 MS. PICKARD: That would work
6 for me. So if you have one for 25 acres or two for

7 50, whatever. I don't want to see 32.

8 MR. HOLAHAN: Which is pretty
9 much what's highlighted in that print out --

10 MS. PICKARD: And that just had
11 45,000 square feet.

12 MR. HOLAHAN: So we can change
13 that.

14 MS. PICKARD: But the parcel,
15 each acre parcel is what that said.

16 MS. HAASE: If you were to have
17 a 25 acre parcel, Mr. Cahill, and there was a
18 monument sign that was going to be there say at
19 their entrance along Kalahari Boulevard, if it
20 was -- again, if we took the 200 square feet that
21 was to the corner, to the clock, whether it was a
22 200 square foot sign, would that be sufficient
23 for -- because it's going to be right along
24 Kalahari Boulevard potentially.

25 MR. JAMES CAHILL: Again, I'm

28

1 not a sign expert, but it sounds reasonable to me.

2 MS. HAASE: That's why we marked

3 it out just so people could take a look at it,
4 because again you want to make certain that this
5 looks aesthetically pleasing for your project as
6 well.

7 MR. STEVE PINE: I would think
8 that if you had, and I don't know what the township
9 is going to decide, whatever the speed limit is on
10 Kalahari Boulevard, which I'm assuming is going to
11 be 25 or less, 200 is more than enough. 100 is
12 probably not, but let's leave it at 200, because
13 when you're going that slow, that's a big sign.

14 MS. PICKARD: 200 on each side.

15 MS. HAASE: We are saying 200 --

16 MR. STEVE PINE: Roughly
17 speaking, if you sat back and looked at your --
18 from where Anne is sitting, where the partition is
19 there, to the corner, that's probably 100 square
20 feet.

21 MR. JAMES CAHILL: 10 by 10.

22 MR. STEVE PINE: That's a lot of
23 room.

24 MS. LAMBERTON: Well, that's 20
25 by 10.

1 MS. HAASE: So would that be
2 acceptable to the board if we took lots that we're
3 saying 25 to 50 acres and anything above the 50
4 acres, then we move forward with what is directed
5 in the overlay language as we are going to massage
6 it to work?

7 Pat, do you understand what I'm
8 saying there?

9 MR. ARMSTRONG: Okay. Free
10 standing sign --

11 MS. HAASE: Free-standing
12 monument sign.

13 MR. ARMSTRONG: From 25 to 50
14 acre parcel, we'll have a -- the specific number
15 discussed was it two?

16 MS. HAASE: We didn't speak to
17 the number.

18 MR. ARMSTRONG: Okay. Well, it
19 would be what's right now in the proposed
20 ordinance.

21 MS. HAASE: Which would be what
22 we are proposing. So I'm recommending to the board
23 is that it would be four total and that the owner
24 of the property, the project holder, could decide

25 then if they'd want it off premise or on premise.

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1 So we don't have separate regulations for on
2 premise versus off premise. We just have one and
3 it's up to them how they use those four digital
4 signs. Does that sound reasonable?

5 MS. LAMBERTON: I think we are
6 talking about two different things. So am I
7 getting confused here? We are talking about a 25
8 acre parcel and you're talking about --

9 MS. HAASE: Right. The 25 acre
10 parcel it would be the 200 square foot monument
11 sign, and then it could be larger above 50 and they
12 would have the option how they so choose to use it
13 of four digital signs, whether they use it on
14 premise or off premise. So we don't require PMI,
15 if they could have four, but the only intent of
16 using one, they are only intending to have one
17 off-premise sign.

18 MR. ARMSTRONG: All right. You
19 keep saying four digital signs, but really all we
20 are talking about is four of the -- whether it's

21 digital or your standard billboards, four being
22 large or 1200 or 600 square foot signs.

23 MS. HAASE: Correct. I stand
24 corrected. That would be their option of how they
25 so use that.

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1 MR. ARMSTRONG: So uses within
2 the overlay that have acres of 50 acres or more
3 would be subject to as many as four of the larger,
4 1200 hundred or 600 square feet signs, combining
5 those off premise, on premise and digital,
6 everything together for a total of all of those,
7 right?

8 MS. HAASE: Does that seem
9 reasonable to you? Because then you have the
10 option.

11 MR. JAMES CAHILL: Yes. That's
12 what we talked about.

13 MR. ARMSTRONG: And that's per
14 use. That's not for the entire --

15 MS. HAASE: For the use.

16 MS. PICKARD: Could we recap
17 that one more time?

18 MR. ARMSTRONG: My understanding
19 is, what I'm gathering is that, for now you have
20 these three uses that are permitted in the overlay.
21 Each use that's on a parcel of property that's more
22 than 50 acres would be permitted a total of four of
23 what I'll call these big signs, four either off
24 premise/on premise, free-standing or digital or a
25 combination of the three -- of the 1200, 600 square

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1 foot size, total of four of those regardless of
2 what it is.

3 MR. HOLAHAN: I didn't get that.

4 MS. LAMBERTON: Let me ask you a
5 question. You're not going to have a billboard on
6 the interior parcels. That's where I'm getting
7 confused. Let's leave it on 380 and 940, right?
8 Give you your directional, whatever you need inside
9 the complex and let each store or shop have their
10 signage in front of their shop.

11 MS. HAASE: Well, that's
12 separate. That's allowed already.

13 MS. LAMBERTON: I know, but why

14 do we need these inside?
15 MS. HAASE: It's not necessarily
16 inside. It is a parcel.
17 MR. HOLAHAN: Along Kalahari
18 Boulevard.
19 MS. LAMBERTON: That's 200
20 square foot, that wall.
21 MR. JAMES CAHILL: It sounds
22 excessive.
23 MS. PICKARD: I don't think it
24 needs four. I think it needs one or two on the
25 entrance.

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1 MS. HAASE: Just hold on folks.
2 If it's 200, that's 100 per side.
3 MS. LAMBERTON: It's still a big
4 sign.
5 MR. STEVE PINE: It's what we
6 have on that vinyl sign on Manor Drive right now.
7 That one we've had for about a year now?
8 MR. JAMES CAHILL: That's 10 by
9 10. 100 per side, if it helps in my way.
10 MS. HAASE: So whether it is

11 internally, as Jim stated, there may be a business
12 that wants to have a free-standing sign. So then
13 they have the option. It doesn't have to be that
14 they have to have the six hundred square foot sign,
15 they can choose to have 200.

16 MS. LAMBERTON: No, I understand
17 that. I'm just trying to picture inside, like what
18 your rendition is.

19 MR. JAMES CAHILL: It would only
20 be if the parcel were subdivided that somebody
21 would get one of these monument free-standing
22 signs.

23 MR. STEVE PINE: Which I don't
24 think you really want to do, do you Jim, because
25 then it makes you a patchwork quilt out of your

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1 piece of property.

2 MR. JAMES CAHILL: Again, the
3 only real reason that I can foresee that it be
4 subdivided at this point in time is just for
5 financing purposes or whatever.

6 MS. HAASE: But it still would

7 be subdivided so they would have the option to
8 utilize this ordinance. So that way, again, with
9 what we are proposing and what I'm suggesting, that
10 gives you the option of how you want to work it,
11 whether it's internal, whether it's on 380, whether
12 it's on 940, and then if they subdivide a lot out
13 that's 25 acres, it's called out now that the
14 amount of signage is 200 square foot for a
15 free-standing sign to protect you.

16 MR. FORBES: Could not the owner
17 of the property have a deed restriction to protect
18 his investment in there from a signage standpoint
19 so that you don't end up with something gaudy? I
20 would suspect that you would want to do that when
21 you subdivided let's say this 25 acre parcel,
22 you're going to restrict that person from doing A,
23 B, C to protect all of the rest of the investment.
24 You're going to do that in your deed or in your
25 sale, that you want A, B, C.

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1 MS. PICKARD: Well, is the
2 subdivision coming before the board?

3 MS. HAASE: Yes, subdivision

4 would have to come before the board.

5 MR. JAMES CAHILL: If it was
6 subdivided, yes. Yeah, but it could be also a
7 condominium type development where each person
8 would get their pads, so to speak, and be a part of
9 the overall common area, which is the parking, the
10 hardscape.

11 MS. LAMBERTON: You really just
12 have to keep an open mind with this, because this
13 is something our township has never seen.

14 MS. PICKARD: And that's why we
15 have conditional uses as well.

16 MR. STEVE PINE: Well, we don't
17 have any problem with this board keeping an open
18 mind. It's future boards.

19 MS. LAMBERTON: And that's I
20 think what John is trying to be clear about with
21 everybody, so we can at least get what we can
22 secured for you.

23 MR. STEVE PINE: Let me ask you
24 a question and I think I might already know the
25 answer to it. Kalahari still holds an option on 50

1 more acres and we also hold an approval from this
2 group that if we ever want to put in a sports
3 complex that we would be allowed to do so. Would
4 that affect any of our signs, as long as it's
5 contingent with all --

6 MS. PICKARD: Isn't that in
7 Pocono?

8 MS. LAMBERTON: Yes. It's
9 Pocono Township.

10 MS. HAASE: Just to be clear,
11 the board has not approved that project. We
12 certainly would love to see it.

13 MS. STEVE PINE: It's on our
14 list of possibilities.

15 MS. HAASE: But the board of
16 supervisors have not approved --

17 MR. STEVE PINE: But am I going
18 to be allowed to put actively a sports complex on
19 my signs, digital signs?

20 MS. PICKARD: Is that off
21 premise or on premise?

22 MR. STEVE PINE: Don't let it
23 hold up this. It just popped in my head while we
24 were sitting here talking about all the different

25 future possibilities that still exist as one, and a

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1 portion of that piece of property is still in Toby,
2 but I think the vast majority is in Pocono.

3 MS. HAASE: It's depending A,
4 where the signage is going to be located and whose
5 regulations you have to follow.

6 MR. STEVE PINE: I'm just
7 talking about putting it on the digital sign that
8 already exists on 380.

9 MS. HAASE: If it was not on
10 that property, PennDOT does not allow it on 380.

11 MR. STEVE PINE: But it's all
12 one contingent property.

13 MS. HAASE: You'd have to talk
14 to PennDOT about that, but PennDOT only allows for
15 that property.

16 So what we were hoping for is
17 some direction for the board. Mr. Cahill is
18 working on the overlay, because that has to be
19 submitted in order to send to the county and out
20 for public comment. So that's in the works, but
21 we're hoping that we can massage it somewhat to

22 make this a little bit more friendly to give
23 Mr. Cahill that option that he does not require to
24 have the four and lose the ability to put it some
25 place else. So this way he would have the ability

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1 to use it how he so chooses.

2 MS. PICKARD: We'll let Pat
3 recap it so they don't have to come back.

4 MR. HOLAHAN: Yes. So Patrick,
5 you got that?

6 MR. ARMSTRONG: Why don't we --
7 let's do this. Go over it one more time the final
8 direction that the board has and then what I'll do
9 is I'll put it together and I'll send it to Phyllis
10 and if it gets a green light from Phyllis we'll
11 circulate it to everyone and plan on sending it out
12 to the county. Does that make sense?

13 MR. HOLAHAN: Yes. Okay. So
14 we're looking at the four digital signs, two on 380
15 and two on 940. They're allowed the off premise on
16 940 because we can't control 380.

17 MS. HAASE: Well, that's not --

18 MR. HOLAHAN: The one extra on
19 380.

20 MS. HAASE: Yes. Just to be on
21 line, Mr. Chairman, what I think that Mr. Cahill
22 agreed would be fair and what we are proposing is
23 they have a total of four. They so choose to use
24 it how they wish, whether it's off premise, on
25 premise, the 600, the 1200 and the free-standing

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1 sign that they choose to use as they wish.

2 MS. LAMBERTON: No, that's not
3 how I understood it. I understood the 1200 is on
4 380 the 600 is on 940.

5 MS. HAASE: Correct.

6 MR. STEVE PINE: But we can't do
7 off premise.

8 MR. HOLAHAN: It's not up to us,
9 it's up to PennDOT anyway.

10 MS. PICKARD: We don't have to
11 mention that.

12 MR. HOLAHAN: Right.

13 MR. ARMSTRONG: This is per use
14 again, right?

15 MR. HOLAHAN: No.
16 MS. HAASE: Yes.
17 MR. HOLAHAN: No. Wasn't it
18 just four and then we are going to address per use.
19 MS. LAMBERTON: Yes. That's how
20 I understood it.
21 MS. HAASE: Okay. So then
22 you're back to the way it currently is written.
23 MR. HOLAHAN: Right. And then
24 we were looking at --
25 MS. LAMBERTON: The 25 acres.

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1 One for the 25 and then something 25 to 50.
2 MR. HOLAHAN: For the PCDRED.
3 MS. HAASE: So you're pretty
4 much back to where you're at by what your saying.
5 MS. PICKARD: I'm lost now.
6 MS. HAASE: Okay. They're
7 allowed to have four signs, four large signs.
8 MS. PICKARD: All four on
9 premise signs total which is the 380/940 ones.
10 MS. LAMBERTON: That's how I'm

11 looking at it, yeah.

12 MS. HAASE: Or if they want to
13 put it internally, they're allowed to have four,
14 whether they're digital or non-digital.

15 MS. LAMBERTON: I'd rather keep
16 it on 940 and 380.

17 MS. PICKARD: I know, I though
18 that's what we were doing, but then I thought we
19 had that on 940 and 380 then we talked about the
20 free standing, sort of in the interior.

21 MR. HOLAHAN: Per use.

22 MR. ARMSTRONG: May I suggest
23 something? What if under the advertising sign
24 section of the ordinance, we go into off premise
25 and then we talk about on premise. What if we

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1 have -- really what I think the hiccup is, is the
2 thought of these billboard signs as opposed to the
3 monument smaller signs associated with these uses.
4 What if you would consider limiting what we'll call
5 the large billboard type signs, whether it be on
6 premise, off premise or digital, regardless,
7 limiting that to a total of four within the entire

8 overlay district, okay, and then we segregate out a
9 separate section for monument type free-standing
10 signs per use and you can limit that number per use
11 within the overlay. I mean, Jim and Steve, you
12 guys are in the audience, do either of you
13 anticipate more than a total of four, that entire
14 overlay, more than four of billboard type signs for
15 purposes of advertising on 940 or 380.

16 MR. JAMES CAHILL: I don't.

17 MR. STEVE PINE: No.

18 MR. JAMES CAHILL: Steve has one
19 now. That would leave three.

20 MR. ARMSTRONG: Digital, whether
21 it would be informational billboard, whether it be
22 onsite or offsite of premise, but three more of
23 those large signs that are geared towards
24 advertising off the main road. And if you tell me
25 and if the board agrees that four is going to be

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1 enough in the entire overlay district, then I think
2 we can segregate that into one section of a zone,
3 limit it all to large signs of four regardless of

4 how many uses are in the overlay and then each use
5 we can basically pull what we have right now with
6 respect to the freestanding monument type signs and
7 just limit each of these uses to a certain number
8 of these monument type signs. I mean, right now
9 the way the monument type signs is read, is put
10 together, they're allowed one basically per access
11 drive for a maximum of two, per use. I mean, what
12 are the thoughts on potentially moving it forward
13 in that direction?

14 MS. LAMBERTON: I like that.

15 MS. HAASE: Pat, just to be
16 clear, what Pocono Manor Investors is proposing on
17 940 is a monument sign.

18 MR. ARMSTRONG: Okay. That
19 would fall under --

20 MS. HAASE: Where the 940/314
21 exit ramp is going to be a large monument sign.

22 MR. JAMES CAHILL: I don't
23 envision that one of the two digital that we're
24 allowed there. This is going to be like a ground
25 sign that just says Pocono Manor, Kalahari, The

1 Summit at Pocono Manor, just bing, bing, bing.

2 MS. LAMBERTON: With an arrow.

3 MR. JAMES CAHILL: I don't
4 picture that flashing, you know, car show this
5 weekend.

6 MS. HAASE: But to be clear
7 that's not a directional sign. Your directional
8 sign is inside the development. So we gotta go by
9 your definitions. That's not a directional sign.

10 MR. JAMES CAHILL: That was the
11 off-premises sign.

12 MS. HAASE: Correct. That's the
13 off-premise sign.

14 MR. STEVE PINE: And I'm
15 envisioning just like Jim, that it will probably be
16 stone and wood construction and no digital on it at
17 all.

18 MS. PICKARD: That's one of the
19 four.

20 MR. JAMES CAHILL: It might be
21 backlit or it might have lights in front of it.
22 It's not going to be a flashing digital sign. It's
23 going to be more a nice big directional sign.

24 MS. MINNICK: An off-premise
25 directional sign.

1 MR. HOLAHAN: So what I'm
2 understanding then, Jim, we were talking about two
3 on 940. This is going to be one of the two?

4 MS. MINNICK: That was on 314.

5 MR. JAMES CAHILL: And this one
6 is a monument type directional off-premises sign.

7 MR. HOLAHAN: And still allow
8 for a digital on 380?

9 MR. JAMES CAHILL: Yes.

10 MS. LAMBERTON: It's going to be
11 four digital maximum and then whatever you need to
12 put language in for the monument.

13 MS. MINNICK: Can you name that
14 sign off of 314 off-premise directional monument
15 sign?

16 MS. HAASE: That would be part
17 of an off-premise sign. So that's what we need to
18 be careful how this is being worded because it's
19 going to jam them up.

20 MS. LAMBERTON: And then the
21 Kalahari sign at the entrances, they are off

22 premises.

23 MR. STEVE PINE: Both of them.

24 MS. HAASE: Now, it wouldn't be

25 Kalahari's off premise. Pocono Manor owns the

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1 property.

2 MS. LAMBERTON: I understand
3 that, but it's an off-premise sign. So why don't
4 we say three off premises, four digital, be done.

5 MS. PICKARD: But it's off
6 premise for Kalahari but it's on premise for Pocono
7 Manor.

8 MS. LAMBERTON: Well, put that
9 little or in.

10 MR. STEVE PINE: But it's still
11 part of the total count of the entire overlay.

12 MS. LAMBERTON: Right, exactly.

13 Can you do that, Patrick, and
14 use the word or, or on, or off-premise signs
15 allowed, monument signs, you know, for two for the
16 entrance and one for the 314 where you come off the
17 exit ramp. Leave the four digital, two on 940, two
18 on 380 and then you guys can work out the interior

19 monument ones, just for each business that might,
20 you know.

21 MR. ARMSTRONG: Okay. And,
22 again, you said four digital. But you mean four of
23 the big ones or the billboard type signs. When you
24 say four, it's not just four -- you're not just
25 talking digital, you're talking four billboards,

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1 right?

2 MS. MINNICK: And or digital
3 free standing.

4 MR. HOLAHAN: Are we still
5 including the one that is existing that's
6 Kalahari's.

7 MS. HAASE: See do you have
8 to -- what's happening is you're tying the hands of
9 Pocono Manor Investors saying if there's four
10 on-premise signs and if they only want to have one
11 then they lose those other options and by saying
12 just having it on 940 and 380, if they have a large
13 anchor developer there that wants to have a
14 free-standing sign internally, you're dictating now

15 that they can't do that. So if it was left that
16 this is the amount that they can have and it's up
17 to Jim Cahill where they're placed, then he has
18 that option to work with.

19 MS. LAMBERTON: But were we not
20 going to use like visible from an Interstate or
21 state route?

22 MR. STEVE PINE: That was for --

23 MS. HAASE: That was directional
24 signs.

25 MS. LAMBERTON: Well, we can

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1 still use that terminology.

2 Thanks Maureen.

3 MR. JAMES CAHILL: Thank you,
4 Maureen.

5 MR. HOLAHAN: Patrick, what
6 Maureen is doing is she's got the map there and
7 she's kind of highlighting these areas so we
8 can visualize.

9 MS. MINNICK: The pink we can
10 call digital or non-digital.

11 MR. ARMSTRONG: Okay.

12 MS. PICKARD: He wants the
13 monument sign there.
14 MS. LAMBERTON: Coming off the
15 exit ramp.
16 MS. MINNICK: That's going to be
17 your directional.
18 MS. LAMBERTON: Technically
19 that's a different state route number, that exist
20 ramp, just so you know.
21 MS. PICKARD: Well, if we put it
22 on the exit ramp --
23 MS. LAMBERTON: The exist ramps
24 have a different state route number.
25 MR. JAMES CAHILL: So this would

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1 be a monument type sign and then the two monument
2 for Kalahari Boulevard.
3 MR. ARMSTRONG: Listen, correct
4 me if I'm wrong, but the reason we're trying to
5 move this forward quickly is because the petitioner
6 or one of the petitioners has a time constraint,
7 right?

8 MR. HOLAHAN: Right.

9 MR. ARMSTRONG: What kind of put
10 us in this predicament is the other petitioner has
11 more of a long term plan and they want to ensure
12 that that is incorporated in this ordinance, right?

13 MR. HOLAHAN: Right.

14 MR. ARMSTRONG: So if it was
15 just coming from the one petitioner it would
16 basically be one small item with respect to a sign
17 that the board could probably act quickly on. The
18 one thing I would like to compliment the board this
19 morning, you know, these types of overlay districts
20 with significant commercial, you know, it typically
21 takes a number of meetings for the board, for the
22 municipalities to get through and to get a draft
23 that they're happy with. So I'm actually very
24 impressed with how you guys are talking through
25 this. I guess the concern from the petitioner is

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1 they have a time constraint that we are working
2 with. So with that in mind, perhaps what the board
3 would like to do is maybe be very conservative when
4 passing this one, meaning, even if we think that

5 you're not allowing as many signs as may be
6 necessary at this point in time in the long
7 distance future for one or more of these property
8 owners, potentially maybe what you want to do is
9 consider adopting something at this point in time
10 very conservative, with the understanding that you
11 may need to revisit it in order for I guess what
12 really PMI potentially could come with down the
13 road.

14 I'm kind of listening, thinking
15 through discussions and the different avenues that
16 we're going down and that's one thing that has come
17 to my mind. I mean, I don't know if that's an
18 option that the board wants to consider. And when
19 I say conservative, I mean you know we are talking
20 you know when we talked about limiting all of the
21 off-premise/on-premise free-standing large signs to
22 a certain minimum number at this point, and only
23 allowing digital monument uses, monument type sign
24 uses per use, whatever that number would be. And
25 if there's still an ongoing concern that that's not

1 going to be enough to address what may come down
2 the pike for these properties, you know, you can
3 always revisit it and amend it. As you continue to
4 talk this morning just keep that in mind.

5 MR. HOLAHAN: I guess it is
6 getting cumbersome here and our whole intention is
7 to make sure that Kalahari can get the signs that
8 they need.

9 MR. STEVE PINE: Mr. Chairman
10 and Patrick, maybe I can ask a question here.

11 MR. ARMSTRONG: There are
12 commercial overlay districts that take upward of 6
13 to 10 months for a township to get through, to get
14 it to a draft that they're happy with.

15 MR. HOLAHAN: Excuse me. Mr.
16 Pine is going to offer something here.

17 MR. STEVE PINE: I'm not
18 offering, I'm asking I guess. Is there a way to
19 slow this process down and still allow me to go
20 ahead with those three signs? Is there some kind
21 of variance or temporary thing that the board can
22 issue that allows me to put up my two signs on
23 either side of the boulevard -- before everybody
24 starts shaking their heads, hear me out -- and then
25 have those letters that I put up by accident, which

1 I admitted doing here a few weeks ago, on the porte
2 chocere as some kind of temporary use until this
3 passes or whatever goes on, put a time constraint
4 on it, four or five months. That at least gives us
5 some time to work this out so we are not hurrying
6 and you're not unhappy with something and I don't
7 feel like I'm pushing you into a corner because
8 that's not what I'm trying to do here. I'm trying
9 to get two off-premise monument signs and leave my
10 10 foot letters that should have only been two foot
11 on top of the porte cochere. That's all I'm after
12 right now. If it's safer, if you feel safer
13 slowing this process down, I just need some legal
14 way to get around that.

15 MS. HAASE: The option then
16 would be to go to the zoning hearing board for a
17 variance, because this board couldn't grant you a
18 variance as to zoning. So that would be your
19 option.

20 MR. STEVE PINE: And when are
21 they meeting next or can we call a special meeting?

22 MS. HAASE: It's as needed.

23 MR. STEVE PINE: Okay. And the
24 process there is, do I have to have an attorney and
25 what do I have to --

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1 MS. HAASE: It would be as you
2 have done before when the water tank -- you would
3 submit your application.

4 MR. STEVE PINE: But it can be
5 put together fairly quickly?

6 MS. MINNICK: I need three
7 weeks. A good three weeks.

8 MS. PICKARD: Can we just do
9 like what Pat suggested, maybe it just one free
10 standing sign for the interior thing for now,
11 everything else is what -- make sure we have those
12 four or five signs there and get this passed and
13 then we can revisit what is needed and maybe down
14 the road you'll even have a better idea of what
15 you're looking at subdividing.

16 MS. LAMBERTON: Then we'll amend
17 it.

18 MS. PICKARD: And then we'll

19 amend it later, because I don't want to -- then we
20 have to get another group involved and another
21 advertising, another dollar amount, we just move
22 forward with this, like Pat is saying, very
23 conservative, make sure everything's in here from
24 Steve and then we'll come back and amend it as we,
25 you know, after you guys are open.

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1 MR. STEVE PINE: Well, to be
2 honest with you, Heidi, this has drag on long
3 enough that it's almost too late for me now. I
4 mean, if this has got to go for 30 days, best case
5 scenario, when can you post it, Monday at best?

6 MS. HAASE: As soon as we get
7 back that --

8 MS. PICKARD: That was the
9 intention all along. It will be done.

10 MR. STEVE PINE: But it'll be
11 another 30 days.

12 MS. PICKARD: It will be longer
13 if you go to the zoning hearing board by the time
14 you get everybody involved.

15 MR. STEVE PINE: That's what I

16 was told in the first place that's why I went this
17 route.

18 MS. HAASE: Well, no, that is
19 not true.

20 MS. MINNICK: That's not true.
21 I need three weeks to at least have a hearing. I
22 need at least three weeks for a hearing. It would
23 take us sooner the zoning hearing board than it
24 would the board.

25 MS. PICKARD: But we don't know

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1 what the zoning hearing board is going to do.

2 MS. MINNICK: If he puts a time
3 constraint on his variance and say could you grant
4 me the variance for a matter of four to five
5 months --

6 MR. STEVE PINE: Say six --

7 MS. MINNICK: Six months -- they
8 might be more lenient and grant them that variance.

9 MR. HOLAHAN: Can we attack this
10 two ways, can we go ahead as a board and advertise
11 what we want to do right now and you still go to

12 zoning hearing board --

13 MR. STEVE PINE: I certainly
14 can.

15 MR. HOLAHAN: So you decide.

16 MR. STEVE PINE: Yep.

17 MR. HOLAHAN: So that doesn't
18 prevent us from doing anything right now and still
19 give Mr. Pine the option.

20 MR. JAMES CAHILL: Phyllis,
21 isn't there something in the ordinance and I'm
22 thinking about our magical Christmas thing and the
23 sign we put on the golf course that allows you for
24 a certain amount of time to advertise an
25 off-premises event?

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1 MS. HAASE: That wasn't a legal
2 sign.

3 MR. FORBES: The problem Steve
4 is running into, these two monument signs need to
5 be built now.

6 MR. STEVE PINE: They will take
7 three weeks to build. Maybe four, because there's
8 a lot of stone on there.

9 MS. PICKARD: So you're building
10 them while we're doing it. It's not like ten foot
11 signs aren't on the --

12 MS. MINNICK: He can't build it
13 while we're doing this because I can't issue a
14 zoning permit. He can't build them.

15 MS. HAASE: The best thing to do
16 to move this forward is for you to apply to the
17 zoning hearing board. Maureen and I will both go
18 and if it's acceptable to the board I will go as
19 well to the meeting and speak on your behalf that
20 it is the intent to change the ordinance in the
21 overlay so this will be for a period of time say
22 we'll give it six months. By then you'll have the
23 ordinance changed. But it's the only way to speed
24 the process along for Kalahari because this was
25 submitted so late.

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1 MS. PICKARD: We still can't
2 advertise this and move forward with this version?

3 MS. HAASE: You can, but they
4 will get a decision prior to you.

5 MR. STEVE PINE: Right. And
6 that's a good idea. I think if we can move this on
7 then at least we can take the zoning hearing board.
8 The reason we are asking for this temporary one is
9 because it's already at the county but it's just
10 not going to give us time. And it's already there
11 so I think doing both, taking Patrick's suggestion
12 of being a little more conservative knowing very
13 well it can be revisited at any time and me going
14 to the zoning hearing board, both, if that's what I
15 gotta do that's what I'll do. And I'm good with
16 that.

17 MS. PICKARD: That's fine. I
18 feel bad that you have to do both.

19 MR. JAMES CAHILL: I'm not
20 opposed to slowing the process down a little bit
21 because here we are making decisions and I don't
22 have my architect -- I haven't given -- you know, I
23 don't have a chance to ask my architect what he
24 thinks about these and how it fits in.

25 MS. MINNICK: Jim, would you

1 feel comfortable with the signage like Boardwalk on

2 the Beach has now?

3 MR. JAMES CAHILL: Yes, with the
4 exception that Broadway fronts on three municipal
5 streets and one arterial highway, Route 17, which
6 is -- you know, has a speed limit of 45 miles an
7 hour. So it's very similar to 940.

8 MS. MINNICK: Right.

9 MR. JAMES CAHILL: The
10 difference is that Broadway doesn't have an
11 interstate along side of it. So that one digital
12 sign on the interstate is different from Broadway
13 at the Beach. But other than that they were --

14 MS. MINNICK: You're okay with
15 the signage inside?

16 MR. JAMES CAHILL: Pretty much
17 so. I want to run it by my architect again, you
18 know.

19 MS. MINNICK: Okay.

20 MR. JAMES CAHILL: That
21 ordinance and that project is now 20 years old and
22 it works really well, but as you do anything a
23 second time you may want to -- you could see things
24 you can improve on.

25 MS. MINNICK: Right. And going

1 through this they did update their zoning ordinance
2 a year ago, so this is freshly new. Now, I don't
3 know what was put in there but I tried calling down
4 to their zoning office the last two days with no
5 response back yet, you know, to pick their brain to
6 see what they would improve with this development
7 to get us a better general overall picture of what
8 this should look like.

9 MR. JAMES CAHILL: So I think
10 the variance might be for a short period of time if
11 it still gets Steve what he needs.

12 MS. HAASE: So then what you're
13 stating is then perhaps speak to your architect,
14 hold up this process, have Steve go for the
15 variance and then you speak to your architect of
16 what would be best for your development.

17 MR. JAMES CAHILL: I'm saying
18 from my point of view, I agree with Pat, it's
19 moving a little bit too fast. But we need to get
20 Kalahari what they need also.

21 MS. HAASE: So would it be
22 acceptable to the board then if I go and speak on

23 your behalf to the zoning hearing board that this
24 is a process you're working through? So you would
25 not be opposed to the two monument off-site signs

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1 at Kalahari Boulevard?

2 MR. STEVE PINE: And the road
3 sign.

4 MS. PICKARD: And the road sign.

5 MS. HAASE: That's acceptable to
6 you?

7 MR. JAMES CAHILL: Yes.

8 MR. HOLAHAN: Okay?

9 MS. HAASE: And then in the
10 interim you can still work with your surveyor to
11 try and get something for the exhibit for that
12 overlay area.

13 MR. JAMES CAHILL: Well, it
14 takes a little bit of the pressure off the surveyor
15 too. So, yes.

16 MS. HAASE: Okay. Perfect.

17 MR. JAMES CAHILL: I have
18 Pennoni working on that. My surveyor was out of
19 the -- he's in Virginia.

20 MR. ARMSTRONG: So am I
21 understanding it correctly, we're going to hold
22 off, we're not going to rush through and advertise
23 this ordinance --
24 MS. LAMBERTON: No, no, we are
25 going to --

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1 MR. ARMSTRONG: -- and we're
2 going to spend some more time on it, and in the
3 interim Kalahari is going to apply to the zoning
4 hearing board requesting a variance. And, Phyllis,
5 you were indicating that the board of supervisors
6 is not opposed to what they're proposing at this
7 time?
8 MS. HAASE: Correct. Just Annie
9 needs to verify --
10 MR. ARMSTRONG: I guess the
11 question, does the board want me to start revising
12 this ordinance at this point in time or hold off
13 for now until we get something from Pocono Manor?
14 MR. KERRICK: I think that would
15 be a good idea. But I don't want it to wait for

16 all summer because he needs to market this -- we
17 need to get it finished so his tenants or potential
18 tenants can --

19 MS. PICKARD: Exactly.

20 MR. ARMSTRONG: What I can do
21 and what maybe Phyllis and I can do is we can start
22 revising it based on the concerns and extensive
23 discussion that took place this morning, because I
24 think in my mind I have an idea as to what the
25 board would like to see, but it's going to probably

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1 take a few more meet -- a couple more meetings for
2 this board to actually, you know, read it, consider
3 it, flush through it, to get it to a version that
4 you're all comfortable with.

5 MR. KERRICK: But if they're
6 going to come back with something different then
7 we're just wasting our money, or their money. So
8 why not give them a day or two to --

9 MS. HAASE: Well, I think
10 they're going to need more than a day or two, but
11 --

12 MR. KERRICK: Understood. I

9 to make sure that what we're doing here is that we
10 are encouraging the zoning, because we're heading
11 in the direction for relief that you'll be asking
12 for from the zoning board.

13 MS. HAASE: Yes.

14 MS. PICKARD: But we can start
15 them off with where we're at right now.

16 MR. HOLAHAN: And this all -- I
17 think this also will be more palatable to the
18 Monroe Planning Commission that is concerned that
19 we're moving a little too quick as well. And so
20 we'll take some of theirs into consideration.

21 All right. So, Patrick, Phyllis
22 is going to contact you and let you know when she
23 starts receiving something from Pocono Manor
24 Investors.

25 MR. ARMSTRONG: So I'm going to

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1 hold off?

2 MR. HOLAHAN: Yes, sir.

3 MR. ARMSTRONG: That's fine.

4 MR. HOLAHAN: I guess we'll
5 start off with just saying never mind.

6 MS. HAASE: I have one other
7 item. Yesterday the LCD met with me and they are
8 requesting a revision on Resolution 2015-013, where
9 it calls out where the license is being transferred
10 from. They want the specific address. So the
11 resolution now will just basically speak to the
12 address of State Routes 209 402 P.O. Box 442,
13 Marshalls Creek, PA, 18335 in Smithfield Township.

14 MR. HOLAHAN: Okay. So do I
15 have a motion for Resolution 2015-013, amending
16 Resolution 2015-010 for the transfer of beer
17 license to ARV Beverages?

18 MS. LAMBERTON: So moved.

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

21 MR. KERRICK: Second.

22 MR. HOLAHAN: A motion and
23 second. Further discussion from the board?

24 Anything from the public?

25 Hearing none, call the vote.

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 favor.

7 MR. HOLAHAN: I vote in favor

8 motion. Motion carries.

9 Anything else before this board?

10 MS. LAMBERTON: Motion to

11 adjourn.

12 MR. KERRICK: Second.

13 MR. HOLAHAN: There's a motion

14 and a second.

15 Any public comment.

16 MR. ARMSTRONG: I just have one

17 thing. The development agreement for Kalahari

18 project, I've drafted that and circulated it to the

19 applicant and we're going to be discussing it this

20 afternoon. One thing -- actually this is separate.

21 They have their development agreement, we're going

22 to talk about this afternoon. But there's also, as

23 an exhibit to the deed of dedication for Kalahari

24 Boulevard is a maintenance agreement for those

25 improvements along Kalahari Boulevard.

1 In the original development
2 agreement there's a provision addressing, you know,
3 maintenance responsibility. They are responsible
4 for the street light, the electricity and repair of
5 the street lights. They are responsible for the
6 lawn care, the mowing, the landscaping along
7 Kalahari Boulevard. The two items that have come
8 up that I think they want to talk about this
9 afternoon is one, the -- you all may recall the
10 original plan as Phases I through III, now it's
11 Stages A through F. And right now they're just
12 completing Phase I and they're going to be --
13 they're offering for dedication Kalahari Boulevard
14 at the completion of Phase I. Which means they
15 still have additional phases in the near future
16 where we'll be owning basically the driveway to
17 their property in a way of Kalahari Boulevard. And
18 under the original agreement we allowed for and
19 required them to post their -- and continue to post
20 financial securities for the maintenance for
21 Kalahari Boulevard until they're complete with the
22 entire project.

23 Now, they're going to be posting

24 a maintenance letter of credit for Kalahari
25 Boulevard for the 18 month period regardless, but

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1 the way I have it phrased in that maintenance
2 agreement is that that maintenance and repair
3 security will basically continue for Kalahari
4 Boulevard until the end of the maintenance period
5 for their final phase or stage.

6 Does everyone understand that
7 aspect? That we're accepting dedication of
8 Kalahari Boulevard, but because they're not
9 completed with the entire project, that they'll
10 maintain the financial security by way of the
11 maintenance letter of credit up until the
12 expiration of the maintenance period associated
13 with the final phase. Not Phase I, but final stage
14 of their project.

15 MR. HOLAHAN: Right.
16 Understood.

17 MR. ARMSTRONG: Everyone's okay
18 with that?

19 MR. STEVE PINE: I'm not because

20 Jim's project may not finish for 10 or 12 years.

21 MR. ARMSTRONG: I'm sorry?

22 MR. STEVE PINE: I said Jim's
23 project may not be completed for 10 or 12 years.

24 MR. ARMSTRONG: Yeah, I mean, I
25 don't know --

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1 MR. STEVE PINE: And that's all
2 part and parcel to that Boulevard.

3 MS. LAMBERTON: Did you hear
4 what Steve said?

5 MR. KERRICK: Can you hear, Pat?

6 MS. LAMBERTON: Pat, can you
7 hear John Kerrick?

8 MR. ARMSTRONG: Yeah.

9 MR. KERRICK: Can we accept that
10 at the end of the maintenance and not wait that
11 long and just have them, whoever is going to do
12 construction, post a bond at that point?

13 MR. STEVE PINE: Post a bond.
14 That makes sense.

15 MR. KERRICK: So it doesn't drag
16 on for 15, 20 years?

17 MR. ARMSTRONG: That's up to the
18 board. The way we had it in the original
19 development agreement is that Kalahari would be
20 posting the financial security --

21 MR. KERRICK: I don't feel
22 that's fair.

23 MR. ARMSTRONG: If you want to
24 consider something different, that's fine. I'll
25 need to know in order to incorporate it in this

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1 agreement.

2 MR. HOLAHAN: And we shouldn't
3 be putting Kalahari on the hook.

4 MR. KERRICK: Putting them on
5 the hook for somebody else.

6 MR. HOLAHAN: How can we for the
7 new construction people coming in to take care of
8 the rest of the development back there.

9 Jim?

10 MR. JAMES CAHILL: The way I've
11 seen it done in other areas is you videotape the
12 road before a project starts and then you post a

13 restoration or a maintenance bond during your
14 construction periods if you're going to be
15 accessing a township road to build your project.

16 MR. STEVE PINE: I've heard that
17 too. I'm comfortable with that. I mean, we
18 understand the initial 18 month letter. That was
19 always agreed to. But beyond that we just assume
20 -- because I even recall having conversations with
21 the board about it, any construct after that we
22 would always have to produce a construction bond
23 for the protection of that roadway, which, you
24 know, there might be several years between some of
25 the development. And the money's just sitting

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1 there out of our pocket and benefitting nobody.
2 But when the time comes to do another phase we lost
3 another construction project, as Jim says, our
4 hope. You know, that's just the way it is.

5 MR. ARMSTRONG: Okay. So the
6 board, would you be okay -- I guess what I'm
7 hearing at least initially is, would you be okay
8 with me taking that out of this maintenance
9 agreement and just relying upon the development

10 agreement in requiring them to ensure Kalahari or
11 Kalahari's contractors the posting of some type of
12 maintenance bond or letter of credit during the
13 construction of the future phases?

14 MS. PICKARD: Yes.

15 MR. ARMSTRONG: Is that what I'm
16 hearing?

17 MS. PICKARD: Everybody is
18 nodding their head.

19 MR. HOLAHAN: You couldn't see
20 us nodding our heads.

21 MR. ARMSTRONG: Then that's what
22 I'll -- I'll represent that to them today when we
23 talk and I'll make those changes when I get back in
24 the office.

25 And then the other item is the

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1 sidewalk or pedestrian path that's going in along
2 Kalahari Boulevard. My understanding, my
3 recollection in my interpretation of the
4 development agreement is that Kalahari was going to
5 be responsible for the continued maintenance and

6 repair of the actual sidewalk itself. And that's
7 kind of inconsistent with the second class township
8 code currently in Pennsylvania. I just -- I got an
9 initial response back from their attorney
10 questioning that. And before the conversation this
11 afternoon I wanted to make sure that the board of
12 the supervisors are still on board with that as
13 well.

14 MR. HOLAHAN: And I would agree.

15 MS. HAASE: It was also the
16 shoveling of the sidewalk too.

17 MR. ARMSTRONG: That's pretty
18 standard second class township code, you know,
19 terminology so I just -- and I know we discussed
20 it, from time to time, land development. I just
21 want to make sure that that's still the will of the
22 board.

23 MR. HOLAHAN: That's fine.

24 MR. STEVE PINE: That's not what
25 I understood. I had understood that once

1 dedicated, that the road being the four lanes plus
2 the sidewalk were now yours. The landscaping, the

3 snow removal off that site and the lights, were our
4 responsibility through the opening of Phase II.
5 And at Phase II then you take over the lights, but
6 we would continue to do the sidewalk shoveling and
7 sweeping when there's leaves and stuff like that,
8 and continue to upkeep the landscaping through the
9 duration. That was mine. So the only difference I
10 think we have is the sidewalk maintenance.

11 MR. HOLAHAN: We did have that
12 discussion.

13 MR. KERRICK: That was a
14 discussion and we said that we would get --

15 MS. PICKARD: I just didn't
16 think we resolved that. I think we kicked the can
17 down road. Isn't that what --

18 MR. KERRICK: No, I thought that
19 when we did the second phase we would start to get
20 tax monies and that we would take care of it,
21 maintenance on it. They would do the grass, the
22 snow removal, et cetera, et cetera. That's what I
23 remember.

24 MR. STEVE PINE: Snow removal of
25 the sidewalk.

1 MR. KERRICK: Yes.

2 MR. STEVE PINE: We were told we
3 shouldn't do the road because if we caused damage
4 to it, it's your road and then it's our fault. And
5 that's the same reason I was told we weren't going
6 to be expected to repair the sidewalk because if it
7 was repaired improperly and somebody stumbled, all
8 of a sudden it's your liability, so it should be up
9 to you. But that was just on the two hard
10 surfaces. The rest of the stuff is ours till the
11 opening of Phase II, and then at that point you
12 were going to take over the lights et, cetera,
13 essentially the electric bill for those lights.
14 But we were to maintain the landscape for as long
15 as we're here. That was my understanding.

16 Now, whether that's the way the
17 attorneys are going to interpret it, that's up to
18 them. That was my understanding when I came into
19 this.

20 MR. HOLAHAN: I recall a
21 conversation with the sidewalks and snow removal.
22 I don't recall the lighting.

23 MR. ARMSTRONG: There's an

24 actual provision in the development agreement that
25 specifically addresses the lighting, about putting

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1 the responsibility and obligations for maintenance
2 repair and the electricity cost on Kalahari into
3 the future. There's no termination date on that
4 responsibility.

5 MR. HOLAHAN: Okay.

6 MR. KERRICK: I thought we
7 talked about a street light tax.

8 MR. ARMSTRONG: And to be
9 honest, that's just dealing with the second class
10 township code as well. As the municipality, if
11 there are street lights, you have the ability to,
12 even without, you know, these agreements, you have
13 the ability to charge the benefitted property
14 owners with a street light assessment, which it
15 isn't a tax, it's an assessment to pay for the cost
16 associated with the street lighting. So again,
17 that's consistent with the second class action code
18 as well. Am I hearing something different with
19 respect to the sidewalks though?

20 MR. HOLAHAN: Yes.

21 MR. ARMSTRONG: Am I hearing
22 that the board is not looking to hold Kalahari
23 responsible for the maintenance and repairs of the
24 sidewalks but they are with respect to the snow
25 removal?

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1 MR. HOLAHAN: That's what we're
2 discussing now.

3 MR. KERRICK: They offered the
4 snow removal. But in our conversation, correct me
5 if I'm wrong, that it wasn't just Kalahari, it's
6 also Pocono Manor. It was the whole group so we
7 didn't think it was fair that one person took care
8 of it. Am I wrong?

9 MS. PICKARD: I know we talked
10 about it.

11 MR. KERRICK: Same with the
12 street lights, et cetera, et cetera.

13 MS. HAASE: Well, with regards
14 to the street lights, if we're going to turn around
15 and do the special assessment for the street
16 lights, would it not just be easier for them just

17 to pay for the electric or reimburse us for the
18 electric? Instead of us taking another step now
19 and going through --
20 MR. KERRICK: But it's not just
21 them. It's also the group next door.
22 MR. JAMES CAHILL: It's us too.
23 MR. KERRICK: It's them too.
24 MS. HAASE: Understood.
25 Whomever, instead of us coming back and going

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1 through an assessment and all that other issues
2 that go along with the assessments, just having
3 them --
4 MS. LAMBERTON: You're
5 suggesting they work it out themselves?
6 MS. HAASE: Well, what the bill
7 is, that they be responsible for.
8 MR. ARMSTRONG: Yeah, I think we
9 can let them work it out themselves. Right now you
10 have within the development agreement with Kalahari
11 that they're responsible for it. So I think maybe
12 for now leave it at that. If it changes in the
13 future they come to terms, they want to incorporate

14 something with us, that's fine. But now maybe just
15 kind of leave it as is.

16 MR. HOLAHAN: Yes.

17 MR. ARMSTRONG: So the sidewalk
18 I guess is the one item that I just need additional
19 direction on. I don't want to go down a path if
20 the board doesn't want to go down it, so.

21 MR. HOLAHAN: I think we had a
22 discussion that Mr. McHale will be out there and
23 engineers making sure that sidewalks were installed
24 properly. I know it's an issue because we know
25 what the sidewalks are like in the Poconos with

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1 frost and -- and we probably want to dictate how
2 the ice removal was -- you know, what's used for
3 ice melt system and things like that as well.

4 MR. STEVE PINE: Phyllis, did
5 you get out there, if you know? Because the
6 sidewalks have built over the past few days.

7 MS. MINNICK: You should have
8 just heated them.

9 MS. HAASE: We're not doing any

10 inspections at this point.

11 MR. STEVE PINE: I'm sorry, I
12 thought you did both too.

13 MS. HAASE: We will but we
14 haven't begun any inspections.

15 MR. STEVE PINE: Okay. Got you.
16 So it's not something that Bob
17 has to be there while it's being done? It would be
18 something that he can inspect based on the specs?

19 MS. HAASE: Well, was Bob aware
20 that they were being put in?

21 MR. STEVE PINE: I have no idea.
22 I just noticed that they went in, in the past two
23 days.

24 (Inaudible comment.)

25 MS. HAASE: No, T & M is

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1 responsible for the roads.

2 MR. KERRICK: So nobody's
3 watching the sidewalks?

4 MS. HAASE: I'll have to speak
5 to Bob. I was not aware they were being installed.
6 I don't believe Bob was aware either.

7 MR. STEVE PINE: I watched them
8 do it yesterday and the day before.

9 MS. HAASE: I will get with Bob
10 right after --

11 MR. STEVE PINE: It's done.
12 It's at least down to the break where the temporary
13 road comes in and they've got the path all the way
14 to it, three quarters of the way to --

15 MR. HOLAHAN: Well, we can't
16 take responsibility for sidewalks if we don't know
17 how they're installed.

18 MR. STEVE PINE: The reason -- I
19 recall a conversation that if for some reason the
20 sidewalk cracks and --

21 MR. ARMSTRONG: You mentioned
22 you notify the township every time --

23 (Discussion off the record.)

24 MS. LAMBERTON: Pat, the
25 stenographer wasn't able to get that, if you could

1 just go back about that they should be notifying
2 the township.

3 MR. ARMSTRONG: Steve, you
4 really need to notify the township. I mean, it's
5 kind of late in the game I guess to be reminding
6 you of this, but you have to notify the township
7 before improvements of significant specification
8 when you're going to do it. So if you're going to
9 put in a sidewalk this week you should notify the
10 township beforehand so the township can ensure, you
11 know, they're out there inspecting it and making
12 sure that it's put in properly. I'm not telling
13 you that the township's going to, you know, go down
14 this path, but under the development agreement we
15 could have you going take out whatever was put in
16 already and put it in again with a township
17 representative present. I'm not saying the
18 township would exercise that right, but in the
19 future --

20 MR. STEVE PINE: I should hope
21 not.

22 MR. ARMSTRONG: -- notify the
23 township so they can make sure that someone's out
24 there, if they feel it's appropriate, to see how
25 these improvements are being put in. Specifically

1 with improvements that are intended to be dedicated
2 to Tobyhanna Township.

3 MR. STEVE PINE: Well, I guess
4 I'm surprised then that they haven't been out there
5 inspecting the roadways because everybody knows
6 those have been going in.

7 MS. HAASE: The roadways have
8 been inspected. We already know --

9 MR. STEVE PINE: -- nobody's
10 been out there yet for the inspection.

11 MS. HAASE: No, you asked me if
12 Bob was out there. The roadways have been
13 inspected by T&M and there's a constant
14 communication --

15 MR. STEVE PINE: Perhaps T&M did
16 the same with the sidewalks already too.

17 MR. HOLAHAN: Well, we can
18 always ask them.

19 MS. HAASE: We'll have to find
20 out.

21 MR. STEVE PINE: We'll just have
22 to find out.

23 MR. HOLAHAN: But we may want to
24 require a warranty.

1 discussion that I recall is that, for example, a
2 sidewalk is cracked two, three years from now,
3 whatever it is, I send my team out there to repair
4 it, it's perhaps not repaired properly and somebody
5 trips and falls. It's the liability of the
6 township, so I was told the township doesn't even
7 want us repairing anything that's there. So that's
8 why I'm having an issue with the sidewalk because
9 that was a discussion I recall. Now, whether
10 that's in writing anywhere, I don't know. I can't
11 prove that. But I recall the fact that -- and I
12 think John was the public works director at the
13 time, I said, John, what if there's, you know, part
14 of the asphalt broke off, do I go out and fix it?
15 He said no, we have to fix it because it's our
16 spec, it's our responsibility and we can't accept
17 liability of somebody else repairing something that
18 belongs to us.

19 MR. HOLAHAN: Understood. But
20 are the sidewalk our specs? And we haven't

21 inspected those going in --

22 MR. STEVE PINE: Well, we don't
23 know that. It sounds like they may -- maybe
24 they're out -- because I know T&M is out there.

25 MS. PICKARD: But they weren't

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1 hired to do the sidewalks.

2 MR. HOLAHAN: Right. We need to
3 give Patrick direction for his conversation later
4 with them on the agreement.

5 MR. ARMSTRONG: Right now in the
6 agreement that I circulated, I have Kalahari on the
7 hook for maintenance and repairs of the sidewalk
8 going forward. If that's going to be different,
9 you know, I need to know.

10 MR. HOLAHAN: I guess that's
11 where our issue is right now is we need to find out
12 if they've been inspected or not yet.

13 MR. ARMSTRONG: I guess if the
14 township needs some time to consider looking into
15 this, I can just leave that open at least for the
16 time being with the understanding that we're going
17 to tie it down at some point in the not too distant

18 future.

19 MR. HOLAHAN: Right.

20 MR. STEVE PINE: I did
21 understand that any time that I hired a contractor,
22 for example, to come out and do work and perhaps
23 they did something silly like riding over the
24 sidewalk to get to it with a truck and broke it,
25 that the township would repair it and charge us

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1 back for it. That we understood. But it was
2 always my understanding that once it was dedicated
3 we weren't supposed to touch the asphalt or the
4 curb.

5 MR. ARMSTRONG: Remember, I said
6 this before but, you know, I don't -- if we don't
7 require them to maintain and repair the sidewalks I
8 was not going to suggest to put anything specific
9 in this agreement having the township on the hook,
10 because remember the second class township code
11 allows you to put that -- put that responsibility
12 on the abutting property owner. And if sometime
13 down the road the township would like to do that I

14 would not suggest tying your hands at this point in
15 time. Meaning, even if the sidewalk is on a
16 property owned by the township, the second class
17 township code allows the township to adopt an
18 ordinance requiring the abutting property owners
19 the requirement to maintain and repair those
20 sidewalks.

21 MR. STEVE PINE: That'd be Jim
22 since he owns the property.

23 MR. HOLAHAN: Okay.

24 MR. ARMSTRONG: So you guys want
25 to, I guess, think about it and then I guess we'll

83

1 finalize the township's position sometime in the
2 not too distant future? (Inaudible) to the deed of
3 dedication for Kalahari Boulevard, so we're going
4 to have to know the answer before dedication. And
5 my understanding is Kalahari is looking to dedicate
6 in, I don't know, Steve, the next two or three
7 weeks? I don't know what the status of the punch
8 lists are, but my understanding is that time is
9 approaching probably quicker than anyone initially
10 anticipated.

11 MR. HOLAHAN: I'm turning the
12 meeting over to Annie and I'm taking off.
13 MS. LAMBERTON: Thank you, John.
14 MR. ARMSTRONG: Take care, John.
15 MS. LAMBERTON: Okay. So I
16 guess we need to know where the punch list is at.
17 Steve was nodding his head yes, Patrick, as you
18 were talking.
19 MR. STEVE PINE: I was nodding
20 that we would like to get it dedicated next two to
21 three weeks. I'll follow-up with Dave Horton.
22 They're having a conference call right now that
23 they're -- I can probably still grab him on just to
24 see where it's at. I don't know that right now. I
25 can't give you an answer as to where the punch list

84

1 is.
2 MS. LAMBERTON: Okay. So you
3 could move forward, Patrick, with the developer's
4 agreement as we discussed this evening. I guess
5 the board will have to review on how everyone feels
6 about the sidewalk and --

7 MR. STEVE PINE: And find out if
8 inspections are being done or not.

9 MS. LAMBERTON: And we'll follow
10 it up --

11 MR. ARMSTRONG: Okay. Is there
12 anything else from me then?

13 MS. LAMBERTON: Nope, that's all
14 we need, Patrick. Thank you very much.

15 MR. ARMSTRONG: Thank you very
16 much for allowing me to participate by telephone
17 this morning. I appreciate it.

18 MS. LAMBERTON: You're welcome,
19 Patrick. Have a good day.

20 Anyone else have any more
21 comments?

22 Anything else that you'd like to
23 ask us?

24 MS. HAASE: No, ma'am.

25 MS. LAMBERTON: Motion to

85

1 adjourn?

2 MS. PICKARD: So moved.

3 MS. LAMBERTON: Second?

4

MR. KERRICK: Second.

5

MS. LAMBERTON: All in favor?

6

(All say aye.)

7

(Hearing concluded at 9:34 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 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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JOSEPHINE HOLLMAN, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, June 1, 2015 beginning at 3:00 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
ROBERT J. McHALE, Township Engineer
MAUREEN MINNICK, Zoning Officer

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

2

1 MR. HOLAHAN: Let's call to
2 order the meeting of June 1, 2015 special meeting.
3 We already -- we didn't have everybody here. Let's
4 --

5 Want to do the pledge again?

6 MS. LAMBERTON: Absolutely.

7 (Pledge of allegiance was
8 recited.)

9 MR. HOLAHAN: Let's start with
10 the solicitor's report.

11 Mr. Armstrong?

12 MR. ARMSTRONG: Thank you, Mr.
13 Chairman. There's nothing listed under my report,
14 although there's multiple items under new business
15 that I'll have comments on. The one item that's
16 not under new business that I do have for the board
17 tonight -- or today is, if you recall, Pocono Manor
18 Investors came before you a little bit ago with a

19 subdivision plan. You conditionally approved that
20 plan.

21 One of the conditions was a
22 development agreement. And, you know, between
23 Pocono Manor and Kalahari, we've come up with the
24 development agreement for that, subdivision plan
25 for Pocono Manor Investors. I have a final form

3

1 for you to execute today. You've already
2 conditionally approved the plan and this a
3 condition of what -- this is one of those
4 conditions.

5 So you can just acknowledge the
6 fact that I have the final agreement for the board
7 to execute today.

8 MR. HOLAHAN: Okay.

9 Acknowledged.

10 MR. ARMSTRONG: The other items
11 that I'll have comments on are listed on the
12 agenda. So I guess I'll just wait until you get
13 there.

14 MR. HOLAHAN: Very good.

15 MR. ARMSTRONG: Thank you, Mr.

16 Chairman.
17 MR. HOLAHAN: You're welcome.
18 How about any old business?
19 MS. HAASE: Not for the special
20 meeting, sir.
21 MR. HOLAHAN: Okay. That's
22 right, 'cause that would be special old business.
23 MS. LAMBERTON: There is none.
24 MR. HOLAHAN: We would've taken
25 care of that.

4

1 Right, Ed? Pay attention you
2 might be up here one day, pal.
3 MR. ED TUTRONE: Never.
4 MR. HOLAHAN: All right. Let's
5 go on to new business then. Let's consider the
6 waiver of the well isolation distance for Virginia
7 Foy, 1141 Greenhill Road in Lake Naomi.
8 Did you all get to see that?
9 MS. LAMBERTON: I did.
10 MR. HOLAHAN: Do I have a
11 motion?

12 MS. LAMBERTON: I'll make a
13 motion to accept the waiver of well isolation
14 distance for Virginia Foy, 1141 Greenhill Road in
15 Lake Naomi.
16 MR. HOLAHAN: I have a motion.
17 Do I have a second?
18 MR. MOYER: Second.
19 MR. HOLAHAN: Got a motion and
20 second.
21 Further discussion from the
22 board?
23 Anything from the public?
24 Hearing none. Call the vote.
25 John?

5

1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: I'll abstain.
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 Next, consider approving
12 certificate of developer request for Payment No. 8
13 for Kalahari Resorts access road account in the
14 amount of \$203,907.27.

15 MS. HAASE: Mr. Chairman, T&M
16 has signed off on the release and I am prepared
17 upon your approval.

18 MR. HOLAHAN: Do I have a
19 motion to approve?

20 MS. PICKARD: So moved.

21 MR. MOYER: Second.

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

24 Further discussion from the
25 board?

6

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: 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 Item C, consider approving
15 certificate of developer and request for payment
16 No. 9 for Kalahari Resorts, the sewer account, in
17 the amount of \$17,455.86.
18 MS. HAASE: Mr. Chairman, T&M
19 has not signed off of this. There is no -- there
20 was no construction inspections that occurred for
21 this draw. They are -- they have the request for
22 monies to be disbursed out of this, so they did not
23 feel it was appropriate for them to sign. I have
24 reviewed it, I'm prepared to sign off. Michele
25 Bisbing is going to submit it to the trustees with

1 hopes that they still will sign off of that.

2 MR. HOLAHAN: Okay. Do I have
3 a motion to approve conditional upon the board of
4 trustees?

5 MR. KERRICK: Could I ask a
6 question?

7 MR. HOLAHAN: Yes.

8 MR. KERRICK: Could you repeat
9 that? I don't understand. T&M did not inspect
10 anything?

11 MS. HAASE: No.

12 MR. KERRICK: There was nothing
13 to inspect?

14 MS. LAMBERTON: Right.

15 MS. HAASE: The request for a
16 draw is strictly engineering fees.

17 MR. KERRICK: Oh, I'm sorry. I
18 didn't understand that.

19 MR. HOLAHAN: Right. Is
20 Pennoni's in here as well?

21 MS. HAASE: Yes, sir.

22 MR. HOLAHAN: So it was just
23 engineering fees --

24 MR. KERRICK: I either didn't
25 hear it or didn't understand it.

1 MR. HOLAHAN: So anyway that's
2 up to Municap trustees to deal with this. So if we
3 just make a motion to send it off to them.

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

6 MR. KERRICK: I'll second it.

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: Anne?

21 MS. LAMBERTON: I'll abstain.

22 MR. HOLAHAN: I vote in favor.

23 Motion carries.

24 Next we have the amendment to
25 the Pocono Mountain Regional Police Commission

9

1 agreement, the Barrett Township joinder.

2 Do we have anything on this?

3 MR. ARMSTRONG: After your last
4 meeting, I shot a communication out to the
5 solicitor for Tunk and Mount Pocono Borough, as
6 well as the Pocono Mountain Regional Police
7 Commission, in an attempt to get everyone on the
8 same page with respect to how to implement the
9 addition of Barrett Township. And the way we left
10 that, which is the way, you know, I had suspected
11 we were going to was, there needs to be a small,
12 very short and simple amendment to the existing
13 intermunicipal agreement that each of the member
14 municipalities, as well as Barrett would adopt by
15 ordinance.

16 The solicitor for Tunkhannock
17 put a draft together, I provided comments via
18 email. Harry Coleman, the solicitor for the
19 regional, was agreeable to the draft. The

20 solicitor for Mount Pocono Borough has not provided
21 comments yet and I don't believe Coolbaugh Township
22 has provided comments yet. But once we get
23 comments from everyone and there's a revised
24 version, my understanding is that it's going to be
25 circulated, everyone's going to consider an

10

1 ordinance authorizing its execution, that's how
2 we'll be moving forward.

3 MS. PICKARD: Could we have
4 this next Monday probably?

5 MR. ARMSTRONG: I -- the draft
6 -- the draft amendment to the intermunicipal
7 agreement was probably sent out early May --

8 Early May?

9 -- and I provided comments
10 shortly thereafter. I haven't -- so there's been
11 some time, I don't know if we're going to get
12 anything in the next week. But I'll send a tickler
13 email to the other solicitors to see where they're
14 at and hopefully get some comments.

15 But we won't be ready -- you

16 won't be able to adopt it on Monday because you're
17 not going to have the ordinance advertised in time.
18 Once we get the -- once we get everyone's comments
19 in and we get the agreement in a form that's final,
20 you know -- my understanding was, at your last
21 meeting you authorized this ordinance to be
22 advertised once we get the agreement finalized.

23 So once I get the, you know,
24 this -- once I get an idea that this is going to be
25 finalized after everyone's comments are

1 incorporated, I'll forward the ordinance and legal
2 ad to Phyllis and she'll advertise it, most likely,
3 for the next meeting that you meet after that.

4 MS. LAMBERTON: Does this
5 amendment to the agreement prohibit Barrett from
6 joining us sooner than later or does it allow them
7 to move forward?

8 MS. HAASE: It is for them to
9 move forward.

10 MR. ARMSTRONG: It's for them
11 to join.

12 MS. LAMBERTON: So they can't

13 join until we have this?

14 MR. ARMSTRONG: Right.

15 MS. PICKARD: And that was my
16 concern, Annie, 'cause I thought that you they were
17 trying schedule for June.

18 MS. LAMBERTON: Sooner than
19 later, yeah.

20 MS. HAASE: They were hoping to
21 actually join our group in May.

22 MS. LAMBERTON: Oh, wow.

23 MR. MOYER: Did you hear back
24 from Coolbaugh's solicitor?

25 MR. ARMSTRONG: I have not.

12

1 MS. LAMBERTON: So what happens
2 if we don't hear back from Coolbaugh?

3 MR. ARMSTRONG: Uhm, you know,
4 I -- I'll --

5 MS. LAMBERTON: Is it a majority
6 thing or does every municipality have to --

7 MR. ARMSTRONG: Yeah. This is
8 something I think you want all the member

9 municipalities to agree.

10 MS. LAMBERTON: I don't know
11 what the rules say in their bylaws.

12 MR. ARMSTRONG: Well, there's
13 -- I mean, it's an interesting --

14 MS. LAMBERTON: What I'm saying
15 is I thought it was a percentage.

16 MR. ARMSTRONG: Well, there's a
17 difference of opinion between the solicitors.
18 You're talking about there's a
19 two-thirds language in there?

20 MS. LAMBERTON: Yes, yes.

21 MR. ARMSTRONG: There's a
22 difference of opinion between the member
23 municipality solicitors as to what that means and
24 how that can be implemented.

25 MS. LAMBERTON: Two-thirds is

13

1 two-thirds.

2 MR. ARMSTRONG: Well, the act
3 says something different. So there is a difference
4 of opinion. So in the event that we can get all
5 the member municipalities to agree, you know,

6 that's the best way to go. So where it's at --

7 MS. LAMBERTON: It's just a
8 shame that we're holding them up.

9 MS. HAASE: I believe that
10 Tunkhannock is questioning because of -- as
11 Solicitor Armstrong has stated, the act speaks to
12 something else and I believe their solicitor is not
13 comfortable with moving forward with that.

14 MS. PICKARD: What does the act
15 say?

16 MS. LAMBERTON: What does the
17 act say, yeah?

18 MR. HOLAHAN: Unanimous.

19 MR. ARMSTRONG: Unanimous, it's
20 a intermunicipal agreement.

21 MS. LAMBERTON: Oh.

22 MR. ARMSTRONG: So the regional
23 police commission solicitor is okay with the draft.
24 I provided comments and the solicitor for
25 Tunkhannock, who put the amendment together, is

1 okay with the amendment and he's going to

2 incorporate them. So we're just waiting really to
3 hear back from two people. And like I said, I'll
4 send out a tickler email and try to keep this
5 moving forward.

6 MR. KERRICK: Could we see a
7 draft of it?

8 MR. ARMSTRONG: Yeah, yeah, you
9 could.

10 MR. KERRICK: Did the
11 commission decide on how they were going to charge
12 Barrett or is that not a time to talk about that?
13 With PPU's --

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

15 MR. KERRICK: -- was that in
16 the agreement or --

17 MR. ARMSTRONG: It's in my file.

18 MS. HAASE: They pay the same
19 for the PPU's as the other members.

20 MR. KERRICK: There was some
21 issue with pension, is that addressed in the --

22 MS. HAASE: There was no issue
23 with pension.

24 MS. PICKARD: There was no issue
25 with pension.

1 MR. KERRICK: Well, there was
2 some issue because their pension was different than
3 our pension. Was it ever going to roll into one?
4 I asked that question here and you asked me, was I
5 satisfied. I said for the most part I was.

6 MR. ARMSTRONG: The idea -- the
7 pension, that's not likely going to be in this
8 amendment.

9 MR. KERRICK: No. But did they
10 -- I'm not privy to the commission -- did they
11 address that? Are they satisfied?

12 MS. HAASE: The commission was
13 satisfied. There wasn't an issue with either
14 groups, Barrett or the union at -- with PMR PD.

15 If I'm not mistaken, Donny,
16 that's how it was -- there was no issues.

17 MR. MOYER: Yeah.

18 MR. KERRICK: Well, I'm
19 concerned as a taxpayer of Tobyhanna Township,
20 what's it going to be. Is it going to cost us more
21 in the future?

22 MS. HAASE: No.

23 MR. KERRICK: MM0, et cetera, et

24 cetera.

25 MS. HAASE: They are overfunded.

16

1 MR. MOYER: They're overfunded.

2 MR. KERRICK: I know that
3 they're overfunded, but eventually does it roll
4 into one? Is it always going to stay separate? I
5 think I'd like those questions answered before we
6 vote on this.

7 MR. ARMSTRONG: Well, yeah,
8 you're going to -- before you vote on --

9 MR. KERRICK: I'm for it, don't
10 get me wrong, but I just want those answered --
11 those questions answered, that's all.

12 MR. ARMSTRONG: Okay. I mean,
13 you're going to review the agreement before you
14 adopt it. I mean, it has to be approved by
15 ordinance. But why don't I do this, even though
16 with the understanding that it's -- we're still
17 waiting to hear back from some of the solicitors, I
18 can forward you the email chain with the attached
19 draft agreement with my comments in the email.

20 MS. PICKARD: I would like
21 that.

22 MR. ARMSTRONG: And you guys
23 can start looking at it, with the understanding
24 that there may be more or less or -- depending upon
25 what the comments are.

17

1 MR. HOLAHAN: Oh, there will be
2 more or less.

3 MS. HAASE: No doubt.

4 MR. HOLAHAN: All right. Move
5 on.

6 Help me out here, girl.

7 MS. LAMBERTON: I'm sorry.

8 MR. HOLAHAN: E? We're on E.

9 MS. LAMBERTON: We are on E,
10 that is correct.

11 MR. HOLAHAN: That's all right.
12 We're looking for the fourth addendum to the
13 development agreement, Kalahari Resorts.

14 MR. ARMSTRONG: My
15 understanding is that Kalahari was going to meet on
16 Friday or Thurs -- Friday of last week to discuss

17 certain things with respect to the fourth addendum
18 to the development agreement. I haven't seen or
19 heard back from Chuck or Bruce on this.

20 MR. STEVE PINE: My apologies.
21 I thought that went out to you.

22 MR. ARMSTRONG: There's two --
23 there's two major things --

24 You're probably aware, Steve.
25 The two major things in this agreement is one, some

18

1 reference to the stages versus phases of the -- of
2 the development.

3 MR. STEVE PINE: Which we've
4 worked out --

5 MR. ARMSTRONG: That is one of
6 the issues that they were going to discuss and I
7 haven't heard back yet. And then the other -- the
8 other item was some -- they said they were going to
9 talk about some of the maintenance requirements --

10 MR. STEVE PINE: That's
11 correct.

12 MR. ARMSTRONG: -- associated

13 with Kalahari Boulevard; the sidewalk, lights,
14 whatever.

15 MR. STEVE PINE: Right.

16 MR. ARMSTRONG: And I haven't
17 heard back. I mean, I haven't -- I've been out of
18 the office --

19 MR. STEVE PINE: My apologies.
20 I thought they got them to you. I just saw
21 something come in from Chuck Zwally about the
22 phases versus stages a minute ago. And we're all
23 good with it, everybody. We were always good with
24 it, we being me, Kalahari. Our attorneys got
25 confused by phases versus stages and how it might

19

1 affect the TIF and et cetera.

2 MR. ARMSTRONG: That's why --

3 MR. STEVE PINE: So they just
4 wanted to make sure that it didn't and it doesn't
5 from everything we've be able to figure out. I had
6 contacted Phyllis and Dave Horton over the weekend
7 to ask them to set up a meeting for today if
8 necessary. It ended up not being necessary.

9 We got all the charts and the

10 phases that were originally proposed to the TIF
11 along with this group. And then what the phases
12 identify, and so they're identical, with two
13 exceptions, which has already been brought back to
14 you for your approval on the land development
15 revision. And that is not building of the
16 steakhouse in Phase 1 and not building of the
17 maintenance building in Phase 1, that is the only
18 difference.

19 MS. HAASE: They're going to
20 put that in writing and send it to Pat?

21 MR. STEVE PINE: Yes.

22 MS. HAASE: Okay. It was --

23 MR. STEVE PINE: Which I
24 apologize. I thought they already did.

25 MR. ARMSTRONG: I've been out

20

1 of the office since like around 11:30, noon, so --

2 MR. STEVE PINE: You may have it
3 now.

4 MR. ARMSTRONG: Okay. That's
5 fine.

6 MS. HAASE: Steve, I know on
7 Friday you had mentioned a few items that you
8 wanted to bring forth to the board regarding the
9 maintaining -- the maintenance of Kalahari
10 Boulevard and also the sidewalks.

11 MR. STEVE PINE: That was also
12 discussed and that should be to you today too.
13 I'll make sure it happens. So maybe just put this
14 on your agenda for next Monday?

15 MS. HAASE: Did you want to just
16 --

17 MR. HOLAHAN: Well, no, did you
18 want --

19 MS. HAASE: Did you want to
20 discuss it?

21 MR. STEVE PINE: The attorneys
22 worded it different than -- so I better let them do
23 it.

24 MS. HAASE: Okay.

25 MR. STEVE PINE: It didn't

21

1 change the meaning in any way, but they had a
2 different way of putting it like somehow attorneys

3 do and we'll just leave it at that.

4 MR. HOLAHAN: That's what we pay
5 them for, Mr. Pine.

6 MR. STEVE PINE: So rather than
7 confuse it in any way --

8 MS. LAMBERTON: No offense.

9 MR. STEVE PINE: It wasn't
10 meant to be offensive, far from it. It was far
11 more concise than the way I would put it.

12 MS. HAASE: So then I will put
13 that on the agenda for Monday.

14 MR. STEVE PINE: Please. And
15 I'll make sure that, Patrick, all that gets to you.

16 MR. ARMSTRONG: Thanks.

17 MR. HOLAHAN: So we're going to
18 move that to next Monday's meeting.

19 Let's go to Transco Williams
20 Leidy Southeast expansion project Thomas Road and
21 Burger Road maintenance agreement.

22 Do we have paperwork on that?

23 MR. ARMSTRONG: You do not.

24 It's -- I did get some documents from Bob McHale
25 and I believe Ed Tutrone was involved in the cost

1 estimate sometime today. What this is, it's my
2 understanding that the township has been approached
3 by an entity that's going to be traversing along
4 your roads that's -- you know, they're going to be
5 carrying pretty heavy equipment or heavy materials
6 and there's a concern as to potential damage to
7 your roads.

8 And if I'm correct, Bob, it
9 sounds like there will be damage.

10 They're anticipating damage to
11 the road because of the weight of this equipment.
12 So the intent in the -- you know, what we're trying
13 to do by way of this agreement is, to: number one,
14 make sure that they're fully insured, naming us the
15 additional insured and making sure there's
16 significant financial backing there to repair any
17 damage done to the township roads, if and when they
18 do. Now, the specifics of what they're doing, I'm
19 not sure yet. I got to look at a number of items
20 before we finalize this agreement.

21 MR. McHALE: The agreement that
22 Transco provided us was from Dorrance Township,
23 Luzerne County, another municipality had already

24 gone through this process, so they were kind enough
25 to send that agreement to us. So it's a matter of

23

1 editing that to language that would be acceptable
2 to Tobyhanna Township adding in the estimated cost
3 for rebuilding these roads.

4 What I did was, I went to the
5 SALDO and assumed that we would be doing a total
6 replacement on each road. The Caughbaugh was a
7 little different because it was existing gravel
8 road and we've, over the years, have addressed it
9 with screenings and --

10 MR. ED TUTRONE: Millings.

11 MR. McHALE: -- millings and
12 such, so --

13 MS. HAASE: This is more so to
14 keep the board informed to let you know the amount
15 that we're looking at requiring them to post.

16 MR. HOLAHAN: So you're still
17 working on those numbers?

18 MR. McHALE: Well, the numbers
19 that we came up with was -- I sent that to Pat.

20 MR. ARMSTRONG: Yeah, I saw

21 something come in this morning, I think.

22 MS. HAASE: The Caughbaugh Road
23 was \$807,454; Thomas Road, \$340,023; and Burger was
24 325,865.

25 MR. McHALE: For the Caughbaugh

24

1 Road we used a cement stabilization. Mr. Kerrick
2 had gotten a proposal a couple years ago from a
3 company when they were doing the Long Pond -- the
4 racetrack. So we had them provide us a price quote
5 for like a mile of road. We used that, factored it
6 to 2015 and then across the entire length of the
7 road. It's not likely that the damage is going to
8 be to the extent of these numbers, but -- at least
9 we're hoping not. But these are a kind of a worst
10 case that if we had to go out and actually excavate
11 the material down to subgrade, rebuild it back,
12 we'd be covered.

13 MS. LAMBERTON: Can I ask a
14 question? How does that compare to what
15 Dorrance -- are there requirements similar to
16 Tobyhanna Township?

17 MR. McHALE: If I remember
18 correctly, Dorrance had -- they didn't have it
19 necessarily written in that agreement, but I think
20 the representative Jim Mcavoy had indicated they
21 were in the 300,000 plus range for the road or two
22 that they were looking at.

23 MR. ARMSTRONG: Yeah. The way
24 I looked at that Dorrance agreement and the way
25 that read was kind of allowing them come

25

1 (inaudible) across the township.

2 MS. LAMBERTON: Just to see how
3 we compare, that was my only reason for asking.

4 MR. McHALE: What I did for the
5 Burger and Thomas Roads is I used our bids that we
6 received at the beginning of the year for equipment
7 and for materials. And that's how we applied it
8 factoring in normal administration and inspections
9 and that kind of thing.

10 MR. KERRICK: Could I ask one
11 question?

12 MR. McHALE: Yes, sir.

13 MR. KERRICK: On Thomas Road

14 you have 340 and Burger's 320. Do you have Thomas
15 just one -- have them using one side of it?

16 Because their entrance is about in the middle.

17 MR. McHALE: No. That's
18 actually the total square footage for both roads.
19 The roads are just slightly different in area, so
20 the numbers are just a little bit off.

21 MR. KERRICK: But Burger Road
22 goes from 115 into the pipeline, that's where
23 they'll be working. Thomas Road, their access is
24 about in the middle.

25 MR. McHALE: Yes, but we

26

1 assumed that they were going to come in from both
2 directions --

3 MR. KERRICK: I see.

4 MR. McHALE: -- because the
5 pipe, I think, is coming from the south up 115 and
6 they're going to be --

7 What, carrying three sections of
8 pipe?

9 It will be a lot, and the turn

10 getting into Thomas and a lot of it's --

11 MR. KERRICK: That's the all I
12 asked.

13 MR. ED TUTRONE: The other thing
14 on the Caughbaugh Road too is they sent a video,
15 they videoed the roads with damage or whatever the
16 condition is currently. Thomas Road and Burger
17 Road are okay, but the Caughbaugh Road, they
18 videotaped it before we had gone to patch potholes.
19 And when I watched the video they only went up to
20 the pipeline, turned around and came back out.

21 We're anticipating, in speaking
22 with representatives from Transco, they're going to
23 pulling aggregate from Locust Ridge Quarry, so Bob
24 put the whole length of the road in. And we need
25 to probably make them aware that they're going to

27

1 need to mound the whole road, 'cause if they're
2 coming in off of Locust Ridge Road with the trucks
3 pulling aggregate, there's a potential for damage
4 there also.

5 MR. KERRICK: Well, we replaced
6 the pipe on Caughbaugh --

7 MR. McHALE: Yes.

8 MR. KERRICK: -- a few years
9 ago and that was in kind what was there. But when
10 they put the pipe in years ago, be long before I
11 was here, they collapsed the pipe, that's why that
12 one heavy pipe was in the middle. So I don't know
13 -- we didn't really factor any of that in when we
14 replaced the pipe in kind, we had no idea that this
15 would be going forward.

16 MR. ED TUTRONE: Actually on
17 that videotape that's one of the spots where we put
18 that pipe, that was in really bad shape with
19 potholes. It has been fixed probably about a week
20 after they videotaped, we didn't realize they had
21 done that. So we need to go out and video
22 ourselves, video that road. But the other two, in
23 my opinion, are okay because nothing's changed on
24 -- from what they videoed.

25 MR. McHALE: I guess the goal

28

1 is to --

2 MR. ARMSTRONG: For your

3 meeting on the 8th, the goal I guess is to have
4 maybe this agreement in a form ready for your
5 action assuming, you know, the contact at Transco
6 can be fairly quick on revolving as well.

7 MR. McHALE: Right.

8 MS. HAASE: We're hoping to
9 move this along as quickly as possible, they're two
10 months behind right now. So we don't want to hold
11 them up any longer.

12 MR. McHALE: They had mentioned
13 that it's any day they might be notified from the
14 DEP to -- that they got their permits and they can
15 move forward, so --

16 MR. HOLAHAN: These are huge
17 companies, these are not big numbers to them by any
18 means.

19 MS. HAASE: No. They had
20 actually approached us with this. And they had
21 recently worked, why they started doing these
22 agreements is, one of the more recent jobs there
23 was not an agreement in place and it was over half
24 a million dollars worth of damage that they had to
25 pay. So they recognize that there's an issue.

1 MR. HOLAHAN: Okay. Let's go
2 to Item G, conditional use for the adjudication of
3 T-Mobile Northeast, LLC proposed facility for Camp
4 Minsi Trails.

5 MR. ARMSTRONG: Thanks, Mr.
6 Chairman. The board is likely aware, less than a
7 month ago you had the conditional use public
8 hearing on the proposed cell tower and facility at
9 the Camp Minsi Trails location. I circulated a --
10 you verbally approved, gave conditional approval of
11 the project for the use that was being applied for.
12 I circulated a written decision for the board to
13 consider sometime probably last week.

14 Does anyone have any questions
15 or concerns with respect to the written decision as
16 drafted?

17 MR. HOLAHAN: I do not.

18 MS. LAMBERTON: I do not.

19 MS. PICKARD: I do not.

20 MR. MOYER: I don't.

21 MR. ARMSTRONG: With that, if
22 the board wants to entertain a motion approving the
23 written adjudication and I will circulate it
24 tomorrow.

25 MS. LAMBERTON: So moved.

30

1 MR. KERRICK: Second.

2 MR. HOLAHAN: Got a motion and
3 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: 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 Hey, we've come down to the very

21 important part of getting the public input.

22 MS. HAASE: Mr. Chairman, I do
23 have a couple items, though, couldn't scoot through
24 there so quickly.

25 MR. HOLAHAN: Hold on, folks.

31

1 MS. HAASE: This is really
2 exciting stuff here. I just wanted to let everyone
3 know that tomorrow that we will be meeting with
4 PennDOT and their contractors for Bridge No. 186,
5 which is over the Davey Run. There is a
6 preconstruction meeting for that. And then
7 following that, I'll be meeting with our emergency
8 services pertaining to the closing of Arrowhead so
9 we can finalize that as well.

10 I received the bids back for the
11 bridge, which I passed out to the board. I don't
12 know if the board is interested in awarding it
13 today, conditional upon Pat reviewing it or if
14 you'd like me to put this on Monday's agenda.
15 There was nine bids that was turned back into the
16 township and Blooming Glen Contractors had the
17 lowest at 442,000.

18 Budgeting this for the 2015
19 budget, as you recall, we do have an LSA Grant for
20 242, I believe, and change. We had budgeted
21 slightly more, I anticipated this coming a little
22 higher, but we're still 60,000 short from initial
23 quotes from our engineering firm. So we have the
24 monies, I will just have to move it around and put
25 it in front of you.

32

1 MR. HOLAHAN: Mr. McHale, were
2 you able to review this?

3 MR. McHALE: No, sir, I haven't
4 yet.

5 MS. HAASE: Yeah. He just got
6 it today and so Pat did as well.

7 MS. LAMBERTON: Should we --
8 I'd be willing to make it conditional.

9 MR. HOLAHAN: Okay. So do I
10 have a motion?

11 MS. LAMBERTON: Motion so --
12 conditional upon Patrick review and Bob McHale, our
13 township engineer's review and satisfaction.

14 MS. PICKARD: I'll second that.
15 MR. HOLAHAN: Got a motion and
16 a 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.

33

1 MR. HOLAHAN: Donald?
2 MR. MOYER: I'll vote in favor.
3 MR. HOLAHAN: Anne?
4 MS. LAMBERTON: I vote in
5 favor.
6 MR. HOLAHAN: I vote in favor.
7 Motion carries.
8 MS. HAASE: So I hit you with
9 the big shock factor first. Now, I have a couple
10 smaller ones.

11 MR. HOLAHAN: That's the way to
12 prime us.

13 MS. HAASE: Yes. This is
14 nothing, though. Our second server is Microsoft
15 2003. We thought that we would be able to go
16 through this entire year. Unfortunately Rodney
17 Smith spoke to me last week and the second server's
18 down, so we do need to replace that. So it's more
19 so, I just want to bring it your attention, we will
20 be reappropriating monies for these items. But I
21 wanted to make certain the board was aware because
22 we did not budget that. The server is 4172, but
23 with some discounts we're able to get that down to
24 2,087. So there was a 50 percent discount we were
25 able to get on that.

34

1 The issue that we were having
2 pertaining to Laserfiche and Muncity not being
3 compatible after almost a year looking into this,
4 Muncity has now recognized that there was a few
5 updates that did not occur and that is the reason
6 why they're conflicting with everything. Initially

7 they were going to charge us \$8,015 to upgrade
8 Laserfiche and Municipity.

9 I had some concerns with that
10 for the fact is that I felt that they could do
11 better. We've been a customer for many, many
12 years. Going back and forth -- Maureen was
13 involved with this and did a great job -- we were
14 able to reduce that down by \$2300. So that's
15 another item that unfortunately we did not budget
16 for.

17 And then my third and final one,
18 the software program that we're going to have for
19 our email, the licensing, the software, the mail
20 support, the security and the exchange all is going
21 to come in at 2700. So those are items I just
22 wanted to let you be aware -- I wanted you to be
23 aware of because we didn't speak about this when we
24 were budgeting. There is monies there, we'll just
25 have to move it around.

35

1 MR. HOLAHAN: Okay.

2 MS. LAMBERTON: But you already
3 saved us 23, right?

4 MR. HOLAHAN: Well, if you look
5 at it like that --

6 MS. HAASE: I like putting it in
7 rather than taking it out.

8 MS. LAMBERTON: That's a good
9 save.

10 MS. MINNICK: So we saved 23 and
11 got two new users --

12 MS. HAASE: Which we'll be
13 wheeling and dealing.

14 MR. KERRICK: I'm actually
15 surprised you didn't get a little more knowing
16 Phyllis.

17 MS. LAMBERTON: That's great to
18 be able to do that. Thank you.

19 MS. HAASE: I like to keep the
20 money.

21 MS. LAMBERTON: That's huge.

22 MR. KERRICK: That is huge.

23 MR. HOLAHAN: Something like
24 real quick here. Is everybody aware of where we
25 are with Kalahari on getting this thing ready for

1 opening? Probably not.

2 So if you could explain just a
3 couple things that just got resolved and are
4 getting resolved this week? Like the sewer
5 completion docs and things like that, please?

6 MS. HAASE: Certainly. Last
7 week we met with Kalahari, last Wednesday, because
8 they had some issues. They requested a meeting on
9 Tuesday, we scheduled one on Wednesday. Their
10 concern is some of the outside agencies they cannot
11 get permitted until they receive their CO. So our
12 hands are tied somewhat with the township.

13 So the only way we could figure
14 to help resolve this is to take their one permit
15 and divide it into four. So this way in each
16 section the core will be one permitted building
17 structure, the water park will be another, the
18 hotel and the convention center. So as they get
19 the life safety issues addressed, then they'll
20 receive COs for each and that's the best we could
21 do because this is a state requirement not the
22 township.

23 The sewer certainly was a
24 pending issue. We had a big milestone today. The

25 substantial letter of completion was signed off of

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1 by Pennoni, which the township signed off of and it
2 was hand delivered. I signed off on that this
3 morning. That was hand delivered down to DEP. So
4 they're making a lot of progress. There's a lot of
5 outside agencies that are involved with their own
6 requirements and stipulations and all we can do at
7 this particular point is help them the best we can
8 because we don't have control of that. But today
9 was a big milestone.

10 RM. STEVE PINE: A big one.

11 MR. HOLAHAN: Yeah. So John
12 and I and Phyllis and Mr. McHale met with Steve,
13 Bill Burton and somebody else. I don't know who
14 the who other person --

15 MR. McHALE: Todd Nelch
16 (phonetic) with --

17 MS. HAASE: Todd Nelch.

18 MR. STEVE PINE: And Todd
19 Nelson.

20 MR. McHALE: And Todd Nelson

21 MR. HOLAHAN: Thank you. So we

22 had a meeting. I thought that Mr. Nelson wanted to
23 be at this meeting and we had requested that he
24 come to us, right? We requested he come in Friday
25 to try to get some things resolved. And it looks

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1 like -- looks like we got some things taken care of
2 here. We had a kind of meeting of the minds on
3 that and I think that worked out.

4 MS. HAASE: It did. They
5 actually -- most of them were resolved on Wednesday
6 when we had met. I think it just was never
7 communicated to him properly, but they were -- most
8 of them were already resolved.

9 MR. HOLAHAN: So then I --
10 after that meeting, I had a meeting, DEP on another
11 -- on another matter, but I was meeting with Daryl
12 Fritz and Senator Scavello was in attendance. So
13 kind of after we had our meeting, then we had
14 another quick one letting them know about Kalahari.
15 Daryl wasn't aware that it would be coming in, but
16 I let him know. I said this week not realizing it
17 would be the very beginning of this week. So that

18 they were aware as well.

19 But in speaking with Senator
20 Scavello, of course, I relayed to him about the
21 occupancy permit needed so that they could get
22 their -- other agencies could come in, liquor
23 licenses and the different things. Senator
24 Scavello can get some things done apparently. And
25 he assured me that he'd be right on top that, that

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1 would be his primary objective, so I think --

2 MR. STEVE PINE: Thank you. I
3 got your email.

4 MR. HOLAHAN: I think we can
5 count on him for that.

6 MS. HAASE: There was one other
7 request from Kalahari. If you recall, Pocono Manor
8 Investors had requested a curb cut across Kalahari
9 Boulevard. They presented a plan in front of the
10 board, which the board approved. However, last
11 Wednesday they had requested that that plan be
12 amended. So Bob is passing out what the newest
13 amendment is for this crossover.

14 Bob, did you want to just

15 explain that real quick to the board?

16 MR. McHALE: Yes. It's really a
17 pretty straightforward request. The -- what they
18 had originally was, if you flip to the second page,
19 across from the pump station, the median opening is
20 going to stay exactly the same location as the
21 amended land development plan. But what was
22 proposed under the amended plan was a culvert and a
23 crossing directly crossing the Pocono Manor
24 Investors properties.

25 What they'd like to do is keep

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1 the curb cut across on Kalahari Boulevard on the
2 other side where the edgy curb is on the north
3 side, the same -- pretty much the same size
4 opening. They want to stabilize it with some
5 matting just for purposes of driving -- letting the
6 grass grow through. And then driving a few
7 vehicles on occasion for maintenance, they'll go to
8 the west or to the left, tie into an existing PP&L
9 access that was put in for construction purposes.

10 So that said, it's not a major

11 modification, but it's just something I wanted you
12 to be aware of because the impact is to the
13 right-of-way. If you look at the bold lines,
14 that's what the Kalahari Boulevard right-of-way is
15 going to be. The green is pretty much the grassy
16 area behind the curb and that's just -- the orange
17 is what's going to be stabilized with the P300
18 North American green matting. So I just wanted to
19 get your concurrence that it wasn't a concern
20 within the right-of-way.

21 MR. HOLAHAN: Everybody okay
22 with that?

23 MR. McHALE: It should be
24 temporary once Pocono Manor gets their full
25 accesses with their development in the future, this

41

1 really shouldn't be needed.

2 MS. HAASE: Pat's asked a very
3 valid question, which I'm certain you folks are
4 probably thinking and I asked Bob as well. The
5 question of, why was it in the right-of-way versus
6 being on their property.

7 MR. McHALE: Well, yeah, if you

8 look --

9 MS. HAASE: The topography, I
10 think, is creating the problem.

11 MR. McHALE: Exactly. If you
12 look at the second page again, you'll see right at
13 the edge of the right-of-way it slopes. They were
14 actually two foot contours, but it slopes down at
15 about a three to one slope to the bottom of the
16 swale and back up again. So that's why it stayed
17 within our right-of-way.

18 MR. HOLAHAN: Anything else?

19 MS. HAASE: No, sir.

20 MR. HOLAHAN: Oh, now, public
21 comments.

22 Anybody? Anybody? No?

23 Hearing none. I'll entertain a
24 motion to adjourn.

25 MS. LAMBERTON: So moved.

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1 MR. ARMSTRONG: Oh --

2 MR. HOLAHAN: Okay.

3 MS. LAMBERTON: Oh, sorry.

4 MR. ARMSTRONG: This is more of
5 just an FYI. You can -- the dedication of the
6 sewer and the road, the timing of that might be
7 problematic for me but not necessarily the board.
8 It sounded like the week of June 15 was the week
9 that Kalahari was really going to start pushing for
10 the dedication. I'm going to be out of town that
11 week. I've already talked to a couple of people in
12 my office. In the event that everything's ready
13 and in the event the board holds a special meeting
14 that week, someone from my office will be here.

15 MR. HOLAHAN: Well, where are
16 you going to be?

17 MR. ARMSTRONG: I'm going to be
18 on vacation.

19 MR. HOLAHAN: Where?

20 MR. ARMSTRONG: I did not plan
21 it, this has been planned for a long time.

22 MR. HOLAHAN: So where are you
23 going?

24 MR. ARMSTRONG: Oh, Cape May.

25 MR. HOLAHAN: That's not that

1 far.

2 MR. ARMSTRONG: I could
3 conference from there.

4 MR. McHALE: The dedication of
5 the pump station and the force main is obviously
6 most critical. The Kalahari Boulevard could be
7 slightly delayed some, it's not as urgent because
8 there's a lot of outstanding items that tie in with
9 PennDOT and so and so.

10 MR. ARMSTRONG: I just wanted
11 to let the board know.

12 MR. STEVE PINE: Yeah. Because
13 of the -- yeah, it may not happen by the time of
14 opening. But I don't think that was a requirement
15 on the boulevard, the sewer was.

16 MR. McHALE: Correct.

17 MS. LAMBERTON: Just the sewer.

18 MS. PICKARD: If you need me,
19 make it later in the week. I'll be back Wednesday.

20 MR. HOLAHAN: Well, we can meet
21 at the Lobster House.

22 MS. PICKARD: I'm going to be
23 in LA, so --

24 MR. HOLAHAN: We're going to --
25 actually we're going to go into executive -- we're

1 going to go into an executive session.

2 MS. LAMBERTON: Oh, that's
3 right, so I shouldn't --

4 MS. PICKARD: Are we keeping
5 the meeting open?

6 MR. HOLAHAN: I don't think
7 there's --

8 Do I need to?

9 MR. ARMSTRONG: You can adjourn
10 and noting that you're going to go into executive
11 session. Do you have -- do you have any -- do
12 anticipate coming back out?

13 MS. PICKARD: We're not coming
14 back to the --

15 MR. HOLAHAN: We do not.

16 MS. LAMBERTON: No.

17 MR. HOLAHAN: We won't be
18 coming back?

19 No, we will not.

20 Do I have a motion to adjourn?

21 MS. LAMBERTON: So moved.

22 MS. PICKARD: Second.
23 MR. HOLAHAN: We are going into
24 executive. We're adjourned. Thank you.
25 (Meeting concluded at 3:35 p.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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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, June 8, 2015 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

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

2

1 MR. HOLAHAN: Call to order the
2 meeting of June 8. Let's start with the pledge of
3 allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Good evening.
7 Welcome.

8 Let's start with announcements.
9 June 12 we're having movie in the park.

10 MS. HAASE: We are, Mr.
11 Chairman. We are also setting a rain date for the
12 following Friday in case the weather does not
13 cooperate. We're going to be showing Night At The
14 Museum, Secret of the Tombs for your fun night.
15 Residents just have to bring their blankets, lawn
16 chairs and we're going to be serving hot dogs and
17 ice cream and sodas as well.

18 MR. HOLAHAN: Now, if I recall,

19 that is also the night when Jurassic Park is coming
20 back out again.

21 MS. HAASE: That's what we were
22 informed at TEC, that's correct.

23 MR. HOLAHAN: It's going to be
24 messed up there.

25 Next let's consider the minutes

3

1 of -- and we've got four meetings.

2 MS. HAASE: I have a few
3 corrections, Mr. Chairman.

4 MR. HOLAHAN: Okay. So let's
5 start with April 7.

6 MS. HAASE: April 7; Page 80,
7 Line 5 should state another.

8 MR. HOLAHAN: Okay. And for
9 April 13, regular business meeting?

10 MS. HAASE: No corrections.

11 MR. HOLAHAN: April 30, the
12 T-Mobile conditional use hearing.

13 MS. HAASE: No corrections.

14 MR. HOLAHAN: For April 30, the
15 special meeting.

16 MS. HAASE: I have two, Page 17,
17 Line 14, go should be got; Page 70, Line 14,
18 building should be billing. Those are the only two
19 changes.

20 MR. HOLAHAN: Very good.
21 Do I have a motion to accept the
22 minutes as amended?

23 MS. LAMBERTON: So moved.

24 MR. MOYER: Second.

25 MR. HOLAHAN: I have a motion

4

1 and a second.

2 Further discussion from the
3 board?

4 Anything from the public?

5 Hearing none. Call the vote.

6 John?

7 MR. KERRICK: In favor.

8 MR. HOLAHAN: Heidi?

9 MS. PICKARD: I vote in favor.

10 MR. HOLAHAN: Donald?

11 MR. MOYER: I vote in favor.

12 MR. HOLAHAN: Annie?
13 MS. LAMBERTON: I vote in
14 favor.
15 MR. HOLAHAN: I vote in favor.
16 Motion carries.
17 Next let's consider the
18 treasurer's report. I'm looking for a motion to
19 approve the treasurer's report in the amount
20 \$406,197.75.
21 MS. LAMBERTON: I'll make that
22 motion.
23 MS. PICKARD: I'll second the
24 motion.
25 MR. HOLAHAN: I have a motion

5

1 and a 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 will abstain.

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: Anne?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. HOLAHAN: And I vote in
17 favor. Motion carries.
18 Let's go to solicitor's report.
19 MR. ARMSTRONG: Thank you, Mr.
20 Chairman. There is nothing listed under my report,
21 although I will have comments and probably some
22 input on some items further on in the agenda.
23 MR. HOLAHAN: We're counting on
24 it.
25 MR. ARMSTRONG: I will keep it

6

1 to a minimum.
2 MR. HOLAHAN: Phyllis, manager
3 report.
4 MS. HAASE: At the moment, sir,

5 I just have two items. One was the
6 Hamilton/Jackson/Pocono Open Space Commission has
7 contacted the township and would like to do a
8 presentation with the hopes that Tobyhanna Township
9 will join and enter into an intermunicipal
10 cooperative agreement with Pocono, Jackson and
11 Hamilton.

12 As you recall, with recent
13 articles in the paper, Pocono is considering
14 pulling out so they would like us to join. So if
15 it pleases the board, if you'd like me to schedule
16 a presentation, it's up to the pleasure of the
17 board on what you would like me to do.

18 MR. HOLAHAN: Okay. Anybody --

19 MS. LAMBERTON: I don't have a
20 problem with listening to what they have to say.

21 MR. HOLAHAN: John?

22 MR. KERRICK: I'm okay with
23 that.

24 MR. HOLAHAN: Heidi?

25 MS. PICKARD: That's fine.

1 MR. HOLAHAN: By consensus.

2 MS. HAASE: So shall I schedule
3 it for the July meeting?

4 MR. HOLAHAN: Okay.

5 MS. HAASE: Actually since we
6 had a meeting last week and I went over most of the
7 items, the only other one was to announce the
8 alternative date for movie in the park and I've
9 done that. So that's all I have for you today.

10 MR. HOLAHAN: Very good. Thank
11 you.

12 Let's go on to committee
13 reports. Pocono Mountain Regional EMS.

14 Who do we have, Denise?

15 MS. DENISE DOREMUS: Yes. Hi,
16 I'm Denise from Pocono Mountain Regional EMS. This
17 month there was 71 calls in Tobyhanna Township,
18 probably -- approximately having the -- finished
19 the totals yet, it's approximately 400 calls for
20 the year so far.

21 MR. HOLAHAN: Thank you. Is
22 that everything that's happening with the EMS?

23 MS. DENISE DOREMUS: I think
24 you already know about the new ambulance that was
25 put into service. We have one race down so far,

1 which is good. And that's about it, I guess.

2 MR. HOLAHAN: Okay. Thank you.

3 MS. PICKARD: Just -- hey,
4 Denise. Was there anything you want to say about
5 the mass casualty incident, how many we transported
6 for that or --

7 MS. DENISE DOREMUS: Well, we
8 responded to the 380 call, we had five ambulances
9 on scene. Four were flown from the incident, three
10 that were DOA and we transported four others with
11 Thornhurst ambulance, they also transported four.
12 And one was transported by Commonwealth of
13 Pennsylvania.

14 MR. HOLAHAN: Thanks for taking
15 care of that. Okay.

16 How about Pocono Mountain
17 Regional Police Commission?

18 MS. HAASE: We are still
19 pending confirmation from Coolbaugh and Mount
20 Pocono, that they concur with the agreement that's
21 put together. I've also passed out a few minutes
22 ago a letter that was issued to Chief Wagner that

23 speaks to the pension. Mr. Kerrick had some
24 questions regarding the pension and I think that
25 this perhaps answers them. The joinder between

9

1 Barrett and Pocono Mountain Regional Police
2 Department at the end date for the pension, with
3 the MMO, it'll be saving us about \$20,000 per year.

4 MR. HOLAHAN: Okay. Very good.

5 Heidi, anything on open space?

6 MS. PICKARD: No, not at this
7 time.

8 MR. HOLAHAN: Instead of going
9 right to old business, I think I'm going to go
10 right to the new business. And I'd like to go to
11 the proclamation for Eagle Scout Steven Joseph
12 Daurio.

13 So with the board's permission?

14 MS. LAMBERTON: Absolutely.

15 MR. HOLAHAN: Steven, if you'd
16 come on up, please? So I had the opportunity to go
17 to the --

18 What is it? It's not a swearing
19 in, what is that, the --

20 MR. STEVEN DAURIO: The
21 ceremony.

22 MR. HOLAHAN: -- the ceremony
23 for Eagle Scout for Steven yesterday, well
24 attended, at the Blakeslee Community Center.

25 So what we want to do, Steven,

10

1 is to recognize you, to put you also in the history
2 books of Tobyhanna Township. So the proclamation
3 of the Township of Tobyhanna Board of Supervisors
4 that on this 8th day of June 2015, the Township of
5 Tobyhanna Board of Supervisors hereby passes the
6 following proclamation:

7 You got to memorize this.

8 Whereas the division of the Boy
9 Scouts of America prepare every youth in America to
10 become responsible participating citizens and
11 leaders who are guided by the scout oath and law.
12 And whereas Steven Joseph Daurio, residing in
13 Blakeslee, Tobyhanna Township, student at the
14 Pocono Mountain West High School and member of the
15 Minsi Trails Council Pocono District Boy Scout

16 Troop 89, has completed the requirements and was
17 examined by the Eagle Scout Board of Review which
18 found him worthy of the rank of Eagle Scout, the
19 highest rank in the Boy Scouts of America.

20 And whereas Boy Scouts of
21 America encourage Eagle Scout candidates to
22 complete worthy projects to improve their
23 neighborhoods, their community and their region.
24 And whereas Steven's, Eagle project included
25 building six shelving units for the food pantry

11

1 along with installing racks for donated coats for
2 the needy at the Feeding Families Ministries, a
3 nonprofit organization, with a goal to alleviate
4 hunger in Monroe County, located in the Borough of
5 Mount Pocono. Project also included raising funds
6 to purchase required building materials.

7 And whereas -- we're getting
8 close -- some of Steven's other scouting
9 achievements include national youth leadership
10 training of 2012, order of the arrow, lifeguard,
11 camp counselor and assistant patrol leader.

12 Now, therefore the Township of

9 MR. HOLAHAN: Let's table that
10 is what I heard. We'll table.

11 MS. HAASE: Thank you.

12 MR. HOLAHAN: Potential sale of
13 wastewater treatment plant, do we have anything on
14 that?

15 MS. HAASE: Mr. Chairman, I
16 should have something next month for the board.

17 MR. HOLAHAN: Perfect.
18 How about Arcadia Properties,
19 New Ventures Park reimbursement agreement?

20 MS. HAASE: I'm going to ask
21 the board -- we're going to remove this from old
22 business. I don't believe this is going to be
23 needed.

24 MR. HOLAHAN: Gone. Amendment
25 to the Pocono Mountain Regional Police Commission

13

1 Agreement for Barrett Township joinder.

2 You're going to step in here,
3 Mr. Armstrong?

4 MR. ARMSTRONG: Sure. I
5 reported on this, I guess, last -- last week at

6 your meeting. And since then, I inquired this
7 morning to the other solicitors involved as to
8 where we were. I provided my comments on the
9 proposed amendment a few weeks, maybe closer to a
10 month back. And I did get a response from the
11 solicitor that's -- that's taken, you know, the
12 lead on this to revise it. He was actually out of
13 the country for the last week and a half. He's
14 back in the country, he's meeting to get the
15 agreement in a final form so it can be forwarded on
16 to Coolbaugh and Barrett.

17 And once everyone's on the same
18 page and the agreement's in a final form, all of
19 the membering municipalities can agree to and
20 authorize and advertise their ordinance authorizing
21 the execution of the agreement. But we still don't
22 have a final agreement because there's two
23 municipalities that haven't seen it yet. And the
24 idea is, you know, to get that -- this revised
25 version to them to look at, weigh in on and if

1 everyone's agreeable, move forward with the

2 ordinance authorizing it.

3 MR. HOLAHAN: Very good.

4 Let's go to the fourth addendum
5 to the development agreement for Kalahari Resorts.

6 MR. ARMSTRONG: I mean, I guess
7 what I can do is just briefly let you know where
8 we're at. As the board's aware, there's a number
9 of documents that have been circulated with respect
10 to the likely dedication of the sewer line in the
11 Kalahari Boulevard. Primarily -- most of those, if
12 not all of them, are pretty much in final form with
13 the exception of exhibits and plans that need to be
14 attached to those documents, that are still being
15 worked on by Kalahari and its consultants.

16 This fourth addendum to the
17 development agreement, this is the one outstanding
18 item. If you recall back in 2013 when you approved
19 the plan with conditions, there was a development
20 agreement. And here we are in 2015 and we're
21 getting close to finalizing the entire project,
22 taking dedication of public improvements, and this
23 is the fourth addendum to the development
24 agreement. And you all have copies of the proposed
25 drafts, plural.

1 The last item, really the items
2 that this board should really weigh in on is, the
3 maintenance re -- now, in there you'll see -- if
4 you recall, for the sewer line, you agreed to the
5 substantial completion procedure and that procedure
6 is mirrored in this fourth addendum for purposes of
7 Kalahari Boulevard.

8 So, you know, Kalahari
9 Boulevard, you will potentially be accepting by
10 substantial completion similar to you -- similar to
11 the sewer line. So if there's no issues with that
12 from this board, the real item for discussion is
13 maintenance. If you'll see I -- you should have
14 two versions. One, the most recent revised version
15 from the applicant -- or Kalahari with respect to
16 the maintenance. And then the other version is my
17 proposed changes to those changes.

18 And what it comes down to
19 significantly is the sidewalk, the street lights
20 and the boulevard itself. The street lights, in
21 just brief summary, the street lights in the
22 development agreement and when they were before you
23 back in 2013, Kalahari was going to be responsible

24 for the street lights, the maintenance, ongoing
25 electrical charges, everything with respect to

16

1 those street lights. That's in the existing
2 development agreement.

3 The latest revision from
4 Kalahari for the fourth addendum looks like they're
5 try -- they're asking if you would consider taking
6 over that responsibility at some point in time.
7 You'll see from my proposed changes, I'm still
8 suggesting that the board not do that, but
9 ultimately I'll let that for the board to decide.

10 The other -- the other
11 maintenance item specifically is the sidewalk along
12 Kalahari Boulevard. At the time of the land
13 development back in 2013, I don't think we -- you
14 know, I know what I -- what was probably
15 recommended at that point in time, but I don't
16 think the board was ready to make a definitive
17 decision at that point in time. So here we are and
18 as you can see Kalahari is looking for the township
19 to accept the responsibility for the maintenance of

20 those sidewalks.

21 Again, I think it's after a
22 certain period of time, I think it's what, five
23 years seems to be the magic number in the latest
24 version from Kalahari. Again, I'll -- you'll see
25 my recommended changes. I'm still suggesting that

17

1 the township not take over responsibility for the
2 maintenance of sidewalks. But, again, that's going
3 to be a decision for the board and I'm assuming a
4 point of discussion for your meeting this evening.

5 The Kalahari Boulevard itself,
6 now that is a public improvement --

7 (Cough interruption.)

8 MR. ARMSTRONG: -- the road,
9 the roadway, you will be accepting dedication of
10 that and I believe that was discussed and agreed
11 upon that, you know, the township is going to be
12 responsible for the maintenance and repair of that
13 going forward with one caveat; and that is, you
14 know, Kalahari's not done after -- after they move
15 in at the end or sometime soon of this month.

16 They still have additional

17 stages or phases of construction that they plan to
18 proceed with. And the way we've addressed that is
19 that they're going to be -- they'll maintain a
20 certain letter of credit for maintenance
21 responsibilities of that boulevard until the final
22 stage is completed.

23 Now, if you notice, I think in
24 their last version they still included that five
25 year time frame. I've struck that and I -- you

18

1 know, I'll still recommend that I think, you know,
2 they should continue to post or have posted that
3 maintenance bond or letter of credit to secure the
4 maintenance of that road until they're completely
5 done with all of their phases of construction.

6 So in a nutshell, I know Bob
7 McHale's looked at this, he may have some comments,
8 Phyllis may have some comments, but those are the
9 three main maintenance issues that I see for this
10 board to discuss and decide this evening. If I've
11 missed anything, please let me know; but, you know,
12 Kalahari has agreed that they're going to be

13 responsible for the landscaping and the maintenance
14 of the grass along the roadway and there you have
15 it.

16 MR. HOLAHAN: Mr. McHale, I've
17 got the letter from you speaking about the exhibits
18 or looking for an exhibit in some of the comments.
19 I guess probably one of the things that we -- might
20 as well take one thing at a time here, sidewalk
21 maintenance.

22 You're going to take care of it
23 for the first five years and after that they want
24 us to take care of it.

25 MR. STEVE PINE: That's not what

19

1 we asked for.

2 MR. HOLAHAN: Okay. What were
3 you asking for, Mr. Pine?

4 MR. STEVE PINE: What we said
5 is we would take care of the cleaning and the snow
6 removal and everything along the sidewalk forever
7 along with the landscaping. What we asked the
8 board or what we intended to ask the board, if
9 that's not the way it came out, is that you be

10 responsible for the maintenance. Because I
11 remember in discussions when we were talking about
12 this in '13, somebody brought up the question, it
13 was one of the board members, that says what if --
14 what if there's a crack and it's not repaired and
15 it's our -- it's ours, being the township's, and
16 somebody trips and falls and sues us. And so they
17 said we would rather be responsible for owning it
18 somehow in the maintenance agreement -- in the
19 agreement, excuse me, the development agreement it
20 didn't end up that way.

21 What we propose is that we would
22 always take care of the landscaping, we would
23 always take care of the cleaning and the upkeep of
24 the sidewalk, as far as -- but the physical part of
25 it -- cracks, replacements, that kind of stuff --

20

1 is something the township would do along with the
2 roadway after -- Patrick is right -- after we're
3 done building all of our phases and our -- we have
4 -- I believe it's a certain percentage bond already
5 posted and -- but after five years, the township,

6 who by then will be benefiting from the tax dollars
7 coming in from what will be somewhere in the
8 neighborhood of a 400 million dollar project, will
9 take over the electricity after five years.

10 We had originally asked that it
11 happen at the start -- that it happen right after
12 we opened up Phase 2, but we thought better that
13 and said, you know, in fairness, and let's be fair
14 about it, that after five years then you would take
15 over the electricity as well. That's all LED, we
16 spent extra monies to make sure that they're energy
17 efficient lights and et cetera. You know, we've
18 been asked several times to make additional
19 improvements based on what Toby has and we've all
20 done that. So it was just kind of a hoping you
21 would share that responsibility with us in time,
22 but it's five years is what we're asking for.

23 MS. PICKARD: I have a
24 question. Who's doing the inspections on the
25 sidewalks now?

21

1 MS. HAASE: T&M.

2 MR. STEVE PINE: T&M.

3 MS. PICKARD: T&M is doing that
4 now?

5 MR. HOLAHAN: Did we get
6 satisfactory reports from T&M?

7 MR. McHALE: Yes.

8 MS. HAASE: I guess I'm
9 confused because my understanding, the way this is
10 reading, for a period of five years following the
11 acceptance of dedication, so --

12 MR. STEVE PINE: That's
13 referring to the electricity is my understanding.

14 MR. HOLAHAN: No (inaudible)
15 sidewalks for that.

16 MR. ARMSTRONG: This is -- this
17 is -- let me -- I don't know how in detail we want
18 to get, but what was proposed --

19 MR. STEVE PINE: Well, I'm
20 telling you that's what the Kalahari is asking for.
21 So if that's acceptable or not, that's -- that's
22 what we would ask for. I didn't bring the
23 agreement with me.

24 MR. ARMSTRONG: Yeah. What was
25 proposed by Kalahari was that Kalahari would remain

1 responsible for maintenance and repairs including
2 snow removal of the sidewalks, five years -- for
3 the five years following acceptance of dedication
4 of the Kalahari Boulevard. But thereafter, the
5 township would be responsible for the maintenance
6 and repair and the developer shall remain
7 responsible for the snow removal. That was -- that
8 was what was proposed.

9 MR. STEVE PINE: I think we
10 just said the same thing. If I misstated that --

11 MR. ARMSTRONG: And what I'm
12 suggesting is that, I mean, I would not recommend
13 that the township commit to the maintenance or
14 repair of the sidewalks going forward into the
15 future. But again, that's -- you know, that's a
16 discussion and a decision for the board this
17 evening.

18 MR. KERRICK: The conversation
19 I recall is our planning commission wanted the
20 sidewalks. So we said after Phase 2 that we would
21 be responsible. That's what was said in '13.

22 MS. HAASE: You're correct.
23 The planning commission did request it; however,

24 the board of supervisors left that up to Kalahari
25 in your approval of whether they put them in or

23

1 they didn't. But you are correct, the planning
2 commission did want them, but the board said it was
3 up to Kalahari.

4 MR. HOLAHAN: Okay. So now
5 Kalahari's asking for this.

6 So what's the pleasure of the
7 board then?

8 MR. SAM KEIPER: Public input
9 first or last?

10 MR. HOLAHAN: You know what,
11 you could state now, that'd be fine.

12 THE REPORTER: May I just have
13 your name, please?

14 MR. SAM KEIPER: My name's Sam
15 Keiper, a taxpayer in Tobyhanna Township.

16 I would recommend against the
17 board taking over the sidewalks and the street
18 lights. I think that would be an additional
19 expense that would eventually be deferring to the
20 taxpayers. I realize we're getting some tax

21 dollars from the facility, but you're also -- have
22 some quite a bit of expense when you take over and
23 maintain a road.

24 Thank you.

25 MR. HOLAHAN: Thank you, Sam.

24

1 MR. STEVE PINE: Can you tell
2 me if this occurs anywhere else in the township or
3 the county where --

4 MR. ARMSTRONG: Oh, absolute --

5 MR. STEVE PINE: -- somebody has
6 to pay for the taxes --

7 MR. ARMSTRONG: Primarily all
8 throughout Penns -- all throughout Pennsylvania,
9 the adjacent property owner's responsible for
10 sidewalks.

11 MR. STEVE PINE: And the street
12 lights?

13 MR. ARMSTRONG: Yeah. In the
14 event that there's not an agreement like that, the
15 township can always pass a street light district
16 assessment and assess the adjacent property owners

17 for the cost associated with those street lights.

18 MR. STEVE PINE: I wish somebody
19 would have told us that up front. We would've
20 reconsidered that sidewalk that we didn't want in
21 the first place but were asked to.

22 MR. HOLAHAN: Do I have any
23 comment from the board?

24 MR. MOYER: What was the reason
25 the planning commission wanted the --

25

1 MR. KERRICK: They wanted it to
2 be a shopper friendly district where they could
3 walk from that area to where Pocono Manor wants to
4 do their shopping area if it ever happens, but --

5 MS. PICKARD: So the sidewalk
6 --

7 MR. KERRICK: I know the
8 planning commission did ask for it, so --

9 MS. PICKARD: It's in our
10 right-of-way, the sidewalk.

11 MR. KERRICK: Yes. That's
12 something that we have to make a decision on this
13 evening?

14 MS. PICKARD: Well, that would
15 be in the developer's agreement. My question is on
16 the street light and the sidewalks some of this
17 comes into the property that is going to be
18 adjacent to Pocono Manor as well.

19 MR. HOLAHAN: Adjacent, but is
20 that -- is there going to be access to Pocono Manor
21 from these sidewalks?

22 MS. PICKARD: Well, that's my
23 question, it's the half a mile coming in off of 314
24 or is it going further?

25 MR. STEVE PINE: Pocono Manor

26

1 owns property on both sides of the boulevard.

2 MS. HAASE: The sidewalk would
3 be on the opposite side of the -- where the
4 eateries and the retail would be. Not saying they
5 couldn't walk down the sidewalk and cross the
6 street, but the sidewalk is on the adjacent side.

7 MR. STEVE PINE: But they two
8 twenty-five acre lots there on that side as well.

9 MS. HAASE: Correct.

10 MR. STEVE PINE: Where the
11 sidewalk is.

12 MS. HAASE: Correct. But the
13 large parcel that was before us in recent
14 discussions is on the opposite side.

15 MS. PICKARD: I just don't see
16 necessarily where Kalahari would be responsible for
17 the sidewalk that comes prior to their property
18 line where that would be. So I'm kind of confused
19 about how this has fallen in the developer's
20 agreement. I mean, it just seems like it would be
21 a shared expense possibly between both of Kalahari
22 and Pocono Manor.

23 MR. ARMSTRONG: That could be,
24 but right now what's before this board is the
25 Kalahari land development plan and the development

27

1 agreement associated with that plan. There's
2 nothing before you with respect to Pocono Manor at
3 this time. That sidewalk is servicing -- or will
4 be servicing Kalahari until maybe Pocono Manor does
5 come forward with a project for its property. And
6 at that point in time, you know, I'm not sure

7 exactly what the situation will be, but right now
8 you have a land development plan for Kalahari and
9 that sidewalk is servicing Kalahari, or will be.

10 MR. HOLAHAN: So now in the
11 event that there is -- if somebody were to slip and
12 fall, whether or not there was damage in the
13 sidewalk that would cause that, who's going to be
14 responsible for that then?

15 MR. ARMSTRONG: Well, remember,
16 you're accepting dedication of that lot and that
17 sidewalk is within that lot, so you're going to
18 have insurance for that. So the township may be
19 named in the lawsuit, as well as potentially
20 Kalahari if you hold them responsible under this
21 agreement.

22 MR. HOLAHAN: Sam, yes?

23 MR. SAM KEIPER: Sam Keiper.

24 Comment regarding the street lights.

25 We used to have street lights in

1 town here years ago and the street light ordinance
2 assessed the property owners for the street lights.

3 And the property owners didn't want to pay it and
4 eventually a survey was sent out and they said to
5 remove the street lights and they were removed.

6 My point is that if you're going
7 to have the street lights and a new street light
8 ordinance and assess the property owner for the
9 street lights, the property owner may want to
10 rethink that because he can probably maintain the
11 street lights less expensively than the township
12 and not have to deal with -- pay any assessment and
13 dealing with that through the township in that
14 fashion. So that's just a comment that might be
15 beneficial to the property owner.

16 MR. ARMSTRONG: Yeah. I mean,
17 just -- just so the board is aware, I don't think
18 the street lights -- in your existing development
19 agreement, Kalahari has agreed to be responsible
20 for that cost going into the future. So unless you
21 want to change that, I don't necessarily see that
22 as an issue, unless you want to change it and agree
23 to, you know, take responsibility of those street
24 lights. The bigger issue or the newer issue for
25 the board to really decide on tonight is the

1 sidewalks.

2 MR. STEVE PINE: If I recall in
3 -- back in '13, that was the reason why we were
4 told we shouldn't be responsible for them because
5 the responsibility, because, as a landowner, it
6 falls on you and it should be up to your folks to
7 make sure they're well -- they're in good repair.
8 And if I fall behind in repair, not on purpose --
9 but I mean, it's 1500 feet long. You know, if I
10 fall behind and somebody's injured, unfortunately
11 it falls back on you.

12 And, you know, I'm sure we'd be
13 named in it as well with the agreement we have to
14 clear the walk. But if something happens where
15 there's just damage, I, you know -- how do you set
16 that up? So I guess, you know, we're asking for
17 what we think is fair. If you don't believe that
18 then, I guess we'll (inaudible). We're certainly
19 not going to walk away from the project over a
20 sidewalk in this place.

21 MR. KERRICK: I still go back
22 to the conversations that were had, numerous
23 conversations, that they didn't want to do it,
24 planning commission wanted it. So where's our

25 responsibility lie? I understand what Mr. Keiper

30

1 said and I do understand cost, but they didn't want
2 it, we wanted it.

3 MR. MOYER: That was their
4 belief the whole time, so, I mean, it's not fair to
5 them.

6 MS. PICKARD: We had the
7 conversation we didn't want to make a decision so
8 it kicked the can down the road and here it is.

9 MR. KERRICK: The can's here.

10 MS. HAASE: You know, it's my
11 understanding the maintenance of the sidewalks
12 including the snow ceases after five years?

13 MR. STEVE PINE: That's what
14 we're asking.

15 MS. PICKARD: No.

16 MR. STEVE PINE: No. Snow
17 removal -- I'm sorry, snow removal goes on for as
18 long there's a Kalahari there, so does the
19 maintenance of the landscaping.

20 MR. KERRICK: The conversation

21 was the only thing that we were responsible for
22 was the concrete itself, if it needed to be
23 repaired.

24 MS. HAASE: Page C -- on C it
25 says five years.

31

1 MR. KERRICK: The grass
2 cutting, landscaping, snow removal was all
3 Kalahari. The only thing we had to do, if a
4 section was broken, cracked, we had to repair it.
5 And we thought after Phase 2, which wasn't supposed
6 to start as soon as it is now, once Phase 2 started
7 we would be getting tax revenue in, that we'd be
8 okay.

9 MR. HOLAHAN: Okay.

10 MR. KERRICK: That's the
11 agreement, that's what was said in '13.

12 MS. PICKARD: That was what
13 was discussed.

14 MR. HOLAHAN: But in the
15 developer agreement under --

16 MR. KERRICK: That's been
17 amended so many times --

18 MR. HOLAHAN: 25.2, Section C,
19 is -- does say that including snow removal for
20 proposed sidewalk adjacent boulevard for a period
21 of five years following the acceptance and
22 dedication. Thereafter maintenance repairs,
23 including snow removal, would be up to the township
24 and we're saying no.

25 MR. ARMSTRONG: No, no, no.

32

1 MR. STEVE PINE: That's not we
2 asked for.

3 MR. HOLAHAN: But that's what's
4 in here.

5 MR. ARMSTRONG: What they're
6 proposing, thereafter maintenance repairs,
7 including snow removal to the proposed --

8 MR. HOLAHAN: Including snow
9 removal.

10 MR. ARMSTRONG: Well, that might
11 not be the most recent. What they're -- the one
12 that I have, the most recent one is thereafter the
13 township shall be responsible for maintenance and

14 repair and the developer shall remain responsible
15 for snow removal, the main -- and so on and so
16 forth.

17 MR. STEVE PINE: I think the
18 way -- or the reason it's written that way as us
19 being responsible for the first five years is
20 because that's how long the bond, the existing bond
21 from the last repair of anything that happens
22 because we're building, going to be continuing to
23 build for that period of time.

24 MR. ARMSTRONG: Oh, no, you are
25 right. You are right.

33

1 MR. HOLAHAN: So I've kind of
2 mastered reading a couple years ago. It's the
3 understanding of what's in front of me that I'm
4 having a difficult time with. So let me ask plain
5 question: They take care of the snow removal,
6 those types of things, but they want us to fix the
7 concrete after five years.

8 Everybody okay with that?

9 MR. KERRICK: Yeah. I --
10 that's what I stated in '13, I'm not going to go

11 back on my word now.

12 MR. HOLAHAN: Okay. Put that
13 in the agreement.

14 MR. ARMSTRONG: All right. So
15 just so I'm clear, the board is agreeable, five
16 years from dedication of Kalahari Boulevard, the
17 township will thereafter take up responsibility for
18 the maintenance and repair of the sidewalks where
19 at, but Kalahari will continue to be responsible
20 for the snow removal.

21 MR. McHALE: Why don't you
22 phrase it as the structural maintenance and repair.

23 MR. HOLAHAN: Structural
24 maintenance? Okay.

25 MR. McHALE: That way it doesn't

34

1 get confused with the snow removal and other
2 maintenance.

3 MR. HOLAHAN: Okay.

4 MR. ARMSTRONG: Is that what
5 the board is decided upon?

6 MR. STEVE PINE: Now, just to

7 further confuse this. My understanding though that
8 the township from Day 1 was going to be responsible
9 for the snow removal on the roadway itself.

10 MS. PICKARD: Yeah.

11 MS. HAASE: Upon dedication,
12 that is correct.

13 MR. STEVE PINE: That's why we
14 made the extra large turnaround, so -- okay. Then
15 we would handle all the sidewalks.

16 MR. HOLAHAN: Brandon --
17 Brendan?

18 MR. BRENDAN CARROLL: You say
19 maintenance and repair, what about replacement of
20 sidewalk?

21 MR. HOLAHAN: Yeah, that's going
22 to be on us.

23 MR. BRENDAN CARROLL: Okay.

24 MR. ARMSTRONG: That's what I'm
25 hearing from the board.

35

1 MR. BRENDAN CARROLL: It should
2 say that.

3 MR. HOLAHAN: Somebody else

4 have something?

5 Heino?

6 MR. HEINO FETTE: I understand
7 what the gentleman is saying in regard and the
8 board has repeatedly stated snow removal. What is
9 your definition of snow removal from the road? Are
10 you going to remove the snow all of the way? Are
11 you going to plow it on the sidewalk?

12 Once you plow it on the sidewalk
13 and they clean the sidewalk, is the township then
14 liable, under your terminology of maintenance?
15 Who's going to monitor the ice control that's going
16 to be on that sidewalk? Because out in that open
17 area --

18 MR. HOLAHAN: I got you, yeah.

19 MR. HEINO FETTE: What are you
20 going to put on a sidewalk? You're going to have
21 to buy -- you can't use salt, you'll blow the
22 concrete apart. The township's going to wind up
23 buying something on the order of Qik Joe, whatever,
24 which is a little expensive --

25 MR. HOLAHAN: Yeah, but --

1 MR. HEINO FETTE: -- how do you
2 -- what is your terminology of snow removal?

3 MR. HOLAHAN: What Mr. McHale
4 had said is that we would take care of the
5 structural part and they would take care of the
6 removal of -- I guess it'd even be wet leaves or
7 something like that.

8 MR. McHALE: Anything related
9 to maintenance.

10 MR. HEINO FETTE: But all I
11 heard is snow removal.

12 MR. McHALE: Snow, ice.

13 MR. HOLAHAN: Understood.

14 MR. McHALE: That should be
15 clarified then.

16 RM. HEINO FETTE: What are they
17 going to put on it for ice control? Are they going
18 to use salt? 'Cause that will cause you to have to
19 prematurely replace --

20 MR. HOLAHAN: These guys are
21 from Wisconsin.

22 MR. STEVE PINE: We typically
23 don't use it on our sidewalks because it kills all
24 the grass too, salt does.

25

MR. HOLAHAN: Well, there'll be

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1 no grass in January or probably won't be grass
2 until sometime in June.

3 MR. ARMSTRONG: Seeing that
4 this is the direction the board seems to be going,
5 the way it'll probably be worded is that Kalahari
6 will be responsible for the snow removal and other
7 potential leaves, what have you, in a manner and
8 form acceptable to the township.

9 MR. STEVE PINE: Well, if the
10 township already doesn't have any sidewalks, I'm
11 sure you don't want to tie up a machine and come
12 out and clean that one. We'll own our own.

13 MR. ARMSTRONG: Right. No,
14 that's what I think --

15 MR. STEVE PINE: Just a big ole
16 brush on the front of a machine and you go take one
17 swipe and it's done.

18 MR. KERRICK: Mr. Chairman?

19 MR. HOLAHAN: Yes.

20 MR. KERRICK: Maybe Bob could
21 clarify to the audience that the sidewalk is not

22 adjacent to the boulevard.

23 MR. McHALE: Correct.

24 MR. KERRICK: There's a space
25 so that we didn't have to deal with snow from the

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1 road. It's set back for that reason.

2 MR. McHALE: There's about an
3 eight foot grassed area between the sidewalk, but
4 it may not hurt to also add that type of
5 contingency, that if any snow is, you know, pushed
6 onto the sidewalk from the snowplows, that Kalahari
7 would also maintain that as well. I mean, we
8 wouldn't want to go back out and try to maintain
9 it, it wouldn't be able to -- wouldn't be
10 logistically --

11 MR. STEVE PINE: Well, we're
12 hoping that with it being a township road that
13 they'll always get plowed right away and then we'll
14 follow it through. Typically most ordinances you
15 got -- I think it's 12 hours to remove most snow
16 from sidewalks. You know, it would be something
17 that would -- we would consciously wait for --

18 MR. ARMSTRONG: One thing --
19 MR. HOLAHAN: I can get that.
20 Eddie, you're going to be
21 getting a phone call from Kalahari, when are you
22 going to be out here plowing this road?
23 MR. ARMSTRONG: One thing that
24 will be made clear in this agreement, and I've
25 already put it in the draft changes that I sent to

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1 you, is that it's going to be cleared like any
2 other road. And if it's a township road, it's
3 going to be cleared in a list that's created with
4 the road department and it's going to be cleared as
5 the road department clears road. If you're not
6 happy with it, Kalahari's going to have to get some
7 plows and, you know --
8 MR. STEVE PINE: We have plows.
9 MR. ARMSTRONG: Okay.
10 MR. STEVE PINE: We have plows,
11 we've got very large parking lots.
12 MR. HOLAHAN: Okay. Are we --
13 we're clear on that? Everybody cool?
14 MS. PICKARD: Then just to

15 clarify, do we have the right to request what type
16 of materials are put on there?

17 MR. ARMSTRONG: Yeah, this is
18 an agreement. It's an agreement.

19 MS. PICKARD: So will it be in
20 the agreement that they can use and what they can't
21 use?

22 MR. HOLAHAN: So that one is
23 taken care of, check. Now, the next one was --
24 what about the lights?

25 MS. PICKARD: Do we have some

40

1 kind of estimate on -- on what the cost of that is
2 going to be so we have an idea?

3 MR. STEVE PINE: We tried to
4 get that for you. Unfortunately, everybody and
5 their uncle's on vacation at PP&L this week. So we
6 weren't -- didn't have much luck, but we're
7 certainly happy to share that with you when we get
8 it. So we're working on that.

9 MS. PICKARD: Yeah, well, we
10 don't want to --

11 MR. ARMSTRONG: Remember,
12 that's already --
13 MS. PICKARD: -- make a
14 decision --
15 MR. ARMSTRONG: Remember, that
16 is already in your agreement as Kalahari being
17 responsible, in perpetuity, for that cost. The
18 difference between that and the sidewalk, we didn't
19 really address the sidewalk because the board
20 didn't want to make a decision at that point in
21 time. Right now that is already in the agreement
22 that they're going to be responsible for it going
23 forward into the future.
24 MR. HOLAHAN: Anybody want to
25 change the agreement on that?

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1 No?
2 MR. McHALE: If the board wants
3 to consider --
4 MR. STEVE PINE: Can I raise my
5 hand on that?
6 MR. McHALE: Well, Steve, I was
7 going to interject that you may also consider

8 waiting through one or two cycles and, you know,
9 reconsider down the road at the 18 month period
10 where we're looking at the maintenance period
11 expiring, that way you'll have more data as to how
12 much it really does cost in actual and then you can
13 consider it at that point in time then.

14 MR. STEVE PINE: Well, we've
15 agreed to the first five years, we can even wait
16 for five years. The point is it would be nice to
17 have some kind of decision on that at some point.

18 MR. HOLAHAN: I don't mind
19 kicking that can that down the road.

20 MS. PICKARD: Yeah, I don't
21 either.

22 MR. HOLAHAN: Let me see if I'm
23 going to be here in five years. Okay.

24 So there's no change to that, am
25 I correct?

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1 MS. PICKARD: Yes.

2 MR. HOLAHAN: Okay. Hearing
3 none.

4 What do we need to do now,
5 Patrick?

6 MR. ARMSTRONG: Unless I'm
7 missing something, I think that was it. I think,
8 you know, in their -- in their other draft -- and
9 I'm assuming the board's on board with what I'm
10 recommending, but with respect to the maintaining
11 of maintenance security on Kalahari Boulevard, they
12 had now proposed -- you know, they're going to be
13 posting this maintenance security for Kalahari
14 Boulevard until they're done with all of their
15 stages.

16 MR. HOLAHAN: Right.

17 MR. ARMSTRONG: And they had
18 proposed certain language in here either when
19 they're done with the last stage or the expiration
20 of five years following acceptance of dedication of
21 the boulevard, whichever first occurs. I've
22 crossed out that five year term and just made them
23 responsible for maintaining that maintenance period
24 -- or maintenance security until they're done with
25 all of their projects.

1 MR. HOLAHAN: Is that the H?

2 MR. ARMSTRONG: That's A. The
3 very last sentence in Subsection A.

4 MR. STEVE PINE: And we're okay
5 with that because we believe that we'll be done
6 with most of our construction by year's end of '17.

7 MR. HOLAHAN: Okay. So there's
8 no sense in discussing this now.

9 MR. ARMSTRONG: If you're
10 agreeable to it, great.

11 MR. HOLAHAN: All right. Cool.

12 MR. ARMSTRONG: Substantively,
13 I think that was it unless the board saw something
14 else you wanted to discuss this evening.

15 MR. HOLAHAN: Do we need to
16 discuss anything else here?

17 Hearing none. We're going to
18 move on to the next thing. Transco Williams Leidy
19 Southeast expansion project, Thomas Road and Burger
20 Road maintenance agreement.

21 MS. HAASE: Mr. Chairman, we
22 are going to be presenting that to the board at
23 your next meeting. And why I brought that up, if
24 the board can consider a special meeting next week,
25 we will potentially be visiting Kalahari, the

1 dedication to the sewer and/or the Kalahari
2 Boulevard.

3 MR. HOLAHAN: Okay. So we'll
4 table this to the special meeting then.

5 MS. HAASE: Would the board be
6 in agreement to say the 18th?

7 MR. HOLAHAN: Thursday, the
8 18th. Early?

9 MS. HAASE: That's entirely up
10 to the board.

11 MR. HOLAHAN: I'm golfing that
12 day, it needs to be early. Oh, I'm sorry.

13 I'm golfing that day, it needs
14 to be early.

15 MS. LAMBERTON: 8 a.m.

16 MS. HAASE: That will give
17 Kalahari ample time --

18 MR. STEVE PINE: Mr. Chairman,
19 we were hoping to get something sooner like as far
20 out -- as close a week from today if we could.
21 That's holding up -- that's holding up our ability

22 to get an occupancy permit.

23 MR. HOLAHAN: We don't want to
24 do that, Mr. Pine.

25 When we can make it?

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1 MR. ARMSTRONG: We don't have
2 the punch list yet.

3 MS. HAASE: We're still waiting
4 on items that we're afraid if we schedule --

5 MR. STEVE PINE: We were told
6 you were supposed to have that by the middle of
7 this week, so --

8 MR. HOLAHAN: Who's going to
9 supply that?

10 MR. STEVE PINE: That's
11 Pennoni.

12 MR. ARMSTRONG: Then that's
13 going to go to T&M, T&M's going to review it. I
14 mean, there's a -- there's a process.

15 MR. KERRICK: So set it for
16 Monday. If you can't make it, we'll change it.

17 MS. HAASE: Well, I have to
18 advertise it so that's the whole thing.

19 MR. McHALE: There is a lot of
20 information coming together right now.

21 MS. HAASE: We need to be
22 realistic with advertisement.

23 MR. KERRICK: So if you
24 advertise it that gives them a little deadline, a
25 little push to get it done.

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1 MS. HAASE: Oh, trust me, we've
2 been giving them pushes, so has Steve --

3 MR. McHALE: I was just going
4 to say, you might even consider advertising two
5 dates and then pick whichever one makes it. But
6 as-builts are to be completed by the end of this
7 week, punch lists with costs associated with the
8 outstanding items by the middle of this week,
9 Wednesday. We just had a meeting today with H&K,
10 T&M, Pennoni and ourselves. And they're moving
11 along, there's a lot being accomplished. Weather
12 permitting they'll have Kalahari Boulevard with
13 wearing course on it within the next couple of
14 weeks.

15 There's issues related to State
16 Route 314 and PennDOT, but that's PennDOT issues
17 that they'll take care of. But as far as our site,
18 sewer and Kalahari Boulevard, they are pulling a
19 lot of information together, so that's up to you
20 how you want to handle that. But they assured us
21 that they'll have a lot of that information by the
22 end of this week. And T&M will be constantly
23 coordinating with Pennoni as well.

24 MR. HOLAHAN: I'm out of town
25 Monday, but I don't need to be here for that.

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1 MS. PICKARD: I'm out of town.

2 MR. HOLAHAN: Oh, and you're
3 out of town as well?

4 MR. KERRICK: I'm here.

5 MR. HOLAHAN: John's here, let's
6 do it then.

7 MR. KERRICK: Donny's here,
8 Anne's here.

9 MS. HAASE: Try the
10 advertisement for the 16th and 18th? And like Mr.
11 Kerrick said, then I can cancel one?

12 MR. HOLAHAN: Yeah, can we do
13 that?
14 Listen up, do two meetings, the
15 16th and the 18th?
16 MR. MOYER: Monday and
17 Wednesday?
18 MR. HOLAHAN: No, Tuesday and
19 Thursday.
20 MR. KERRICK: Tuesday and
21 Thursday.
22 MR. HOLAHAN: Okay.
23 MR. ARMSTRONG: The board
24 should be aware, I'm not available next week, but I
25 will -- tomorrow I will check who is available on

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1 the 16th and the 18th.
2 What time is that?
3 MS. PICKARD: I just have -- on
4 the 18th we do have a meeting here for the EMS at
5 seven.
6 MR. HOLAHAN: Can we make it
7 eight o'clock.

8 MS. HAASE: In the morning?
9 MS. PICKARD: No.
10 MS. LAMBERTON: 8 a.m.
11 MR. HOLAHAN: In the morning.
12 MS. PICKARD: Oh, in the
13 morning, yeah.
14 MS. LAMBERTON: Yeah, let's do
15 that.
16 MS. HAASE: So both the 16th
17 and the 18th you're asking 8:30 advertisement?
18 MS. LAMBERTON: 8 a.m.
19 MR. HOLAHAN: Eight, let's make
20 it eight o'clock, please.
21 You all are invited, by the way.
22 Patrick will be in Cape May, am
23 I correct, Cape May?
24 MR. ARMSTRONG: Yes, I will.
25 MR. HOLAHAN: Where in Cape

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1 May?
2 MR. ARMSTRONG: What I will do
3 is I will talk to a few of my associates in the
4 office tomorrow. In the event that I can't get

5 someone here for an eight o'clock morning meeting,
6 I will plan on telecommuting, in the event that I
7 can't get someone to actually physically be here.

8 MR. HOLAHAN: Okay. Thank you.

9 Let's move on to new business.

10 MR. HARRY FORBES: One question
11 before you move on, Mr. Chairman.

12 MR. HOLAHAN: Mr. Forbes?

13 MR. HARRY FORBES: Did you need
14 to make a motion on the verbiage on the fourth
15 addendum?

16 MR. ARMSTRONG: No, no. The
17 reason I brought it before the board is, you know,
18 rather than go back and forth, because I wasn't
19 going to change my position and I'm sure Kalahari
20 wasn't going to change theirs, I put it before the
21 board, they made their recommendation. I'll
22 incorporate those -- that language into the
23 agreement, I'll circulate it to Kalahari's legal
24 representatives and hopefully that will be it.

25 And eventually that addendum

1 will be back before this board to vote on and
2 approve and execute. And it sounds like it will
3 likely be at the meeting -- or it's going to have
4 to be at the meeting with respect to dedication of
5 potentially sewer and Kalahari Boulevard.

6 Now, one thing, you know, we
7 talked about the punch list with the timing of that
8 meeting, we're also waiting for some additional
9 documents with respect to Kalahari Boulevard's
10 description that I don't have yet. But I did speak
11 with Steve a little bit before the meeting about --

12 MR. STEVE PINE: They know.
13 That didn't come through later today?

14 MR. ARMSTRONG: That should be
15 coming from Ralph so I don't know. I haven't seen
16 anything come from Ralph.

17 MR. STEVE PINE: Okay. I
18 apologize.

19 MR. McHALE: For the
20 dedications, though? 'Cause I think we talked in
21 the past about that the Kalahari Boulevard is not
22 as essential to be dedicated right away, but that
23 the pump station and the force main is critical.

24 MR. ARMSTRONG: Right. So what
25 -- Steve and I had actually did talk briefly before

1 the meeting. I guess in the event that the sewer
2 is ready for dedication at your next meeting and
3 Kalahari Boulevard is not, I guess we can consider
4 that as well, but we won't know that until this
5 week progresses and we see what comes in.

6 MR. STEVE PINE: Probably
7 Wednesday.

8 MR. ARMSTRONG: What we have.

9 MR. HOLAHAN: Okay.

10 MR. ARMSTRONG: Does everyone
11 understand that?

12 MR. HOLAHAN: Yes. Well, I do.
13 Everybody else?

14 MR. MOYER: Yes.

15 MR. KERRICK: That's fine.

16 MR. HOLAHAN: Okay. Let's move
17 on.

18 MR. STEVE PINE: Thank you so
19 much. I apologize for having to leave, but I have
20 an eight o'clock meeting with an electrician if you
21 can believe that. They do come out at night.

22 MR. HOLAHAN: We'll send you a

23 text on everything else that happens here.

24 MR STEVE PINE: All right.

25 Thank you.

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1 New business. Discuss

2 relocation of the polling place for the Tobyhanna
3 Township Western Election District.

4 MS. HAASE: Yes. The county
5 contacted the township yesterday and explained that
6 they had some issues with the owner and the lessee
7 of the building for the western polling. And they
8 are looking for another location for November's
9 election. So we tossed around a few locations.
10 One is not going to meet the requirements of the
11 county due to the fact that the parking lot is not
12 paved and the lavatories are not handicapped
13 accessible.

14 So Faith Lutheran Church is
15 another option. They have a meeting on Thursday
16 with their board, so they will contact the township
17 at that point to let us know if they would allow
18 the county and the township to use the facility.

19 The only other building --
20 Bless you.
21 -- is emergency service building
22 and that's really too close to the eastern polling
23 place. So we're kind of really stuck on locations.
24 So I will update the board Thursday -- or Friday
25 and let you know and perhaps this is something that

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1 we'll address then at your meeting on either the
2 16th or the 18th.

3 MR. HOLAHAN: Great. Thank
4 you.

5 Next is the Tobyhanna Township
6 Volunteer Fire Company and the Pocono Mountain
7 Regional EMS discussion related to the QRS
8 dispatch.

9 MS. HAASE: Yes, Mr. Chairman.
10 Company 41 and PMR EMS has reached out to the
11 township, and as always they're concerned about the
12 safety of our residents. And they're trying to
13 work a new system with the county and have the
14 county in agreement with what they're proposing to
15 allow a speedier and a better response time to some

16 of our residents. So Chief Counterman and
17 Assistant Chief Tutrone's here, as well as PMR EMS
18 representative Denise Doremus and they can speak to
19 this further.

20 MR. TROY COUNTERMAN: Well,
21 basically what happened 10 years ago, over 10 years
22 ago, we became licensed quick response service
23 through the Department of Health. And at that
24 point we wanted to be dispatched on second and
25 third ALS calls. Over 10 years ago the answer was

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1 the same as it was on May 18, we can't do it, you
2 got to go on all or none.

3 The company, my perspective is,
4 it doesn't make any sense for us to be dispatched
5 on the initial ALS call when they're in the
6 building. We will never get to the building, we
7 will never get to the call before them, they're
8 going to be way out ahead of us. So we were
9 looking, if there's a delay in care from them --
10 because they do get busy -- they'll pull another
11 ambulance from either 11-1, 11-3, 11-4, however

12 many you got. It's extended, so we wanted to go
13 out on that, they won't do it. They want us out on
14 everything or rely on the EMS service to remember
15 to call us.

16 Our point is we have a licensed
17 service within the township and we can't -- we
18 can't as a company get it dispatched the way it
19 should be done. So that's why we brought it to
20 your attention.

21 MR. HOLAHAN: So, Chief
22 Counterman, what can we do to assist you in this?

23 MR. TROY COUNTERMAN: Well, you
24 guys pay the bill.

25 MR. HOLAHAN: Stop paying it?

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1 MR. TROY COUNTERMAN: I don't
2 know what you're going to do, but you're paying for
3 the service that's already here. And we're just an
4 extra that came along. Like I said, you've always
5 paid for EMS, you've always paid for fire, you've
6 always paid for police. We brought that extra
7 service in over 10 years ago because we saw a lag
8 time. So we're just trying to protect our own

9 public here. And I'm not getting any resistance --
10 or I'm getting too much resistance.

11 Like I said, May 18 I just had a
12 meeting again at the control center. We're moving
13 to what they call predetermined dispatches where
14 we'll actually be able to list the companies and
15 what trucks we want dispatched on a first alarm or
16 a second alarm or third alarm. So it's going to be
17 the same with EMS. So my question to them was why
18 can't we be put in with EMS and their CAD system
19 supposedly will not handle that.

20 MR. HOLAHAN: Do you think
21 that's just an excuse?

22 MR. TROY COUNTERMAN: Yes, I
23 do, I do. Like I said, I've been having this
24 conversation with Gary and Jeff for over 10 years
25 and it's the same conversation over and over again.

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1 Prime example, May 20, 1:15 in the afternoon, call
2 came into Pocono Lake Reserve, 56 minutes from the
3 time of dispatch till they got on scene.

4 There's a lot of factors that

5 went into that, but we were just down the road and
6 we probably could've went there. 56 minutes to me
7 is just -- it's too much.

8 MR. KERRICK: I have a couple
9 of questions?

10 MR. HOLAHAN: Sure.

11 MR. KERRICK: Troy, how many
12 are in the county QRS?

13 MR. TROY COUNTERMAN: Two and
14 then Marshalls Creek went to an actual BLS license.

15 MR. KERRICK: And they all --
16 all or none?

17 MR. TROY COUNTERMAN: Yeah.
18 They chose to do that, we don't want to do that.

19 MR. KERRICK: I understand what
20 you're saying.

21 MR. TROY COUNTERMAN: We're
22 going to burn our guys out and we're already down.
23 I mean, our membership is like way down and they're
24 not knocking the doors to get in there. So we're
25 going to burn our guys out, so what we're asking

1 for is just a little bit of help. What can we do

2 together as a community to get this done?

3 MS. PICKARD: Troy, how many do
4 you have that are able to go out on the QRS?

5 MR. TROY COUNTERMAN: We're
6 running what, five? Five EMTs in our building?

7 MR. ED TUTRONE: There's five
8 or six EMTs and we're sending, I believe, six more
9 people through the emergency response. I don't
10 know the name for it, emergency --

11 MR. TROY COUNTERMAN: Yeah,
12 emergency responder program.

13 MR. ED TUTRONE: And then with
14 QRS you only have to have the level of emergency
15 responder, you don't have to have EMT, but we at
16 the company will provide an EMT on the truck.

17 MS. PICKARD: He's saying he
18 can't program it, 'cause I have that written here
19 too. He said he cannot program it, so is that --

20 MR. TROY COUNTERMAN: Yeah,
21 there's three choices; all calls --

22 MS. PICKARD: All or nothing.

23 MR. TROY COUNTERMAN: -- all
24 ALS calls or have the ambulance service request us.
25 Because they're not going to rely on their people

1 to remember that we have the service.

2 MS. PICKARD: Well, and we
3 tried our -- our people at PMR to do it and that's
4 a problem as well. I just don't understand why
5 that can't be second do or a dual dispatch on
6 second do.

7 MR. TROY COUNTERMAN: It was
8 the same question we had Monday night, on the 18th,
9 so --

10 MR. HOLAHAN: So they're saying
11 it's software capability not necessarily -- or it
12 may be policy? Do you think it's just their
13 policy?

14 MR. TROY COUNTERMAN: I'm
15 telling you what I'm told, the CAD system can't
16 handle it.

17 MR. HOLAHAN: Do we know what
18 the CAD system is, when they installed it?

19 MR. TROY COUNTERMAN: No. But
20 I know --

21 MR. MOYER: How old?

22 MR. TROY COUNTERMAN: -- at

23 least three or four times since I've --

24 MR. KERRICK: They should be
25 able to make it work, we should write a letter.

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1 MR. HOLAHAN: Okay. So is --

2 MR. KERRICK: If they can't,
3 they should --

4 MR. HOLAHAN: Update.

5 MR. KERRICK: -- solve -- solve
6 the problem.

7 MR. MOYER: Yeah.

8 MS. PICKARD: Yeah.

9 MR. HOLAHAN: So the board
10 wants to take action.

11 So what action would you like to
12 take then? Initially write a letter?

13 MR. MOYER: Yeah.

14 MR. KERRICK: Start with a
15 letter.

16 MS. PICKARD: Well, wait a
17 minute, they've got a couple --

18 MR. HOLAHAN: I'm sorry.

19 Yeah, Eddie?

20 MR. KERRICK: Stand up so we can
21 see you.

22 MR. ED TUTRONE: I think what's
23 going to happen is you're going to send the letter,
24 you're going to get the same response, 'cause
25 Denise just sent one, she got the same response, I

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1 got the same response. At this point I think we
2 would -- on the fire side, and I'm going to assume
3 Denise would probably feel the same way, that we
4 request a meeting with the two agencies, the
5 township and the control center.

6 MR. HOLAHAN: So perhaps our
7 letter could be requesting that then.

8 MR. McHALE: Your letter could
9 be accompanied with their letters and make it aware
10 that --

11 MR. KERRICK: They've already
12 sent letters.

13 MALE VOICE: Don't pay the
14 bill.

15 MR. McHALE: You're aware of

16 all the letters that were submitted to them
17 originally.

18 MS. HAASE: Is it the request
19 to meet with the entire board or a few members of
20 the board? What is the desire?

21 MR. ED TUTRONE: I would say
22 whatever you guys would want to do, just some
23 representation from the board to let them know that
24 -- not that we're not serious, but to let them know
25 that it's reached a serious level in our eyes for

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1 the citizens of Tobyhanna Township.

2 MR. KERRICK: See if you could
3 set it up for the 16th or the 18th.

4 MS. PICKARD: Yeah, I would
5 like to be part of that meeting if that's okay.

6 MR. HOLAHAN: So I guess the
7 problem is that if there's three of us, then we
8 have to advertise it. That's going to pretty much
9 limit --

10 MR. MOYER: So do two.

11 MR. HOLAHAN: Yeah, so we'll
12 send -- I'm thinking send two and that way we're

13 flexible with their times. And if we don't get
14 anywhere with that, then maybe as a board we
15 address that. And it'd be nice to have some
16 residents petition or, you know, letters from
17 people that might -- I would think, let's first see
18 if we can't get that meeting. And if we don't get
19 anything from that, then maybe we want to reach out
20 to the residents of the community, but let's see if
21 we could set two people up.

22 So, Heidi, you want to?

23 MS. PICKARD: I would like to.

24 MR. HOLAHAN: Who else?

25 MS. LAMBERTON: I'm okay with

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1 going.

2 MR. HOLAHAN: Annie too. All
3 right.

4 MR. HARRY FORBES: I would
5 suggest you con --

6 MS. PICKARD: I just want to
7 say that, you know, the ambulance, the EMS are so
8 stressed in the county, period. So I don't

9 understand why --

10 MS. DENISE DOREMUS: Anything.

11 That's why I do agree with it, any help would be
12 better.

13 MS. PICKARD: I don't know why
14 they would not want to --

15 MS. LAMBERTON: I would just
16 request some information, if you could email maybe
17 to Phyllis so we could share to have something to
18 read so we can at least go in educated on what
19 you're dealing with.

20 MR. TROY COUNTERMAN: Sure. I
21 mean, I would -- I would say they don't have to
22 dispatch us, but we're a licensed service through
23 the state.

24 MS. LAMBERTON: I'm just not
25 informed, so I would appreciate whatever you can

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1 give me so I can work on your behalf. I'm fine
2 with that.

3 MR. ED TUTRONE: The other
4 thing too -- I'm just thinking this in my head
5 right now. If we -- we had kicked the idea around

2 Control Center.

3 MR. BRAD GRAHAM: It's not

4 Monroe County --

5 MR. TROY COUNTERMAN: It's a

6 private service.

7 MR. BRAD GRAHAM: It's not EMS

8 Council, correct?

9 MR. TROY COUNTERMAN: It's

10 privately owned.

11 MR. BRAD GRAHAM: That's my next

12 question. Who owns the 911 center?

13 MR. TROY COUNTERMAN:

14 Stroudsburg --

15 MR. BRAD GRAHAM: It's privately

16 owned or is it owned by the county?

17 MR. TROY COUNTERMAN:

18 Stroudsburg and East Stroudsburg own it now.

19 Stroud Township --

20 MR. BRAD GRAHAM: But it's not

21 a county owned --

22 MR. TROY COUNTERMAN: It's not

23 a county owned system.

24 MR. BRAD GRAHAM: Okay. That's

25 got to change. I will tell you right now, you can

1 put anybody you want on your cards, period, I'm
2 telling you right now and if you want to talk to me
3 afterwards, you can talk to me afterwards.

4 MR. TROY COUNTERMAN: We
5 understand this.

6 MR. BRAD GRAHAM: I know you
7 understand that, but it's -- we're beyond a point
8 of having a meeting, we're beyond a point of having
9 the board going. It's got to go to the next step,
10 it might have to go to Patrick.

11 MR. HOLAHAN: Maybe you all --

12 MR. BRAD GRAHAM: And then
13 Patrick sends a letter and --

14 MR. TROY COUNTERMAN: That's
15 what we're here for we're here to get some help.

16 MR. BRAD GRAHAM: Fine. If
17 they don't want to let you put something on the
18 card, which you have a complete right in the State
19 of Pennsylvania to do, then legally we're going to
20 go after them.

21 MS. HAASE: Well, I will send a
22 letter to the county requesting a meeting with
23 Supervisor Pickard and Lamberton with 41 and PMR

24 EMS. And we'll sit down and see if we can make any
25 heads up.

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1 MS. LAMBERTON: Sounds great.

2 MR. ED TUTRONE: Ultimately,
3 the -- strongly as we feel about this, if it comes
4 down to it, not that we have the staffing to do it,
5 we probably would purchase an ambulance to get that
6 slot if we need to. I mean, that's how strongly we
7 feel about it.

8 MR. HOLAHAN: Thank you. Thank
9 you, Mr. Tutrone.

10 Anybody else?

11 Okay. Thank you.

12 MS. HAASE: Mr. Chairman, there
13 was one item that I did forget to mention to the
14 board. We've been going back since the beginning
15 of the year with Coolbaugh Township related to the
16 grinder, also known as the Beast. I have sent
17 numerous letters, Mr. Armstrong has sent a letter
18 to Coolbaugh Township. I also sent a letter of the
19 meeting of the board in direction to find out some

20 -- get some clarification of what they were wanting
21 us to do. If you recall, the board wanted to know
22 if the other two municipalities didn't sign into
23 the agreement, was our percentage going to change.
24 There was a few questions you had had.

25 As of April 15 I have not

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1 received a response. I will reach out one more
2 time to Coolbaugh Township. I know they stated at
3 their last meeting that no one responded and we did
4 send a letter on April 15, but we've not received a
5 response back from the supervisors or their
6 solicitor. So our residents are getting somewhat
7 frustrated because they have no place to take the
8 branches. And, again, we're still in the same
9 situation that we do not, so I will reach out to
10 them one more time and then report back to you in
11 July.

12 MS. LAMBERTON: Could we send
13 them something like certified mail?

14 MS. HAASE: My next letter will
15 be certified.

16 MR. ARMSTRONG: Where that was

17 left is they were -- they were preparing --
18 MS. HAASE: They did prepare --
19 MR. ARMSTRONG: -- an amendment.
20 MS. HAASE: You're correct.
21 They did prepare and give us a draft with some
22 numbers. And the board then had further questions
23 related to, again, the cost sharing percentages,
24 how it would be affected if the other
25 municipalities did not sign in. And we wanted to

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1 see their final draft before the board agreed to it
2 and that has not been provided to us.
3 MR. HOLAHAN: Anything else on
4 that?
5 Do I have a motion to adjourn?
6 I'm kidding.
7 Now's time for public questions
8 and comment.
9 Anybody?
10 MR. JOSEPH COLYER: I have
11 something.
12 MR. HOLAHAN: Oh, please.

13 THE REPORTER: May I just have
14 your name, please?

15 MR. JOSEPH COLYER: Joseph
16 Colyer.

17 THE REPORTER: Last name, I'm
18 sorry?

19 MR. JOSEPH COLYER: C-o-l-y-e-r.
20 As you know of our problem going on with my
21 business, I was wondering if somebody can tell me
22 what the chain of command is if you guys disagree
23 with the zoning officer. Does that just mean it
24 goes away and you can't do anything about it? They
25 can't do anything? There's no --

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1 MR. ARMSTRONG: When the zoning
2 officer comes up with a zoning -- again, I'm kind
3 of trying to recollect the last time you were
4 before the board and the issues involved. But the
5 zoning officer has made a determination, the next
6 step for you is to appeal that to the zoning.

7 MR. JOSEPH COLYER: Not me.
8 Can they do anything? You stated at the last
9 meeting they can do nothing, I think that's not

10 correct. I think they have a right to challenge
11 that decision if they disagree, am I correct?

12 MR. ARMSTRONG: That I don't
13 think you're accurate.

14 MS. HAASE: No.

15 MR. ARMSTRONG: Usually the
16 board of supervisors needs to stay at arm's length.
17 They need to be separate from the zoning
18 officer's --

19 MR. JOSEPH COLYER: I'm not
20 saying they can tell her she's wrong, Patrick. I'm
21 saying, do they have a right to say we disagree
22 before this goes to litigation and you'd get sued,
23 do they have a right to challenge the decision or
24 to sit and have a discussion?

25 MR. ARMSTRONG: Okay. What

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1 could happen is, if you were to appeal the zoning
2 officer's determination to the zoning hearing
3 board, at that point in time the appeal will
4 probably come and they'll look at it. And
5 sometimes the board of supervisors will take --

6 they'll look at it and say, oh, we don't agree with
7 this.

8 They'll take a position --
9 they'll actually have party status before the
10 zoning hearing board and say we oppose your
11 application; or they could look at it and they
12 could say ah, we don't really care, just let the
13 zoning hearing board handle it; or they could issue
14 a statement in support of what you're applying for.
15 But that's the extent of it, they don't control the
16 zoning -- they can't control the zoning hearing
17 board.

18 MR. JOSEPH COLYER: I'm not
19 asking if they control it, I'm just saying --

20 MR. ARMSTRONG: But you're
21 absolutely right, they could weigh in on and say if
22 they agree --

23 MR. JOSEPH COLYER: But they
24 can't challenge that decision anywhere?

25 MR. ARMSTRONG: No. I mean,

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1 that defeats the purpose of the -- the way the MPC
2 is set up. I mean, it's --

3 MR. JOSEPH COLYER: Well, why
4 do we have five supervisors if they can't help us?
5 Why wouldn't we have five zoning officers and one
6 supervisor? I mean, it's --

7 MR. ARMSTRONG: I mean, I guess
8 the short answer to that question is, the way this
9 board could potentially help you is, if you would
10 file your application before the zoning hearing
11 board and this board looks at it and they want to
12 issue a statement of support or something to the
13 zoning hearing board to take under consideration at
14 that hearing, they can do that. Or I think what
15 was discussed at the prior meeting is if this board
16 ever wanted to consider amending the zoning
17 ordinance to address the specific issue --

18 MR. JOSEPH COLYER: What
19 ordinance is it that's wrong? What zoning
20 ordinance is wrong?

21 MR. ARMSTRONG: The specific
22 provision of the zoning?

23 MR. JOSEPH COLYER: Yeah.

24 MR. ARMSTRONG: I don't know. I
25 haven't looked at, you know --

1 MR. JOSEPH COLYER: I don't
2 have one either. I've never been notified, I've
3 been told verbally I'm in violation of everything
4 I'm doing after I was given a permit to do exactly
5 what I'm doing. But you guys were supposed to be
6 looking into this and nobody still knows nothing
7 about it for months.

8 Every meeting we hear about
9 Kalahari, what can we do, what can we do, what can
10 we do. What are you doing for me? I voted you
11 guys in there, not Kalahari. What are yous doing
12 for me? Has anybody talked about it?

13 Patrick, you were asked to look
14 into it. Do you know anything about it? You don't
15 even know what I'm in violation of and you were
16 asked by the board at a meeting to look into it.

17 MR. ARMSTRONG: I don't know --

18 MR. JOSEPH COLYER: Yes, you
19 were.

20 MS. HAASE: Okay.

21 MR. JOSEPH COLYER: You were.

22 MS. HAASE: Let me clarify, it
23 is --

24 MR. JOSEPH COLYER: Annie, I
25 think you made the statement and asked him to look

73

1 into it.

2 MR. HOLAHAN: Hold on a second,
3 Joe.

4 MS. LAMBERTON: I think -- can
5 I --

6 MR. HOLAHAN: You're asking a
7 question, you got to allow them to answer, please.
8 Thanks.

9 MS. HAASE: As we stated to you
10 be -- we understand your frustration; however, this
11 board does not have the authority to act on a
12 zoning issue. It has to go in front of the zoning
13 hearing board.

14 MR. JOSEPH COLYER: What's the
15 zoning issue?

16 MS. HAASE: We've discussed
17 this, again, Ms. Minnick has discussed this with
18 you, I've discussed it with you.

19 MR. JOSEPH COLYER: Nobody told
20 me exactly what I'm in violation of.

21 MS. HAASE: We're not saying --

22 MR. JOSEPH COLYER: What

23 ordinance am I in violation of?

24 MS. HAASE: Hold on. We're not

25 saying you're in violation. What you are

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1 requesting is a salvor's license.

2 MR. JOSEPH COLYER: No, no, no,

3 that's not what I was told. Maureen called me at

4 my shop after I came to see you about the salvor's

5 license and told me I was in violation of the use

6 of the property. That has nothing to do with the

7 salvor's license.

8 MS. HAASE: Okay. Then perhaps

9 --

10 MR. JOSEPH COLYER: I don't

11 have a salvor's license right now. So what's the

12 violation right now?

13 MS. HAASE: Have you received

14 anything from the township that you're in viol --

15 MR. JOSEPH COLYER: Verbal?

16 MS. HAASE: Have you received a

17 written --

18 MR. JOSEPH COLYER: You told me
19 I couldn't bring cars to my shop at the last
20 meeting.

21 MS. HAASE: You're requesting
22 from the township, am I not correct, a letter from
23 the township for a salvor's license?

24 MR. JOSEPH COLYER: Yes, yeah.

25 MS. HAASE: That's the issue.

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1 We're not saying you're in violation of what you're
2 doing now. What we're saying is what you're
3 proposing does not --

4 MR. JOSEPH COLYER: That's a
5 lie. It was stated at a meeting I cannot tow
6 vehicles back to my facility. You made that
7 statement.

8 MS. HAASE: No. We have it
9 verbatim.

10 MR. JOSEPH COLYER: Does anybody
11 ever -- did you guys not hear that at the meetings?

12 MS. HAASE: Nobody said you
13 could not tow vehicles back to your business.

14 MR. JOSEPH COLYER: You said I
15 cannot tow vehicles back to my facility, yes.

16 MR. HOLAHAN: Was that during
17 one of the meetings?

18 MR. JOSEPH COLYER: Yes.
19 That's my business.

20 MR. HOLAHAN: Was that during
21 one of the meetings?

22 MR. JOSEPH COLYER: Yes. None
23 of the minutes are -- none of the minutes are there
24 yet. I've been look -- waiting for them.

25 MR. HOLAHAN: Well, they should

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1 be --

2 MR. JOSEPH COLYER: They're not
3 online yet.

4 MS. HAASE: No one has sent you
5 that you're in violation. The township cannot
6 issue you a letter to the state if you are now --

7 MR. JOSEPH COLYER: So you're
8 telling me I can -- as of right now, right here,
9 right now, I can tow vehicles back to my place and

10 run my repair shop?

11 MS. HAASE: I didn't say run
12 your repair shop. The best that you need to do is
13 speak to the zoning officer, but this board cannot
14 grant you a --

15 MR. JOSEPH COLYER: The zoning
16 officer told me she didn't know there was a problem
17 until after the last meeting, the first meeting.
18 She had no idea there was an issue with what I was
19 doing. She knew I came in front of you to run a
20 repair shop. She signed the permit that you read,
21 stating I could run my repair shop and my towing
22 business on that property and a body shop and a
23 trucking business.

24 MS. HAASE: I have no problem,
25 Joe, sitting down with you and Mr. Selig and

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1 discussing this.

2 MR. JOSEPH COLYER: I'm done
3 sitting down. I came and did the right thing. I
4 came to you before I moved in there, you were part
5 of it.

6 MS. HAASE: That's correct.

7 MR. JOSEPH COLYER: You knew
8 what I was doing and you knew the reason I moved,
9 right or wrong?

10 MS. HAASE: We have all the
11 documents, we're more than happy to sit with you.

12 MR. HOLAHAN: Joe, hold on a
13 second. Settle down a little bit.

14 MS. HAASE: We're more than
15 happy to sit with you.

16 MR. JOSEPH COLYER: This has
17 been going on -- right or wrong?

18 MR. HOLAHAN: Do you want this
19 to get resolved?

20 MR. JOSEPH COLYER: Yeah.

21 MR. HOLAHAN: Okay. Ms. Haase
22 -- excuse me. Ms. Haase is saying to sit down with
23 you all and see if you can work that out. Why
24 don't you try that?

25 MR. JOSEPH COLYER: But --

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1 MR. HOLAHAN: Joe, we can't do
2 anything.

3 MR. JOSEPH COLYER: I'm saying

4 --

5 MR. HOLAHAN: We can
6 commiserate, we can feel bad, but we can't do
7 anything about this. All right? You're being
8 offered right now the opportunity to be able to sit
9 down and kind of work this out.

10 MR. JOSEPH COLYER: Okay. Then

11 --

12 MS. HAASE: I'll sit down with
13 you and Mr. Selig.

14 MR. JOSEPH COLYER: I want a
15 supervisor present.

16 MR. HOLAHAN: If it doesn't --

17 MR. JOSEPH COLYER: Will a
18 supervisor be present, please?

19 MR. HOLAHAN: Sure.

20 MR. KERRICK: I think you
21 should go, John, as chair.

22 MR. HOLAHAN: John, that's not
23 fair. Okay. I'll go.

24 MR. JOSEPH COLYER: My only
25 point to you, just so you're aware, I did take all

1 the steps to do this legal and right the first
2 time, that's my frustration.

3 MR. MOYER: Let me ask you --

4 MR. JOSEPH COLYER: You saw the
5 permit, correct?

6 MR. MOYER: If he didn't put in
7 for a salvor's license, would he still be running
8 his business?

9 MS. HAASE: We didn't have a
10 problem with him running his business. When he
11 came into the township, the township did not
12 approach him, he approached the township.

13 MR. JOSEPH COLYER: Because
14 that's the right thing to do.

15 MS. HAASE: He approached the
16 township wanting a letter. We unfortunately cannot
17 say that he can operate in the residential district
18 a salvage in here, we can't.

19 MR. MOYER: I get that, but I'm
20 saying if he didn't come for the salvage license,
21 he could still be doing what he was doing before
22 he --

23 MS. HAASE: We never said he
24 could not, we never stopped him.

25

MR. MOYER: So now that he put

80

1 in for that, he can't?

2 MR. HOLAHAN: Well, they're --

3 MR. MOYER: I'm just asking.

4 MR. HOLAHAN: There's some

5 other things. Joe and I have had some

6 conversations on this as well at my office, so --

7 not trying to hold you back, Joe, but Patrick is

8 going to tell us there's nothing we can do for you

9 other than encourage you to sit down with Ms. Haase

10 and see if there's something -- and myself, how we

11 work that. How we work that out, okay?

12 MR. JOSEPH COLYER: And the

13 zoning officer, correct?

14 MS. HAASE: Maureen could be

15 present.

16 MR. JOSEPH COLYER: At the end

17 she has the final say, correct?

18 MR. HOLAHAN: I had to take a

19 look at that because then can I state to the zoning

20 officer -- can I lobby her --

21 MR. ARMSTRONG: Yeah. You're
22 not going to direct her, but you can all sit down
23 and look at the zoning ordinance and see what the
24 provision says and if there's an interpretation
25 issue, then --

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1 MR. KERRICK: They possibly
2 could resolve this without going to the zoning
3 hearing board? Possible, no?

4 MS. HAASE: We could sit and I
5 would ask Mr. Selig to be present, as well as the
6 property owner.

7 MR. BOB SELIG: I'll be happy to
8 be there.

9 MS. HAASE: We can sit and we
10 can go through our documents and calmly show them
11 what's in here, because perhaps they're not looking
12 at those sections. So we can explain everything,
13 show what we have. We've had ample studies that
14 we've looked at this and see if there's anything we
15 can do. We have no problem sitting down with the
16 owner of the property and the lessee to explain to
17 them what we have here.

18 MR. HOLAHAN: How's that sound?
19 All right?
20 MR. JOSEPH COLYER: Yeah, good.
21 MR. HOLAHAN: Did you have
22 anything else then, Joe?
23 MR. JOSEPH COLYER: No. But as
24 of right now, before I sit down, I'm not in any
25 violation as far as anybody knows what I'm doing?

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1 MR. HOLAHAN: What are you
2 doing?
3 MR. JOSEPH COLYER: I don't
4 have a salvor's license.
5 MR. ARMSTRONG: This board is
6 not the zoning --
7 MR. JOSEPH COLYER: No, I'm
8 asking right now, going forward that I'm not in
9 violation?
10 MS. LAMBERTON: He wants to
11 know what he's allowed to do today, right?
12 MR. JOSEPH COLYER: I mean, I'm
13 going to do what I'm doing pretty much, I have no

14 choice. I mean --

15 MS. LAMBERTON: No, but I
16 thought that's what you were asking?

17 MR. JOSEPH COLYER: Yes, but as
18 of right now, I was just told that I was not in
19 violation because I wasn't notified.

20 MR. ARMSTRONG: Joe, that's not
21 a question -- that's not a question for this board.

22 MS. HAASE: This board can't
23 speak to that.

24 MR. ARMSTRONG: That's a
25 question for the zoning officer not this board.

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1 MALE VOICE: We're going have a
2 meeting, Joe, sit down.

3 MR. HOLAHAN: Mr. Carroll?
4 No?

5 MR. BRENDAN CARROLL: Keeping my
6 mouth quiet right now. Thank you.

7 MR. HOLAHAN: Anybody else?
8 Heino?

9 MR. HEINO FETTE: I was hoping
10 that gentleman would stay, he was a representative

11 of Kalahari. Does the board have any standing in
12 the magnitude of that illuminated sign? This
13 morning at 3:30, I'm out there on a job. That sign
14 is so unGodly bright, trucks couldn't see me on the
15 side of the road. You need to get up three o'clock
16 in the morning, I don't care if it's get up or
17 coming home late. You need to be there for that
18 sign.

19 MR. HOLAHAN: I'm getting up to
20 go to the bathroom and wander around the house.

21 MR. HEINO FETTE: Take a wander.
22 That sign is so bright, the yellow and then what it
23 flashes to is the white and the blue of the pool
24 where that little girl is in there. You're going
25 to get somebody killed. Do you have anything in

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1 that or is that totally a PennDOT?

2 MR. HOLAHAN: Mr. McHale, don't
3 we have something --

4 MR. HEINO FETTE: It's unsafe.

5 MR. HOLAHAN: -- the amount of
6 luminens (phonetic), lumens or something like that?

7 MS. LAMBERTON: Something went
8 wrong then because they have to keep it down.
9 MR. HOLAHAN: The brightness.
10 MR. McHALE: In the sign
11 ordinance, yes.
12 MR. HOLAHAN: The sign
13 ordinance.
14 MR. HEINO FETTE: It was down.
15 I'm not saying, but I'm telling you this morning,
16 somebody's going to get hurt out there.
17 MS. LAMBERTON: Why don't we
18 have Phyllis notify them.
19 MR. HOLAHAN: Mr. Forbes?
20 MR. HARRY FORBES: I'll tell
21 him and have him look into it.
22 MS. LAMBERTON: It was toned it
23 down for a while.
24 MR. HOLAHAN: Stenographer
25 can't keep up with everybody here.

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1 So, Mr. Forbes you're going to
2 do what?
3 MR. HARRY FORBES: I'll follow

4 up tomorrow morning with Steve and the sign to
5 check the brightness of it and see if there's -- it
6 may have -- you know, how these things happen.

7 MR. HOLAHAN: Understood.

8 MR. HEINO FETTE: It's never
9 been that bad, but this morning it was horrendous.

10 MR. HARRY FORBES: We'll take a
11 look at it.

12 MR. HEINO: Okay. Thank you.

13 MR. HOLAHAN: You're welcome.

14 Anybody else? Come on, somebody
15 wants to say something. Go ahead.

16 MR. HARRY FORBES: Good night.

17 MR. HOLAHAN: I'll entertain a
18 motion to adjourn.

19 MS. LAMBERTON: So moved.

20 MS. PICKARD: Second.

21 MR. HOLAHAN: All in favor?

22 BOARD MEMBERS: Aye.

23 MR. HOLAHAN: We're adjourned.

24 (Meeting concluded at 8:13 p.m.)

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I hereby certify that the

8

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

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TARA WILSON, C.R.

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Before
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, July 13, 2015, 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
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

1 MR. HOLAHAN: All right.
2 Folks, I have seven o'clock. Let's call to order
3 the meeting of July 13. Let's start with the
4 pledge of allegiance.

5 (Pledge of allegiance was
6 recited.)

7 MR. HOLAHAN: Good evening.
8 How is everybody doing this evening? All right?
9 Great.

10 All right. Let's get started
11 here.

12 Do we have some announcements,
13 Phyllis?

14 MS. HAASE: No, sir. I'll do
15 the announcements under my report.

16 MR. HOLAHAN: Very good. Let's
17 consider the minutes of -- and let's take them all
18 at the same time, please.

19 MS. HAASE: Mr. Chairman, I
20 have a few corrections.

21 MR. HOLAHAN: Okay. I'll take
22 them individually then. Go ahead and start with
23 regular business meeting in May.

24 MS. HAASE: I have for May 11
25 special meeting.

1 MR. HOLAHAN: Okay.

2 MS. HAASE: Page 86, Line 5
3 should read tell us.

4 May 15 special meeting, I have
5 three corrections. Page 9, Line 17, form should be
6 from; Page 50, Line 21, con should be can; and Page
7 62, Line 19, took should be too, T-O-O. And those
8 are the only corrections I have.

9 MR. HOLAHAN: Okay. Do I have
10 a motion to accept the minutes as amended?

11 MS. LAMBERTON: So moved.

12 MR. MOYER: Second.

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

15 Further discussion from the
16 board? 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: In favor.

24 MR. HOLAHAN: Anne?

25 MS. LAMBERTON: I vote in

1 favor.

2 MR. HOLAHAN: And I vote in
3 favor. Motion carries.

4 Next let's consider treasure's
5 report. Looking for approval in the amount of
6 \$584,057.46

7 MS. LAMBERTON: So moved.

8 MR. HOLAHAN: I got a motion.
9 Do I have a second?

10 MR. MOYER: Second.

11 MR. HOLAHAN: I got a motion
12 and second.

13 Further discussion from the
14 board? Anything from the public?

15 Hearing none. I'll call the
16 vote.

17 John?

18 MR. KERRICK: I'll abstain.

19 MR. HOLAHAN: Heidi?

20 MR. 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.

1 MR. HOLAHAN: And I vote in
2 favor. Motion carries.

3 MS. HAASE: Mr. Chairman, in
4 front of you, in front of all the board members,
5 you have a 2014 report from our auditor. I'm --
6 we're doing it a little bit differently this year.
7 We're going to give the board the reports so you
8 have the opportunity to review it. If you have
9 questions, if you'd like a formal presentation, we
10 certainly will have Riley and Associates come in.

11 I do want to announce that with
12 all of the improvements that we did last year, we
13 have -- careful, careful spending, we still have
14 positive (inaudible) of \$237,422.

15 MR. HOLAHAN: Excellent.

16 MS. LAMBERTON: Very nice.

17 MR. HOLAHAN: Looking forward
18 to reading this. No, really. This is interesting
19 stuff.

20 Okay. Let's go on to
21 solicitor's report.

22 Mr. Armstrong?

23 MR. ARMSTRONG: The first --
24 there's nothing actually listed under my report.
25 The one item I do have a report on is, since the

1 last meeting that I was in attendance before the
2 board, there's a deed I have, a deed of dedication
3 from the Tobyhanna Township Volunteer Fire Company
4 to the Township of Tobyhanna for the fire
5 department property that the township has been --
6 my understanding, has been basically maintaining
7 for a number of years.

8 It's dated June 15, 2015, and
9 the last item of business would just be for a
10 motion from this board accepting the deed of
11 dedication so it can be recorded at the recorder of
12 deeds.

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

15 MS. PICKARD: So moved.

16 MR. HOLAHAN: I have a motion.
17 Do I have a second? I'll second. I have a motion
18 and a second.

19 Further discussion from the
20 board? Anything from the public?

21 Hearing none. I'll call the
22 vote.

23 John?

24 MR. KERRICK: In favor.

25 MR. HOLAHAN: Heidi?

1 MS. PICKARD: I vote in favor.

2 MR. HOLAHAN: Donald?

3 MR. MOYER: I vote in favor.

4 MR. HOLAHAN: Anne?

5 MS. LAMBERTON: I'll abstain.

6 MR. HOLAHAN: I vote in favor.

7 Motion carries.

8 MR. ARMSTRONG: And I do have
9 -- I'll have comments and some discussion on items
10 under the new business, but that's all I have for
11 -- for now under my own report.

12 MR. HOLAHAN: We're counting on
13 it.

14 Okay. Next. Manager's report.

15 MS. HAASE: Thank you, Mr.
16 Chairman.

17 If -- the board's recognized a
18 payment of \$100,000 for Station 41's new rescue
19 truck that they've taken possession of so -- it's a
20 beautiful vehicle, it's a very expensive vehicle
21 and they now have possession of that.

22 I want to remind the board in
23 August that the Natural Lands Trust, working in
24 partnership with Monroe County Planning Commission,
25 will be presenting a pilot program through the

1 William Penn Foundation with regards to its
2 development and that will be for August.

3 A follow-up to the wood grinder,
4 a/k/a the Beast, Coolbaugh Township has yet to
5 follow up to my letter from April 15 or May 21st
6 letter. We have another letter that's going out to
7 them tomorrow but right now the intermunicipal
8 agreement is still pending.

9 MR. HOLAHAN: What are we doing
10 for residents for taking care of those items?

11 MS. HAASE: Unfortunately,
12 nothing. We've had many people approach us and we
13 do not have a location for the residents or for us
14 at this point.

15 MS. LAMBERTON: And Coolbaugh
16 Township's still using it for their own residents?

17 MS. HAASE: That's correct.

18 MR. HOLAHAN: So it's not that
19 it's not operational?

20 MS. LAMBERTON: That's my
21 question.

22 MS. HAASE: It is operational,
23 yes. And if you recall at your April 15 meeting,
24 the board had requested that I reach out to
25 Coolbaugh Township with a few questions and one was

1 if -- and it's my understanding Tunk and Mount
2 Pocono's decided not to join them -- what
3 additional costs would it be for Tobyhanna Township
4 and we asked for a draft of the agreement, their
5 intermunicipal agreement, which we have yet to
6 receive that.

7 So hopefully with this
8 follow-up, I'm gonna send it to Ms. Kelly, who's
9 their secretary and is also working a few hours in
10 the building throughout the week. I'm gonna send
11 it to her directly and hopefully we'll get a
12 response from them.

13 MS. LAMBERTON: Patrick, what
14 other avenue can we take? Is there anything else
15 we can do to just get an answer, I guess, from
16 Coolbaugh Township?

17 MR. ARMSTRONG: Well, I sent a
18 letter -- I don't know if it was before April, but
19 the response we got was they were going to be
20 forwarding a revised intergovernmental agreement.
21 Obviously, I don't think we received that today.

22 MS. HAASE: No.

23 MR. ARMSTRONG: I'm assuming
24 they're still working on it. If they're just gonna
25 keep dragging it out, I mean, I can reach out

1 again. But the last time I reached out, it sounded
2 like they were going to get us something but, you
3 know, that's been a few months from today.

4 MS. HAASE: Well, in June they
5 announced at their meeting that the municipalities
6 had not responded to them. And that wasn't quite
7 accurate because we had on two different occasions,
8 so we're gonna send another letter out tomorrow.

9 MR. HOLAHAN: Reach out to the
10 other -- Mount Pocono and Tunk?

11 MS. HAASE: Yes. It's my
12 understanding that Tunk is not going to join.

13 MR. HOLAHAN: Okay.

14 MS. HAASE: I can follow up. I
15 have a police commission meeting tomorrow night and
16 I'll see representatives from both municipalities.
17 I can follow up with that as well.

18 MR. HOLAHAN: Okay. So we're
19 not gonna take any action other than just --

20 MS. HAASE: Right. It's just a
21 -- update the board.

22 MR. HOLAHAN: Okay. Great.

23 MS. HAASE: We did receive some
24 information from Representative Brown regarding
25 short-term rentals. I know that the township has

1 from time to time received comments from residents
2 pertaining to this subject. It's -- I think as far
3 as the township's standpoint, it's very difficult
4 to limit a property and only say one family can
5 live in that home and what is a true definition of
6 a family, but they have sent information out and
7 asked the board to review it.

8 MR. HOLAHAN: Okay. So we'll
9 review it. Familial status is a protective place,
10 am I right, Mr. Armstrong?

11 MR. ARMSTRONG: Yeah, where it
12 usually comes into play is in your zoning ordinance
13 when you define what's a group home and, you know,
14 when you start trying to define the amount of
15 members in a family. But that's usually where it
16 comes into play for municipal land use, so I'm
17 assuming --

18 Who's this coming from?

19 MS. HAASE: Representative
20 Brown.

21 MR. ARMSTRONG: Oh, okay. But,
22 yeah, it does have its implications in zoning.

23 MR. HOLAHAN: Right.

24 MR. HAASE: And as the board's
25 aware, we started three months ago with breakfast

1 with the manager, we did round table, and the first
2 discussion was with regards to short-term rentals
3 and I've spoken on numerous occasions with the CAI
4 regarding the subject and I think what it comes
5 down to, as long as there are ordinances in place
6 and the property owner is following the ordinances
7 and keeping their property up, it really doesn't
8 make much difference whose head's on that pillow,
9 but that's a decision that the board's gonna have
10 to review and consider.

11 MR. HOLAHAN: Okay. Want to do
12 that at another time?

13 MS. PICKARD: Yes.

14 MS. LAMBERTON: Yes. Thank
15 you.

16 MR. HOLAHAN: Okay. Great.

17 MS. HAASE: Kalahari Resorts
18 will be needing a special meeting by the end of the
19 month to release moneys that's being held right now
20 for the bond for the road. So I don't know if the
21 board would like to consider a date now for
22 advertisement. We could have it at least a week
23 out. I know we have been trying to do Wednesdays
24 for Mr. Moyer, so I don't know if the board would
25 be in agreement to the 22nd?

1 MR. HOLAHAN: 22nd is fine with
2 me.

3 Everybody else?

4 MS. LAMBERTON: I like it.

5 MS. HAASE: Okay. Eight
6 o'clock?

7 MR. MOYER: Good.

8 MR. HOLAHAN: Okay. Eight
9 o'clock, July 22.

10 MS. HAASE: Saturday we had our
11 community day, which was fabulous. And I thank a
12 lot of the board members for your donations and Mr.
13 Armstrong. And our chairman was even setting up
14 tables and chairs and -- so he was a great
15 assistance to us.

16 MR. HOLAHAN: I couldn't sneak
17 out in time. They pulled up and --

18 MS. LAMBERTON: Grab him.

19 MR. HOLAHAN: I mean, we were
20 there with the truck, what am I gonna do, you know?
21 Try to crawl on my hands and knees?

22 MALE VOICE: Hide behind the
23 van.

24 MS. HAASE: And I also wanted
25 to announce that Tuesday, August 4, from 6 to 8:30

1 is National Night Out. It's a great night that we
2 bring our law enforcement, public services together
3 with our community. It will be from 6 to 8:30.
4 There'll be free hot dogs and drinks. There'll be
5 speakers, County Commissioner John Moyer will be
6 there, State Representative Jack Rader, and State
7 Police, as well as Chief Wagner.

8 And that is all I have at this
9 point, sir.

10 MR. HOLAHAN: Very good.

11 Let's go on to committee
12 reports.

13 Do we have anything from Pocono
14 Mountain Regional EMS?

15 MS. PICKARD: I had one comment
16 before Denise can give us some of the stats for
17 this month. We did speak briefly about, our media
18 kit is basically done. We will be forwarding
19 something to the board but we did want to do a
20 little bit of a presentation on that. We weren't
21 quite prepared to do that so we would ask that we
22 have a few minutes to do a power point quick to go
23 over that on our August meeting.

24 MR. HOLAHAN: August meeting?

25 Okay.

1 MS. PICKARD: All right. Did
2 you have the numbers for --

3 MS. DENISE DOREMUS: Yeah.

4 MS. PICKARD: -- July?

5 MS. DENISE DOREMUS: Hi, I'm
6 Denise from Pocono Mountain Regional EMS. This
7 month in Tobyhanna Township there was 86 calls. So
8 far to date there's 465. Total for this month we
9 had 490 calls. Tobyhanna Township is up 3.6
10 percent from last year. Total call volume for the
11 year so far is 2,866 calls, which is a 12.9
12 increase from last year.

13 MR. KERRICK: Wow.

14 MS. DENISE DOREMUS: And we
15 were there on Saturday and it was -- it was really
16 fun.

17 MR. HAASE: Yes, you were.
18 Thank you.

19 MS. DENISE DOREMUS: You're
20 welcome.

21 MS. PICKARD: And you'll be
22 back on National Night Out as well?

23 MS. DENISE DOREMUS: Yes, we
24 will be there.

25 MR. HOLAHAN: You were there

1 just in case anybody choked on the pie that was
2 being --

3 MS. LAMBERTON: Ate too much.

4 MR. HOLAHAN: Yeah. Thanks,
5 Denise.

6 MS. DENISE DOREMUS: You're
7 welcome.

8 MR. HOLAHAN: All right. How
9 about Pocono Mountain Regional Police Commission?

10 MS. HAASE: Well, I think on
11 behalf of Mr. Donald Moyer and Mr. David Moyer and
12 myself, we're very pleased and proud to say that
13 Barrett joined us today and we are one now
14 functioning group and we're very proud to have
15 them.

16 MR. HOLAHAN: Very good.
17 All right. Next is open space.
18 Anything on that?

19 MS. PICKARD: No, I do not at
20 this time.

21 MR. HOLAHAN: Okay. Let's go
22 on to old business then.

23 How about proposed zoning
24 ordinance. Anything?

25 MR. HAASE: I have it on my

1 desk, sir.

2 MR. HOLAHAN: Cool.

3 MS. HAASE: We are going to
4 begin working in-house. We also will see the
5 direction the board would like to go next August,
6 this coming month, but that is being worked on
7 right now.

8 MR. HOLAHAN: Very good. How
9 about sale of the wastewater treatment plant?

10 MS. HAASE: I have a meeting
11 that I'm tentatively scheduling for this week, to
12 be meeting with Aqua and I will be asking the board
13 and perhaps and/or the authority to have a special
14 meeting in the near future.

15 MR. HOLAHAN: Great. And how
16 about the location of the Tobyhanna Western
17 Election District polling place?

18 MS. HAASE: I spoke with the
19 director of elections this morning and she has
20 confirmed that they have negotiated with the Faith
21 Lutheran Church in Blakeslee, a tentative
22 agreement, and it's going to be pending approval of
23 the election office on August 5.

24 MR. HOLAHAN: Okay. So voting
25 for western district's probably gonna be the Faith

1 Lutheran Church for the primary. Excuse me,
2 looking over my glasses like this. I've been doing
3 this too much.

4 Okay. Let's go on to new
5 business then.

6 We've got redevelopment
7 assistance capital grant program cooperation and
8 funding procedures agreement for the Coolbaugh,
9 Tobyhanna Township natural gas line extension.

10 MS. HAASE: Yes, Mr. Chairman.
11 Michelle Bisbing is going to -- she's joining us
12 this evening to answer any questions the board may
13 have or Mr. Armstrong regarding this RCAP.

14 MR. HOLAHAN: Okay. Michelle?
15 Patrick?

16 MR. ARMSTRONG: This
17 redevelopment assistant capital program cooperation
18 and funding agreement came from counsel for the
19 Monroe County IDA.

20 I initially sent Mark an e-mail
21 with a question as to whether or not additional
22 parties should be a party to this agreement. I
23 haven't had an actual conversation with Mark yet.
24 I still think we may need -- I'm not sure why
25 they're not. I mean, he indicated why because, I

1 guess, the form that he got didn't have it on
2 there.

3 What I'm talking about is, what
4 this agreement does, it allows some of the TIF
5 funding to be used towards the gas line. Am I
6 right?

7 MS. MICHELLE BISBING: As
8 match.

9 MR. ARMSTRONG: Match.

10 MS. MICHELLE BISBING: We got a
11 grant to extend the gas line from up in Tobyhanna,
12 Coolbaugh Township over to Pocono Manor and
13 Kalahari. So it connected through our business
14 park over down 940 and over to Kalahari. We got a
15 commitment for 5.3 million dollars in redevelopment
16 assistance capital program funds and you -- there's
17 a requirement that you have to match that dollar
18 for dollar.

19 So the match that we were using
20 for that 5.3 million was the Fehlinger contract,
21 the portion of the TIF funds that we're paying for
22 the Fehlinger contract. What the office of the
23 budget has required of us -- and that's the entity
24 that -- in Harrisburg that manages this grant, this
25 RCAP grant.

1 Because the township is going to
2 own or does own, I guess now, the sewer portion of
3 that Fehlinger work and the Brodhead Creek Regional
4 Authority will own the water portion, that is why
5 they wanted you to be party to this agreement.
6 It's not -- we're not spending any of the TIF funds
7 on the gas line. It's only being used as --
8 towards that dollar for dollar match.

9 What they've asked is that party
10 to the agreement, just acknowledging the fact that
11 we are using those funds as match for the grant and
12 that the project is compliant with the
13 redevelopment assistance capital program
14 requirements.

15 We are -- we've also agreed and
16 we've also had the same conversations with the BCRA
17 'cause they have a lot of questions as well and
18 Mark is working on a redraft that will provide full
19 indemnity to the township and to BCRA. So Pocono
20 Manor Investors, Kalahari Resorts and the IDA would
21 indemnify both the township and BCRA.

22 MS. HAASE: And I actually had
23 the same question that you had, Pat, and I had
24 reached out to Michelle, and that was, my
25 understanding, because it was a Fehlinger contract,

1 that's why the school district would --

2 MS. MICHELLE BISBING: It
3 doesn't affect the TIF bonds in any way. We're not
4 changing the way we're spending those funds. It's
5 just a formality really because we're using just
6 that portions, seven million and change, that's --
7 you know, was the Fehlinger piece of it because
8 it's compliant, because it's prevailing wage,
9 because it's -- you know, has to meet certain
10 criteria to be eligible for that -- to be able to
11 be used as match for the RCAP, so that's why we
12 selected that piece.

13 MR. ARMSTRONG: So Mark is
14 putting together another draft after --

15 MS. MICHELLE BISBING: Yes.

16 MR. ARMSTRONG: -- this is a
17 June 30 that I have.

18 MS. MICHELLE BISBING: Yes,
19 yes. Hopefully it will come out tomorrow.

20 MR. ARMSTRONG: Okay. Then
21 I'll --

22 MS. MICHELLE BISBING: The BCRA
23 has a meeting on Wednesday and we're hoping that
24 they will take some action then, so we -- not
25 necessarily asking for your approval, just letting

1 you know where we are in the process and once they
2 -- they're gonna meet, if they approve it, then
3 we'll come back to you and -- with a more formal
4 document.

5 MR. HOLAHAN: Perhaps if it's
6 ready by then, special meeting?

7 MS. MICHELLE BISBING:
8 Possibly.

9 MR. ARMSTRONG: July 22?

10 MS. MICHELLE BISBING: If they
11 -- yeah, if BCRA is good with it on Wednesday, then
12 we're ready to roll, so --

13 MR. ARMSTRONG: Can you make
14 sure Mark copies me the redraft that he does?

15 MS. MICHELLE BISBING:
16 Absolutely. If he doesn't, I will make sure you
17 get it.

18 MR. ARMSTRONG: I had just a
19 couple minor -- aside who's gonna be a party, I had
20 a couple minor things but --

21 MS. MICHELLE BISBING: Okay.

22 MR. ARMSTRONG: -- I'll take a
23 look at it when he redrafts it.

24 MR. HOLAHAN: Then there's no
25 reason to discuss this at this point?

1 MR. ARMSTRONG: If there's
2 another draft coming out tomorrow --

3 MS. MICHELLE BISBING: Yeah.
4 It will be -- you know, there'll be some modified
5 language in that indemnity part.

6 MR. ARMSTRONG: And Michelle
7 described it well, really the -- you're really just
8 kind of blessing it. You're not really involved to
9 a certain extent; and if he's adding more
10 indemnification language, I think potential risk
11 that Tobyhanna Township --

12 MS. MICHELLE BISBING: Yes.

13 MR. ARMSTRONG: So I'll look at
14 his redraft and I'll probably circulate my comments
15 to the board prior to your July 22 meeting.

16 MR. HOLAHAN: Okay.

17 MR. ARMSTRONG: Okay?

18 MR. HOLAHAN: Everybody good?

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

21 MR. HOLAHAN: All right.

22 MS. MICHELLE BISBING: Thank
23 you.

24 MS. LAMBERTON: Thank you.

25 MR. HOLAHAN: Thank you.

1 All right. Next we've got the
2 presentation by Harold Ernsberger, executive
3 director of the Hamilton Jackson Pocono Park and
4 Open Space Commission.

5 MR. HAROLD ERNSBERGER: Good
6 evening.

7 MR. HOLAHAN: Good evening.

8 MR. HAROLD ERNSBERGER: On
9 behalf of my board and myself, thank you for
10 entertaining. I have a small power point
11 presentation for you. At any point if you have
12 questions about HJP, please ask.

13 MR. HOLAHAN: Okay.

14 MR. HAROLD ERNSBERGER: This is
15 the structure. I answer to a board of directors,
16 which is made up of three townships, two school
17 districts. As you can see up here, this is --
18 here's my recreation manager, who is sitting here,
19 that's Kim; and then we also have a non for profit
20 side of this, The Friends of HJP, which are
21 handling some of our smaller projects, trying to
22 fund those and build things for us; and then
23 underneath Kim, she oversees our summer camps and
24 the counsellors and speakers more during our public
25 program.

1 This is the way it's set up for
2 when they're voting issues just like you do here.
3 Each of the three townships that are currently part
4 of this Hamilton Jackson Pocono each get three
5 votes. Each of the school districts, because
6 they're just giving a nominal amount of money to be
7 a voting member, each gets one voice.

8 These are the current members.
9 Alan Everett, Dave Fenner and Don Leap from
10 Hamilton. Don Kresge, Dave Thomas and Mark Major
11 from Jackson. Jerry Lastowski, who's one of the
12 commissioners -- and Pocono is a little different.
13 If you notice, all the Hamilton and Jackson are all
14 commission -- or supervisors. Pocono historically
15 only had one of their supervisors and now
16 commissioners assigned. Dean was -- Dean Hartshorn
17 was put in there because he works at Mountain View
18 Park for the season and does provide a dem -- a
19 little in-house expertise and then there's always
20 been at least one person from the community in this
21 case and that'd be Jeff Snyder.

22 Stroudsburg School District has
23 been Dr. Toleno, who left just a couple weeks ago.
24 So they'll -- they, of course, haven't addressed
25 the issue as to who they're gonna send to replace

1 him, and Dr. Sweeney from Pocono Mountain.

2 These are just some photos of
3 some of their stuff and it just tells you that I've
4 got over 25 years experience with park and rec that
5 I bring to the table.

6 This was all -- all these were
7 taken out at our regional park 'cause you could see
8 I have, down in here this is some of my board that
9 was out there a while back and they were wanting to
10 see what features were gonna go as we develop and
11 build that regional park. And then we also have up
12 here some young children from cub scout and girl
13 scouts that are all in the background helping them
14 with theirs and then just one of our nature hikes.

15 This is Kim helping build paper
16 airplanes and then also providing what's called
17 Hug-A-Tree and Survive. Those are a couple others
18 and she comes to us with over 18 years of
19 experience.

20 That, of course, is the
21 conceptional view of the HJP Regional Park and it's
22 strictly a conceptional view. Some of the features
23 can't be built where they are currently located on
24 the map.

25 And then this is where we're at

1 right now. We're into our Phase 1. The blue
2 outlines the major construction areas, although we
3 do have some minor construction right in here.
4 Everything inside this border is within our
5 permitted area. We're clearing out this area,
6 which will be a multipurpose field area. We have a
7 bathroom that sits right off the corner of that and
8 I'll show you a picture of that in a little while.

9 MS. PICKARD: Where is this,
10 Harold?

11 MR. HOLAHAN: Yeah, Harold,
12 what's that road on the top there?

13 MR. HAROLD ERNSBERGER: This
14 road up here is Golden Slipper Road. It's -- you
15 can't tell, but this red line up here, that's
16 Interstate 80 and right about where the mouse is at
17 is 611 and Colonial Auto, so we're seven tenths of
18 a mile from the regional park off of that.

19 MR. HOLAHAN: Is that what you
20 were thinking, Heidi?

21 MS. PICKARD: Yeah.

22 MR. HOLAHAN: Okay.

23 MR. HAROLD ERNSBERGER: Squelch
24 any rumors, it is not a car lot, it is not a
25 subdivision, it's not a women's psychol -- or nut

1 house prison that the neighbors thought at one
2 point. We've had to squelch a lot of rumors, but
3 unfortunately none of those are true.

4 It's really gonna be a park and
5 this is some of the trails that you'll see out
6 there if you're out hiking. We have approximately
7 three miles of trail. All of them have been mapped
8 out. Some of the features that will be on some of
9 our nature hikes. We have a gentleman coming in --
10 next month? -- next month that is a mycologist and
11 he's gonna talk about mushrooms and he'll show you
12 this stuff.

13 Here's some of our programming
14 that you see or may have seen in newspapers and on
15 television. We annually do a color contest, summer
16 camp, which is ongoing right now, this is a day
17 where we pay tribute to our local fire fighters,
18 police and so forth and it turns out to be a
19 sprinkler day, as you can see.

20 We also do a trunk-or-treat at
21 the Jackson Township Municipal Building where we
22 have -- our offices are currently located there and
23 we also have two rooms in the basement that we use
24 for recreation.

25 And then the one that seemed to

1 have caught most of everybody's attention up here
2 in this area and all over the county was our
3 daddy/daughter gala and we held that over at the
4 inn. We also are down in Hamilton when they have
5 their chicken BBQ; Jackson Township, our annual
6 Christmas lighting.

7 Here's the bathroom I was
8 talking about. We bought that, it's a solar power
9 composting rest room. It's the first time that
10 that company has ever put both green technologies
11 together. You can find composting rest rooms all
12 over the place. You can find solar power, but most
13 companies will not join them. So that was kind of
14 a dream of mine, why can't we mix both? So there
15 is no leach field, there's no mound system.

16 The dirt has, of course, since
17 been brought up and around that and the bathrooms
18 are open every day now so that you can go out
19 there, people can use them, if you're out hiking,
20 whatever. And all the electricity comes right off
21 the solar cells to the point of almost two kilowatt
22 a day that we're generating. Unfortunately we're
23 not tied back into the grid where we can cell back,
24 but that's the way it is.

25 This is just another picture of

1 Kim doing gym day.

2 These are some of the milestones
3 that the agency has achieved. For those of you --
4 I unfortunately got here in 2009, so I don't know
5 everything that took place back in 2000. But when
6 -- but when a concept of the open space was started
7 back in 2000, the county was split up into six
8 regions and this township was part of top of the
9 mountain region. It never got formed into a
10 commission, meaning there was a governing board.

11 I live over in Tunkhannock so --
12 and I do help Annie whenever they need some help,
13 if she calls me and says, hey, I need some help
14 over here in Blakeslee, can you come over and throw
15 in some hands? It's just down the road from my
16 house.

17 The HJP region did. It stuck
18 with it and we went and had master plans put
19 together; maps, drawings, like you saw up there,
20 and actually signed off in an intergovernmental
21 document, intergovernmental agreement, which I
22 forwarded up to you. So you can see that they
23 started back in December of 2005. They renewed
24 again in 2010 and this being the 15th year, it's
25 now time to renew or somebody's stepping away.

1 In 2007 while the planning was
2 still going on, my board applied for a couple of
3 grants from DCNR for construction of the regional
4 park.

5 In 2008 they hired their first
6 executive director and then in 2009, the middle of
7 the year, in July, they hired me. And then I
8 immediately put on public programming while trying
9 to learn all about Pocono because I'm originally
10 from the midwest by way of Florida to here. So --
11 and we tried to organize our goals to -- in the
12 agency to get those aligned.

13 The highlights I'll point out on
14 these are: as you can see, our programming side of
15 us has greatly increased every time. We went from
16 8 programs to 62, to 12 and 120 people attending.
17 That's also the year we got our 501C3 for our
18 Friends Organization, which is not an easy feat to
19 do. We also had a girl scout come to us and she
20 wanted to do a golden project and that was placed
21 in Jackson Township at Conklin Park.

22 In 2011 we doubled again. We
23 went to 16 programs with 273 in that time -- in
24 that same year, along with some of the other stuff,
25 we began offering tennis lessons, our two summer

1 camps. It was in the fall of 2010 is when county
2 decided to eliminate our recreation department and
3 they approached the three remaining commissions to
4 take over that programming so that's where we
5 picked up on the summer camps and tennis lessons.

6 My understanding is that the
7 YMCA took over a camp, I believe, was right here at
8 Price Park for a while and did not last, or up in
9 this area they took over a camp, whatever reason
10 that did not last. I was offered that one, but I
11 thought two was as much as I wanted to take on.

12 So we also picked up some --
13 four boy scouts with working on trails at Mountain
14 View Park, some signs for Hamilton Township and
15 we're refurbishing a trail over there at the old mill
16 throughout the region.

17 2012 again we increased our
18 programming to 30 and 470 -- 477 people. Another
19 girl scout approached us and she wanted to do the
20 houses. She put those out at Conklin Park and then
21 out of HJP so we can monitor the back population.

22 2013 we added 43 programs and
23 916 people and those four boys scouts from up here,
24 they finished their project. The solar power rest
25 room was completed and put in and we also started

1 working with our Friends Organization on our dog
2 park committee at that point and that's coming
3 along quite well.

4 This is kind of a quick shot of
5 what we did last year. We had it at -- we're now
6 up to 88 public programs and the daddy/daughter
7 gala of course being up in this area with 1,667
8 people in attendance.

9 I think overall our average is
10 like 89 percent constant growth every year, which
11 says a lot, that we evidently are doing something
12 right for the public.

13 I currently have two boy scouts
14 and since complete they have -- last year they
15 completed their projects. We're working on a trail
16 within regional park and that trail is being
17 labeled Eagle Trail in honor of these boy scouts.
18 They're each doing a segment because of the length
19 of the trail and one boy could do it all. It's
20 taking more than a year or two to do what he's
21 doing.

22 We have maps of all three miles
23 of our trail were completed. We cleared areas for
24 our first pavilion and also for our sports field,
25 we're still working on that and bringing in some

1 fill dirt and the dog park was constructed. And
2 the dog park, to bring you up-to-date on that, we
3 just ordered the fence for half of the dog park up
4 front through the Friend's Organization.

5 We've also entered into
6 conversation last year, and it started building
7 this year, with the county planning department
8 because those people in there are the ones that are
9 watching over their park and rec, which is
10 literally nonexistence, but all those sports
11 fields, or the majority of them out there by the
12 Burnley Workshop belong to county and they've asked
13 -- because it lies within Hamilton Township -- if
14 we would take over the management, much likely
15 taken under management of the Jackson Township
16 parks.

17 These are just some pictures
18 from some of our kids at camp. We invite the
19 conservation district out and they help us from
20 time to time with some of the nature programs, ones
21 that Kim or I would not feel comfortable doing,
22 where there's a little more expertise that they may
23 have.

24 At the same time we'll bring
25 people in and we'll talk to the kids about

1 skydiving. That, of course, is free-falling on the
2 grass, and then we also bring in a professional
3 kite people and they teach the kids how to make
4 kites from scratch instead of buying a kit.

5 We also go to the extent of
6 bringing out the United States Army, partially
7 because I'm a retired Army veteran, and the kids,
8 as you can see, like to pay tribute to them. That,
9 believe it or not, right -- right in here, if your
10 eyes are deceiving you, there really is a Hummer
11 underneath there. Your tax dollars are hard at
12 work supporting our children and, of course, you
13 can see they pay thanks for that.

14 This is some of the tennis
15 lessons. We have everything from adult tennis down
16 to some very small children. This is a group of
17 teenagers. Some of them, I believe, go to Pocono
18 East. I know a couple of them do.

19 Of course this is just some of
20 the construction and the ground breaking from a
21 couple years ago. I threw those up there so you
22 could see (inaudible). And then these were were
23 some of the accomplishments -- the tasks that we
24 have set forth, as you can see we've got most
25 everything completed.

1 To do a community rec center,
2 that's long term. We're still working on that,
3 that's gonna take quite a bit of funding to do what
4 we need to do and have permission. Same thing with
5 funding for some local sources and our first
6 pavilion and then that is us and that's our contact
7 information.

8 The purpose of the presentation
9 was to give you a flavor of what HJP is about and
10 where we're at and what we're doing and how we're
11 constantly moving forward. It is also an
12 invitation to you to join our commission.

13 (Inaudible) asked for me to reach out to you and
14 Tunkhannock Township, and I have done so as of now
15 to both of you.

16 Tunkhannock has gone to the
17 point where DCNR has offered us up a peer. Tunk
18 asked if we can apply for a peer study group on
19 behalf of the townships; we live in Tunkhannock.
20 Tunkhannock has asked me to go forth and ask to see
21 what the next steps are to do so.

22 I have a call into our
23 representatives for this area and I just had a call
24 literally about an hour ago on my phone, I heard
25 the voicemail before the meeting started, that

1 they're -- had returned my call and they're willing
2 to sit down with me now and go over what the next
3 steps are to do that peer study. And it appear
4 there's some grant money to do that and that the
5 state would help us with the funding on that.

6 I sent you over our -- of course
7 our intergovernmental agreement. I sent you over
8 what my current budget was and then Phyllis had
9 asked for a projected budget. That projected
10 budget is nowhere set in stone, that is just to
11 give you a flavor of the way it could be, either at
12 the current per capital rate or with some increase
13 funding to the overall budget or pretty much just
14 breaking even where we're at now with just a slight
15 increase.

16 MS. HAASE: Harold, my question
17 to you is just under 50,000 for Tobyhanna Township
18 in contribution which you're proposing for 2016 is
19 recommended, what within the boundaries of
20 Tobyhanna Township would our residents receive?

21 MR. HAROLD ERNSBERGER: Such as
22 the benefits of it? Bringing our programing up
23 here. You get professional management from Kim and
24 I. Her on the rec side of it, me on things like --
25 I'm not sure who takes care of your sports fields

1 out here and your playground, who inspects your
2 playground? Things that we can go through and
3 look. I did a walk-through when I first got up
4 here to look and see how things are laid out and
5 how -- what condition they're in.

6 So you get the professional
7 management of us, our expertise and even where
8 we're -- we don't know, we know where to go to find
9 the answers and to look. So the residents will get
10 to see more programming in-house up here. Your
11 facilities would -- if you choose to opt out us
12 managing, our facility will come under us, the
13 reservation system, looking in the fields, all that
14 would fall up underneath us and that takes the
15 burden off of whoever's doing that around here
16 Monday through Friday. That becomes our headache;
17 and so then I in turn would answer to this board as
18 to why I botched a reservation or -- to give a
19 minor --

20 MS. KIM ERNSBERGER: May I help
21 with a little bit more of -- of an idea of the --
22 I'm Kim Ernsberger, manager for HJP Park and Open
23 Space.

24 This past spring I had people
25 come into my office and actually ask if we could

1 help get summer camp back up here. We do have --
2 we're in the top five rated summer camps in the
3 entire Monroe County area and there is a need for
4 summer camps up here in this area.

5 We also are looking to -- I
6 don't know if any of you are familiar with our
7 event that are -- daddy/daughter gala, we're
8 looking to move that into the Tobyhanna area for
9 this next year.

10 The DCNR -- Lauren Possinger and
11 Cristine Dettore, who both now work in the -- for
12 DCNR, are very supportive of trying to build our
13 commission and add more townships to it. Obviously
14 there's more power in numbers when you go for
15 grants and that sort of thing.

16 Right now the DCNR, like the
17 rest of us are, are trying to recover from 2008,
18 2009 economy issues and where everything was slowed
19 down and DCNR took a hit, just like everybody else
20 did; so things have been slowed up, the money
21 hasn't been there to put into new projects and that
22 sort of thing.

23 Well, the DCNR is recovering and
24 right now their primary focus is to help bring
25 parks that are existing up to standards because

1 there's been a lot of neglect over the last few
2 years with lack of funding. They're looking at
3 helping to fund parks that need renovations to
4 playgrounds, that needs -- that need their pool
5 fixed, that need other projects done within current
6 park departments. So as a commission, you have a
7 lot more ability to get in on some of that funding
8 to help bring up the facilities that are already
9 existing, that's what their focus is right now.

10 In addition to that, programming
11 in the area, we've had a lot of requests for more
12 programming. I think the biggest comment that I've
13 heard during our daddy/daughter gala is thank you
14 so much for bringing something up in this area.
15 And I would like to be able to bring more to the
16 people of -- the Tobyhanna and Tunkhannock area
17 events. I would even want to move my office into
18 this general area so that I could be more hands-on
19 right there in the parks, right here in this area.

20 Thank you.

21 MR. HOLAHAN: Sure. It looks
22 like on the budgets you're using the census for --
23 how you're calculating what the --

24 MR. HAROLD ERNSBERGER: Yes.

25 MR. HOLAHAN: So \$5.50

1 personnels coming out. Is this just for -- and I
2 only did the math on two of them, figured that was
3 a decent standpoint. Is it -- would be open to all
4 residents?

5 MR. HAROLD ERNSBERGER: Yes.

6 MR. HOLAHAN: Including second
7 homeowners and things like that so they don't have
8 to be --

9 MR. HAROLD ERNSBERGER: They're
10 okay.

11 MR. HOLAHAN: You're not --

12 MR. HAROLD ERNSBERGER: Our
13 stance has always been we don't -- we don't mind
14 per year resident as -- we've even had people
15 attend our camp -- the one down in Hamilton that
16 came up out of Northampton because the parents
17 worked up here and they would come this way and
18 said, can we drop off our kids. So when it comes
19 to our public programming, we don't care where you
20 live.

21 MR. HOLAHAN: I guess what I'd
22 like -- I'm not clear on actually what our -- our
23 inventory parks and what we have here. I'd like to
24 see that -- I'd like to be able to look at a piece
25 of paper and say what are all the parks we have

1 here, because here's the other thing is, we have a
2 number of private communities --

3 MR. HAROLD ERNSBERGER: Right.

4 MR. HOLAHAN: -- that take care
5 of their own recreation and things like that so --

6 MR. HAROLD ERNSBERGER: And I
7 notice that and I don't know if you're aware, I
8 don't know which one it is, one of them just -- on
9 one of -- on PPRS, which is Pennsylvania Park and
10 Rec Society page, they have job offers up there and
11 you can go to the national site and look and they
12 just recently posted one of the larger communities,
13 and I totally forget which one it is, they're
14 looking for a recreation manager.

15 MR. HOLAHAN: Right.

16 MR. HAROLD ERNSBERGER: Because
17 they don't have it and they need it.

18 MR. HAASE: There's two of them
19 there.

20 MS. KIM ERNSBERGER: In fact
21 that's where some of the requests are coming from.
22 Just because they have tennis courts or they have a
23 pool, they don't have the recreation programming
24 and that's what they're wanting.

25 MR. HAROLD ERNSBERGER: So we

1 know it's there and they're trying, but then again,
2 you know, I don't know what kind of -- what they
3 pay those people to do that when they're doing it,
4 are they part-time or are they full-time, whereas
5 we're full-time, year round, 365 for the most part,
6 and my vacation is call-forward.

7 MR. HOLAHAN: Right.

8 MR. HAROLD ERNSBERGER: Most of
9 the time, not always, but most of the time my
10 vacations are still call-forwarded.

11 MR. HOLAHAN: Must be fun to be
12 on vacation with him.

13 MR. HAROLD ERNSBERGER: Yeah.

14 MS. KIM ERNSBERGER: We love
15 our job.

16 MR. HAROLD ERNSBERGER: I only
17 had to spend 15 minutes when we were in Bar Harbor
18 last year on the phone, but that -- most of the
19 time we're --

20 MS. KIM ERNSBERGER: Now, last
21 year I did, what, 80 --

22 MR. HAROLD ERNSBERGER: 88
23 programs.

24 MS. KIM ERNSBERGER: -- 88
25 programs and had 1600 people all together, so far

1 this year, I'm at 54 programs and 1400 people up at
2 the -- the first half of the year.

3 MR. HOLAHAN: What's the
4 percentage of our -- of residents live in --

5 MS. HAASE: To be honest with
6 you, at least half of them. I would say a greater
7 percent of --

8 MR. HAROLD ERNSBERGER: Who did
9 the program over the weekend, who headed that up,
10 what you just did? Was that you?

11 MS. LAMBERTON: Our staff.

12 MS. HAASE: Our staff.

13 MR. HOLAHAN: See, and that's
14 something that we can help you with. Take the
15 burden off of the daytime administrators, not that
16 I don't want to see you put up tables 'cause I
17 heard you did a really good job.

18 MS. HAASE: Excellent job.

19 MR. HOLAHAN: I did a great job
20 with it.

21 MR. HAROLD ERNSBERGER: The
22 rumors out there you did an excellent job.

23 MR. MOYER: You got a raise?

24 MR. HOLAHAN: When OSHA wasn't
25 there.

1 MS. HAASE: Mr. Harold, perhaps
2 then for the board, I'll put together spreadsheets
3 and information with regards to the park and then
4 if there's some desire to move forward, I can reach
5 out to --

6 MR. HOLAHAN: Does that make
7 sense, folks?

8 MR. MOYER: Yeah.

9 MS. PICKARD: I had a couple
10 other questions, Harold.

11 MR. HAROLD ERNSBERGER: Yes,
12 Heidi.

13 MS. PICKARD: Just the
14 maintenance, are you mowing the ball fields and the
15 --

16 MR. HAROLD ERNSBERGER: Right
17 now you're looking at us, no. That would be
18 something that we would coordinate with either your
19 road crew, which is probably currently doing it, or
20 if you -- at your wish, if you say no, here's
21 \$20,000, go out and get a contractor to do it,
22 that's up to you.

23 MS. KIM ERNSBERGER: Well, that
24 was another thing too that Lauren and Cristine had
25 mentioned is with expansion of the commission,

1 they're also -- DCNR is interested in helping with
2 funds to hire extra maintenance.

3 MR. HAROLD ERNSBERGER: They're
4 looking in that direction, that there could be --
5 like when they hired me -- and the grant has since
6 expired -- there was a Circuit Rider, that is
7 usually for executive directors or directors,
8 however they want to label it; but they are now
9 starting to look at, for the small agencies like
10 ourself, is there something we can do to help them
11 because parks have been built, land has been
12 secured, whether it be open space or a park, and
13 now we got to start building it and taking care of
14 it.

15 And they're telling us that
16 there's a possibility of a fund out there to do
17 another similar thing. I don't know if they'll
18 call it Circuit Rider but that same type of thing.
19 And I don't know if you're aware, the Circuit
20 Rider, what it did was, the first year in, it pays
21 100 percent of that employee's wages; second year
22 is 75, 50, 25, till you're on your own, and that
23 would -- that also included any raises that the
24 agency seems fit to include too.

25 MR. HOLAHAN: Okay. Any other

1 questions?

2 MS. PICKARD: The -- what is
3 the price that you're charging on the hours for
4 your camps?

5 MR. HAROLD ERNSBERGER: Four --
6 it's six days a week, six weeks long.

7 MS. KIM ERNSBERGER: Five.

8 MR. HAROLD ERNSBERGER: Or five
9 days a week. Sorry. Five days a week, six weeks
10 long. We're just beginning Week 3 today. It's 420
11 for the first kid, 395 for the second kid, and --

12 MS. KIM ERNSBERGER: 370 for
13 the --

14 MR. HAROLD ERNSBERGER: 370 for
15 the third, fourth or fifth child unless they are
16 teenagers and then are -- and that's for the ages
17 of 6 through 12. If you have a 13 through 15, some
18 of the most difficult years for all humans, we have
19 what is called JRCT and that's the junior
20 recreation counsellor in training program. It is a
21 leadership course. Every year a slightly different
22 curriculum.

23 Each week has one lesson for
24 those kids and we build it to Week 6 when they're
25 15. We -- Kim and I will walk out, on Monday we go

1 to both camps and we hand them a blank job
2 application and it's been building, all the lessons
3 are designed for camp but also to put our
4 15-year-olds -- ready to catapult them out to
5 McDonald's or Walmart or Weis or wherever.

6 So we give them a blank job
7 application, we send it home with them, tell them
8 to fill it out. And then somewhere between
9 Wednesday and Friday we go back to those camps,
10 because camp's wrapping up, and we interview them
11 as if we were going to hire them, but also critique
12 them because they don't see to fill the application
13 out the way you or I would look at one. So then
14 they can take that home with the corrections and
15 know what a reference is and know where to look for
16 that stuff.

17 So we try to give them some
18 skills, that most schools don't teach you how to
19 fill out a job application so we do it at camp.

20 MS. KIM ERNSBERGER: -- we have
21 helped kids get into college.

22 MR. HAROLD ERNSBERGER: And
23 they help. And they're at a reduced rate. They're
24 at --

25 Yeah, they're at half price

1 because they also come in, they're teenagers, we
2 put them in that big brother/big sister role, that
3 they will help the little kids when they're doing
4 their arts and craft, teach them, along with our
5 counsellors, how to play a better kickball game or
6 whatever the activity is for that hour.

7 MS. LAMBERTON: How many weeks
8 are -- the camps run for?

9 MR. HAROLD ERNSBERGER: They
10 run six weeks.

11 MS. LAMBERTON: Six weeks.

12 MR. HAROLD ERNSBERGER: And we
13 --

14 MS. PICKARD: 'Cause I think --

15 MR. HAROLD ERNSBERGER: Go
16 ahead.

17 MS. PICKARD: When YMCA was
18 doing it, there's latch key issues so -- with
19 parents that had to work and it was, I think, \$125;
20 but they did have a program for lower income
21 families, but I think that was basically, the
22 people didn't want to pay when the county had been
23 doing it for \$50 a week or whatever they were
24 doing.

25 MR. HAROLD ERNSBERGER: Well,

1 this was their program and literally when they
2 walked out the door, they -- I don't know how many
3 pages of documents their staff had e-mailed me.
4 But when I put together everything I could put
5 together, they provided me and I have two, three
6 ring binders that are about three inches thick that
7 sit on my desk. It's a duplicate of what we give
8 our location supervisors and our counsellors.

9 All our counsellors go through
10 training every year and a lot of it's redundant.
11 Every year they're gonna go through first-aid and
12 CPR and be certified and recertified.

13 This year, with the law change,
14 everyone over the age of 14 has to have all three
15 background checks, that's mandatory because of
16 their -- and we also put them through -- most of
17 the staff has been through the mandatory reporter
18 training that is now out there. That was important
19 to us to make sure that we got the majority of our
20 staff through so that if there is an incident at
21 home and it comes into camp --

22 MR. HOLAHAN: That's the newest
23 one that just came out, right?

24 MR. HAROLD ERNSBERGER: Yes.
25 That's a tough one. It was a tough class to sit

1 through and to hear the stories of how and what
2 you're gonna have to report and what you might
3 hear.

4 MR. HOLAHAN: Okay. Anybody
5 else have any questions?

6 MS. KIM ERNSBERGER: In fact
7 we're kind of a little bit proud that some other
8 camps in the area have called us in to consult for
9 them on their camps.

10 MR. HOLAHAN: Okay. Very good.
11 Anybody from the public have a question or comment?
12 No?

13 Okay. Thank you very much,
14 Harold.

15 MS. LAMBERTON: Thank you.

16 MR. MOYER: Thank you.

17 MR. HOLAHAN: Okay. While you
18 continue doing what you're doing there, we'll just
19 move on.

20 So let's go on to Item C, the
21 amendment to the traffic signal maintenance
22 agreement, proposed new traffic signal at the Route
23 115 and Commercial Boulevard, the Arcadia project
24 and New Ventures.

25 MR. ARMSTRONG: Yes. Yeah, we

1 were provided a proposed amendment to your existing
2 December 2012 traffic signal maintenance agreement
3 and the drainage agreement that you have with both
4 Arcadia and S.I.D.E. Corp.

5 If you look at the proposed
6 amendment that was forwarded to us by counsel for
7 Arcadia, really what they're asking to do is to
8 change all references to the PennDOT HOP and/or HOP
9 plan. If you recall from those other agreements,
10 there was a highway occupancy permit plan
11 incorporated with the traffic signal, as well as
12 the drainage improvements and they want to replace
13 it with a term titled State Route 115, Section ARC
14 PennDOT Conventional Bid Project.

15 Now, what does that mean? I
16 don't really know yet. I need to talk -- Bob and I
17 spoke briefly a few weeks ago, but what we want to
18 make sure is that there weren't -- or are not
19 significant changes to whatever plan they're
20 referencing. We want to make sure that the
21 maintenance responsibilities are staying the same
22 and not on the township but Arcadia and S.I.D.E.
23 Corp.

24 And what they're proposing to
25 change is really that term so the maintenance

1 responsibilities as set forth in the existing
2 agreements shouldn't change; however, we do want to
3 make sure there haven't been significant changes
4 for this new plan that they're, you know,
5 referencing. It looks like it's a -- it's going to
6 be a PennDOT project so it's going to be proposed
7 to be a PennDOT project as opposed to the
8 Arcadia/S.I.D.E. project that was under the HOP
9 plan.

10 MR. HOLAHAN: If we take no
11 action on this and we don't come up with anything
12 or can we -- can we go ahead and recommend
13 authorization based on you and Bob getting together
14 and saying nothing changed between the meetings?

15 MR. ARMSTRONG: Yeah, I think
16 -- I think we can do that.

17 MS. LAMBERTON: I'm fine with
18 that.

19 MR. HOLAHAN: Okay. Then why
20 don't we -- do I have a motion?

21 MS. LAMBERTON: I'll make that
22 motion.

23 MR. KERRICK: Second.

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

1 Further discussion from the
2 board? 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: Is this for C?

9 MR. KERRICK: Yes.

10 MS. HAASE: Yes.

11 MR. HOLAHAN: Yes, sorry.

12 MS. LAMBERTON: It's for
13 Arcadia.

14 MS. PICKARD: Just for the one?

15 MR. HOLAHAN: Yes.

16 MS. PICKARD: Okay. I vote in
17 favor.

18 MR. HOLAHAN: Okay. Donald?

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

20 MR. HOLAHAN: Anne?

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

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

25 MR. ARMSTRONG: And then would

1 the board want to consider a motion for Item D,
2 which is the amendment to agreement for highway
3 occupancy permit application for enclosed surface
4 storm water drainage facilities and other drainage
5 facilities similar to the prior motion?

6 MR. HOLAHAN: Do I have a
7 motion?

8 MS. LAMBERTON: So moved.

9 MR. HOLAHAN: Second.

10 MR. HOLAHAN: Motion and
11 second.

12 Further discussion from the
13 board? Anything from the public?

14 Hearing none. Call the vote.
15 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: Anne?

22 MS. LAMBERTON: I vote in
23 favor.

24 MR. HOLAHAN: I vote in favor.
25 Motion carries.

1 E. Authorize advertisements for
2 proposed ordinance adding Kalahari Boulevard to the
3 township road list and proposed ordinance
4 establishing a speed limit on Kalahari Boulevard.

5 MS. HAASE: The one thing --
6 the information that was distributed to the board
7 spoke to Kalahari Boulevard. Since we distributed
8 that, we've had some discussions with PennDOT. We
9 have taken ownership of Kalahari Boulevard,
10 obviously it's a two lane, each direction.

11 We've spoke to PennDOT to see if
12 we could separate them for additional funding with
13 Liquid Fuels. Jeff did contact the division that
14 handled this and we did receive approval, so it
15 would be Kalahari Boulevard North and South, it
16 will double the moneys for Liquid Fuel
17 reimbursement for the year.

18 MR. MOYER: And the speed limit
19 is 55 --

20 MS. HAASE: So that is --

21 MS. HOLAHAN: If it's not
22 posted, it's 55.

23 MS. HAASE: That is the
24 difference with the document (inaudible) to what
25 Mr. Armstrong is gonna be discussing.

1 MR. HOLAHAN: Okay.

2 MS. PICKARD: So it's 25 miles
3 an hour?

4 MR. ARMSTRONG: As Phyllis just
5 indicated, the ordinances -- I've actually already
6 prepared the ordinances. The one I've already
7 amended to include both Kalahari Boulevard North
8 and South. The first one reference is, you have in
9 your code of ordinances a chapter identifying all
10 the township roads in Tobyhanna Township. This is
11 simply adding Kalahari Boulevard North, Kalahari
12 Boulevard South and authorizing the appropriate
13 representatives to post them accordingly.

14 Similarly in another chapter in
15 the code of ordinances, you have a list of all the
16 township roads with the speed limit for all the
17 township roads. I actually believe all your roads
18 are -- all township roads are 25. I could be wrong
19 though.

20 MS. PICKARD: It is wrong.

21 MR. ARMSTRONG: I might be
22 wrong.

23 MR. KERRICK: They're not all
24 25.

25 MR. MOYER: Yeah, they're

1 definitely not.

2 MR. ARMSTRONG: But Kalahari
3 North and Kalahari South would definitely be 25
4 miles per hour and that's how the ordinance reads.
5 So my understanding, the reason it's on your agenda
6 is to see if the board wants to consider a motion
7 authorizing those two ordinances to be advertised
8 for a public hearing at your -- would be your
9 August meeting.

10 MR. HOLAHAN: Do I have a
11 motion?

12 MS. PICKARD: I'll make that
13 motion.

14 MR. KERRICK: Second.

15 MR. HOLAHAN: I got a motion
16 and second.

17 Further discussion from the
18 board? Anything from the public?

19 Hearing none.

20 John?

21 MR. KERRICK: In favor.

22 MR. HOLAHAN: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. HOLAHAN: Donald?

25 MR. MOYER: I vote in favor.

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: I vote in favor,
4 motion carries.

5 MR. ARMSTRONG: Thank you.

6 MR. HOLAHAN: You're welcome.

7 And then we have consider
8 Resolution 2015 dash 016 for appointment zoning
9 hearing board member.

10 MS. HAASE: Yes. Mr. Hatch's
11 term expires and he is interested in serving for
12 another five years on the zoning hearing board.
13 His new term would expire August 2020.

14 MS. LAMBERTON: Is this
15 something we advertise for?

16 MS. HAASE: Have we? We did
17 not advertise this.

18 MS. LAMBERTON: I mean, do we
19 normally?

20 MS. HAASE: For a zoning
21 hearing board generally if the individual is
22 interested in serving again, historically we have
23 presented that to the board. Certainly we could
24 put that out for advertisement if --

25 MS. LAMBERTON: No, I was just

1 curious.

2 MS. PICKARD: I'll make a
3 motion that we reappoint Denis Hatch to our zoning
4 hearing board.

5 MR. HOLAHAN: Got a motion. Do
6 I have a second?

7 MR. KERRICK: I'll second it.

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

10 Further discussion?

11 If we've got people that are
12 interested in serving on some of these boards,
13 would you be able to have a way to reach out to
14 them so that they know there's openings coming up
15 on this? I certainly like the continuity of having
16 a zoning hearing is more -- it's difficult to step
17 into so it's nice to have some -- the continuity
18 and the understanding what's going on there so it's
19 not that I'm speaking against the motion, I'm just
20 talking, which I do a lot of sometimes.

21 MALE VOICE: Are you asking for
22 any prerequisites or experience in getting on the
23 zoning board?

24 MR. HOLAHAN: Well, he's been
25 on it so, no, because he's already --

1 MS. LAMBERTON: He's
2 established.

3 MR. HOLAHAN: -- authorized.
4 Right.

5 Anybody else? Okay. So I have
6 a motion and second.

7 Further discussion from the
8 board? 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: Donald?

16 MR. MOYER: I vote in favor.

17 MR. HOLAHAN: Anne?

18 MS. LAMBERTON: I'll vote in
19 favor.

20 MR. HOLAHAN: I vote in favor.
21 Motion carries.

22 MS. LAMBERTON: That's a valid
23 point though you made, sir, for qualifications.

24 MR. HOLAHAN: Okay. Now to the
25 fun part of the meeting. Do I have a motion to

1 adjourn? Kidding. Kidding.

2 Looking for public comment.

3 Do we have anybody for public
4 comment? Sir? And if you would please identify
5 yourself for the stenographer. Everything is being
6 recorded verbatim.

7 MR. THOMAS CAMPSON:

8 Absolutely. My name is Thomas Campson, spelled
9 C-A-M-P-S-O-N. I live in Blueberry Estates, which
10 is the far end of the township. I've been before
11 the board -- good evening by the way.

12 MR. HOLAHAN: Good evening.

13 MR. MOYER: Good evening.

14 MR. THOMAS CAMPSON: With
15 regards to our roads. I've done a lot of research
16 over the years. I've come to find out through
17 Senator Scavello's office, with regards to
18 (inaudible) 'cause I understand money's tight, you
19 know. It's not cheap to build roads anymore,
20 without a doubt, nor is it cheap to put drainage
21 in, I understand that.

22 So with the help of Senator
23 Scavello's office, I contacted the necessary
24 people, engineers, construction companies, et
25 cetera, so and so forth. I have that with me, but

1 my point is, we are going to try and get a grant
2 for \$700,000 to have our roads done.

3 Now, my question for the board
4 is, if, with the good Lord's willing, that we get
5 this grant, would you be able to take over the
6 roads? It would be to PennDOT's specs as per the
7 township, as per your rules and regulations.

8 MR. ARMSTRONG: These are
9 currently private roads, is that what you're
10 saying?

11 MR. THOMAS CAMPSON: Yes.

12 MR. ARMSTRONG: And you're
13 looking -- your private residential development is
14 looking to --

15 MR. THOMAS CAMPSON: We don't
16 have a dev -- we don't have a homeowners
17 association, we're just a bunch of neighbors.

18 MR. ARMSTRONG: Okay.

19 MR. THOMAS CAMPSON: All right?
20 The roads --

21 MR. ARMSTRONG: And you're
22 looking to --

23 MR. THOMAS CAMPSON: Let me
24 interrupt you one second.

25 MR. ARMSTRONG: Sure.

1 Absolutely.

2 MR. THOMAS CAMPSON: Apparently
3 the roads have been abandoned. The roads are in
4 horrendous, horrendous shape, you know? It's
5 craters literally, six, eight, ten feet wide in the
6 roadways. I mean, we've shelled out money out of
7 our own pockets, you know, put millings down.
8 We've tried everything to try to keep up but it's
9 just -- it's a never ending battle. You know, like
10 I said, I did all this leg work, did all this, and
11 I'm hoping that we do get the grant, but basically
12 I need your blessing to say yes, we'll take the
13 roads over, PennDOT's specs, et cetera. That's
14 what I need from you so I can proceed further. If
15 we don't get the grant, well, then no harm, no
16 fowl.

17 MR. HOLAHAN: How many roads?

18 MR. MOYER: Home many miles?

19 MR. HOLAHAN: Yeah, how many
20 miles of road?

21 MR. THOMAS CAMPSON: I'll tell
22 you. I have an estimate here. Now, let me just
23 give an idea here. Let me see how many miles we're
24 looking at here. Give me a moment.

25 MR. HOLAHAN: While you're

1 looking at it, please.

2 MS. WENDY GALLAGHER: Hi, my
3 name is Wendy Gallagher. I live in Blueberry
4 Estates as well. I don't know if you're aware of
5 this, but half of the development is in Pocono
6 Township. Pocono Township side is up to specs.
7 They maintain the roads. They plow the roads.
8 They take care of the roads. Long before we lived
9 there, apparently the gentleman who owned the
10 development was trying to get the other half done
11 and he didn't complete them.

12 We just want to get the roads up
13 to snuff, get the development so that it's a
14 development. You have half the development that
15 has beautifully maintained roads, and you have
16 another half of the development that literally has
17 two foot deep potholes. The buses for Pocono
18 Mountain East will not come through the development
19 on the side that we live on, the Tobyhanna side,
20 they will go in on the Pocono side.

21 MR. HOLAHAN: Wendy, does
22 Pocono own those roads that they're maintaining?

23 MS. WENDY GALLAGHER: Yes.
24 Pocono Township owns more of the roads in the
25 development than the Tobyhanna Township side. If I

1 had to take an educated guess, I would say there's
2 no more than four miles of road that's currently on
3 the Tobyhanna Township side. You have some part of
4 the roads that currently are paved with gigantic
5 holes, some parts of the road are just dirt.

6 The development behind us off of
7 Sullivan Trail, they built nine or ten homes when
8 we moved in ten years ago, created massive, massive
9 water problems where water is now coming off of
10 Sullivan Trail through the development ruining the
11 roads that we did have.

12 We just want it to be even so
13 when we go to sell our homes, that we can at least
14 get a fair value. I mean, literally nobody --
15 nobody -- you don't -- you move in, you think that
16 the roads are gonna be maintained, builders come in
17 and they build these homes, yep, we're gonna put
18 the roads back up to snuff as soon as we're done
19 building these houses.

20 FEMALE VOICE: Nothing.

21 MS. WENDY GALLAGHER: Lied to
22 us. Nothing is done. They ruin the roads. We
23 have no recourse in any way, shape or form.

24 MS. LAMBERTON: Do you have a
25 maintenance fee for your road maintenance?

1 MS. WENDY GALLAGHER: We don't
2 pay -- we are in a development -- I don't know if
3 you're aware of this -- that was part of the
4 Emerald Lakes Development. Many, many, many, many
5 years ago, it succeeded from the union --

6 MS. LAMBERTON: Succeeded from
7 the union.

8 MS. WENDY GALLAGHER: There's
9 houses within the development that do have placards
10 for Emerald Lakes. I don't know what the story is
11 with that. My home is not part of that.

12 MR. THOMAS CAMPSON: That's all
13 -- that's all Pocono side.

14 MR. HOLAHAN: Okay. So --

15 MR. THOMAS CAMPSON: I'm sorry.

16 MR. HOLAHAN: So I'm trying to
17 figure out if -- so you're thinking maybe four
18 miles of roads?

19 MR. THOMAS CAMPSON: Actually I
20 have it here. Deats Lane is 28 feet wide by 1,190
21 feet long; Butz Lane was assumed at 22 feet wide by
22 1,150 feet long; Miller Lane was assumed at 22 feet
23 wide by 750 feet long.

24 MR. HOLAHAN: Okay.

25 MR. ARMSTRONG: That was Deats,

1 Butz and Miller?

2 MR. THOMAS CAMPSON: Right.

3 MR. HOLAHAN: Okay. So now,
4 how wide do they have to be, John?

5 MR. KERRICK: It -- depending
6 on what you're gonna put on your shoulders or pave,
7 I mean, we have different widths in the township.

8 MR. HOLAHAN: Right.

9 MR. KERRICK: 22, 24 feet.

10 MR. HOLAHAN: It could be?

11 MR. KERRICK: Yeah. I just did
12 some quick math, about a half a mile, what they
13 just mentioned?

14 MS. LAMBERTON: Um-hum.

15 MS. PICKARD: I think we just
16 need to get some further information. I know Fawn
17 Ridge Estate has approached us multiple times, the
18 roads are in a little bit better shape, so we just
19 needed to be sure that if we're gonna do one, it
20 would be interesting to find out how much Liquid
21 Fuels we'd be able to get for those roads at that
22 time.

23 I think it really would be
24 difficult to get that LSA grant. I don't know if
25 Michelle would have any thoughts on that. I know

1 that you're -- you do a lot of them.

2 MS. MICHELLE BISBING: I
3 actually talked to you on the phone.

4 MR. THOMAS CAMPSON: Yes, Ms.
5 Bisbing. Yes, yes. How are you? Thank you.

6 MS. MICHELLE BISBING: About
7 the LSA, because Mario's office referred them to us
8 and, you know, we would certainly be willing to
9 submit the application. You know, it's competitive
10 as I explained to you. There's no guarantee but,
11 you know, the ownership issue would need to be
12 resolved. You know, when I submit the grant,
13 they're gonna ask me, well, who's gonna own this
14 and who's gonna take care of it once it's done.
15 So, you know --

16 MR. HOLAHAN: So --

17 MS. PICKARD: It was my
18 understanding when they added the roads to the list
19 of things that they would do, that they had to be
20 routes that would travel to the casino, that is not
21 --

22 MS. MICHELLE BISBING: Well,
23 they're -- there's a separate category for road
24 improvement projects within a 20 mile radius of the
25 casino but this would be a project of public

1 interest.

2 MS. PICKARD: Okay.

3 MS. MICHELLE BISBING: Not a --
4 not a road -- not a --

5 MR. THOMAS CAMPSON: I believe
6 we fall within the 22 mile radius of what you're
7 talking about.

8 MS. PICKARD: But it's not --

9 MS. HAASE: But it's not roads
10 traveling to get to the casino.

11 MS. MICHELLE BISBING: Right.
12 It wouldn't directly be associated with traffic as,
13 you know, related to the casino, but it could -- it
14 still would be an eligible application.

15 MR. HOLAHAN: How is Blueberry
16 Estates set up though? Do you pay -- you don't pay
17 dues?

18 MR. MOYER: No.

19 MR. THOMAS CAMPSON: No, sir.

20 MR. MOYER: That was my
21 question.

22 MR. HOLAHAN: Do you have any
23 common areas? Do you have common areas?

24 FEMALE VOICE: No.

25 MS. LAMBERTON: Who owns the

1 road now?

2 MALE VOICE: No clue.

3 MR. HOLAHAN: Is it just houses
4 and roads?

5 FEMALE VOICE: Yes.

6 MS. LINDA ACE: No one owns the
7 roads.

8 MS. LAMBERTON: No one owns the
9 roads?

10 MS. PICKARD: Somebody has to.

11 MS. LINDA ACE: My name is
12 Linda Ace and I've lived there for 30 years. Ike
13 Miller owned the development. They were very good
14 friends of ours. I know Ike brought the roads up
15 -- for the Pocono Township side up to their
16 specifications and that's why they took over the
17 roads.

18 He put a thin layer of pavement
19 on our end of the development that held up for
20 probably about maybe eight to ten years until they
21 started developing and building more houses. The
22 heavy equipment broke the roads especially in the
23 spring when the ground thawed. We had ruts this
24 deep in our road that we had to maintain, we had to
25 try to fix those roads so we could get in and out

1 of our driveway. The neighbors and I pitch in.
2 There was never any road maintenance. Tobyhanna
3 Township would not take over those roads because
4 they were not brought up to specifications. So we
5 are left to maintain those roads on our own.

6 I live on what used to be
7 Millers now Williams, we all have to pitch in, buy
8 stone to fill in the holes. As a matter of fact,
9 this past year the neighbors down below me, three
10 of them pitched in and they had a company come in
11 and they dug the road down and they put millings
12 and stone and it's nice past my driveway down
13 towards 380. The rest of the road, you're dodging
14 potholes that are this wide, this deep, some of
15 them.

16 MR. KERRICK: Michelle, when is

17 --

18 I'm sorry, John, can I ask a
19 question?

20 MR. HOLAHAN: Please.

21 MR. KERRICK: Michelle, when
22 does the grant have to be in?

23 MS. MICHELLE BISBING: The
24 deadline's September 30.

25 MR. KERRICK: September 30. So

1 we still have another meeting in between. Could we
2 have Phyllis, Bob and Eddy -- I mean, I'd like to
3 see if it -- if we're interested. I'm trying to
4 look at John.

5 MR. HOLAHAN: I can see you.

6 MR. KERRICK: That they would
7 get Liquid Fuels. Not that it's a lot but it's a
8 little and I have no idea what we're talking about
9 here so we can get some research by next meeting.

10 MS. LINDA ACE: Here's a very
11 important piece of information. My husband and I
12 just recently divorced. We put our house on the
13 market. We've had a very difficult time trying to
14 sell the house because there is no recorded road
15 maintenance agreement. So I took the house off the
16 market. I personally was gonna buy the house. I
17 work for ESSA Bank & Trust. They will not do a 30
18 year mortgage for me because I don't have a
19 recorded road maintenance agreement.

20 MS. MICHELLE BISBING: That
21 happened to me too with ESSA Bank in my
22 development.

23 MS. PICKARD: All of them are
24 getting --

25 MS. MICHELLE BISBING: Same

1 thing.

2 MS. LAMBERTON: And you guys
3 take care of your own?

4 MS. LINDA ACE: Now, they will
5 waive that for me if I do 20 year mortgage but to
6 try to sell the house through a realtor, I need to
7 have a recorded road maintenance agreement.

8 MS. PICKARD: Yeah, my sister
9 lives on a private road, it's the same thing.

10 I had a question for Pat. If
11 nobody owns the road and they want to turn them
12 over, how would they be able to --

13 MR. ARMSTRONG: Well, if no one
14 -- if it's not township roads, if they're all
15 private roads and there's not an HOA that owns
16 these private roads, the owners of the road are
17 yourselves. Meaning your -- say your lots this
18 wide, you own halfway to midway of the road that
19 width and your neighbor across the street owns the
20 other half of that, that's how -- that's really how
21 the ownership works out if there's no -- I'm
22 assuming everyone's --

23 MS. LINDA ACE: What if there's
24 no neighbor?

25 MR. ARMSTRONG: Someone owns

1 that property. Someone's got to own that property
2 across the street.

3 MR. DENNIS MALIK: Some of the:
4 --

5 MR. ARMSTRONG: Right?

6 MR. HOLAHAN: You have to
7 identify yourself.

8 MR. DENNIS MALIK: Hi, my name
9 is Dennis Malik and I live on Butz Lane. I've been
10 plowing the road so I can get in and out, okay, for
11 15, 17 years, something like that.

12 On the one side there's -- it's
13 -- there's no neighbors. Okay? So the part that
14 is developed -- also in Tobyhanna Township or
15 Pocono Township, we can't start a community in this
16 development because their roads are taken care of,
17 so how can we charge these people a maintenance for
18 roads when they don't -- their roads are taken care
19 of?

20 There's -- so we can't even
21 start really an association because there's only --
22 I would say two miles of road, at the most, that
23 has to be brought up to specs and turned over to
24 the township. And if it doesn't get done, we're
25 just gonna have to complete doing what we've been

1 doing now, it's -- some of the lots are not
2 buildable so how can -- like he was saying, the
3 neighbors -- let's take care of the -- well,
4 there's no neighbor.

5 MR. HOLAHAN: Right.

6 MR. DENNIS MALIK: So, I mean,
7 you have to drive down there and go down to the
8 roads and drive down the roads and you'll see
9 exactly what we're talking about.

10 MR. HOLAHAN: I think that's
11 what Mr. Kerrick is speaking of, having our DPW,
12 our engineer go down and assess those.

13 MR. DENNIS MALIK: And like
14 they said, the houses that have been built there,
15 from the heavy equipments, they're just ruined, the
16 roads are ruined.

17 MR. ARMSTRONG: How many
18 residence are on the side of Blueberry Estates that
19 the roads are not maintained?

20 MR. THOMAS CAMPSON: Either 21
21 or 22.

22 MR. DENNIS MALIK: Yeah, 30 at
23 the most.

24 MR. HOLAHAN: Is that residents
25 or houses?

1 MR. THOMAS CAMPSON: Those are
2 homes.

3 MR. HOLAHAN: 21, 22 houses.

4 MR. THOMAS CAMPSON: -- 22, I
5 believe, are -- yeah, out lived it, but like Dennis
6 said, when you get to a certain point on Butz Lane
7 to the left, it's all wetlands.

8 MR. HOLAHAN: Right. So there
9 could be 50 lots?

10 MR. THOMAS CAMPSON: For all we
11 know.

12 MR. HOLAHAN: Right?

13 MR. THOMAS CAMPSON: That's
14 possible.

15 MR. DENNIS MALIK: But they're
16 not --

17 MR. THOMAS CAMPSON: But
18 they're not buildable and we don't know who owns
19 them.

20 MALE VOICE: Why don't you go
21 to the courthouse and look it up?

22 MR. THOMAS CAMPSON: I've done
23 that.

24 MALE VOICE: You didn't find
25 it?

1 MR. THOMAS CAMPSON: Oh, I
2 found them.

3 MALE VOICE: Well, who owns it?

4 MR. DENNIS KALLICK: The county
5 might even have them. They were probably up for a
6 sheriff's sale.

7 MR. HOLAHAN: I think there's a
8 lot of information that we need to get together
9 before we can -- so what we're gonna do is we're
10 gonna pursue this at this point to see how --

11 MS. JANICE MILLER: Can I also
12 make a suggestion?

13 THE REPORTER: Can you please
14 state your name, please?

15 MS. JANICE MILLER: My name is
16 Janice Miller and I live right on the corner of
17 Deats Lane right across from my neighbor here and
18 Tim is the one that started all of this. I
19 appreciate all the work he's done. But I have the
20 -- I'm home on disability. I have a great view of
21 Deats Lane going onto Sullivan Trail. If you start
22 owning our property, which is not a problem for me
23 and my husband, but when you -- you all are invited
24 down to come out and look at our properties for one
25 thing. But the other thing, we live right on the

1 corner, no one -- unless they're speeding -- stops
2 at the stop sign. They don't pay attention to the
3 stop sign.

4 My husband and I try to keep the
5 trees away from it so that people can see that
6 there is a stop sign there. But quickly they will
7 look between Sandy's house and my -- and ours to
8 see if there's people coming on Sullivan Trail.
9 I've had PennDOT come out to do signs for -- that
10 there's a sharp curve. I was in -- I was involved
11 in getting PennDOT out there to put signs out
12 because we had to get -- when we moved in, there
13 were boulders around our corner because people
14 would have accidents out there because there was no
15 street sign, street lights. So I was incorporated
16 in doing that.

17 But what I'm getting at is, if
18 you put a camera out there and get license plates,
19 you could use the profit from license.

20 MS. LAMBERTON: I like the way
21 she thinks.

22 MS. JANICE MILLER: You know?
23 Once you get us under your township, put the camera
24 out there or a cop out there -- I mean, I can tell
25 you how many times -- if you want me to, I'll start

1 clocking it to take count.

2 MS. KERRICK: They're your
3 neighbors.

4 MS. JANICE MILLER: It tells
5 you how many people go through that stop sign in
6 order to -- because right now Sullivan Trail has
7 got the oil and the chips --

8 MR. HOLAHAN: Right.

9 MS. JANICE MILLER: The chips
10 are coming onto Deats Lane because of the speeding
11 that they're doing at that corner.

12 MS. LAMBERTON: I would like to
13 also know who the contractors were that use the
14 heavy equipment, we could maybe get a couple of
15 lists of names. Wouldn't hurt to know.

16 MR. CRAIG KAUFMAN: Yeah, the
17 construction in that development --

18 THE REPORTER: Can you please
19 state your name?

20 MR. CRAIG KAUFMAN: Craig
21 Kaufman. I've been there since '88 so I've seen a
22 lot happen on that Sullivan tar and chip road when
23 they did it, and a thin layer of asphalt.

24 And during that time, it was
25 early '90s, when Isaac Miller was still alive, but

1 he deeded those roads over to Pocono on one side.
2 And from what I understand, he was in the works to
3 do it here when he passed away. And then it got
4 into the estate of Ike Miller and then the estate
5 of the person who got that estate. I guess they're
6 about three deep in estates now and they've kind of
7 -- basically what everyone said here, they've
8 abandoned that development.

9 The Pocono side, they maintain
10 it and they plow it in the winter, they get to
11 their -- where the sign is, Tobyhanna Township,
12 they lift the plows, drive right through the snow.
13 And go around and out -- out our side most of the
14 time.

15 MR. HOLAHAN: Well, maybe we
16 can speak to Tom from Pocono and see if we want to
17 give that part of Blueberry Estates to Pocono
18 Township. We kind of just -- bust off a piece and
19 hand it to them.

20 MS. JANICE MILLER: Look at all
21 the money you're gonna lose.

22 MR. HOLAHAN: There's a whole
23 lot -- and then we'll have to limit this because
24 there's a whole lot more research we're gonna have
25 to do on this.

1 Sir?

2 MR. THOMAS CAMPSON: Yes. The
3 other big issue is the bus stop. The bus stop is
4 at -- is it Williams?

5 FEMALE VOICE: Williams.

6 MR. THOMAS CAMPSON: Williams
7 Lane, Sullivan Trail, nasty, nasty curves. If you
8 come north -- west on Sullivan Trail, I don't know
9 how many times that I've heard screeches. The bus
10 stop is there and these kids are getting off and
11 the school bus will not come through because of how
12 serious the roads are.

13 Now, we can move bus stops back
14 into our development, guess what, we gained a
15 hundred percent safety putting them on the back
16 street on Butz versus Sullivan Trail and I know
17 that's a big concern with a lot of neighbors with
18 their children and I don't blame them one iota.

19 Thank you.

20 MR. HOLAHAN: Good point.
21 You're welcome.

22 Aram?

23 MR. ARAM CALFAYAN: Okay. Yeah,
24 Aram Calfayan, 145 Kickapoo Drive. The zoning, I
25 guess, is completed on Kalahari, has that added any

1 revenue to Tobyhanna or how much the revenue, I
2 should say?

3 MR. HOLAHAN: I don't know yet
4 because they'll be the one percent tax that we're
5 getting from it. There's the \$52 that we'll be
6 getting from each --

7 MR. ARAM CALFAYAN: Is it much
8 more than Pocono Manor would?

9 MR. HOLAHAN: And there's
10 permits that we've gotten -- yeah.

11 MS. LAMBERTON: Inspection.

12 MR. HOLAHAN: There's a few
13 things. I can't really quantify that yet, but
14 we'll certainly be getting to that point.

15 Have you been out there yet?

16 MR. ARAM CALFAYAN: I went by
17 it the other day.

18 MR. HOLAHAN: I got to tell
19 you, folks, do yourselves a favor, whether you were
20 for it or not, you got to go out and take a look at
21 this place. They've done one heck of a job.

22 MR. ARAM CALFAYAN: Somebody
23 said their buffet was pretty good so maybe we'll
24 try that.

25 MS. LAMBERTON: You're free to

1 enter and walk around and --

2 MR. HOLAHAN: Yeah, you don't
3 -- there's no admission fee so -- but check it out
4 and they're still continuing to work on it so --
5 they put together a first class -- first class
6 operation up there.

7 MR. THOMAS CAMPSON: Mr.
8 Chairman, just one real quick question and I'll
9 keep my mouth shut. With regards to the LSA grant,
10 I guess, we're on hold until we hear from the
11 board, is that what I'm getting, is that what I'm
12 understanding?

13 MR. HOLAHAN: Well, it sounds
14 like ownership becomes the issue, but I don't know
15 why you couldn't at least start some things. I
16 guess, one of the things that happens here is once
17 we --

18 MR. THOMAS CAMPSON: I just
19 don't want to jump ahead and then, you know --

20 MR. HOLAHAN: One of the things
21 that happens here is, we start getting our engineer
22 and attorney involved and we start incurring
23 expenses.

24 MR. THOMAS CAMPSON: I
25 understand that.

1 MR. HOLAHAN: And we need to
2 figure out who's going to pay those so we need to
3 do some --

4 MS. LAMBERTON: Due diligence.

5 MR. HOLAHAN: Yeah, I was gonna
6 say due diligence, but just some investigation up
7 front, just to see what we're dealing with. So we
8 can see what --

9 MR. THOMAS CAMPSON: I'd be
10 more than happy to leave this with the board.

11 MR. HOLAHAN: I'd appreciate
12 that.

13 MR MOYER: Yeah, that would
14 help.

15 MS. PICKARD: Gentlemen, I
16 think that from what Michelle had said that they
17 would need to determine who is going to maintain
18 them afterwards as part of the grant so that would
19 have to be in there, so there would have to be some
20 sort of agreement or decision made before they
21 could submit the grant.

22 MR. HOLAHAN: Yeah, and would
23 we maintain roads that we didn't own, is that a
24 possibility? Do we take, you know --

25 MS. PICKARD: We have to kind of

1 say that if they got the grant.

2 MS. MICHELLE BISBING: If the
3 township -- is the township comfortable with us
4 applying and administering a grant --

5 MR. HOLAHAN: Based on --

6 MS. MICHELLE BISBING: -- or
7 did you want to do it yourself, I mean, that's a
8 decision for you.

9 MS. PICKARD: I think we're not
10 taking it unless they get the grant money and bring
11 the roads up so you kind of -- it would have to be
12 a contingent --

13 MR. MOYER: We got a lot to
14 digest.

15 MR. HOLAHAN: We got some
16 thinning to do.

17 MR. KERRICK: Exactly.

18 MR. MOYER: You know, there's
19 -- I mean, I think John made a good point to get
20 out there and look and just see what we're looking
21 at.

22 MR. HOLAHAN: Okay.

23 MS. JANICE MILLER: You can all
24 park in our driveway if you want. 105 Deats Lane.

25 MR. HOLAHAN: I'm not sure I

1 want to drive down --

2 MS. LAMBERTON: Cameras.

3 MR. HOLAHAN: I have to take
4 that Humvee out there and we'll all pile on that
5 thing.

6 Okay. Anybody else have
7 anything?

8 If not, I'll entertain a motion
9 to adjourn.

10 MS. LAMBERTON: So moved.

11 MR. ARMSTRONG: I do have a
12 very brief executive session with respect to
13 ongoing litigation.

14 MR. KERICK: Every time you say
15 brief --

16 MR. HOLAHAN: Okay. We are
17 going into executive. I've got a motion to
18 adjourn. Do I have a second?

19 MS. PICKARD: Second.

20 MR. KERRICK: Second.

21 MR. HOLAHAN: Motion and
22 second. All in favor aye?

23 BOARD MEMBERS: Aye.

24 MR. HOLAHAN: Thanks, folks.

25 (Meeting concluded at 8:20

p.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.
13
14

15 _____
16 COURTNEY L. ROGERS
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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 22, 2015, beginning at 8:06 a.m.

PRESENT: ANNE LAMBERTON, Vice Chairperson
JOHN E. KERRICK, Board Member
DONALD J. MOYER, Board Member
HEIDI A. PICKARD, 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 MS. LAMBERTON: Good morning.
2 I'd like to call the special meeting for the board
3 of supervisors, July 22nd, 2015, to order. We'll
4 start with the pledge.

5 (Pledge of Allegiance.)

6 MS. LAMBERTON: Solicitors
7 report.

8 MR. ARMSTRONG: There's a couple
9 items. I just wanted to bring you back up to
10 speed. At your meeting last week we talked about a
11 couple of agreements that are still kind of
12 pending. One is the gas line agreement with the
13 Monroe County IDA, the BCRA, as well as Kalahari
14 and Pocono Manor. I spoke with Marc Wolfe and John
15 Prevoznik from the IDA and the BCRA last week.
16 There is a revised version out there, however I've
17 learned that John Prevoznik from the BCRA, that was
18 his first time actually looking at it. So there

19 may be a little bit of time before there is a
20 revised version of that.

21 There was still additional
22 discussion as to whether or not we have all the
23 required parties that need to be signatory to that
24 agreement, but we are kind of flushing our way
25 through that.

3

1 Are you going to talk about the
2 proposal from Aqua?

3 MS. HAASE: I had not planned.

4 MR. ARMSTRONG: Okay. I do have
5 a brief executive session discussion with respect
6 to real estate as well as pending litigation.

7 MS. LAMBERTON: Is that all?

8 MR. ARMSTRONG: Yeah. The other
9 two agreements, the Arcadia Properties agreement,
10 that's still pending. I've gotta follow up with
11 Bob on a couple minor changes to that. And I feel
12 like there was one other agreement that I need to
13 follow up on.

14 MS. HAASE: Transco.

15 MR. ARMSTRONG: Transco, they

16 have agreed to -- we are just waiting for the
17 signed copy as well as a bond. Transco is the
18 entity in Sheehan Pipeline. They are going to be
19 doing some work in transporting some heavy
20 equipment on your roads, so there's an agreement
21 that they have agreed to ensure the maintenance of
22 our roads.

23 That's all I have this morning.

24 Thank you.

25 MS. HAASE: And I just want to

4

1 announce we did a public service announcement that
2 there's going to be traffic delays on Stony Hollow
3 from the 22nd to 24th as we apply the leveling
4 course.

5 MS. LAMBERTON: Very good.

6 Anything else, Phyllis?

7 MS. HAASE: No, ma'am.

8 MS. LAMBERTON: Patrick?

9 MR. ARMSTRONG: Nope. Like I
10 said, I do have executive session.

11 MS. LAMBERTON: Very good.

12 Okay, under new business consider approving
13 certificate of developer and request for payment
14 number 10 for Kalahari Resorts access road account
15 in the amount of \$216,819.13.

16 I'll entertain a motion.

17 MR. MOYER: So moved.

18 MS. LAMBERTON: I have a motion.

19 Do I have a second?

20 MS. PICKARD: Second.

21 MS. LAMBERTON: Motion and
22 second. Any questions?

23 MS. PICKARD: Just, is this from
24 the TIF Funds or the private funds?

25 MS. LAMBERTON: Uh-huh. Any

5

1 questions from the public? Seeing none, call the
2 vote. John?

3 MR. KERRICK: In favor.

4 MS. LAMBERTON: Heidi?

5 MS. PICKARD: In favor.

6 MS. LAMBERTON: Donny?

7 MR. MOYER: I vote in favor.

8 MS. LAMBERTON: I will abstain.

9 Motion passed.

10 I will consider a motion to
11 consider FedEx Freight's request for a waiver of
12 land development.

13 MS. HAASE: Yes. FedEx is
14 proposing a small addition in the amount of 900
15 square feet. We had a discussion with them, and
16 due to the de minimis expansion we thought it may
17 be beneficial to them if they presented the board
18 requesting a waiver in lieu of a fee.

19 MS. PICKARD: Are they coming in
20 or --

21 MS. HAASE: Are they coming in?
22 No, it's in your packet. They request a waiver.

23 MS. LAMBERTON: I'll entertain a
24 motion for the waiver for land development for
25 FedEx.

6

1 MR. ARMSTRONG: Did you want --

2 MS. LAMBERTON: Did you look at
3 it, Heidi?

4 MS. PICKARD: No, I didn't.

5 MS. LAMBERTON: Oh, I'm sorry.
6 It looks like a small 960 square foot. Maybe two
7 offices right in the center of their building, if
8 you take a look.

9 MR. KERRICK: Can I ask a
10 question now? Did you say Phyllis and waive the
11 fees?

12 MS. HAASE: In lieu of a fee.

13 MR. KERRICK: Land development,
14 but not the fees. They still would pay the fee,
15 like we did with Lake Naomi, different people, they
16 would still pay a portion of --

17 MS. PICKARD: We usually set
18 that as part of the motion.

19 MS. HAASE: Yeah. They're not
20 asking for a waiver of your zoning fees --

21 MR. KERRICK: I didn't hear it
22 properly, I'm sorry.

23 MS. HAASE: That's okay.

24 MS. PICKARD: We usually ask for
25 a fee in lieu of land development.

1 MS. HAASE: Correct.

2 MR. ARMSTRONG: The idea behind
3 that, even though you're waiving land development,
4 Bob is still going to look at the plan and if there
5 is anything I need to look at, so it's a way to
6 cover any cost and expense of the township. I
7 think in the past, at least for the -- remember you
8 waived the fee or you waived land development for
9 T-Mobile not too long ago and I think the fee was
10 like 2500, 3000 or something like that.

11 It doesn't have to be the same
12 amount, because this is a little bit more -- it's a
13 large commercial structure, so if you want to
14 consider -- I'm not sure if Bob's looked at this.
15 But he may want to look at it.

16 MS. HAASE: Bob has briefly
17 looked at it and felt it is a project to be
18 considered for a waiver.

19 MS. LAMBERTON: Did he have a
20 suggestion on the time that he would spend on it so
21 we knew what to -- you know, like for the fee?

22 MS. HAASE: No, that's not
23 something that he generally would do, is involved
24 with.

25 MS. LAMBERTON: Do we have any

1 suggestions for a fee, just knowing the staff hours
2 that it would take to do this?

3 MS. HAASE: I believe 2500 would
4 be appropriate.

5 MS. LAMBERTON: What is the size
6 of the main structure where this 900 --

7 MS. HAASE: I couldn't tell you
8 that offhand.

9 MS. PICKARD: It just looks
10 really like a little tiny pea.

11 MS. HAASE: I could get that
12 information for you. I just don't have it offhand.

13 MS. LAMBERTON: Any other
14 questions?

15 MR. KERRICK: So what they're
16 proposing on the layout is just a little 960 square
17 foot where it jets out now where their offices are
18 in the middle of facility?

19 MS. HAASE: Correct.

20 MS. PICKARD: They are just
21 adding another office.

22 MR. KERRICK: Three offices.

23 MS. HAASE: Well, they're adding
24 960 square feet.

25 MR. ARMSTRONG: It's over

9

1 existing paved --

2 MS. HAASE: Yes.

3 MR. ARMSTRONG: So it's not
4 using pervious surface --

5 MS. PICKARD: And it says it's a
6 pod addition. Is that just like one of those
7 school things, like just a shed you bring in and --

8 MS. HAASE: I can only answer
9 what's on that.

10 MS. PICKARD: It says pod,
11 that's why I asked.

12 MS. LAMBERTON: That's what I
13 assumed it was too.

14 Questions from the public?

15 MRS. BEVERLY WEIRICH: What are
16 they going to do with their 960 square feet that
17 they're using now for offices? Is that going to
18 stay office area?

19 MR. KERRICK: Do you want to see

20 where it is?

21 MRS. BEVERLY WEIRICH: I just am
22 objecting to them growing. I mean, we've been
23 suffering with their noise ever since FedEx has
24 been there. They're worse than Consolidated ever
25 was. And there were supposed to be things

10

1 addressed as far as noise goes for us residents on
2 Long Pond Road before they were given their
3 occupancy permit for their truck repair shop that
4 they built years ago. And when Kelly Biddle-Cook
5 was in here she guaranteed me before they were
6 given their occupancy that something would be
7 addressed for the noise on the bank, and nothing
8 was ever done. So I'm objecting to anything that
9 FedEx wants to do back there.

10 MS. LAMBERTON: I'm looking at
11 this, Bev, and I'm seeing -- I don't know where
12 offices would create additional noise.

13 MR. KEN WEIRICH: Well, the
14 problem is, is that, in other words -- their
15 beepers and the air horns continuously every night.

16 MS. LAMBERTON: Throughout the
17 evening is what you're saying?

18 MR. KEN WEIRICH: Every night,
19 continuously. Because they are terrible neighbors.
20 We've called them numerous times.

21 MS. LAMBERTON: You called them
22 directly?

23 MR. KEN WEIRICH: Directly.

24 MRS. BEVERLY WEIRICH: I just
25 called them two weeks ago and he never called me

11

1 back again. He did call me back once and said he
2 would address the situation but nothing's been --
3 the manager, this man, Manoose, (phonetic), I think
4 his name is Manoose, he's the general manager there
5 now.

6 MR. MOYER: Is there a buffer
7 there now?

8 MR. KEN WEIRICH: There is, but
9 the trees are half dead.

10 MRS. BEVERLY WEIRICH: John,
11 you've been out there, years ago.

12 MR. KERRICK: A long time ago.

13 MRS. BEVERLY WEIRICH: Nothing,
14 nothing's been done.

15 MR. KERRICK: I do remember when
16 they did the terminal, I guess the repair facility.
17 They were supposed to plant trees. I don't know
18 whether they ever did.

19 MR. KEN WEIRICH: No. Nothing's
20 been done.

21 MS. LAMBERTON: This is the
22 first that I am hearing of this.

23 MS. PICKARD: Can we have
24 somebody go out and address that, Phyllis?

25 MS. LAMBERTON: Would you mind

12

1 stepping forward and showing us where these trees
2 are --

3 MR. KERRICK: I don't think it
4 will show on that.

5 MS. LAMBERTON: Well, just to
6 give us an idea, so.

7 Here is 940 entrance. So I'm
8 assuming back around this area?

9 MRS. BEVERLY WEIRICH: This must
10 be our area.

11 MS. LAMBERTON: You would be
12 here with Long Pond.

13 MRS. BEVERLY WEIRICH: Something
14 else that was done that shouldn't have been done is
15 this tract here that comes to Long Pond was not
16 supposed to be sold, because when Consolidated
17 developed they needed so many acres for their
18 industrial. And probably about ten years ago this
19 tract was sold off to Jim and Donna Burke because
20 they wanted to -- see this -- well, no, maybe this
21 is our piece of property. Because we have a piece
22 of property that butts up to them. Everybody
23 else's property on Long Pond only goes back 200
24 feet and my mother in-laws tract is about 300 feet
25 because she wouldn't sell off to Consolidated when

13

1 they did it. But there was an additional tract
2 that came out to Long Pond that Consolidated owned
3 and then FedEx acquired, which was not supposed to
4 be sold. We are going back 35, 40 years ago when
5 this was developed.

6 MS. LAMBERTON: Way before me.
7 Can I make a suggestion --
8 MR. ARMSTRONG: So where are
9 your properties?
10 MRS. BEVERLY WEIRICH: We're on
11 Long Pond Road.
12 MS. LAMBERTON: Which is the
13 SR4002.
14 MRS. BEVERLY WEIRICH: And there
15 is a big buffer bank. When I say big it's probably
16 maybe 20, 25 feet.
17 MR. ARMSTRONG: Where is that on
18 here?
19 MRS. BEVERLY WEIRICH: That's
20 along -- well they don't even show it.
21 MR. ARMSTRONG: It must be on
22 their property.
23 MRS. BEVERLY WEIRICH: Yes, it's
24 on their property.
25 MR. ARMSTRONG: This is their

2 MS. LAMBERTON: This is their
3 parking lot.

4 MRS. BEVERLY WEIRICH: Where is
5 their service garage and their septic? I don't see
6 that on here.

7 MR. KERRICK: The service garage
8 is right in front of that square where the 960 --

9 MS. LAMBERTON: It appears like
10 an island of some sort. That would make sense.

11 MR. KERRICK: I think that's
12 their service garage there. This must be your
13 properties here somewhere, I would assume.

14 MRS. BEVERLY WEIRICH: They're
15 not showing their septic on here either.

16 MR. KERRICK: Somewhere here I
17 saw pump tanks. It would be in this area right
18 here.

19 MRS. BEVERLY WEIRICH: Existing
20 sewage bed. Okay, yes, so this might even be our
21 piece of property here.

22 MR. KERRICK: It says picnic
23 area right there. Is that yours?

24 MRS. BEVERLY WEIRICH: No,
25 that's still -- I don't know what that --

1 MR. ARMSTRONG: This is the
2 property boundary line, so this is their property.
3 So I guess the question is --

4 MRS. BEVERLY WEIRICH: Our house
5 is along here and there's a buffer bank and they
6 put a fence up. Okay? And the only thing the
7 fence does is it restricts the deer and the bear.
8 They have nowhere to go.

9 MR. ARMSTRONG: I guess what the
10 board is asking is all they are proposing is this
11 little --

12 MRS. BEVERLY WEIRICH: I don't
13 care what they're proposing. I'm objecting to
14 everything.

15 MR. ARMSTRONG: With the
16 understanding that they are proposing this, what
17 can we do --

18 MRS. BEVERLY WEIRICH: I want
19 the township to go back through their records, I
20 want them to pull everything back when they built
21 the service garage and I think I even have a copy
22 of the minutes of the meetings that I was
23 guaranteed that they would not get their occupancy

24 until this bank was addressed, and nothing's been
25 done.

16

1 MR. ARMSTRONG: And that's what
2 I'm trying to get at.

3 MS. LAMBERTON: He's trying to
4 help you here.

5 MR. ARMSTRONG: The bank
6 addressed, what does that mean?

7 MRS. BEVERLY WEIRICH: I want
8 something done for noise.

9 MR. KEN WEIRICH: Well, either
10 that or either do away with the beepers and air
11 horns, put an ordinance in saying there's no -- the
12 beepers, I understand because I've been to
13 different places and you don't have to have a
14 beeper on the back of two jockeys backing in. And
15 they have different decimals of beepers.

16 MR. BRANDON CARROLL: That's
17 OSHA. You have to have it. They are required.

18 MR. KEN WEIRICH: No, you don't.
19 You do not have to have beepers on it.

20 MS. LAMBERTON: What we can do,
21 maybe we can contact them and have the volume
22 lowered.

23 MR. KEN WEIRICH: Right. Or you
24 could do lights. What if you had a deaf guy? He
25 ain't gonna hear a beeper.

17

1 MR. ARMSTRONG: What I'm trying
2 to get at is you brought up this berm and the issue
3 of the berm and they hadn't resolved that issue.
4 Does that mean you wanted plantings along --
5 because that's one of the conditions.

6 MS. BEVERLY WEIRICH: I want a
7 professional to come out there and tell me what
8 they can do. I want a study done of the noise --
9 okay? -- of what is the proper way to do it. I
10 can say, okay, I want them to plant trees, but
11 maybe the trees aren't going to do anything for me,
12 you know.

13 MS. PICKARD: They can only go
14 with what we adopted when they put this in, but my
15 question would be, can we just make this waiver
16 contingent upon them being in compliance and check

17 all these things out? Make it contingent upon them
18 being compliant with all other --

19 MR. ARMSTRONG: What's the
20 timeframe on this? Does the board maybe want to
21 wait, have Bob look at this buffer, this berm
22 that's being discussed and see if there is any
23 plantings that may help the situation? I mean, you
24 have a meeting coming up in August. I mean, that's
25 up to the board.

18

1 MS. HAASE: They were looking to
2 begin as soon as possible. We still could have Bob
3 go out there. What we first need to do is, as Ms.
4 Pickard said, is pull what was approved years ago,
5 and look to see what was approved at that time and
6 go from there.

7 MS. LAMBERTON: And make sure
8 that they are in compliance with that approval and
9 if not they need to address it and we could make
10 our motion based on that so the neighbors are not
11 affected.

12 MRS. BEVERLY WEIRICH: Well, I

13 still want a new complaint recorded that I don't
14 want this done until that is addressed no matter
15 what.

16 MS. PICKARD: But if they are in
17 violation, we just make it contingent upon them not
18 being in violation of their prior approvals.

19 MRS. BEVERLY WEIRICH: Because I
20 guarantee I can get signatures from everybody on
21 Long Pond all the way down Summit View Drive, down
22 Sullivan Trail. I talked to people that live two
23 miles away. I talked to Rob Tutrone who lives in
24 Stillwater. He hears the beepers in his house and
25 he lives around the back side of the lake there in

19

1 Stillwater.

2 MS. LAMBERTON: Well, we do have
3 some direction and I thank you for your input. We
4 don't want neighbors affected either, you know. We
5 have to respect that they might have rules too to
6 go along. So we have to find a happy medium.

7 MR. KEN WEIRICH: Right.
8 Exactly, but I mean, I know there is different
9 decimals of beepers, but air horns should be not --

10 is not acceptable. Air horns are not acceptable.
11 I know we passed an ordinance for no Jakes running
12 through town and so forth. We should be able to
13 pass an ordinance for no air horns. I mean, they
14 play taps back there. They'll get one guy on one
15 side and one guy on the other side and they'll blow
16 the air and go to-toot, to-toot-toot, back and
17 forth to each other.

18 MS. LAMBERTON: Well, I think in
19 a big part we can make them aware of it.

20 MR. KEN WEIRICH: They are kind
21 of aware of it already.

22 MS. LAMBERTON: Well, if it
23 comes from the township that may be a little
24 helpful. And, you know, thank you for bringing
25 this to our attention. I was not aware of it to be

20

1 honest with you. So we have direction now. We can
2 let the motion move forward looking into that. I
3 think that would be the best way --

4 MR. KEN WEIRICH: We called the
5 police also to go out. It's out of control. Some

6 night it's just out of control. And they went
7 over, and as they pulled in, I don't know if they
8 have records of it, and actually heard them blowing
9 air horns back and forth, you know. But their
10 hands are tied. They can't really -- there is no
11 ordinance. There is nothing, so they're not going
12 to do nothing.

13 MS. LAMBERTON: So, I'm going to
14 use your expertise on how we should actually make
15 this motion so we protect --

16 MR. ARMSTRONG: Okay. So the
17 board is still willing to move forward with a
18 motion approving a conditional waiver of land
19 development. If that's the case, potentially the
20 motion that you may want to entertain is a motion
21 to conditionally approve the requested waiver of
22 land development of FedEx for the proposed 960
23 square foot pod addition conditional upon township
24 staff reviewing the history of the prior land
25 development approvals and the buffering in the

1 berm; and in the event that there is additional
2 plantings or additional improvements necessary for

3 that berm that FedEx complete those as part of this
4 960 square foot addition, together with confirming
5 that FedEx is in compliance with all of the other
6 conditions and requirements of the prior township
7 approvals; and further confirmation that FedEx
8 address, to the extent necessary, the noise at the
9 property pursuant to township ordinances.

10 MS. PICKARD: I'll make that
11 motion with a fee in lieu of -- \$2500 fee in lieu
12 of land development.

13 MS. LAMBERTON: I have a motion.
14 Do I have a second?

15 MR. MOYER: I'll second it with
16 those conditions.

17 MS. LAMBERTON: I have a motion
18 and I have a second. Any questions from the board?
19 Any other questions from the public?

20 Call the vote. John?

21 MR. KERRICK: In favor.

22 MS. LAMBERTON: Heidi?

23 MS. PICKARD: Vote in favor.

24 MS. LAMBERTON: Donny?

25 MR. MOYER: I vote in favor.

1 MS. LAMBERTON: I vote in favor.

2 Motion passed.

3 I'll accept a motion to consider

4 Resolution 2015-017 Northeast PA Council for Camp

5 Acahela Swimming Pool Shower House Sewage

6 facilities Planning Module. That looked pretty

7 straight forward.

8 MR. KERRICK: That's straight

9 forward. I'll make that motion.

10 MS. LAMBERTON: I have a motion.

11 Do I have a second?

12 MS. PICKARD: Second the motion.

13 MS. LAMBERTON: I have a motion

14 and a second. Any questions from the board? Any

15 questions from the public? Seeing none, call the

16 vote. John?

17 MR. KERRICK: In favor.

18 MS. LAMBERTON: Heidi?

19 MS. PICKARD: Vote in favor.

20 MS. LAMBERTON: Donny?

21 MR. MOYER: I vote in favor.

22 MS. LAMBERTON: I vote favor.

23 Motion passes.

24 Any public comment?
25 MR. KEN WEIRICH: I just don't

23

1 want no noise.

2 MRS. BEVERLY WEIRICH: Just no
3 noise.

4 MS. LAMBERTON: No noise. I
5 understand.

6 MRS. BEVERLY WEIRICH: I mean,
7 we have to sleep basically with an air conditioning
8 running. You can't have your windows open -- or TV
9 going to obstruct that noise, that beeper. I mean,
10 you lay your head on a pillow and try to go sleep,
11 beep, beep, beep, beep, you know. And it's worse.
12 And as they grow the noise gets worse.

13 MR. KEN WEIRICH: And it's not
14 during the day. The way their operation is at
15 night they back all the trailers into the docks.
16 During the day they don't run them. So there's
17 nothing during the day. It's all at night time.

18 MRS. BEVERLY WEIRICH: Well,
19 there is some during the day.

20 MR. KEN WEIRICH: Very brief.

21 MS. LAMBERTON: Well, thank you
22 for bringing that to our attention. And we'll have
23 Phyllis put someone in charge of that.

24 MRS. BEVERLY WEIRICH: I'll see
25 if I can find my minutes. I was going to try and

24

1 do it and I didn't.

2 MR. ARMSTRONG: As an aside,
3 have you talked to anyone from FedEx?

4 MRS. BEVERLY WEIRICH: Yes. The
5 general manager. A couple of times.

6 MR. KEN WEIRICH: Now they don't
7 answer the calls.

8 MRS. BEVERLY WEIRICH: Now he
9 doesn't call me back.

10 MR. KEN WEIRICH: They try to be
11 nice with me, but he says I'll see what I can do
12 but he doesn't do anything.

13 MRS. BEVERLY WEIRICH: If
14 anybody wants to come out to listen to the noise
15 you're welcome.

16 MR. KEN WEIRICH: I'll put

17 hamburgers and hots dogs on.

18 MRS. BEVERLY WEIRICH: John, I
19 had you out there late at night years ago.

20 MR. KERRICK: It's something
21 hopefully they can address. I thought that was
22 squared away. I wasn't aware of it.

23 MRS. BEVERLY WEIRICH: No. And
24 it's just getting worse.

25 MS. LAMBERTON: Thank you guys.

25

1 Very good. Thank you for coming. Motion to
2 adjourn?

3 MR. KERRICK: So moved.

4 MR. MOYER: Second.

5 MS. LAMBERTON: All in favor?

6 (All say aye.)

7 MS. LAMBERTON: We'll move into
8 executive session now at 8:24 a.m.

9 (Meeting concluded at 8:24 a.m.)

10 ---

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10 I hereby certify that the
11 proceedings and evidence are contained fully and
12 accurately in the notes taken by me at the hearing
13 in the above matter; and that the foregoing is a
14 true and correct transcript of the same.

15

16

17

18 JOSEPHINE HOLLMAN, C.R.

19

20

21

22

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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, August 10, 2015, beginning at 7:00 p.m.

PRESENT: JOHN J. HOLAHAN, Chairperson
(Via Phone)
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 MS. LAMBERTON: Okay. I have
2 seven o'clock. Good evening. I'd like to call the
3 board of supervisors regular business meeting of
4 August 10, 2015 to order. We'll start with the
5 pledge of allegiance, please.

6 (Pledge of allegiance was
7 recited.)

8 MS. LAMBERTON: Thank you.
9 John Holahan is joining us via cell phone.
10 Everyone say hello. He's the proud new grandfather
11 of two baby twins, so he's in Texas joining us.

12 All right. We'll start with
13 announcements.

14 MS. HAASE: Yes. I'd like to
15 announce that on July 13 the board had an executive
16 session from 8:32 to 8:46 p.m. for litigation; July
17 22, 8:28 to 8:52 a.m., for litigation; and this
18 evening from 6:30 to 6:55 for litigation.

19 MS. LAMBERTON: Thank you.
20 MS. HAASE: I'm sorry. Real
21 estate.
22 MS. LAMBERTON: Very good. Is
23 that all, Phyllis?
24 MS. HAASE: Yes, ma'am.
25 MS. LAMBERTON: Okay. I will

3

1 entertain a motion to consider the minutes of the
2 June 8, 2015 regular business meeting.
3 MS. HAASE: I have a
4 correction.
5 MS. LAMBERTON: Okay.
6 MS. HAASE: Page 18, Line 5,
7 down should be done.
8 MS. LAMBERTON: Very good.
9 Should we take these all together?
10 July 13, 2015 regular business
11 meeting minutes?
12 MS. HAASE: Page 87, Line 14,
13 spelling should be Kerrick, K-E-R-R-I-C-K.
14 MS. LAMBERTON: And the July
15 22, 2015 special meeting.

16 MS. HAASE: Page 4, Line 24,
17 TIF, T-I-F; and Page 8, Line 10, tiny, T-I-N-Y.
18 MS. LAMBERTON: Very good.
19 Thank you, Phyllis. I'll entertain a motion.
20 MR. KERRICK: I'll make a motion
21 we dispense of the reading.
22 MS. PICKARD: I'll second the
23 motion.
24 MS. LAMBERTON: I have a
25 motion. I have a second.

4

1 Any questions from the board?
2 MR. ARMSTRONG: Just -- what
3 was -- the motion was to approve the meeting
4 minutes from June 8, June (sic) 13 and June (sic)
5 22, 2015?
6 MS. LAMBERTON: Yes.
7 MR. ARMSTRONG: Okay. Thanks.
8 MS. LAMBERTON: Any questions
9 from the board?
10 MR. HOLAHAN: I do.
11 MS. LAMBERTON: Go ahead, John.

12 MR. HOLAHAN: One for Patrick.

13 Patrick, because I'm by phone,

14 I'll not be voting on anything, so do I need to do

15 abstentions or can I just monitor the meeting and

16 mute my speaker?

17 MR. ARMSTRONG: You can monitor

18 the meeting and mute your speaker.

19 MR. HOLAHAN: That's what I'll

20 be doing, folks. Thanks.

21 MS. LAMBERTON: You're welcome,

22 John.

23 Any questions from the public?

24 Call the vote.

25 John?

5

1 MR. KERRICK: In favor.

2 MS. LAMBERTON: Heidi?

3 MS. PICKARD: I vote in favor.

4 MS. LAMBERTON: Don?

5 MR. MOYER: I vote in favor.

6 MS. LAMBERTON: I vote in

7 favor. Motion passed.

8 Consider the treasurer's report

9 in the amount of \$543,418.97.

10 I'll entertain a motion to

11 consider the treasurer's report.

12 MR. MOYER: So moved.

13 MS. LAMBERTON: I have a

14 motion. Do I have a second?

15 MS. PICKARD: I'll second the

16 motion.

17 MS. LAMBERTON: I have a

18 motion. I have a second.

19 Any questions from the board?

20 Any questions from the public?

21 Seeing none. Call the vote.

22 John?

23 MR. KERRICK: I will abstain.

24 MS. LAMBERTON: Heidi?

25 MS. PICKARD: I will abstain.

6

1 MS. LAMBERTON: Donny?

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

3 MS. LAMBERTON: And I will

4 abstain due to a conflict. I am employed by

5 Papillon & Moyer and there is a bill in the packet
6 make payable to them, so I will not vote on that.

7 MR. ARMSTRONG: Okay.

8 MS. PICKARD: I have a conflict
9 also with Mountain Lakes Abstract Company. I do
10 work for them and there's a bill in the bill pack
11 for them for the recording of the deed and the
12 title insurance for the fire company.

13 MR. KERRICK: I also have a
14 conflict. I have a business relationship with
15 Papillon & Moyer.

16 MR. ARMSTRONG: Okay. So the
17 board has been here before. You -- it's unable for
18 -- you are unable to get a quorum vote this evening
19 due to the fact you have one, two, three conflicts;
20 however, pursuant to the code, you are able, now
21 that you have all disclosed your potential
22 conflicts with the bill, you are able to vote again
23 if you so choose.

24 MS. LAMBERTON: Okay. Then I
25 guess I will call a vote.

2 MR. KERRICK: I will vote in
3 favor.

4 MS. LAMBERTON: Heidi?

5 MS. PICKARD: I will vote in
6 favor.

7 MS. LAMBERTON: Donny?

8 MR. MOYER: I vote in favor.

9 MS. LAMBERTON: I'll vote in
10 favor. Motion passed. Technicality.

11 Solicitor's report.

12 MR. ARMSTRONG: Thank you. The
13 first item under my report is the public meeting
14 for the proposed ordinance naming Kalahari
15 Boulevard. As everyone's aware, there's a new
16 public road in town by the name of Kalahari
17 Boulevard.

18 My understanding is after some
19 discussions with PennDOT, the township learned that
20 it will actually be named Kalahari Boulevard South
21 and Kalahari Boulevard North. South being T dash
22 667 and North being T dash 668. This ordinance
23 formally names those two routes as Kalahari
24 Boulevard South and North and amends the township
25 code of ordinances at Chapter 128 accordingly.

1 This ordinance has been
2 advertised for a public hearing this evening in
3 accordance with the Second Class Township Code. A
4 copy of the ordinance has been made available at
5 the township offices for public availability and
6 it's also been filed with the Monroe Law Library.

7 With that, we can open the
8 public hearing. Public hearing is open.

9 Any questions or comments from
10 the board at this time? Seeing none -- seeing
11 none. Any questions or comments from the public?
12 Seeing none.

13 If the board would like to close
14 the public hearing on Ordinance -- which would be
15 Ordinance --

16 MS. LAMBERTON: 524.

17 MS. HAASE: 524.

18 MR. ARMSTRONG: -- 524.

19 MR. KERRICK: I'll motion we
20 close the hearing on Ordinance 524.

21 MS. LAMBERTON: I have a
22 motion. Do I have a second?

23 MS. PICKARD: I'll second the
24 motion.

25 MS. LAMBERTON: Motion and

9

1 second.

2 Call the vote.

3 John?

4 MR. KERRICK: In favor.

5 MS. LAMBERTON: Heidi?

6 MS. PICKARD: I vote in favor.

7 MS. LAMBERTON: Donny?

8 MR. MOYER: I vote in favor.

9 MS. LAMBERTON: I vote in
10 favor. Motion passed.

11 MR. ARMSTRONG: Okay. If I
12 heard that correctly, you just closed the hearing.
13 So now if there's a potential motion to adopt
14 Ordinance 524 naming Kalahari Boulevard South and
15 Kalahari Boulevard North.

16 MR. KERRICK: I'll make that
17 motion.

18 MS. LAMBERTON: We have a
19 motion. Do we have a second?

20 MS. PICKARD: I'll second the
21 motion.
22 MS. LAMBERTON: I have a motion
23 and a second.
24 Any questions from the board?
25 Any questions from the public?

10

1 MR. THOMAS CAMPSON: Just one.
2 Is that a township road or is that a state road?
3 MS. LAMBERTON: It's a township
4 road.
5 MR. THOMAS CAMPSON: Township.
6 Thank you.
7 MS. LAMBERTON: You're very
8 welcome.
9 Did you need his name?
10 MR. THOMAS CAMPSON: Thomas
11 Campson.
12 MS. LAMBERTON: Thank you.
13 MR. THOMAS CAMPSON: You're
14 welcome.
15 MS. LAMBERTON: John, call the

16 vote?

17 MR. KERRICK: In favor.

18 MS. LAMBERTON: Heidi?

19 MS. PICKARD: I vote in favor.

20 MS. LAMBERTON: Donny?

21 MR. MOYER: I vote in favor.

22 MS. LAMBERTON: I'll vote in

23 favor. Oh, you know, I'll abstain from that.

24 Motion passed.

25 MR. ARMSTRONG: Thank you.

11

1 The next item under my report is

2 the public hearing for proposed ordinance, which

3 will be Ordinance 525, establishing a speed limit

4 along Kalahari Boulevard North and Kalahari

5 Boulevard South.

6 This ordinance amends Chapter

7 145 of the Code of Ordinances of Tobyhanna

8 Township, vehicles and traffic, and establishes a

9 25 mile per hour speed limit along Kalahari

10 Boulevard South and Kalahari Boulevard North for

11 the entire length of the road.

12 This ordinance has been

13 advertised for public hearing this evening pursuant
14 to the Second Class Township Code. It's been made
15 available to the public at the offices here at the
16 township, as well as the Monroe County Law Library
17 and as I indicated this will be Ordinance 525.

18 With that, we can open up the
19 public hearing. Open -- the public hearing is
20 hereby open.

21 Are there any questions or
22 comments from the board at this time?

23 MS. LAMBERTON: I have none.

24 MS. PICKARD: I have none.

25 MR. KERRICK: I have none.

12

1 MR. ARMSTRONG: Any questions
2 or comments from the public?

3 Seeing none. We can close the
4 public hearing.

5 MS. LAMBERTON: I'll accept a
6 motion to close the hearing.

7 MR. KERRICK: I'll make that
8 motion we close the hearing.

9 MS. LAMBERTON: I have a motion
10 --
11 MS. PICKARD: I'll second the
12 motion.
13 MS. LAMBERTON: -- and a second.
14 Any questions from the board?
15 Any questions from the public?
16 Call the vote.
17 John?
18 MR. KERRICK: In favor.
19 MS. LAMBERTON: Heidi?
20 MS. PICKARD: I vote in favor.
21 MS. LAMBERTON: Donny?
22 MR. MOYER: I vote in favor.
23 MS. LAMBERTON: I'll abstain.
24 Motion passed.
25 I'll also entertain a motion to

13

1 consider the adoption of Ordinance No. 525
2 establishing a speed limit on the Kalahari
3 Boulevard?
4 MR. KERRICK: I'll make that
5 motion.

6 MS. LAMBERTON: I have a
7 motion. Do I have a second?
8 MS. PICKARD: Second the
9 motion.
10 MS. LAMBERTON: I have a motion
11 and a second.
12 Any questions from the board?
13 Any questions from the public?
14 Seeing none. Call the vote.
15 John?
16 MR. KERRICK: In favor.
17 MS. LAMBERTON: Heidi?
18 MS. PICKARD: I vote in favor.
19 MS. LAMBERTON: Donny?
20 MR. MOYER: I vote in favor.
21 MS. LAMBERTON: I will abstain.
22 Motion passed.
23 MR. ARMSTRONG: Thank you.
24 MS. LAMBERTON: You're very
25 welcome.

1 MR. ARMSTRONG: I do have

2 additional items that are not listed under my
3 report.

4 As the board may be aware, the
5 board should be aware, pursuant to the
6 establishment of the Tobyhanna Sewer District No.
7 1, for purposes of servicing the Kalahari and
8 Pocono Manor Resort's projects, there -- part of
9 the Tobyhanna Township Sewer District No. 1, there
10 was a proposed sewer line that in the last year or
11 so got moved temporarily for purposes of proceeding
12 with the Kalahari project with the understanding
13 that there would still be an attempt made to
14 proceed with the initial connection point from the
15 Tobyhanna collection system into the Pocono
16 Township collection system.

17 Since that time there have been
18 meetings and discussions with the property owners
19 with four of the properties wherein the sewer line
20 is intended and has been planned to be located.
21 Unfortunately at this point in time, there has not
22 been an agreement with those property owners and at
23 -- and Tobyhanna Township has now been put in a
24 position where you have to decide whether or not
25 you want to proceed with condemnation of an

1 easement along four properties in Pocono Township
2 for the purpose of servicing the Tobyhanna Township
3 Sewer District No. 1 and the residents and
4 properties located therein. It would be intended
5 to be an easement for purposes of sanitary sewer
6 service and that is a legitimate reason for
7 condemnation purposes in the state of Pennsylvania.

8 What I have before you, if the
9 board would like to proceed and discuss this
10 further, are proposed resolutions authorizing
11 Tobyhanna Township to do a number of items. One of
12 them, continue to try and resolve and potentially
13 amicably agree with the property owners in Pocono
14 Township in order to allow the sanitary sewer right
15 of way and easement for the Tobyhanna collection
16 system on those properties. And in the event that
17 there is not an agreement able to be reached
18 between Tobyhanna Township and those property
19 owners, that Tobyhanna Township is further
20 authorized to proceed with a taking condemnation
21 and/or eminent domain pursuant to Pennsylvania Law.

22 Subject to, of course, Pocono
23 Township adopting a resolution pursuant to the

24 intermunicipal agreement that Tobyhanna and Pocono
25 entered into approximately a year and a half to two

16

1 years ago; and further obviously conditional upon
2 Kalahari and/or Pocono Manor reimbursing and
3 agreeing to pay for the costs of any such
4 condemnation proceeding and any damages associated
5 with that taking.

6 It authorizes the proper
7 officers of Tobyhanna Township, as well as myself,
8 to proceed and prepare and file the condemnation
9 papers in the event that the township and the
10 property owners cannot agree upon the easements
11 before filing those documents.

12 Are there any questions or
13 comments from the board at this point in time? In
14 particular, would you like to proceed with those
15 and they are four separate properties for four
16 separate easements for purposes of the sewer line.

17 MS. LAMBERTON: Any comments?

18 MR. MOYER: I don't.

19 MR. KERRICK: I have no problem

20 if we give Pat the authorization, but I would like
21 to exhaust all avenues to --

22 MS. LAMBERTON: And I think
23 that that's what we're doing here this evening.

24 MS. PICKARD: Exactly.

25 MS. LAMBERTON: That's our

17

1 understanding.

2 MR. ARMSTRONG: Yes. The way
3 the resolution reads is, is you're simply
4 authorizing Tobyhanna Township to proceed with --
5 attempting to resolve them amicably; but at the
6 same time, if you can't, it authorizes the
7 proceeding with the condemnation.

8 And I failed to mention it
9 before, but the resolution also specifically
10 requests that Pocono Township proceed with their
11 resolution as well, given the fact that these --
12 and I was corrected, there are five properties in
13 Pocono Township, four owners. One property owner
14 owns two of the properties. It's set forth
15 specifically in the resolutions.

16 MS. LAMBERTON: What do you

17 need from us this evening?

18 MR. ARMSTRONG: Well, we'll do
19 one resolution -- if this is the will of the board,
20 we can do one resolution at a time, identifying the
21 properties and taking a vote on those specific
22 resolutions.

23 MS. LAMBERTON: Okay.

24 MR. KERRICK: I'm all right
25 with that.

18

1 MR. ARMSTRONG: Okay. The
2 first resolution would be -- well, I guess, do you
3 want to open up for public comment or do you want
4 to wait until you take a vote on the resolution?

5 MS. LAMBERTON: Absolutely. Is
6 there any public comment prior to starting this?

7 THE REPORTER: Can you state
8 your name, please?

9 MR. BRENDON CARROLL: My name
10 is Brendon Carroll.

11 We didn't know this would be a
12 problem before we got to the end of the project?

13 MS. LAMBERTON: I -- I honestly
14 thought everyone was in agreement.

15 MR. BRENDON CARROLL: Change --
16 I mean, those things change a little bit.

17 MS. LAMBERTON: Things changed,
18 yeah.

19 MR. BRENDON CARROLL: The
20 second part --

21 MS. LAMBERTON: We're hoping to
22 resolve it but --

23 MR. BRENDON CARROLL: The
24 second part is, is there a way around -- when you
25 get into a taking or an eminent domain, there's a

19

1 financial --

2 MS. LAMBERTON: And in our
3 agreements that will be taken care of by the
4 Kalahari --

5 MR. BRENDON CARROLL:
6 Kalahari's agreed to something they didn't know, of
7 a financial amount up front?

8 MR. KERRICK: Could I add
9 something?

10 MS. LAMBERTON: Sure.
11 Absolutely.
12 MR. KERRICK: And I'm not sure
13 if he knows, it is hooked up --
14 MS. LAMBERTON: There already
15 is a sewer line there.
16 MR. BRENDON CARROLL: Oh, it's
17 already done?
18 MR. KERRICK: One is done.
19 This is for an additional one.
20 MS. LAMBERTON: Well, no, no,
21 no, no, there's one existing.
22 MR. BRENDON CARROLL: Oh, oh,
23 oh, oh. I see.
24 MS. LAMBERTON: We just want to
25 use the same easement and that was the agreement,

20

1 but now all of a sudden --
2 MR. BRENDON CARROLL: As a
3 utility, a public utility, do they not have an
4 easement that is in place by property deeds, like
5 eminent domain for a power line or something --

6 MS. LAMBERTON: I understand
7 what you're asking.

8 MR. ARMSTRONG: Kalahari and/or
9 Pocono Manor, they're not a utility. They -- this
10 would --

11 MR. BRENDON CARROLL: Tobyhanna
12 Town -- you are.

13 MR. ARMSTRONG: This would be a
14 Tobyhanna Township sewer line servicing the
15 Tobyhanna Township --

16 MR. BRENDON CARROLL: You're a
17 public utility, the township?

18 MR. ARMSTRONG: Well, we're a
19 municipality. We're a public municipal entity
20 that's able to take property for public purposes.
21 One such purpose being sanitary sewer service and
22 this would be the Tobyhanna Township sewer line
23 servicing the Tobyhanna Township Sewer District No.
24 1.

25 MR. BRENDON CARROLL: My

21

1 question is, you would -- I would think you would
2 be -- automatically be given an easement without --

3 under the law, I think that's --

4 MR. ARMSTRONG: Well, we have a
5 right to condemn the property, which is what we're
6 potentially going to proceed to do for purposes of
7 the public, you know, sanitary sewer service. But
8 we can't just go in without filing a declaration of
9 taking and take someone's property.

10 MR. BRENDON CARROLL: I'm
11 saying, I would assume that the easement is granted
12 without going through all this.

13 MR. ARMSTRONG: Initially the
14 developer was having discussions with those
15 property owners, but there has not been an
16 agreement to date, which is why Tobyhanna Township
17 is taking this next step to proceed.

18 MR. BRENDON CARROLL: Thank
19 you.

20 MS. PICKARD: Is -- am I
21 correct in saying that there was an original Pocono
22 Township easement on this, but it's not for
23 Tobyhanna Township so --

24 MS. LAMBERTON: Yes.

25 MR. ARMSTRONG: Right.

1 MS. LAMBERTON: There was
2 another question? No? Any other comments from the
3 board? No?

4 MR. ARMSTRONG: So if the board
5 were to proceed with adopting these four separate
6 resolutions this evening, the first such resolution
7 would be Resolution 2015 dash 018 authorizing the
8 Board of Supervisors of Tobyhanna Township to
9 select and appropriate permanent right of way and
10 easement by eminent domain or certain real estate
11 in Pocono Township for the purposes of the
12 installation, improvement, maintenance repair and
13 replacement of the public sanitary sewer line and
14 related facilities and requesting Pocono Township
15 to authorize Tobyhanna Township to proceed with
16 such eminent domain action and further authorizing
17 the proper officers of Tobyhanna Township to
18 consider to try and amicably resolve the situation
19 prior to filing the declaration of taking with the
20 court pursuant to the eminent domain code.

21 And again, that would be
22 Resolution 2015 dash 08. This resolution being
23 specific to Monroe County Tax Map Parcel No. 12

24 slash 12 slash 12 -- 12 slash 12 slash 2 slash 6
25 located in Pocono Township.

23

1 MS. HAASE: Just to clarify,
2 2015 dash 018.

3 MR. ARMSTRONG: Yes.

4 MS. LAMBERTON: Do you want to
5 do all of them?

6 MR. ARMSTRONG: Let's do
7 separate.

8 MS. LAMBERTON: Separately?
9 Okay.

10 MR. ARMSTRONG: Yeah.

11 MS. LAMBERTON: I'll entertain
12 a motion?

13 MR. MOYER: So moved.

14 MS. LAMBERTON: I have a
15 motion. Do I have a second?

16 MR. KERRICK: Second.

17 MS. LAMBERTON: I have a motion
18 and a second.

19 Any questions or comments from
20 the board?

21 Any questions or comments from
22 the public?
23 Seeing none. Call the vote.
24 John?
25 MR. KERRICK: In favor.

24

1 MS. LAMBERTON: Heidi?
2 MS. PICKARD: I vote in favor.
3 MS. LAMBERTON: Donny?
4 MR. MOYER: I vote in favor.
5 MS. LAMBERTON: I'll abstain.
6 Motion passed.
7 MR. ARMSTRONG: The next
8 resolution would be Resolution 2015 dash 019.
9 Similarly it's a resolution authorizing the
10 Township of Tobyhanna to proceed with the
11 condemnation of the property identified as Monroe
12 County Tax Map Parcel No. 12 slash 12 slash 2 slash
13 7 located in Pocono Township.
14 MS. LAMBERTON: I'll entertain
15 a motion?
16 MR. MOYER: So moved.

17 MS. LAMBERTON: I have a
18 motion. Do I have a second?
19 MR. KERRICK: Second.
20 MS. LAMBERTON: I have a motion
21 and second.
22 Comments or questions from the
23 board? Comments or questions from the public?
24 Seeing none. Call the vote.
25 John?

25

1 MR. KERRICK: In favor.
2 MS. LAMBERTON: Heidi?
3 MS. PICKARD: I vote in favor.
4 MS. LAMBERTON: Donny?
5 MR. MOYER: I vote in favor.
6 MS. LAMBERTON: I'll abstain.
7 Motion passed.
8 MR. ARMSTRONG: The next
9 resolution would be Resolution 2015 dash 020,
10 again, authorizing the Township of Tobyhanna to
11 proceed with eminent domain action for purposes of
12 securing a right of way and easement over a portion
13 of property -- properties identified as Monroe

14 County Tax Map Parcels Nos. 12 slash 12 slash 2
15 slash 3 dash 6; and 12 dash 12 dash 2 dash 3 dash
16 7. Those two properties being owned by the same
17 individual in Pocono Township.

18 MR. RALPH MATERGIA: Patrick.
19 Excuse me. Ralph Matergia. I think that tax
20 number on that last one, the 3 dash 7, should
21 actually be 12 slash 12 slash 2 slash 5, I think.

22 MR. ARMSTRONG: What I will do
23 is confirm whether it's 2 dash -- or 3 dash 7 or 3
24 dash 5. And in the event that it needs to be
25 corrected, can you please include in your motion to

26

1 correct the Monroe tax map parcel number for
2 purposes of Resolution 2015 dash 020?

3 MS. LAMBERTON: Thank you. All
4 set?

5 MR. KERRICK: That would be my
6 motion.

7 MR. MOYER: I'll second the
8 motion.

9 MS. LAMBERTON: I'll second. I

10 have a motion. I have a second.

11 Any questions or comments from

12 the board?

13 Any comments or questions from

14 the public?

15 Seeing none. Call the vote.

16 John?

17 MR. KERRICK: In favor.

18 MS. LAMBERTON: Heidi?

19 MS. PICKARD: I vote in favor.

20 MS. LAMBERTON: Donny?

21 MR. MOYER: I vote in favor.

22 MS. LAMBERTON: I'll abstain.

23 Motion passed.

24 MR. ARMSTRONG: And finally

25 Resolution 2015 dash 021, and again, authorizing

27

1 the Township of Tobyhanna to proceed with eminent

2 domain action for Monroe County Tax Map Parcel No.

3 12 slash 12 slash 2 slash 8 located in Pocono

4 Township and again, a portion of that property for

5 purposes of a right of way easement for public

6 sanitary sewer service.

7 MS. LAMBERTON: I'll entertain
8 a motion for Ordinance --
9 MR. MOYER: So moved.
10 MS. LAMBERTON: I have a
11 motion. Do I have a second?
12 MR. KERRICK: Second.
13 MS. LAMBERTON: Motion and
14 second.
15 Question or comments from the
16 board?
17 Questions or comments from the
18 public?
19 Seeing none.
20 John, call the vote?
21 MR. KERRICK: In favor.
22 MS. LAMBERTON: Heidi?
23 MS. PICKARD: I vote in favor.
24 MS. LAMBERTON: Donny?
25 MR. MOYER: I vote in favor.

28

1 MS. LAMBERTON: I'll abstain.
2 Motion passed.

3 Thank you, Patrick.

4 MR. ARMSTRONG: Thank you. I
5 do have comments or will participate in the
6 discussion on a few items later on in the agenda,
7 but I guess until they come up, I'll sit tight.
8 Thank you.

9 MS. LAMBERTON: Thank you.

10 MR. RALPH MATERGIA: Question.
11 Did -- is your resolution broad enough to retain
12 appraisal services to establish compensation on
13 these properties?

14 MR. ARMSTRONG: It -- what was
15 the -- with respect to appraisal services?

16 MR. RALPH MATERGIA: I just want
17 to make sure your resolution was broad enough to --
18 for you to hire an appraiser to establish just
19 compensations so we're not delaying --

20 MR. ARMSTRONG: Yeah, there's
21 the typical language -- I'll provide you copies,
22 but allows -- or authorizes the proper township
23 employees to proceed with any and all actions
24 necessary to proceed with, you know, the
25 condemnation or --

1 MR. RALPH MATERGIA: Thank you.

2 MR. ARMSTRONG: It has that
3 magic language in there, Ralph --

4 MR. RALPH MATERGIA: Thank you.

5 MR. ARMSTRONG: -- if that's
6 what you're asking.

7 MR. RALPH MATERGIA: I
8 appreciate that.

9 MS. LAMBERTON: Very good.
10 We'll move on to manager's report. Phyllis?

11 MS. HAASE: Thank you.

12 I'd like to announce the DCNR
13 will be holding a public meeting tomorrow at six
14 p.m. at the safety center with regards to gypsy
15 moth spraying. So if anyone would like to attend,
16 that would be tomorrow evening at six o'clock, at
17 the safety center.

18 MS. LAMBERTON: We'll see you
19 all there?

20 MR. MOYER: Everybody getting
21 sprayed.

22 MS. HAASE: We had discussed
23 for the last few months that the western polling
24 place will -- needs to be moved. It was hopes of

25 the election bureau, that it would be approved at

30

1 their August meeting. Unfortunately they had to
2 cancel it, so it is on the agenda for September;
3 but they do anticipate approval of the Faith
4 Lutheran Church on 940.

5 MS. LAMBERTON: Good news.

6 MS. HAASE: I had the pleasure,
7 as well as Mr. Tutrone, to meet with Jackie Dudley,
8 and she's a young lady who is going to be working
9 with the township to help her achieve the silver
10 award for girl scouts and she has chosen the Keiper
11 Field. She's gonna be doing painting and some
12 leveling out of the bases and so we look forward to
13 working with her over the next year.

14 MS. LAMBERTON: That's
15 wonderful.

16 MS. HAASE: I'm pleased to
17 inform the board that our ten year agreement that's
18 been pending with the school district with regards
19 to Panther Lane, they have filed paperwork with
20 PennDOT for the amendments. They are moving

21 forward with that, so hopefully I can update you
22 next month on that.

23 Coolbaugh Township, we've been
24 in -- we have been attempting to resolve an issue
25 with the wood grinder over the last year. I had

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1 the opportunity to meet and speak with Supervisor
2 Kelly. I also followed up with a letter on July 15
3 asking if they can move ahead with this and I, as
4 of this date, have not heard back from them.

5 MR. KERRICK: Can I ask, can we
6 send them one certified?

7 MS. HAASE: I certainly could.
8 They have acknowledged that they've received --
9 speaking with Supervisor Kelly, they did receive my
10 letters, they just have not come to a decision.

11 MR. KERRICK: Well, from what
12 it was mentioned in their meeting, that we did not
13 respond, and I know that we responded, Pat's
14 responded and reached out numerous times.

15 MS. HAASE: Yes. And I did
16 bring that to Ms. Kelly's attention that reading
17 their minutes it speaks to the fact that no one's

14 knows, the old Route 940 bridge is -- has been
15 closed and it's under construction.

16 I also wanted to let the board
17 know that our agreement with Constellation Electric
18 Company is going to be expiring December of 2015,
19 so in the process of getting quotes; however, it's
20 my understanding when these batch quotes come out,
21 you actually have to agree to them at that time.

22 So I am asking the board that if
23 something comes out that's in favorable, that we're
24 allowed to move forward with it, if it's between
25 your meetings.

33

1 MS. LAMBERTON: I don't have an
2 issue with that at all.

3 MS. HAASE: Okay. I'm pleased
4 to announce that we've moved some funds with the
5 township. We invested \$490,000 in a CD at .65 last
6 week and this week we've invested 245 with .7 and
7 that is --

8 MS. LAMBERTON: It's creeping
9 up.

10 MS. HAASE: Yeah.

11 MS. LAMBERTON: They're
12 creeping up. It's better than it was.

13 MS. HAASE: The board has been
14 informed by the county that we're to begin the high
15 hazard mitigation plan. So it was a tasking job
16 five years ago and now we've reached our five year
17 limit so now we need to go through that again. So
18 we'll be working on the hazard mitigation and the
19 risk evaluation, as well as the capability
20 assessment plan.

21 I received information from Eric
22 Koopman from Monroe County Planning with regards to
23 a long range transportation plan that the county
24 would be putting together and this is the first one
25 for Monroe County.

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1 They're looking for projects to
2 extend -- it's over a 25 year program and is not
3 for private roads or township roads. It would be a
4 road and intersection, a bridge in our municipality
5 that we feel there's a concern. We know that there
6 is safety concern of Long Pond, 940, 380

4 forward.

5 So is that acceptable with the
6 board?

7 MS. LAMBERTON: Is everyone
8 okay with it?

9 MS. HAASE: Okay. I will fill
10 out the proper paperwork and I will submit that to
11 Mr. Koopman this coming week.

12 If you also recall last month we
13 had Blueberry Estates approached the board with
14 their concerns and we certainly recognize that
15 they're in a very difficult situation.

16 The proposal that was presented
17 to Mr. Holahan, which he forwarded to me, speaks to
18 what this engineering firm feels that will be
19 needed. I've asked our township engineer to review
20 and comment and Mr. McHale came back with multiple
21 concerns.

22 One, he feels that it's -- the
23 estimate is too low. We're looking at upwards of
24 over \$800,000. Concern would be a wetland
25 delineation. He also has concerns with the

1 requirements of PennDOT. They would have to have
2 certain cul-de-sacs that would have to be
3 installed. There is also 11 properties that he's
4 concerned of how the access point would be and also
5 the access of their private road onto Sullivan
6 Trail, that would have to be permanent through
7 PennDOT.

8 The comment letter was uploaded
9 on your portal for your consideration. I know that
10 they are looking for a letter of support; however,
11 it would have to be conditioned upon the board
12 agreeing to take dedication of those roads and
13 maintain them furthermore.

14 So I just wanted to bring that
15 to the board's attention. The letter would need to
16 be submitted to the IDA by the end of September but
17 that would have to be on your consideration.

18 MS. LAMBERTON: Is the HOP
19 costs included in the 800,000?

20 MS. HAASE: No. No.

21 MS. LAMBERTON: Do we have an
22 idea of what that would cost?

23 MS. HAASE: No, ma'am. It's
24 all going to be determined whether or not they're

25 going to require an analysis for left turn lane or

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1 not, so that would be up to PennDOT, whether it
2 would be needed. I don't know if it would be
3 warranted there, but I can't speak to that.

4 MS. LAMBERTON: But it's not
5 included?

6 MS. HAASE: No, it is not
7 included.

8 MR. KERRICK: Can I ask a
9 question?

10 MS. HAASE: Yes, sir.

11 MS. LAMBERTON: Sure.

12 MR. KERRICK: On the portal,
13 which I'm on now, I see their -- from their
14 engineer, is Bob's -- Bob's comments on there
15 somewhere? I can't find them.

16 MS. HAASE: They should be.

17 MS. PICKARD: To the bottom.
18 Keep going down to the bottom.

19 MS. HAASE: Would you like me
20 to review them?

21 MR. KERRICK: No, no. No, I

22 can -- I'll read it.

23 MS. HAASE: Okay.

24 MR. KERRICK: Okay. I guess I
25 didn't go far enough.

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1 MS. HAASE: If you'd like, I
2 can just touch on the headers. Would be wetland
3 issues, restricted access to certain properties,
4 drainage easements would need to be obtained,
5 PennDOT highway occupancy for the local road, the
6 requirements for our compensation through PennDOT
7 with Liquid Fuels, a pavement design, the
8 inspections, as-built plans, financial securities,
9 and then he also speaks to the increase and the
10 cost estimate by \$116,000, and that does not
11 include the roadway improvements to Sullivan Trail.

12 MS. LAMBERTON: And they were
13 looking at a \$700,000 LSA grant, correct, if I
14 remember?

15 MS. HAASE: I believe Mr.
16 Campson spoke to -- about 750,000.

17 MR. THOMAS CAMPSON: 701. May

18 I comment, please?

19 MS. LAMBERTON: Sure.

20 MR. THOMAS CAMPSON: I spoke to
21 the engineering firm and I told them we needed
22 cul-de-sacs, I told them I wanted everything
23 because of the dead end streets on Williams, as
24 well as Butz. The only way for a plow truck to
25 turn around is a cul-de-sac and they explained to

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1 me that's all in that price. So I don't know, you
2 know, where 116,000 more is needed, but that's the
3 quote that I got from them and that's including
4 stop signs, you name it, whatever needed to be
5 done, drainage systems, the whole nine yards.

6 MS. LAMBERTON: I'd be anxious
7 to see what a price would be for the HOP work.

8 MR. KERRICK: If we would
9 support this project and there's not enough
10 funding, then what?

11 MS. HAASE: The only way we can
12 support the project, if the board agrees that they
13 will take dedication of the roads.

14 MR. KERRICK: Understood. Now

15 we agree to take dedication of the road, now
16 there's not enough funding, who has to finish the
17 project? You understand what I'm saying -- or
18 asking?

19 MS. LAMBERTON: Well, I'm sure
20 it would have to go out for bid.

21 MR. KERRICK: Are we
22 responsible or the taxpayers of Tobyhanna Township?
23 That's what I'm asking.

24 MR. ARMSTRONG: If you accept
25 dedication of it?

40

1 MS. LAMBERTON: No, no.

2 MR. KERRICK: We would have to
3 at that point, correct?

4 MS. LAMBERTON: Well, wouldn't
5 we accept dedication after --

6 MS. PICKARD: -- if they get
7 funded.

8 MS. LAMBERTON: Right.

9 MR. KERRICK: Say they got the
10 grant for 700,000, all of a sudden now we're not

11 finished and we need another 200,000, 100,000 --

12 MS. LAMBERTON: That's a valid
13 question.

14 MR. KERRICK: -- who has to
15 come up with that to finish the project so we can
16 take them over? We can't take them over unless
17 they meet the criteria.

18 MR. ARMSTRONG: Right. I
19 don't know if --

20 MR. KERRICK: Obviously they're
21 struggling as it is so you can't go back. Where do
22 we go?

23 MR. ARMSTRONG: Do we have a
24 copy of any grant application or grant agreement?

25 MS. HAASE: We do not.

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1 MR. ARMSTRONG: I mean,
2 arguably that would -- I don't know the answer to
3 that without looking at the application, but it
4 sounds like it -- I don't know if the development
5 would be able to sustain that cost so it would
6 likely fall on the township specifically if you're
7 going to be accepting dedication of the road.

8 MR. THOMAS CAMPSON: If I may.

9 Again, I spoke to Michelle from LSA. She said
10 there'll be three bids -- three, I guess, bids to
11 go out and I guess through that process we should
12 have the actual number that we need, so this way
13 here, there's no burden on the township, I hope to
14 God not, and no burden on the residents.

15 And while I have the floor, is
16 it possible, can the township file that LSA grant
17 for us on our behalf?

18 MS. HAASE: I believe that the
19 IDA had agreed that they would -- it's my
20 understanding when Ms. Bisbing was here last week
21 that -- or last month, that they would be able to
22 assist you.

23 MR. THOMAS CAMPSON: I'm sorry?

24 MS. HAASE: I believe Ms.
25 Bisbing was able to assist you with filing it.

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1 MR. THOMAS CAMPSON: I asked
2 her that and I've been talking to her quite a bit.
3 My question is to the board, is it possible that

4 the township could take over this process as far as
5 the grant is concerned? So in other words, if it's
6 700,000 and we get the grant, the township would
7 get that money and take care of business.

8 MS. LAMBERTON: I think you
9 want to see how the grant is written to see when we
10 would take dedication, right?

11 MR. ARMSTRONG: Without looking
12 at the grant or application for the grant, I don't
13 really know, but I would suspect to think if you're
14 going to take over the grant application, you're
15 going to be committing to taking over that road.
16 You can't -- I don't think the township can be the
17 applicant -- the sole applicant if they're not
18 going to agree to take over that road.

19 MS. LAMBERTON: Right. What's
20 the consensus of the board?

21 MS. PICKARD: They can't --
22 they cannot get -- they will not agree to review
23 the grant unless we agree that we're going to
24 accept dedication of the road.

25 MS. LAMBERTON: Maybe Patrick

1 needs to take a look at this.

2 MR. ARMSTRONG: I mean, that
3 makes sense.

4 MS. PICKARD: This has to be
5 filed by September 30, so we do have another
6 meeting, but I want to make sure we have the
7 information we need.

8 I had a couple questions on
9 Bob's comments about their being 11 properties that
10 are not contiguous to any road, private or public
11 roadway. What does that mean?

12 MS. HAASE: There's a few that
13 appear to be landlocked.

14 MS. PICKARD: How did that --

15 MS. HAASE: I can't speak to
16 how it --

17 MS. PICKARD: -- get approved as
18 a subdivision with landlocked property?

19 MS. HAASE: I can't speak to
20 that.

21 MR. KERRICK: Are the owners --

22 MS. HAASE: I don't know if
23 that was prior to the interstate going through or
24 not.

25 MS. LAMBERTON: Are they vacant

1 lots, I'm hoping?

2 MS. HAASE: Yes.

3 MS. LAMBERTON: Okay. I'm
4 sorry. Go ahead.

5 MR. DENNIS MALEC: I'm Dennis
6 Malec. Some of the lots down there are wetland --
7 in other words, they're wet. There's no way --

8 MR. THOMAS CAMPSON: Build
9 homes.

10 MR. DENNIS MALEC: -- to build
11 on lots.

12 MS. PICKARD: Okay.

13 MR. DENNIS MALEC: So to have
14 access to them lots, it would be --

15 MR. THOMAS CAMPSON: The
16 access is already there.

17 MR. DENNIS MALEC: Yeah.

18 MR. THOMAS CAMPSON: There's a
19 roadway running right through it.

20 MS. PICKARD: They're just
21 saying there is another roadway.

22 MR. DENNIS MALEC: Now, there
23 is -- I do know there is one lot that borders the
24 highway, it's right along the highway, because some
25 lady said she bought it somewhere, she wanted to

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1 know where it was. It's landlocked. There's no
2 way you can get to that. It's impossible. It's a
3 small -- the lot's only -- I don't even think it's
4 a quarter of an acre. Is he talking about them
5 lots? There's no way, I mean, because the highway
6 cut the lots -- when they put the highway in, they
7 cut the lots. So if they're the lots, I mean,
8 they're -- you can't put a road down through there
9 because it's wetlands. It's impossible.

10 MS. PICKARD: Well, that was
11 one of the reasons they needed the wetland
12 delineation.

13 MS. HAASE: Correct.

14 MS. PICKARD: So is that going
15 to be a problem with getting this work done? Does
16 that need to be done prior to this?

17 MS. HAASE: I don't know if
18 that's going to be a -- it would be accomplished in

19 five weeks. Yeah, before the 30th.

20 MS. LAMBERTON: Well, why don't
21 we do this. Why don't we have you take a look at
22 the grant. I personally would -- I -- my personal
23 feeling is, I would like to see you guys complete
24 it and see what kind of bids we would get on the
25 work and see if the moneys would even cover it.

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1 I'm just afraid of that HOP. I think that will
2 throw their budget off.

3 MS. PICKARD: Well, I think
4 that's one thing. I think to be a Debbie Downer, I
5 don't think that they'll fund this project and
6 certainly not fully. And if they only -- you know,
7 fund it halfway, there's no way that it's gonna be
8 done.

9 MS. HAASE: I would agree.

10 MR. KERRICK: We have a number
11 of other communities that have the same issues and
12 they let it snowball. I understand if it covers
13 this, that's a little immature in my book. I just
14 received this -- I mean, I know it was on the

15 portal, I'd like to digest it a little bit and ask
16 Bob some questions.

17 MS. LAMBERTON: We just have to
18 be sensitive to their time for application.

19 MR. KERRICK: Understood.

20 MS. PICKARD: September 30 is
21 the deadline.

22 MR. KERRICK: And one other
23 comment, do you think if -- one way I would be
24 favorable, and I'm not saying I am, would be if
25 Pocono Township would take care of the maintenance,

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1 as far as snow removal because they're there.

2 MS. LAMBERTON: They're already
3 there.

4 MR. KERRICK: It doesn't make
5 sense for us to run -- I don't mean it that way --

6 MS. LAMBERTON: And we just
7 lost the township manager. Greg was here.

8 MR. KERRICK: It's just a
9 thought.

10 MS. LAMBERTON: Yeah.

11 MR. KERRICK: Okay.

12 MS. LAMBERTON: No, I
13 appreciate that comment.
14 Go ahead.
15 MR. THOMAS CAMPSON: As far as
16 the wetlands are concerned, there's two roadways --
17 there's three roadways that are in -- into
18 Blueberry Estates, the wetlands can't be built on
19 it, but it is accessible from our roads, from Butz
20 Lane and from Williams Lane. See, there's a lot of
21 wetlands there but it's -- it's undeveloped, you
22 can't touch it.
23 MS. PICKARD: But if it's at
24 all attached to the roadway, then the work cannot
25 be done. If any of it is in the easement or any of

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1 the area of the roadway, we cannot --
2 MS. LAMBERTON: Setbacks.
3 MS. HAASE: Yeah, there would
4 have to be a delineation done.
5 MR. MOYER: Yeah. That's a
6 whole 'nother --
7 MS. HAASE: So I will obtain

8 the information, send it over to Pat and then we
9 can -- I'll bring it forth to the board --

10 MS. LAMBERTON: Okay.

11 MS. HAASE: -- next month.

12 MS. LAMBERTON: Okay.

13 MS. HAASE: And just my last
14 item that I have, we have some bids that have
15 expired or soon to be expired through COG and I've
16 been trying the last few weeks to get moving this
17 forward and I'm not getting much assistance. So if
18 by Friday I do not receive confirmation of the
19 direction they're going, we will put together a bid
20 and bid it out ourself, the township, just to
21 protect ourself.

22 MR. MOYER: For salt?

23 MS. HAASE: It's salt,
24 antiskid, line painting, pipe and fuel.

25 MR. MOYER: Okay. Thank you.

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1 MS. HAASE: And that is all I
2 have.

3 MS. LAMBERTON: Are you sure?

4 MS. HAASE: Do you want me to

5 just double-check?

6 MS. LAMBERTON: Are you sure?

7 MS. HAASE: Yes, I'm good.

8 Thank you.

9 MS. LAMBERTON: Okay. We'll

10 move on to committee reports.

11 Pocono Mountain --

12 MR. THOMAS CAMPSON: Ms.

13 Chairman.

14 MS. LAMBERTON: I'm sorry?

15 MR. THOMAS CAMPSON: Just a

16 quick --

17 MS. LAMBERTON: That's okay.

18 I'm sorry. Go head.

19 MR. THOMAS CAMPSON: Is it

20 possible without any liability whatsoever to the

21 township, if somebody -- if you guys -- I wrote

22 PennDOT and they -- they now recycle their notices,

23 so that's (inaudible). These holes are so huge,

24 it's not even funny. It just cost me a bundle just

25 to get my front end -- a brand new truck with 9,000

1 miles on it, front end aligned and tires aligned.
2 And I go slow.

3 But is it at all possible just
4 to help us out just to bring something in there? I
5 mean, we got plenty of neighbors, we'll get out
6 there with rakes or whatever it takes, but just
7 something to give us a little relief until this
8 matter hopefully goes in our favor, but that's down
9 the road.

10 MS. PICKARD: I think that's a
11 liability issue, isn't it?

12 MR. THOMAS CAMPSON: Well, I'll
13 sign whatever you want liabilitywise.

14 MS. LAMBERTON: Well, normally,
15 I mean, it's the responsibility of the property
16 owners. I hate to say that, but there are a lot of
17 private road communities in Tobyhanna Township and
18 I think a lot --

19 MR. THOMAS CAMPSON: But we're
20 not a community, we're not a -- we're not a --

21 MS. LAMBERTON: Well, private
22 road, let's just say. I know behind Robert
23 Christians is Pocono Park. I know where, you know,
24 out in Pocono Lake, I mean, where John even lives
25 that's -- you know, those are all private and it's

1 the responsibility of the people that do live
2 there.

3 I would think your best bet, and
4 this is just me speaking, would be, get the
5 information to Patrick, we'll see how your grant is
6 drawn up and then see what avenue we can take. We
7 need to be sensitive to your September 30 deadline
8 and maybe Phyllis and Michelle Bisbing from the IDA
9 can have conversation and see if there is anything
10 we can do or if it is something that's gonna be
11 more costlier than what you need to repair just to
12 bring it up to township specs 'cause that's not an
13 inexpensive task unfortunately.

14 MR. THOMAS CAMPSON: No, I
15 understand that, I understand that very -- when I
16 started this project, I knew it wasn't gonna be --

17 MS. LAMBERTON: Yeah. You
18 probably got a great education along the way. I'm
19 sure.

20 MR. THOMAS CAMPSON: Oh,
21 absolutely. Oh, absolutely.

22 MS. LAMBERTON: And I apologize

23 for that in advance. But at least we'll get some
24 -- see if we can get some sort of information going
25 for you --

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1 MR. THOMAS CAMPSON: Yes,
2 please.

3 MS. LAMBERTON: -- so you're
4 not --

5 MR. THOMAS CAMPSON: You know,
6 another winter -- I don't know if we're gonna make
7 it another winter.

8 MS. LAMBERTON: No, I
9 understand. Is there any way you can have your
10 property owners get together maybe and hire a
11 grader or some sort of stone delivery or -- I'm
12 just thinking out loud.

13 MR. THOMAS CAMPSON: I hear
14 you. It's just that the fact though that if
15 there's an emergency, the road's not plowed.

16 MS. LAMBERTON: No, I
17 understand that.

18 MR. THOMAS CAMPSON: God help

19 the poor person down at the end of Butz Lane or the
20 same (inaudible) Williams Lane.

21 MS. HAASE: Well, Mr. Campson,
22 you send the information to me, I'll review it and
23 --

24 MR. THOMAS CAMPSON: I
25 appreciate it.

53

1 MS. HAASE: -- send over to Mr.
2 Armstrong.

3 MR. THOMAS CAMPSON: Thank you.

4 MS. LAMBERTON: You're very
5 welcome.

6 MR. THOMAS CAMPSON: We should
7 have -- you'll contact me and let me know what's
8 the process so --

9 MS. HAASE: If you just -- let
10 me get you one of my business cards and you can
11 give me a call at your convenience.

12 MR. THOMAS CAMPSON:
13 Absolutely. Yeah, I don't want to tie up the
14 meeting any more.

15 MS. LAMBERTON: No, no.

16 MR. THOMAS CAMPSON: Thank you.

17 MS. LAMBERTON: You're very
18 welcome.

19 Moving on to committee reports.
20 Pocono Mountain Regional EMS.

21 MS. DENISE DOREMUS: Hi, Denise
22 from Pocono Mountain Regional.

23 MS. LAMBERTON: Good evening,
24 Denise. How are you?

25 MS. DENISE DOREMUS: Good. How

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1 are you?

2 MS. LAMBERTON: Good.

3 MS. DENISE DOREMUS: Tobyhanna
4 Township month of July, had 102 calls; year to
5 date, 567. Tobyhanna Township is up 4.6 percent so
6 far the year of 2015.

7 We had nine calls in Kalahari in
8 the month of July. So far this month it's been a
9 little bit more than that, they're only minor
10 incidents, though.

11 Any other questions?

12 MS. PICKARD: Now, I did want
13 to make a couple points, though. We did put the
14 audit reports up on the portal and did everybody --
15 was everybody able to open the media kit that we
16 put up?

17

18 MS. LAMBERTON: I could not.

19 MS. PICKARD: You could not?

20 It is on the Pocono Mountain Regional PMREMS.org,
21 is our media kit, everybody should be able to open
22 that and get all our stats and all the information.

23 MS. LAMBERTON: Wonderful.

24 MS. PICKARD: And we did intend
25 to do a little dog and pony show today, but our

55

1 presenter was not feeling well today. So he will
2 be here hopefully next month to do a little bit of
3 an intro into that.

4 And the other thing, we did just
5 want to mention, and we'll bring that up next month
6 as well, I think we're doing a plan for trying to
7 get some support for LUCASes and maybe Denise can
8 explain what the LUCASes are a little bit, that's

9 gonna be our funding challenge for the year.

10 MS. DENISE DOREMUS: Well,
11 yeah. The LUCASes is -- we're trying to get them.
12 It's actually an automatic CPR machine, which makes
13 it safer for the provider and the outcome of them,
14 because it -- it's mechanical, of course, and it
15 does proper CPR. Like there's no delay, it's not
16 even -- you know, if we get tired or something,
17 this is constant and --

18 MS. PICKARD: When the truck's
19 moving.

20 MS. DENISE DOREMUS: Well,
21 yeah, it's safer for us because, you know --

22 MS. LAMBERTON: What does
23 something like that cost?

24 MS. PICKARD: -- we can't seat
25 belt when we do CPR.

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1 MS. LAMBERTON: Right.

2 MS. DENISE DOREMUS: So -- and
3 the outcome of them are amazing, the CPR save that
4 you have because it is constant perfect CPR so --

5 MS. LAMBERTON: What's the cost
6 of that?

7 MS. DENISE DOREMUS: The cost
8 of \$15,000 a piece and we're hoping to get four for
9 every truck, but if we can get three, that would be
10 fine.

11 MS. PICKARD: We're looking for
12 some municipal support for that. We thought if
13 everybody even got one or a half of one, we might
14 be able to get that taken care of this year.

15 MS. DENISE DOREMUS: Yeah.

16 MS. PICKARD: And I was just --
17 I had mentioned to Denise, there's some new EMS
18 shows I've been watching. Boston EMS, Save My Life
19 or whatever, I'm trying to remember which one it
20 was I saw, they had the LUCASes in the ER with the
21 name of it.

22 MS. DENISE DOREMUS: There's
23 actually -- Geisinger has them. There's a lot of
24 hospitals that have them.

25 MS. PICKARD: Yeah, the

1 hospitals are using them now. So it's amazing.

2 MS. LAMBERTON: Very good.

3 Thank you, Denise.

4 MS. PICKARD: You have any
5 comments on that?

6 MS. DENISE DOREMUS: No.

7 MS. LAMBERTON: No, nothing on
8 the LUCAS?

9 Pocono Mountain Regional Police
10 Commission?

11 MR. MOYER: I'll give that to
12 Phyllis.

13 MS. HAASE: The police
14 department is continuing with the mold remediation,
15 so that still is an ongoing project. It's been as
16 long as I've been on the commission.

17 I did want to thank everyone,
18 this past Tuesday was National Night Out and the
19 township hosted the event in support of our police
20 department. It was a very nice turn out. Williams
21 Transco donated the moneys for the food. So there
22 was no cost to anyone that participated or township
23 residents or taxpayers, so we were really quite
24 pleased with that. So it was a very nice turn out.

25 That's really all I can think

1 of, Donny.

2 MR. MOYER: Yeah.

3 MS. LAMBERTON: Send them a big
4 thank you for us.

5 MS. HAASE: We did.

6 MS. PICKARD: Can we thank them
7 for that or can you express the board's
8 appreciation for their donation?

9 MS. HAASE: It has already been
10 done.

11 MS. LAMBERTON: Thank you,
12 Phyllis.

13 Open space, Heidi?

14 MS. PICKARD: We are going to
15 probably be meeting finally next month so stay
16 tuned.

17 MS. LAMBERTON: We'll look
18 forward to that report.

19 MS. LAMBERTON: Moving on to
20 old business.

21 The dreaded proposed zoning
22 ordinance.

23 MS. HAASE: Well, actually
24 we're gonna be addressing -- the first item under
25 new business is going to be perhaps a grant that

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1 Ms. Hutchinson's going to present.

2 MS. LAMBERTON: Yes.

3 MS. HAASE: So at this
4 particular time, I ask the board if you could table
5 that?

6 MS. LAMBERTON: We will table
7 that.

8 Potential sale of the wastewater
9 treatment plant.

10 MS. HAASE: Yes. Actually the
11 sewer authority will be holding a meeting Thursday,
12 at six o'clock, it will be followed by the board of
13 supervisors at 6:45. Sewer authority will have
14 their organizational meeting to form their officers
15 and to have some discussions about the wastewater
16 treatment plant and as I stated the board will
17 follow up at 6:45.

18 MS. LAMBERTON: Very good.
19 Thank you.

20 And we did discuss the
21 relocation of the polling place?
22 MS. HAASE: Yes.
23 MS. LAMBERTON: And next item
24 is the redevelopment assistance capital program
25 cooperation and funding procedures agreement for

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1 the Coolbaugh Township natural gas line extension
2 project. Well, that's a mouthful.
3 MS. HAASE: At this particular
4 point, we can ask the board if you would table that
5 as well. We're waiting for some additional
6 information from the attorneys.
7 MS. LAMBERTON: Okay. So
8 tabled.
9 Moving on to new business.
10 William Penn Foundation grant presentation.
11 Welcome Ann Hutchinson.
12 MS. ANN HUTCHINSON: Thank you.
13 I hope I'm not the dreaded zoning --
14 MS. LAMBERTON: No, no. It's
15 just -- it's been on our agenda forever, you know,

16 it's like quite an undertaking.

17 MS. ANN HUTCHINSON: I'm here
18 to determine if Tobyhanna Township is interested in
19 working with Natural Lands Trust with me on some
20 commercial zoning amendments for the Blakeslee
21 Village area. And if you desire, we could also
22 look at the 940 corridor.

23 I'm the senior planner at
24 Natural Lands Trust. I've worked there for 18
25 years. I've worked in Monroe County for quite a

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1 while, since 2002. I've worked under a contract
2 with the Monroe County Planning Commission on both
3 conservation, subdivision design and commercial
4 zoning, although I'm not here this evening under
5 the Monroe County program.

6 For many years Natural Lands
7 Trust has received funding from the William Penn
8 Foundation. They're a private family foundation.
9 Their headquarters are in Philadelphia and until
10 recently, any of the money that my organization
11 received from them was to look at environmental
12 initiative south of the Kittatinny Ridge.

13 For the first time they've
14 expanded their funding region and their current
15 program they call the Delaware Watershed Initiative
16 and it's a lofty goal of preserving water quality
17 in the entire Delaware Watershed over the border
18 into Sullivan County, New York and down to the City
19 of Wilmington.

20 And my very small role in that
21 project is to look for communities that are
22 interested in changing zoning regulations whether
23 that's natural resource protection, which you
24 already have; conservation design; or commercial
25 developments that incorporate parking lot

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1 landscaping, some greening and allow redevelopment
2 in a way that on the national level we see
3 occurring a lot in the form of mixed use
4 development and town centers that tend to replace
5 the older sort of strip centers. So as areas are
6 redeveloped we look at how that occurs.

7 I was aware of the work you've
8 been doing for Blakeslee Village. In 2010 Randall

6 I'd like to say there's no cost at all, but I
7 certainly understand that when you write an
8 ordinance, there's a cost in terms of time, there
9 would be meetings, your solicitor reviews, that
10 draft, you schedule hearings, but there would be no
11 cost for my time working with a steering committee
12 you would appoint. Many townships use their
13 planning commission, some have a committee of
14 several boards and supervisors, so however you
15 would like to structure that.

16 We can also, as part of that
17 process, meet with those commercial property
18 owners. I believe we met with the Blakeslee
19 Village landowners years ago and we want to do that
20 again and we could include public forums. I think
21 my biggest limitation is time. The work has to be
22 completed by February of 2017. Doesn't mean you
23 would necessarily have to adopt it by then, but my
24 time working on the project is covered through
25 then.

2 include anything with signage?

3 MS. ANN HUTCHINSON: I would --
4 yes, I will include sign standards as long as
5 you're willing to have your solicitor review them
6 because I think the some of the biggest challenges
7 around signs are legal issues associated with
8 billboards.

9 MS. LAMBERTON: Yeah, it's just
10 a hot topic.

11 MS. ANN HUTCHINSON: But we've
12 certainly written sign standards.

13 MS. PICKARD: So what are the
14 strings?

15 MS. ANN HUTCHINSON: What are
16 the strings? You have to engage in the process of
17 discussing and amending zoning again, so I would
18 need your board to formally state that, yes, you're
19 interested in working with us.

20 If at any time, and I have set
21 this forth in a letter in May that I think was in a
22 packet a couple months ago, you wish to stop, I
23 will stop the work. There's no obligation to adopt
24 the standards, but I don't want to start the
25 process unless it's something you're absolutely

1 interested in.

2 So you would need to commit
3 that. Hopefully within the next few months you
4 would establish a committee that would work with me
5 on approximately a monthly basis to pull those
6 standards together.

7 MS. LAMBERTON: Is there a list
8 of standards we can review to see if it meets our
9 ideas?

10 MS. ANN HUTCHINSON: Well, I
11 think I need to adapt a library.

12 MS. LAMBERTON: You're gonna
13 adapt to us?

14 MS. ANN HUTCHINSON: I have to
15 -- I am, though --

16 MS. LAMBERTON: Be careful what
17 you wish for.

18 MS. ANN HUTCHINSON: I would be
19 looking at your vision for Blakeslee and I think
20 it's pretty clear --

21 MS. LAMBERTON: No, no, I
22 understand Blakeslee. I'm just thinking of like
23 also the 940 corridor, that road is gonna be coming

24 as well. We need to get out --

25 MS. ANN HUTCHINSON: For the

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1 940 corridor I would be asking you questions first.
2 Randall Arendt was here in November with
3 photographs of commercial redevelopment and I would
4 literally take his presentation and we would -- and
5 pictures of the 940 corridor and I think we walk it
6 and talked through what you're interested in
7 regulating and what you're not.

8 MS. PICKARD: That's my
9 question, because when we had talked about this we
10 really were looking at a village center and we
11 thought if we had an ordinance, we can replicate it
12 to Pocono Pine and then in whatever, Pocono Summit,
13 that was, whether that would be Long Pond and 940;
14 but when you say the whole corridor, I'm not really
15 sure --

16 MS. LAMBERTON: Well, I think
17 we've spoken of like --

18 MS. ANN HUTCHINSON: Blakeslee
19 Village is in a priority area in the William Penn

20 landscape. Those areas were determined based on
21 their acology and the degree to which they
22 contribute to ground water quality.

23 MS. HAASE: And, Ann, I think

24 --

25 MS. ANN HUTCHINSON: Go ahead.

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1 MS. HAASE: Speaking with
2 Randall Arendt, when he was here last year, that
3 was our intent, that we could replicate it;
4 however, after taking him on the tour from the
5 eastern end --

6 MS. ANN HUTCHINSON: Yeah.

7 MS. HAASE: -- to western, it
8 was quite clear that each had its own feel, so you
9 really couldn't take it and replicate it to each
10 because, one, we're trying as a walkable distance
11 where Randall set out in the eastern section, it
12 could not be. So that would --

13 MS. ANN HUTCHINSON: Are you
14 referring to 940 or the --

15 MS. HAASE: Yes.

16 MS. ANN HUTCHINSON: -- village

13 need to have discussions about what you want. I'm
14 not writing until I understand that.

15 MS. LAMBERTON: No, I
16 understand.

17 MS. HAASE: I guess the one
18 question that I would have for the board is,
19 certainly we all respect our area and we just live
20 in one of the most beautiful areas in Pennsylvania,
21 but we also recognize that we want development just
22 done properly.

23 MS. ANN HUTCHINSON:
24 Absolutely.

25 MS. HAASE: So my concern is,

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1 how we integrate the two without being so
2 restrictive with the conservation design to
3 prohibit additional growth and that's what my
4 concern would be, to be perfectly honest with you,
5 that would be concern.

6 MS. ANN HUTCHINSON: For
7 example, in Blakeslee Village, the way I read your
8 codes today, you can't provide for multifamily
9 units; and if you were rewriting the code and you

10 wanted first floor retail and housing above, then
11 we would allow that to happen. 940 may be more
12 challenging because you may have nonconforming
13 buildings.

14 MS. HAASE: And we do.

15 MS. ANN HUTCHINSON: And the
16 discussion there would be what shape would you like
17 them to be in the future and if we started with
18 Blakeslee Village and we're successful there and
19 reached in and pass at 940, I mean, that'd be fine.
20 I hope that wouldn't happen.

21 MS. LAMBERTON: So where do we
22 go from here?

23 MS. PICKARD: Well, I was
24 thinking, just one of the simple things is having
25 the buildings on the edge and the parking in the

70

1 rear, that type of --

2 MS. ANN HUTCHINSON: It is.
3 That's not -- that can be simple but --

4 MS. PICKARD: I mean, that
5 would be like one --

6 MS. ANN HUTCHINSON: Yes.

7 MS. PICKARD: -- direction it
8 would go. But there mainly had, I think, Dollar --
9 wasn't it Dollar General that they had restrictions
10 that they couldn't build?

11 MS. HAASE: Those covenants,
12 deed restrictions on the land.

13 MS. PICKARD: So we seem to
14 keep running into these head walls but --

15 MS. LAMBERTON: What's the
16 pleasure --

17 MS. PICKARD: -- I think that's
18 what we've been talk -- I think we want to do
19 something, I think we need to have a little bit
20 more direction.

21 Is John listening?

22 MS. LAMBERTON: John? No, he
23 muted himself.

24 MR. KERRICK: Even if we have
25 the direction, what incentive will the property

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1 owner have? What do we give the incentive --

2 MS. LAMBERTON: That's always

3 been my goal.

4 MR. KERRICK: I mean, I agree.

5 MS. PICKARD: -- but then you
6 do it.

7 MR. KERRICK: I understand but,
8 I mean, they already have something that's there,
9 that they basically have to demolish and start
10 over.

11 MS. ANN HUTCHINSON: I think
12 for the community is, or for someone buying a
13 property along that corridor, is that they have
14 assurance that the properties around them will be
15 developed in a similar manner and that they're
16 meeting -- that they're increasing their economic
17 revenue because it's a nice place to come because
18 they've distinguished themselves.

19 You have a new water park that
20 has a unique identity and it may spawn additional
21 res -- you know, commercial growth, and I think you
22 can manage how that occurs or you can just let it
23 fill in as it may.

24 MR. KERRICK: That was always
25 the challenge that we had with incentive.

1 MS. PICKARD: There's just not
2 a lot of vacant land, really. I mean, what area
3 are we talking about where there's a lot of
4 commercial --

5 MR. KERRICK: I was talking
6 Blakeslee Village with the --

7 MS. PICKARD: Yeah. Well, that
8 --

9 MS. ANN HUTCHINSON: Oh --

10 MR. KERRICK: That's what I --

11 MS. ANN HUTCHINSON: I'm
12 getting the two -- okay.

13 MR. KERRICK: I thought that's
14 what we were talking.

15 MS. PICKARD: We were talking
16 940 corridor.

17 MR. KERRICK: Did I miss
18 something?

19 MS. PICKARD: Yeah.

20 MR. KERRICK: I didn't follow?

21 MS. PICKARD: Yeah.

22 MR. KERRICK: Sorry.

23 MS. LAMBERTON: That's okay.

24 Well, what's the pleasure of the board so we can
25 move --

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1 MS. PICKARD: I would like to
2 move forward but I think we need --

3 MS. LAMBERTON: Okay. We'll
4 put you in charge of that.

5 MS. PICKARD: I think we need to
6 get a little bit more direction, he's still in
7 Blakeslee, you're on 940 and --

8 MS. LAMBERTON: Well, I think
9 they're two potentially very large growth areas.

10 MR. KERRICK: We've talked
11 about both.

12 MS. LAMBERTON: Yes, we have.
13 Yes, we have.

14 So apparently there is some
15 interest, Ann, and so --

16 MS. ANN HUTCHINSON: Okay.

17 MS. LAMBERTON: -- why don't we
18 have you and Phyllis maybe put together what tasks
19 need to be completed in the timeline, not to take
20 up more time this evening?

21 MS. HAASE: I think that Ann
22 needs a letter of intent that you want to --

23 MS. ANN HUTCHINSON: A letter
24 of intent. So what I would need is your commitment
25 to form a committee or use your planning commission

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1 as a committee, whatever your pleasure is, to meet,
2 beginning in a couple months, and discuss the zoning
3 standards and I would provide them with standards
4 adapted to Blakeslee. I wouldn't do that for 940
5 because it's not clear to me what's desired there
6 yet.

7 MS. LAMBERTON: That's
8 understanding. Then why -- how about we have our
9 zoning officer reach out to the planning commission
10 and see if they're interested in this process.

11 MS. HAASE: Okay.

12 MS. LAMBERTON: I mean, since
13 they're the ones that would be presenting it to the
14 board anyway.

15 MR. KERRICK: I was gonna
16 suggest we put it on the agenda next month so we

17 get some time to digest it as well. I mean, it was
18 just presented.

19 MS. LAMBERTON: Okay. That's
20 fine.

21 MS. PICKARD: I had some
22 comments along the lines, I don't know if this
23 pertains to Ann, but I had spoke to John Holahan,
24 also with Middle -- Middle Smithfield had come up,
25 they have an economic development committee and

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1 they've been doing a lot of work and they pushed
2 forward the LERTA for all the undeveloped property.
3 And I don't know if this kind of goes hand in hand
4 if we had -- whether it's through the planning
5 commission or through another committee, to look at
6 some of the things we can do to foster economic
7 development. And if this comes in, it would
8 balance out to make sure that it's not too
9 restrictive. I don't know what committee, they
10 have a really nice packet.

11 They went to the board of
12 realtors meeting, which is where I saw them, and
13 did a presentation to say come to Middle Smithfield

14 Township and I was really impressed that they're
15 going to those lengths; but they do have another
16 committee for that and again, I'll bring up the
17 LERTA thing because of -- especially in the
18 corridor. We have properties that may need to be
19 redeveloped and I always think about Pocono Lake
20 Hotel every time I leave my road there and look at
21 that building. I mean, to me, that is one thing
22 that I think would be really an identified property
23 that would be a target for that LERTA program.

24 MS. HAASE: Ann, I just want to
25 be clear when we spoke, I thought it was the intent

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1 to get something last month and you extended it to
2 this month?

3 MS. ANN HUTCHINSON: I did. I
4 do need some direction because if you're not
5 interested, then I need to go next on my list
6 'cause February of 2017 is not a long time frame.
7 So if you're saying tonight that you're interested
8 in moving ahead, that's great. If not --

9 MS. LAMBERTON: Can the board

10 answer that this evening or --

11 MS. PICKARD: I think we're
12 interested, I just think it's -- what that looks
13 like, if we're talking about Blakeslee or we're
14 talking about the corridor.

15 MS. ANN HUTCHINSON: My
16 priority for the grant is Blakeslee because it's in
17 an area designated as important for water quality.

18 MS. PICKARD: And there's water
19 in the corridor that can be built up, you know.

20 MS. ANN HUTCHINSON: But I'm
21 offering to the extent that time permits and you'd
22 like me to look at the 940 corridor as well, we're
23 here anyway, we'll do both, but Blakeslee would be
24 our first priority.

25 MS. LAMBERTON: And this is at

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1 no cost to the township?

2 MS. ANN HUTCHINSON: For my
3 time through February, meeting about once a month,
4 correct.

5 MS. HAASE: It would be the
6 staff time and --

7 MS. LAMBERTON: Patrick's.
8 MS. HAASE: -- Mr. Armstrong's
9 time.
10 MS. ANN HUTCHINSON: He seems
11 to have a lot to do besides reading --
12 MS. PICKARD: -- you have a lot
13 of free time.
14 MS. LAMBERTON: What's the
15 pleasure of the board?
16 MS. PICKARD: I would like to
17 move forward.
18 MS. LAMBERTON: John?
19 MR. KERRICK: I'm interested in
20 moving forward but this kind of was --
21 MS. LAMBERTON: Thrown at you?
22 MR. KERRICK: Yeah.
23 MS. LAMBERTON: Donny?
24 MR. MOYER: Yeah, I'll look at
25 it, I mean --

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1 MS. LAMBERTON: Can we give you
2 an answer by next week?

3 MS. ANN HUTCHINSON:

4 Absolutely.

5 MS. LAMBERTON: Okay. Let's do
6 that. We'll give you guys a week to digest it,
7 read the information on the portal.

8 Fair enough?

9 MS. PICKARD: Can we do that on
10 Thursday? If we need to make a decision by --

11 MS. LAMBERTON: Yeah, we have
12 another meeting this Thursday, so why don't we --
13 give us a couple days and then Thursday we'll have
14 Phyllis reach out to you with our decision.

15 MS. ANN HUTCHINSON: Good. And
16 if you have questions between then, give them to
17 Phyllis and --

18 MS. LAMBERTON: Is that fair
19 enough? Is that enough time?

20 MR. KERRICK: Absolutely.

21 MS. LAMBERTON: You guys good
22 with that? Okay. Very good.

23 MS. ANN HUTCHINSON: Thank you.

24 MS. LAMBERTON: Thank you.

25 MS. HAASE: Ann, you have my

1 office number, my cell number's on the back in case
2 you need me at night --

3 MS. ANN HUTCHINSON: Thanks so
4 much.

5 MS. LAMBERTON: Moving forward.
6 Amendment to the traffic signal maintenance
7 agreement, Arcadia New Ventures No. 1, LLC.

8 MR. ARMSTRONG: Sure. Probably
9 a little over a month ago Arcadia -- or counsel for
10 Arcadia approached the township and asked the
11 township to consider an amendment to the already
12 existing agreement for the traffic signal
13 maintenance associated with the Arcadia New
14 Ventures No. 1 project.

15 I've reviewed it, Bob McHale,
16 township engineer, has reviewed it. I made some
17 changes. Just so you're aware, what they were
18 proposing was simply to take the two --

19 Well, we'll start with the
20 traffic signal maintenance agreement. They were
21 proposing to amend that traffic signal maintenance
22 agreement associated with the New Ventures and
23 Arcadia Land Development Project and amend it
24 simply by revising the terminology as to the

25 PennDOT HOP plan and permit, removing that and

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1 inserting the following: State Route 115, Section
2 ARC PennDOT conventional bid project.

3 My understanding is that the way
4 the improvements and the project's going to proceed
5 is different now. It's not going to be a PennDOT
6 HOP project. It's going to be -- my understanding
7 is, PennDOT's going to actually proceed with the
8 actual project.

9 All I've done with this
10 amendment to traffic signal maintenance agreement
11 with New Ventures and Arcadia Properties was add a
12 couple provisions making it clear that S.I.D.E.
13 and Arcadia are still obligated to -- are still
14 obligated to proceed and are responsible for the
15 maintenance and repair of the traffic signal for
16 purposes of this agreement and for purposes of the
17 other agreement that we'll talk about shortly.
18 They're still on the hook for the maintenance
19 repair, so on and so forth, of those improvements.

20 But other than that, that's

21 primarily what this amendment does. I've spoken
22 with Bob. Bob seems to be okay with the revisions.

23 MS. HAASE: Yes, sir.

24 MR. ARMSTRONG: I've actually
25 heard back from counsel for Arcadia. They've

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1 indicated that Arcadia is agreeable as is S.I.D.E.
2 Corp, which is the entity associated with the New
3 Ventures Park plan.

4 So at this point in time, if the
5 board wanted to entertain or consider a motion
6 authorizing the execution approving the amendment
7 to traffic signal maintenance agreement, you could
8 do so unless there's additional questions or
9 comments for me.

10 MS. LAMBERTON: Any questions
11 or comments?

12 I'll entertain a motion?

13 MS. PICKARD: So moved.

14 MS. LAMBERTON: I have a
15 motion. Do I have a second?

16 MR. MOYER: I'll second.

17 MS. LAMBERTON: I have a motion

18 and a second.

19 Any comments from the board?

20 Any comments from the public?

21 MR. THOMAS CAMPSON: Just --

22 you kind of confused me there with that language.

23 Is it basically who's gonna maintain that specific

24 traffic? They are?

25 MR. ARMSTRONG: Yes, there's an

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1 existing agreement between Tobyhanna Township and
2 S.I.D.E. Corp and Arcadia Properties associated
3 with a development along -- where is it exactly? --
4 along 115. And that agreement holds Arcadia and
5 S.I.D.E. Corp responsible for the design,
6 construction, maintenance, repair of the traffic
7 signal.

8 The way the project is going to
9 proceed for purposes of the traffic signal has
10 changed and now it's actually the construction, to
11 my understanding, and design is an actual PennDOT
12 project now. However, the amendments that I made
13 to this amendment, it's still clear that Arcadia

14 and S.I.D.E are on the hook for the maintenance --

15 MR. THOMAS CAMPSON: Okay.

16 Thank you.

17 MR. ARMSTRONG: -- obligations,
18 repairs, so on and so forth.

19 MR. THOMAS CAMPSON: A little
20 confusing. Thank you very much.

21 MS. LAMBERTON: Very good. Any
22 other questions or comments from the public?

23 John, call the vote?

24 MR. KERRICK: In favor.

25 MS. LAMBERTON: Heidi?

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1 MS. PICKARD: I'm in favor.

2 MS. LAMBERTON: Donny?

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

4 MS. LAMBERTON: I'll vote in
5 favor. Motion carries.

6 MR. ARMSTRONG: Thank you.

7 The next amendment is very
8 similar to the amendment we just talked about for
9 the traffic signal except for the fact that this
10 amendment is to the agreement for the highway

11 occupancy permit application for enclosed surface
12 storm water drainage facilities and other drainage
13 facilities.

14 So along the same lines, this
15 amendment changes the way the project's going to
16 proceed, now it's a PennDOT project, but it makes
17 clear that S.I.D.E. and Arcadia are still
18 responsible and obligated to provide for the
19 maintenance, repair for the storm water drainage
20 facilities associated with the project.

21 MS. LAMBERTON: I'll entertain
22 a motion.

23 MR. MOYER: So moved.

24 MS. LAMBERTON: I have a
25 motion. Do I have a second?

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1 MS. PICKARD: Second.

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

4 Any questions or comments from
5 the board?

6 Any questions or comments from

7 the public?

8 Seeing none.

9 John, call the vote?

10 MR. KERRICK: In favor.

11 MS. LAMBERTON: Heidi?

12 MS. PICKARD: I vote in favor.

13 MS. LAMBERTON: Donny?

14 MR. MOYER: In favor.

15 MS. LAMBERTON: I vote in

16 favor. Motion carries.

17 Item D. We have a request for

18 letter of support for LSA Grant, Five Loaf House on

19 Firehouse Road.

20 MS. HAASE: Yes, ma'am. I was

21 presented a letter from the Five Loaf House

22 requesting the board to consider a letter of

23 support for funding to be approximately \$30,000 and

24 that will allow them to complete renovations and

25 improvements to the second floor and also to

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1 purchase an energy efficient freezer. And if it

2 pleases the board, I will offer a letter on your

3 behalf in support of this project for the LSA

4 Grant.

5 MS. PICKARD: I'll make that

6 motion.

7 MS. LAMBERTON: In a form of a

8 motion? Do we need a motion on that or just a

9 consensus of the board here? Everybody okay with

10 the support letter?

11 John?

12 MR. KERRICK: Sure.

13 MS. LAMBERTON: Heidi?

14 MS. PICKARD: Yep.

15 MS. LAMBERTON: Donny?

16 MR. MOYER: Yep.

17 MS. LAMBERTON: Yes, and I'm

18 fine, please.

19 MS. HAASE: Okay.

20 MS. LAMBERTON: That will be

21 wonderful.

22 MS. JOANNE KINGKINER: Comments

23 from the floor?

24 MS. LAMBERTON: Oh, I am so

25 sorry. Yep.

1 MS. JOANNE KINGKINER: That's
2 all right. My name is Joanne Kingkiner. First of
3 all, thank you very much for endorsing that.

4 For those of you who haven't
5 visited the Five Loaf House, please take a minute
6 to do so. We are there the second Monday and
7 Tuesday of each month. We were there this morning.
8 We'll be there tomorrow from 8:30 to 11 and we have
9 approximately 225 clients from the community who
10 are now receiving food, that equates over 700
11 people.

12 MS. LAMBERTON: Wow. That's
13 wonderful.

14 MS. JOANNE KINGKINER: When
15 upstairs is finished, it will be temporary
16 emergency shelter for between 9 to 12 people.

17 We have a young man who's
18 working as part of his eagle scout project,
19 finishing two rooms. It truly is a community
20 project. So really, if you can't get there, just
21 call us, we'll meet you there because it's amazing.

22 We have -- between the two days
23 we have over 65 volunteers from the community that
24 come in and give their time. And if you don't

25 know, volunteer time is worth over \$20 an hour

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1 right now. So we thank you for your letter of
2 endorsement and we're looking forward to getting it
3 finished.

4 MS. LAMBERTON: You're very
5 welcome. Thank you for what you do. That's
6 wonderful.

7 MS. PICKARD: Are you still
8 taking clothing for --

9 MS. JOANNE KINGKINER: Yes, we
10 are still taking clothing. We don't say that to
11 Pastor Luke too often. We're overwhelmed with
12 clothing and right now we're only taking winter.
13 After tomorrow we'll pack up all the summer and
14 it's only when somebody's there first thing in the
15 morning but people --

16 MS. PICKARD: But you can --
17 let us have your contact information?

18 MS. JOANNE KINGKINER: Oh, if
19 you just --

20 MS. PICKARD: I'll just call
21 Sue.

22 MS. JOANNE KINGKINER: Right.
23 Sue knows. But really, somebody's there Monday,
24 Tuesday and Wednesday mornings.
25 FEMALE VOICE: From 9 to 11.

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1 MS. JOANNE KINGKINER: Yeah.
2 There's always somebody around.
3 FEMALE VOICE: (Inaudible)
4 donations Monday, Tuesday or Wednesday between 9
5 and 11.
6 MS. PICKARD: Okay. Excellent.
7 Thank you.
8 MS. LAMBERTON: Thank you all.
9 MS. JOANNE KINGKINER: Yep.
10 MS. LAMBERTON: We have a
11 request for letter of support for Multimodal
12 Transportation Fund Grant, Long Pond Road
13 realignment project.
14 MS. HAASE: Yes, ma'am. The
15 IDA contacted the township and sent a letter to the
16 supervisors, again, asking if they would consider a
17 letter of support and this is related to a

18 community project that I referenced earlier in the
19 evening, the Long Pond, 940 realignment.
20 It's a Multimodal Transportation
21 Fund Grant that's being hosted and financed through
22 the Commonwealth Financing Authority. The project
23 is going to be over two million dollars and they
24 are requesting some assistance from the
25 Commonwealth Financing Authority.

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1 MS. LAMBERTON: And you just
2 need a consensus, Phyllis?

3 MS. HAASE: Yes, ma'am.

4 MS. LAMBERTON: Is everyone
5 okay with that?

6 MS. PICKARD: Yes.

7 MR. MOYER: It's just a letter?

8 MS. LAMBERTON: Yep. Very
9 good. Yes, move forward on that, please.

10 Our next item is to consider
11 Kalahari Resorts letter of credit reduction
12 Category 1 improvements request in the amount of
13 \$704,556.96.

14 MS. HAASE: Yes, Mr. McHale has

15 reviewed the request and he has sent a letter in
16 agreement and once the board approves, I'll be glad
17 to sign off.

18 MR. MOYER: I'll make that
19 motion.

20 MS. LAMBERTON: I have a
21 motion. Do I have a second?

22 MS. PICKARD: Second.

23 MS. LAMBERTON: I have a motion
24 and a second.

25 Any comments or questions from

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1 the board?

2 Any comments or questions from
3 the public?

4 Seeing none. Call the vote.
5 John?

6 MR. KERRICK: In favor.

7 MS. LAMBERTON: Heidi?

8 MS. PICKARD: I vote in favor.

9 MS. LAMBERTON: Donny?

10 MR. MOYER: In favor.

11 MS. LAMBERTON: I'll abstain.
12 Motion carries.
13 I don't have an amount on this
14 last one.
15 MS. HAASE: No, ma'am. We're
16 gonna ask the board to table this item. We're
17 still waiting for information and we're not
18 comfortable to release the funds until it's
19 received.
20 MS. LAMBERTON: So tabled.
21 We are moving to public
22 questions and comments. Does anyone have any
23 questions?
24 MR. FRANK CACCIONE: Frank
25 Caccione. I'm not too sure what Ann Hutchinson

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1 does, but our family has owned for years a nice
2 little place in Wisconsin Dells and if anyone has
3 driven up the I-12 corridor into the town of
4 Wisconsin Dells, anything that you can do to
5 control the zoning and development on the 940
6 corridor coming down the road from Kalahari and
7 Great Wolf where the first two water parks that

8 landed there, I think would be beneficial.

9 MS. LAMBERTON: Yeah. We have
10 to look out from this point forward for the future.

11 MR. FRANK CACCIONE: I once
12 wrote a letter to the editor here saying beware of
13 the Trojan horse -- and I provided a photo, he
14 didn't use it, but of the Trojan horse roller
15 coaster and the way into the Dells from the
16 Kalahari and places like that. So anything you can
17 do to control it down the road.

18 MS. LAMBERTON: That's why I
19 brought up the 940 corridor, I think that that's a
20 very important area right now. Not that the entire
21 township isn't important. I don't mean --

22 MR. FRANK CACCIONE: I mean,
23 we love the development but --

24 MS. LAMBERTON: It should be
25 done correctly. I agree. I agree. Thank you for

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1 your comments.

2 Anyone else?

3 MR. HOLAHAN: I do.

4 MS. LAMBERTON: Oh, I forgot
5 you were there, John.

6 MR. HOLAHAN: I'm still here.

7 MS. LAMBERTON: Go ahead. You
8 have something to say?

9 MR. HOLAHAN: Yes. I just
10 wanted to acknowledge the monthly report from the
11 department of public works, DPW, on their July
12 report, you did a great job there on a number of
13 things they took care of and I wanted to
14 acknowledge that at the meeting here. Okay?

15 MS. LAMBERTON: Thank you, John.
16 Yes. Ed Tutrone's with us this evening. He's
17 smiling now with arms crossed.

18 MR. HOLAHAN: Great job, you
19 and your guys. Nice job.

20 MS. LAMBERTON: Yes.

21 MR. ED TUTRONE: Thank you.

22 MS. HAASE: You've had a busy
23 month --

24 MS. LAMBERTON: Yeah, you guys
25 were busy.

1 MR. HAASE: There's been some
2 storms and, yeah, they've had a very busy month and
3 paving.

4 MS. LAMBERTON: Yeah. Good.
5 That's nice to hear. Thank you.

6 I'm sorry, sir, would you just
7 state your name?

8 MR. DOUG HILL: My name is Doug
9 Hill, H-I-L-L. We live in Lake Naomi and I've got
10 a couple questions on a couple different topics.

11 One is maintenance by the
12 township of the township right of ways along the
13 public roads. The question is, this year will
14 there be any mowing done? In the past it -- there
15 wasn't in past years. First question. Does the
16 township plan to do any mowing this year?

17 MS. HAASE: Ed, did you want to
18 speak to that?

19 MR. ED TUTRONE: The problem
20 we're having is here --

21 MS. LAMBERTON: Mr. Hill, Ed
22 Tutrone is our director. Okay.

23 MR. ED TUTRONE: We have one
24 person out on medical leave for the summer and
25 we're kind of short-handed and we're trying to get

1 some roads prepped for some more paving. And the
2 state put a mandate where we have to have a shadow
3 vehicle behind the mower, so that takes -- instead
4 of having one guy just go out and do it, that takes
5 two. And in order -- if we do that, then we -- we
6 don't have enough guys to do work on the base
7 repair.

8 So we're trying to do it on a
9 rainy day and then send them out with the mower
10 trying to cut grass.

11 MR. DOUG HILL: Second
12 question, I spoke with Ed beginning in April about
13 a very tall, very dead tree in the township right
14 of way.

15 MR. ED TUTRONE: Yes, I did --
16 I did discuss that with your neighbor and he -- the
17 neighbor that I was looking for was actually the
18 other neighbor and one of my guys did speak with
19 him and he does not want us to drop it on his
20 property.

21 MR. DOUG HILL: Excuse me.

22 It's my understanding, talking to the neighbor,
23 that you asked him to give you a letter of consent
24 to go on his property so you could take that tree
25 down --

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1 MR. ED TUTRONE: Correct. But
2 that was not the neighbor that we were looking for.

3 MS. HAASE: That was not the
4 correct property, Mr. Hill.

5 MR. ED TUTRONE: It was the
6 neighbor on the other -- adjacent to him.

7 MR. DOUG HILL: But that
8 neighbor has no objection either. I've spoken to
9 him.

10 MR. ED TUTRONE: The way -- in
11 order to fall that tree, there's too many trees
12 going his way, that it's gonna bounce off of. So
13 at this point, we're gonna revisit it with your
14 other neighbor once the leaves come off the trees
15 and then we'll look at it again.

16 If we don't get permission from
17 him, we don't feel that it's safe to drop it on the
18 roadway because of the power lines.

19 MR. DOUG HILL: I understand.
20 But some day it's gonna fall and it's gonna hit a
21 house or it's gonna take out power lines.
22 MR. ED TUTRONE: It may take
23 out power lines but it will not hit a house.
24 MS. HAASE: Yeah, I've been
25 out on site, Mr. Hill, and it's not gonna hit a

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1 prop -- it's not gonna hit a house. There's too
2 much of a separation distance.
3 MR. DOUG HILL: All right.
4 Unre --
5 MS. HAASE: But I have been out
6 there to look at your complaint.
7 MR. DOUG HILL: Unrelated
8 subject, I'd like to know if the township has ever
9 entertained any types of restrictions on jake
10 braking and exhaust braking, as far as the noise, a
11 very loud noise by the trucks that are -- you know
12 the sound I'm talking about? It's called jake
13 brake. I have noticed, going through other
14 townships on state roads, they post signs saying

15 that jake braking and exhaust braking is forbidden.

16 I don't know if you need a noise
17 ordinance to do that or not. I don't believe you
18 have one, but whatever measures the township could
19 take to either post signs or work with the state to
20 post signs, we'd greatly appreciate it. Any number
21 of occasions, very late at night, in the middle of
22 the night, being awakened by trucks on 940 and 423.

23 MS. LAMBERTON: We will look
24 into that. We'll have our zoning officer see.

25 I mean, are you aware of any

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1 ordinances?

2 I am not so -- but we don't mind
3 checking into it for you.

4 MR. DOUG HILL: Thank you.

5 MR. ARMSTRONG: And it's, I'm
6 sorry, jake braking?

7 MR. DOUG HILL: Well, it's
8 called jake braking but it's called --

9 MR. ARMSTRONG: Do you know how
10 to spell that?

11 MR. DOUG HILL: -- exhaust

12 braking and there's another name for it too; but if
13 you drive around you'll see signs posted and
14 different municipalities saying no jake braking, no
15 exhaust braking beyond this point and it's to
16 control noise.

17 MS. LAMBERTON: Okay. We will
18 have her look into that.

19 Are you aware of any? I am not.

20 MS. HAASE: I'm not.

21 MS. LAMBERTON: I'm not a jake
22 brake ordinance --

23 MR. ARMSTRONG: We have --
24 there's a --

25 MS. LAMBERTON: -- but we will

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1 look into it for you.

2 MR. ARMSTRONG: There is a
3 noise or nuisance ordinance, but I don't think this
4 would be something that would fall under that.

5 MR. DOUG HILL: I know there's
6 a nuisance ordinance, I didn't see anything about
7 noise under that.

8 MR. ARMSTRONG: I have a
9 feeling something like this would not fall under
10 that. I'm not -- I'd -- I've never heard of this
11 before so I'd have to look into it.

12 MS. LAMBERTON: We will look
13 into it for you.

14 MR. DOUG HILL: Thank you.

15 MS. LAMBERTON: You're very
16 welcome.

17 Anything else?

18 MR. BRENDON CARROLL: Two
19 questions. One, just back to, you tabled this
20 thing on zoning? Refresh my memory, isn't it a few
21 years ago that we had funding and things and moved
22 forward with adopting a new zoning ordinance and I
23 thought it was complete already?

24 MS. LAMBERTON: That was --

25 MS. PICKARD: We never adopted

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1 that.

2 MR. BRENDON CARROLL: You never
3 adopted it?

4 MS. HAASE: No.

5 MR. BRENDON CARROLL: But the
6 work was done but just not done.

7 MS. HAASE: The majority, not
8 all of it.

9 MR. KERRICK: The majority, but
10 it was not a hundred percent.

11 MR. BRENDON CARROLL: And now
12 you're gonna do it again? I never saw the first
13 draft.

14 MS. LAMBERTON: That was
15 actually what we're looking to do with this lady, I
16 think is more of a commercial overlay.

17 MR. MOYER: Overlay, yep.

18 MS. LAMBERTON: So it will be
19 specific just for a section of the intersection of
20 115 and 940. Trying to kind of move into mixed
21 use, you know, let people be able to develop a
22 little bit more building for the lands --

23 MR. BRENDON CARROLL: I just
24 thought there was a proposed readoption of the
25 zoning ordinance a couple years ago that I never

1 saw a draft or we were brought in originally to
2 have some discussion. I just heard coming up again
3 and I never --

4 MS. LAMBERTON: Right. I do
5 think --

6 MS. PICKARD: That's the
7 dreaded zoning ordinance.

8 MS. LAMBERTON: That's why I
9 used that terminology.

10 MR. BRENDON CARROLL: Question
11 Part 2. Asking the board, I'm not familiar with
12 the process to -- the township is holding a bond,
13 performance bond, for a piece of property in Pine
14 Crest Lake that we've recently acquired and I want
15 to know the process to move forward. I have about
16 30 homeowners that are very upset with the paving
17 of the roads that never got completed. So I don't
18 know what the process is. It's -- I think the
19 process has changed. From my understanding, the
20 bond is posted by the original developer to perform
21 and when the original developer is gone -- Patrick,
22 we had a meeting a few years ago to --

23 MR. ARMSTRONG: Yeah.

24 MR. BRENDON CARROLL: -- move
25 forward with the project but now the community is

1 the owner. So I'd like to get these roads that are
2 falling apart taken care of before the winter.

3 MR. ARMSTRONG: Clearly that
4 bond and the money associated with that bond are
5 being held for purposes of those improvements.

6 MR. BRENDON CARROLL: Yeah, I
7 just don't know how to get the ball rolling.

8 MR. ARMSTRONG: Well, why don't
9 we -- we can follow up with you in the not too
10 distant future. Typically what happens is, when a
11 developer -- I'm not sure of the history on this
12 specific case, but when a developer leaves and
13 there's outstanding improvements, if someone else
14 comes in, sometimes it's even a bank that comes in
15 and purchases the property and works out finishing
16 the improvements and getting, you know, reimbursed
17 ass -- with whatever money's been financially
18 secured by the municipality. So I wasn't aware
19 that -- so you -- who owns --

20 MR. BRENDON CARROLL: --
21 community trust purchased the failed project.

22 MR. ARMSTRONG: Okay. Is that

23 recent? Well, let me follow up --

24 MR. BRENDON CARROLL: Yes,

25 recent.

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1 MR. ARMSTRONG: Can Phyllis and

2 I follow up with you?

3 MR. BRENDON CARROLL: Yes, I

4 just --

5 MR. ARMSTRONG: Okay.

6 MR. BRENDON CARROLL: --

7 wondered the procedure was and was I writing a

8 letter or calling you on the phone or send you an

9 e-mail or --

10 MR. ARMSTRONG: Well, I think

11 probably the first -- I mean, we don't have to talk

12 about it tonight, but we'll have to get together

13 with Bob and see what the outstanding improvements

14 are, you know, figure out what the costs associated

15 with those -- kind of do a tally, figure out what

16 your --

17 MS. HAASE: BJ and Bob and I

18 met maybe five, six months ago --

19 MR. BRENDON CARROLL: Yes.

20 MS. HAASE: -- with some ideas
21 that you had to move that forward. So he has been
22 provided the list of the outstanding items and as
23 well as the moneys that we have retained once we
24 cashed in the bond.

25 MR. ARMSTRONG: Okay.

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1 MS. LAMBERTON: Does that give
2 you direction, Brendon?

3 MR. BRENDON CARROLL: What's
4 the best way -- you're gonna call me or I'm gonna
5 --

6 MS. HAASE: We'll reach out to
7 you.

8 MR. BRENDON CARROLL: You need
9 something in writing or -- okay.

10 MR. ARMSTRONG: I'm assuming,
11 Phyllis, you know how to get in con --

12 MS. HAASE: Yeah.

13 MR. ARMSTRONG: Okay.

14 MS. HAASE: But it probably
15 would be a good idea if you'd send something to my

16 attention --

17 MR. BRENDON CARROLL: Okay.

18 MS. HAASE: -- how you want to
19 move this forward.

20 MR. BRENDON CARROLL: Thank you.

21 MS. LAMBERTON: Anyone else?
22 Go ahead, sir.

23 MR. THOMAS CAMPSON: Just a
24 question, maybe I'm missing something here.

25 As far as the LSA Grant, is it

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1 possible the township can give me a letter of
2 support for the grant like you did with two other
3 projects?

4 MS. HAASE: Sir, that's what we
5 were discussing. Michelle Bisbing -- that is the
6 grant that she was discussing with you last month.
7 So in order to move forward with that, the board
8 has to agree to take dedication of those roads so
9 --

10 MR. THOMAS CAMPSON: You just
11 can't give me a letter of support to support the

12 project?

13 MS. LAMBERTON: I don't think
14 you'd be able to acquire the grant --

15 MS. HAASE: You can't because
16 you -- it's private.

17 MS. LAMBERTON: That's the only
18 difference.

19 MR. THOMAS CAMPSON: Thank you.

20 MR. ARMSTRONG: That's the only
21 catch.

22 MS. LAMBERTON: Yeah, sorry
23 about that.

24 MR. ARMSTRONG: In order to
25 secure that grant you need -- it needs to be a

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1 township road, that's the catch for your situation.

2 MS. LAMBERTON: Anything else?

3 MS. PICKARD: I had one other
4 thing possibly.

5 Are you still there, John?

6 MR. HOLAHAN: I am.

7 MS. PICKARD: Okay. I was just
8 gonna mention that John and I had received a letter

9 from Rick Bodenschatz. Did you want to talk about
10 that at all, John?

11 MR. HOLAHAN: Sure. I have
12 time. You guys are an hour ahead of me, so it's
13 7:30 here. I can stay here for an another hour.

14 MS. PICKARD: I don't want to
15 stay another hour.

16 MS. LAMBERTON: That won't be
17 necessary, John.

18 MS. PICKARD: Maybe two
19 minutes.

20 MS. LAMBERTON: I can hit the
21 red button, John.

22 Go ahead, John.

23 MR. HOLAHAN: So are we going
24 back to talking about the conservation district?

25 MS. PICKARD: No. I was

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1 talking about the boundaries of Tobyhanna Township
2 and the historical markers.

3 MR. HOLAHAN: Oh, yes. Yes.
4 So I think I sent some over to -- I guess I sent it

5 over to you, Heidi, from -- it was sent over from
6 Rick.

7 MS. PICKARD: Yes.

8 MR. HOLAHAN: Okay. So are you
9 specifically addressing the Township of Tobyhanna
10 or Tobyhanna Township, the monitoring that we're
11 using?

12 MS. PICKARD: No.

13 MR. HOLAHAN: Are you talking
14 about just the placements of the different signs up
15 for welcoming that -- is this addressing what Rick
16 was --

17 MS. PICKARD: Yeah.

18 MR. HOLAHAN: -- sent to me in
19 an e-mail?

20 MS. PICKARD: He's talking
21 about the identifying the boundaries of the
22 township because we wanted to do that to get the
23 historical marker program.

24 MR. HOLAHAN: Right. Well, of
25 course I'm all for this historical marker programs.

1 Are the other supervisors aware of what's going on

2 with -- as referred to as MATT, correct?

3 MS. PICKARD: Yes. The Marker
4 Advocates of Tobyhanna Township.

5 MR. HOLAHAN: I have no --

6 MS. LAMBERTON: This is the
7 first I'm hearing about it, John.

8 MR. HOLAHAN: Okay. All right.
9 So what's happening is, Rick Bodenschatz, who is
10 also associated with HATT, which is another acronym
11 that's easy to remember, Historical Association of
12 Tobyhanna Township.

13 Really, he and some other folks
14 got together and you want to look at certain --
15 install these historical markers that are -- I
16 always say memory points throughout the township
17 that has some kind of relationship to the history
18 of some things that have gone on and historical
19 markers have been used around the state and you've
20 probably seen them in a number of areas, probably
21 the most recognizable one is gonna be Hungry Hill
22 over in Sullivan Trail.

23 MS. LAMBERTON: Right.

24 MR. HOLAHAN: So, anyway, what
25 they'd like to be able to do is put these

1 throughout the township. Is Mr. Carroll still in
2 the audience?

3 MS. LAMBERTON: Yes, he is.

4 MR. HOLAHAN: Okay. So he's
5 part of the program as well, on the committee.
6 What they're looking to do is get some people that
7 are -- that want to kind of sponsor these things,
8 but they have to have some kind of historical
9 significance. It can't be a John Kerrick drank
10 coffee at this spot. Although it's very important,
11 you know, it doesn't just -- might have a
12 historical marker. It could be -- well, we could
13 put a placard there or even a Post-it note, John,
14 if you'd like.

15 But -- so anyway, they've been a
16 program that's looking to identify what properties
17 would have these signs and locations, MATT and
18 things like this.

19 And one of the things is,
20 they're looking for the support of the Tobyhanna
21 supervisors to kind of see what they are. Of
22 course the expense is gonna born by the sponsors of

23 these signs. The -- but the locations, right of
24 way and things like this need to be worked out with
25 the zoning officer and certainly Phyllis can help

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1 us out with that so --

2 Anyway, they started Salem
3 Church, I think, is one of the first ones you're
4 looking to put out and probably what you need to
5 see is the signs that they're thinking of using,
6 the sizes and things like that. So perhaps, Heidi,
7 do you think that the -- and I guess leading the
8 witness here, but think it's a good idea to get --
9 perhaps bring in some people from the committee to
10 come into the township and actually make a
11 presentation just to get -- so that everybody
12 understands what's going on. Heidi and I think
13 it's a good idea so we think we should just move
14 forward; however, it probably takes a consensus of
15 everybody else as well.

16 MS. LAMBERTON: I think that's
17 a great idea.

18 MS. PICKARD: I think we
19 already have a sign at the cemetery, but I think

20 the Salem sign -- and Brendon might have an idea.
21 Do you know when the Salem sign
22 is proposed to go?
23 MR. BRENDON CARROLL: The text
24 just got approved after nine drafts and I've been
25 instructed today to meet with the representatives

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1 of the church to select the proper location.
2 MS. PICKARD: Okay. So we want
3 to get a form at --
4 MS. LAMBERTON: So it's moving
5 forward?
6 MS. PICKARD: Yeah.
7 MR. MOYER: Is there a list of
8 other property --
9 MR. BRENDON CARROLL: We have
10 to get to the township for --
11 MS. LAMBERTON: You need a
12 permit.
13 MR. BRENDON CARROLL: We need a
14 sign permit.
15 MS. PICKARD: Exactly. And we

16 want to have something easy to go through the
17 township for these historical --

18 MR. BRENDON CARROLL: I say all
19 (inaudible). The sign is not large enough to even
20 meet the maximum criteria.

21 MR. MOYER: I'm good with that.

22 MS. HAASE: Ed?

23 MR. ED TUTRONE: Thank you.
24 It's my understanding at our fire company meeting
25 last Wednesday, we opted to purchase two of them,

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1 one on each side of town, that there is a list
2 already 'cause we were looking at the (inaudible)
3 Blakeslee part because it was an amusement park at
4 one time.

5 And we wanted to put one of the
6 fire company on each end of town and we were trying
7 to get in front of the library at the other, being
8 the original firehouse. We're not sure who bought
9 that and we were trying to outbid them. So is
10 there -- there's actually a list of --

11 MR. BRENDON CARROLL: 2500
12 bucks.

13 MS. LAMBERTON: He'll sell you
14 the list.

15 MR. BRENDON CARROLL: That's
16 what the sign costs.

17 MS. LAMBERTON: I thought you
18 were gonna sell him the list.

19 MR. ED TUTRONE: They gave us a
20 price of 1500.

21 MR. BRENDON CARROLL: That's
22 for the -- you don't want the little sign. We
23 don't sell those.

24 MS. LAMBERTON: We only sell
25 the big one for 2500, I think is what he is saying.

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1 MR. ED TUTRONE: If anybody
2 knows who bought the library, you can let us know
3 'cause we want to outbid them.

4 MS. LAMBERTON: Well, that's
5 great. I think -- let's get some information.

6 I like your idea, John. Let's
7 do a presentation and have them bring in what
8 they're doing and then I think we go ahead.

9 Phyllis?

10 MS. HAASE: Yes. I have one --
11 just one item, we're going to begin the 2016 budget
12 process, so I will be reaching out in September --
13 in September for some dates in October for budget
14 meetings for the board.

15 MS. LAMBERTON: You hear that,
16 John?

17 MS. HAASE: And if in fact the
18 board has any specific projects that you would like
19 me to consider and find the funding for, if you
20 could just maybe circulate that to me or, Heidi, in
21 the next few weeks so we can work that in.

22 MS. PICKARD: There is a sign
23 for the township on the historical marker route
24 that would be to include --

25 MR. BRENDON CARROLL: Price

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1 Park has great historic significance.

2 MS. PICKARD: Exactly. I'm
3 trying to get that on the list. It's not on the
4 list.

5 MS. LAMBERTON: Okay. That's

6 enough of the signs. Okay.

7 MR. BRENDON CARROLL: \$2500,
8 put it in the budget.

9 MS. LAMBERTON: Any other
10 questions or comments?

11 Yes, sir?

12 MR. THOMAS CAMPSON: Who puts
13 the signs up that you're entering Tobyhanna
14 Township or anything like that?

15 MS. LAMBERTON: I've always
16 wanted one there. Wouldn't that be nice?

17 MR. BRENDON CARROLL: It's on
18 the list.

19 MR. THOMAS CAMPSON: It was
20 there. We had one at Sullivan Trail and Deats
21 Lane. A traffic accident took that and it's been
22 gone for years so --

23 MS. LAMBERTON: Put that on
24 your list, Brendon.

25 MS. HAASE: We could take care

1 of that. That's different than what they're

2 discussing.

3 MR. THOMAS CAMPSON: Yeah,
4 yeah, I understand. It's historical, but who do we
5 talk to?

6 MS. LAMBERTON: You're at the
7 right spot. It's answered. It's asked and
8 answered. DPW is nodding their head yes. They
9 will look into that for you.

10 MR. THOMAS CAMPSON: Thank you.

11 MS. LAMBERTON: You're very
12 welcome.

13 Anything else?

14 MS. PICKARD: That's on there
15 as well.

16 MS. LAMBERTON: Wonderful.
17 I'll entertain a motion to adjourn.

18 MR. MOYER: So moved.

19 MS. LAMBERTON: Second?
20 Somebody?

21 MS. PICKARD: Second.

22 MR. HOLAHAN: I speak against
23 the motion.

24 MS. LAMBERTON: We're gonna
25 hang up. Goodbye, John.

1 MS. LAMBERTON: All in favor?

2 BOARD MEMBERS: Aye.

3 (Meeting concluded at 8:40

4 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.

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COURTNEY L. ROGERS

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Before
THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Special Meeting

Tobyhanna Township Government Center
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Thursday, August 13, 2015 beginning at 7:00 p.m.

PRESENT: JOHN J. HOLAHAN, III, Chairperson
ANNE LAMBERTON, Vice-Chairperson
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 to order the
2 meeting of -- special meeting of the August 13th.
3 Let's do the pledge of allegiance.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: We can say the
7 pledge of allegiance twice. It's not like going to
8 communion twice, Heidi.

9 MS. LAMBERTON: Yeah, that's bad
10 you can't do that.

11 MR. HOLAHAN: Let's start with
12 the solicitor report.

13 Patrick?

14 MR. ARMSTRONG: Thank you, Mr.
15 Chairman. I will undoubtedly have some comments on
16 a few of the items that are on the agenda. But
17 other than that, I don't have anything new to
18 report than what was reported from your Monday

19 meeting three days ago.
20 MR. HOLAHAN: Great. Thank you.
21 MS. PICKARD: Wow.
22 MS. LAMBERTON: Wow.
23 MS. PICKARD: Mark that down.
24 MR. HOLAHAN: Three days have
25 passed and nothing.

3

1 (Discussion off the record.)
2 MR. HOLAHAN: Let's go on. Now
3 let's go on to old business. Let's talk about the
4 William Penn Foundation Grant from the Natural
5 Lands Trust.
6 MS. LAMBERTON: I got to tell
7 you, the more I thought about it, I think maybe we
8 should let somebody that could truly use it, use
9 it.
10 MR. HOLAHAN: The single or
11 dual axel? That's probably not the paperwork for
12 that.
13 MS. LAMBERTON: No. I like the
14 dual axel.
15 MR. HOLAHAN: It's on our

16 portal.

17 MR. LAMBERTON: I'm just afraid
18 that -- I mean, we have stuff that we really need
19 to address, which is the sign ordinance, to get
20 things going so our zoning officer can --

21 MS. HAASE: I did reach out to
22 Ann Hutchinson after because I did have a concern
23 of the direction that was going to be required by
24 the William Penn Foundation and where the township
25 would like to go. And I was very honest with her,

4

1 that the township -- we all respect our natural
2 area here and we live, as I stated on Monday,
3 probably in the most beautiful part of
4 Pennsylvania.

5 But the concern is, we want to
6 make certain that the development occurs, it's also
7 friendly to the areas the individuals want to
8 invest in the area, which she respected that. So
9 she would work with us in doing an overlay versus
10 doing the entire SALDO. She did confirm that they
11 would do that, but she also felt it was something

12 the board didn't want to move forward with, that
13 she definitely needs to know tomorrow because she
14 needs to go to the next municipality that's
15 eligible.

16 Either way, the board and the
17 staff, we need to move forward with amending our
18 ordinances. We've worked diligently about three
19 years ago to get to a certain point and it's kind
20 of stalled. So whether the board decides to move
21 in this direction or utilize what we've worked on
22 in the past and integrate that to our current
23 ordinances, either way we're going to have to move
24 forward with some amendments.

25 MS. PICKARD: I would like to

5

1 look -- being the overlay was something we talked
2 about, I would like to move forward with that. I
3 think we started that and I'm for moving forward
4 with that. I think it's maybe, will be the little
5 kick in the butt that we need to move our
6 ordinances forward and get us back on track.

7 MR. HOLAHAN: And so would
8 you -- Heidi, you made mention of like Middle

9 Smithfield Township with their economic development
10 committees --

11 MS. PICKARD: Yes.

12 MR. HOLAHAN: -- and stuff like
13 this. Perhaps maybe something along those --
14 trying to incorporate those things as well?

15 MS. PICKARD: I definitely
16 believe that would be --

17 MR. HOLAHAN: Look, I'm -- and
18 I'm all for the green of -- well, it's -- as a
19 homebuilder, that's been something that's really
20 being directed our way, to provide sustainable
21 housing and -- and areas for -- for living without
22 using up our resources. I would like to see our
23 planning not constricted by those, but to have
24 those ideas be added to our plans so that we can
25 add them as it fits our area. So I'm okay with

6

1 that as well.

2 MS. PICKARD: And I think that
3 Ann Hutchinson had mentioned that the reason it was
4 high was not as much as an environmental impact, it

5 was redevelopment of a very depressed area. And
6 with that, again, I mentioned that the LERTA, I
7 think that whole corners needs to be under the
8 LERTA, as well as that property here in Pocono
9 Pines to provide some incentive and some tax
10 incentive.

11 MS. HAASE: Since you brought
12 that up, would the board be interested in us
13 looking into that further --

14 MR. HOLAHAN: I would.

15 MS. HAASE: -- with the LERTA?

16 MS. PICKARD: Yeah.

17 MS. LAMBERTON: Yeah, I would,
18 absolutely.

19 MR. HOLAHAN: Good point, Heidi.

20 MS. LAMBERTON: Yeah.

21 MR. HOLAHAN: Okay. Then --

22 MS. LAMBERTON: So then that's
23 a yes?

24 MR. HOLAHAN: That's a yes for
25 the LERTA and overlay from -- thank you very much

1 -- from the Natural Lands Trust and we'll look for

2 the overlay, but that's about as far as we'll take
3 that.

4 MS. LAMBERTON: Which will
5 probably grow that sewer district out there.

6 MR. HOLAHAN: Yes.

7 MS. PICKARD: Exactly.

8 MS. HAASE: So just for
9 clarification, then I'll notify Ann Hutchinson that
10 we're interested --

11 MR. HOLAHAN: We're going to
12 pass.

13 MS. HAASE: We're going to
14 pass.

15 MR. HOLAHAN: Right. We're
16 just going to take the -- they're offering us an
17 overlay. We could take part of this.

18 MS. HAASE: No. Either we're
19 going to have to go in there --

20 MS. LAMBERTON: Yeah.

21 MS. HAASE: We're going to have
22 to --

23 MS. LAMBERTON: It's all or
24 none.

25 MR. HOLAHAN: I'm saying none.

1 MS. PICKARD: All or none what?

2 MR. ARMSTRONG: So -- okay --

3 MS. LAMBERTON: To utilize her
4 service to do --

5 MS. HAASE: To do the overlay --

6 MS. PICKARD: Yeah.

7 MS. HAASE: -- or we move
8 forward with what we have.

9 MR. HOLAHAN: Oh.

10 MS. PICKARD: I thought we were
11 moving forward with the overlay?

12 MS. HAASE: Well, that's why I
13 think we're having different --

14 MR. HOLAHAN: Yeah. With our
15 understanding -- my understanding.

16 MS. LAMBERTON: Well, we can
17 still investigate the LERTA.

18 MS. PICKARD: Yeah.

19 MS. LAMBERTON: That would have
20 nothing to do with --

21 MS. HAASE: That's correct.

22 MR. HOLAHAN: Natural Lands

23 Trust.

24 MS. LAMBERTON: Right.

25 MR. HOLAHAN: Yes. Okay. I'm

9

1 -- my feeling is no to -- call Ann and say, thank
2 you very much, but no, thank you, that we would
3 move forward with what we have. And then we'll
4 look forward to the LERTA as well --

5 MS. LAMBERTON: Incorporate it.

6 MR. HOLAHAN: Right.

7 MS. LAMBERTON: I'd have to
8 agree.

9 MR. HOLAHAN: Heidi?

10 MS. PICKARD: I disagree.

11 MR. HOLAHAN: You want to move
12 forward with the Natural Lands Trust?

13 MS. PICKARD: I did, but it's
14 two to one now, again, so --

15 MS. LAMBERTON: We didn't vote
16 yet.

17 MR. HOLAHAN: Convince me.

18 MS. PICKARD: I just think it's
19 free -- it's free work for her to do.

20 MS. LAMBERTON: Nothing's free
21 unfortunately.

22 MS. PICKARD: There's no
23 strings attached. So that we don't have to move
24 forward, there's nothing we're guaranteeing her.
25 So there's nothing, you know --

10

1 MS. LAMBERTON: We get her time
2 is how she described it and --

3 MS. PICKARD: Yeah.

4 MS. LAMBERTON: -- how I
5 understood it for -- until what, February of 2017?

6 MS. PICKARD: She has -- yes.

7 MS. LAMBERTON: And we have to
8 either adopt or she moves on.

9 MS. PICKARD: Yeah.

10 MS. HAASE: Speaking --
11 speaking with Ann, we are going to be able to
12 utilize her time with a few public meetings as
13 well. The staff time and our solicitor's time
14 would be our responsibility.

15 MS. LAMBERTON: Right.

16 MS. HAASE: She did speak about
17 wanting to bring in Randal Arendt again. And then
18 we would have to look at whether or not he's going
19 to charge --

20 MS. PICKARD: Well, we don't
21 have to bring him, she just mentioned that.

22 MS. HAASE: No, understood.
23 Yeah.

24 MS. PICKARD: I think we've
25 seen him enough times, I don't think we need him

11

1 back.

2 MS. HAASE: So her time would
3 be included in the grant through the William Penn
4 Foundation. But anything else and above that,
5 advertisements and et cetera, Pat's time, staff --

6 MS. LAMBERTON: It's not
7 dictated that we have to use a specific
8 conservation design --

9 MS. PICKARD: No.

10 MS. LAMBERTON: -- we can have
11 her write an overlay --

12 MS. PICKARD: It wasn't

13 conservation design.

14 MS. HAASE: Some of -- some of
15 it is. Speaking with her, some of it is, but she
16 seemed to be much more flexible. I did bring
17 forward some concerns we had about a consultant,
18 who was in years ago, that was very restrictive of
19 our conservation design and the direction that he
20 wanted us to move in. She recognized that, she
21 appreciated the township being honest and felt that
22 she could work with us. But they would want to
23 gear some of the regulations to, of course,
24 residential housing on the top, which I don't the
25 board had any concerns with or were opposed to

12

1 that.

2 MS. LAMBERTON: No. I think
3 that that's what we wanted.

4 MS. PICKARD: We (inaudible)
5 the mixed use.

6 MS. HAASE: You were opposed to
7 the mixed use. It's -- from what she's saying, I
8 think it is workable as long as that's the same

9 direction that we continue throughout this process.

10 We certainly don't want to restrict development.

11 MR. HOLAHAN: I guess --

12 MS. PICKARD: No.

13 MR. HOLAHAN: -- my concern is

14 -- okay.

15 MS. LAMBERTON: Heidi's looking

16 at it as free money.

17 MR. HOLAHAN: I get that, but

18 the Wildlands Conservancy, Oreland PA, the Natural

19 Lands Trust, I mean, those are -- those are people

20 that I have sat across on the other side of the

21 table.

22 MS. PICKARD: But this is the

23 William Penn Foundation. This is a grant from the

24 William Penn Foundation sort of being run through

25 her, I can't -- but the William Penn, that's what

13

1 she talked about was the redevelopment. And we've

2 had a lot of people in Blakeslee that have come up

3 to us and have come up to me and asked where we

4 were with this and I feel like we kind of dropped

5 the ball. I get that maybe what we've talked about

6 was virtually undoable, but I think we could do
7 something to get to that, you know, put us on that
8 path and in that direction.

9 MR. HOLAHAN: So why were they
10 looking at us because of our visioning?

11 MS. LAMBERTON: The Blakeslee
12 Visioning, yeah.

13 MS. PICKARD: Umm-hmm.

14 MR. HOLAHAN: Do you think that
15 would assist in moving the Blakeslee Visioning
16 along because --

17 MS. PICKARD: Or any village
18 commercial corridor.

19 MR. HOLAHAN: But I'm
20 particularly interested in moving that along. And
21 I think the -- what we'll talk about, the sewer,
22 what we're doing with the sewer company and lines
23 and things like that, moves towards that, so --

24 MS. PICKARD: Yeah. I think it
25 would be in Aqua's interest to get some

1 redevelopment.

2 MS. LAMBERTON: And you put a
3 LERTA out there and your redevelopment will happen.

4 MS. PICKARD: Well, that I
5 think would just be more of an incentive on top of
6 that to enhance that.

7 MR. HOLAHAN: So it sounds like
8 you're changing your mind, John.

9 MR. HOLAHAN: No. Heidi has
10 made me see the err of my ways.

11 MR. GREGORY HAMILL: Let me ask
12 a quick question, what is a LERTA?

13 MS. LAMBERTON: It's actually a
14 tax incentive program.

15 MR. HOLAHAN: It's an acronym
16 standing for what? It's what you do, give tax --

17 MS. PICKARD: They'll pick --

18 MR. HOLAHAN: -- incentive
19 for like redevelopment --

20 MS. PICKARD: --
21 revitalization --

22 MR. HOLAHAN: And like they'll
23 pay zero taxes the first year and then they'll pay
24 10 percent of the tax that following year, then 20
25 percent until in 10 years, or at the 11th year

1 they're paying a hundred percent what the taxes
2 would be, so --

3 MR. GREGORY HAMILL: I think
4 that's a fantastic idea.

5 MR. HOLAHAN: Okay. Without
6 belaboring this --

7 MS. LAMBERTON: I'll make a
8 motion that we move forward with her.

9 MR. ARMSTRONG: And when --
10 just so I'm clear, when you spoke with her, she
11 said that she would be able to proceed with the
12 grant as indicated with the letter with only the
13 overlay?

14 MS. LAMBERTON: Yes.

15 MS. HAASE: Correct.

16 MS. LAMBERTON: Yeah, that was
17 my understanding when she was here that evening.

18 MR. HOLAHAN: I've got a motion.
19 Do I have a second?

20 MS. PICKARD: I'll second.

21 MR. HOLAHAN: Got a motion and
22 a second.

23 Further discussion from the

24 board?

25 Anything from the public?

16

1 Hearing none. Call the vote.

2 Heidi?

3 MS. PICKARD: I vote in favor.

4 MR. HOLAHAN: Anne?

5 MS. LAMBERTON: I'll vote in

6 favor.

7 MR. HOLAHAN: Hmm, I vote in

8 favor.

9 MS. HAASE: What was that,

10 Heidi, what did you say? You vote in favor?

11 MS. LAMBERTON: I think Heidi

12 went and voted in favor, yeah.

13 MR. HOLAHAN: Motion carries.

14 Let's move on to new business,

15 wastewater treatment plant valuation report dated

16 May '15 prepared by RETTEW.

17 Is this where you come in,

18 Patrick?

19 MR. ARMSTRONG: Sure. Many of

20 you in the audience and up here, with the exception
21 of one or two in the audience, sat through the
22 Tobyhanna Township Sanitary Sewer Authority meeting
23 just prior to this meeting. The RETTEW valuation,
24 it is a valuation dated May 2015, attempting to
25 place an estimate, a value on the Tobyhanna

17

1 Township sewer system with the understanding that
2 the township is considering selling, conveying the
3 system to a public utility.

4 So with that said, do we want to
5 go through the RETTEW valuation again or do you
6 just want to see if there's any questions or
7 comments from the public at this point in time?

8 MR. HOLAHAN: Are there any
9 questions, any comments from the public at this
10 time?

11 MR. BRENDAN CARROLL: How much?

12 MS. LAMBERTON: How much is the
13 proposed --

14 MS. PICKARD: The valuation.

15 MR. BRENDAN CARROLL: Was the
16 valuation?

17 MS. LAMBERTON: Oh, the
18 valuation.

19 MR. ARMSTRONG: The valuation,
20 it gave a range like many do, not an actual set
21 number. But it seemed to indicate that a
22 reasonable amount to assign to the value of the
23 system under its current utilization level would be
24 six million. Now, there was a -- the range was, I
25 think, 4.7 million to 6 million, considering

18

1 certain depreciation and some additional issues.

2 And then there was some also
3 discussion, if the system would be built out --
4 right now it's at just over -- probably just over
5 50 percent capacity for the plant. If it would be
6 built out, I don't believe they were able to put a
7 specific price tag on that. And they identified
8 certain concerns or issues that would be involved
9 in actually building it out from full capacity.

10 Did I character -- did I
11 summarize that fairly well?

12 MS. LAMBERTON: Umm-hm.

13 MR. HOLAHAN: Yeah.
14 MR. BRENDAN CARROLL: Thank
15 you.
16 MR. HOLAHAN: Anything else?
17 Okay. Then you want to move on
18 to the proposal?
19 MS. LAMBERTON: Yeah. We don't
20 have to take any action.
21 MR. ARMSTRONG: Similar to the
22 authority's discussion before this meeting, you
23 know, in learning that the township wanted to start
24 looking into whether or not they -- they'd want to
25 and if they wanted to -- if there would be any

19

1 potential public utilities that would be interested
2 in purchasing the Tobyhanna Township sewer system,
3 they did get a proposal from Aqua Pennsylvania
4 dated July 16, 2015. We can go through that
5 proposal, Aqua representatives are still here.

6 I don't know if you wanted to
7 hit the points again, but --

8 MR. ANTHONY DONATONI:
9 Certainly, whatever you want to do.

10 MR. ARMSTRONG: -- I think for
11 purposes of being a little bit efficient, the
12 proposal is for 5.5 million for the Toby system; an
13 additional 20,000 for its closing costs; an
14 estimate of a little over \$500,000 over the next
15 five years to contribute to the system for repairs,
16 upgrades, maintenance, whatever would come down the
17 line.

18 The price freeze or the fee
19 freeze for three years through 2018. Obviously,
20 there's -- that's the proposal. I believe the
21 freeze may have bumped up one year, but we haven't
22 really negotiated the terms yet, but that's -- but
23 -- the basis of the actual proposal with the
24 numbers. If I miss anything, please speak up.

25 MR. CHARLES PENROSE: No. That

20

1 is a --

2 MR. ARMSTRONG: Like with the
3 authority, really what I and Phyllis need from the
4 board of supervisors today is, one, under the
5 Second Class Township Code, you are able to sell

6 real and personal property to a public utility
7 without going through the advertising and bidding
8 process. But it doesn't prevent you from doing it,
9 you can still proceed with the bidding process if
10 you -- if you want to. It's my understanding that
11 you may not want to and you may just want to
12 proceed with Aqua given the proposal and given your
13 prior discussions with another entity before Aqua
14 -- or after Aqua or I'm not sure when those
15 discussions took place.

16 So really I need to know, number
17 one, are we agreeable -- is this board agreeable at
18 this point in time, consensus or a motion if you
19 want to take, to proceed with Aqua and not proceed
20 with a bidding process, proceed with Aqua,
21 negotiate the asset purchase agreement; and start
22 going through and putting together everything that
23 will be needed in order to finalize the conveyance
24 and the sale of the Tobyhanna Township sewer
25 system.

21

1 MR. HOLAHAN: Do I have a
2 motion?

3 MS. LAMBERTON: Yes. So moved.

4 MR. HOLAHAN: Motion.

5 Do I have a second?

6 MS. PICKARD: Second.

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

9 Further discussion from the
10 board?

11 Anything from the public?

12 Yes, Brendan?

13 MR. BRENDAN CARROLL: Brendan
14 Carroll. I just want to say on behalf of Aqua
15 Pennsylvania I went through the -- assets purchase
16 acquisition with -- with their company about 10
17 years ago and it was a very positive experience. I
18 think the township is making the proper move to get
19 rid of being in the sewer business and to turn it
20 over to a company that's -- that's what they do.
21 They're very local, they have a lot of business
22 here and, again, I've had a positive experience and
23 still continue a positive relationship with the --
24 Aqua in our water and sewer treatment facilities in
25 Pine Crest, just so you know.

1 MR. HOLAHAN: Great. Thanks,
2 Brendan.

3 MS. LAMBERTON: Yeah. That's
4 nice to hear. Thank you.

5 MS. LAMBERTON: Anybody else?

6 MR. ARMSTRONG: I might be
7 picking your brain.

8 MR. BRENDAN CARROLL: I got a
9 whole box. They have an excellent attorney.

10 (Inaudible comments.)

11 MR. HOLAHAN: Depends on who
12 gets to him first, huh?

13 Anything else? Anything
14 further?

15 Then I'll call the vote.

16 Heidi?

17 MS. PICKARD: That's fine. I
18 think Eddie looks saddened by this.

19 MS. LAMBERTON: He's grinning
20 ear to ear.

21 MR. HOLAHAN: You still get
22 visitation rights.

23 MR. ED TUTRONE: You can keep

24 those too.

25 MS. PICKARD: I vote in favor.

23

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I vote in
3 favor.

4 MR. HOLAHAN: And I vote in
5 favor. Motion carries.

6 MS. HAASE: Mr. Chairman, I do
7 want to say that we've worked very closely now with
8 Aqua for over the last six months negotiating where
9 we're at up to this particular point. It's gone
10 quite smoothly and I certainly anticipate and hope
11 it continues till we finalize this.

12 MR. ANTHONY DONATONI: Well, we
13 thank you very much for your motion this evening.
14 And it's been a mutual respectful and professional
15 relationship that we've had, so I hope we can move
16 forward with speed. And whatever issues you do
17 have with the agreement, we'll be anxious to hear
18 about them and we'll be responding as quickly as
19 possible so we can keep it moving.

20 MR. HOLAHAN: Thank you.

21 You've got some good front men, some good
22 spokespersons. And I expect as we get down through
23 the layers we will find the same as well.

24 MR. ANTHONY DONATONI: We're
25 very proud of our staff and the work they've been

24

1 able to do. It's a good business for us, maybe not
2 so for you, but that's -- that's what we --

3 MR. HOLAHAN: Oh, no. Don't
4 get us wrong. We love this business, it's just
5 where's the time, you know?

6 MR. ANTHONY DONATONI: Thank
7 you for the trust you put in us.

8 MR. HOLAHAN: You're welcome.

9 MS. HAASE: Thank you.

10 MS. PICKARD: Thank you.

11 MR. HOLAHAN: Let's move on to,
12 Phyllis wants to buy truck. Or is it Eddie that
13 wants to buy a truck?

14 MS. HAASE: Well, no, Phyllis
15 --

16 MR. ANTHONY DONATONI: Then we

17 can be excused?

18 MS. LAMBERTON: Absolutely, yes.

19 MR. ANTHONY DONATONI: Thank
20 you very much.

21 MS. LAMBERTON: Thank you for
22 your time.

23 MS. PICKARD: Drive safe.

24 MR. ANTHONY DONATONI: You're
25 welcome.

25

1 MS. HAASE: Just to be clear,
2 Phyllis really doesn't want to purchase a truck.
3 However, unfortunately, we're faced with a aging
4 fleet and throughout the years, perhaps there
5 wasn't as much planning for the future as should've
6 been. And we've learned from that and moving
7 forward we're going to be addressing that.

8 This year the 1996 Ford LN8000
9 did not pass inspection. We have over \$22,000 in
10 parts that we're able to find. And we have other
11 parts that are no longer existing and that does not
12 include labor that would have to be put into this
13 vehicle.

14 We have -- in front of the board
15 we have passed out options of two different types
16 of vehicles; a single axel and a dual axel. And to
17 -- to make it a little easier for the board, the
18 staff has put together a spreadsheet for a little
19 comparison. We did reach out to the state contract
20 and, believe it or not, it was at a higher cost to
21 purchase either one of these vehicles in a state
22 contract. This would be off of COSTAR --

23 MR. HOLAHAN: Okay.

24 MS. HAASE: -- what is in front
25 of us. As you can see in front of you, that the

26

1 bottom line for the single axel was \$181,180.

2 MS. LAMBERTON: Dual.

3 MS. HAASE: And the dual --

4 MS. LAMBERTON: That is dual.

5 MR. ED TUTRONE: That was the
6 dual.

7 MS. HAASE: I'm sorry. That
8 was -- that was the dual and the single axel was a
9 hundred and sixty thousand.

10 MS. LAMBERTON: What we do have
11 now, single?

12 MS. HAASE: We have single. I
13 am asking the board to consider -- if it is the
14 pleasure of the board to move forward with this
15 purchase, I would like you to consider the dual
16 axel. This year we have worked very closely with
17 our equipment provider doing Stony Hollow and we
18 were hauling as well and it did show a difference
19 in our cost.

20 As far as financing of this,
21 we've looked out to leasing. And what we received
22 back, that they weren't leasing a vehicle, it was
23 more for a fleet, is what they were looking at. As
24 the funding of it, I am proposing that we buy it
25 outright for 2015. We had budgeted to place a

27

1 hundred and eighty -- just shy of a hundred and
2 eighty-five thousand into capital reserve. Right
3 now financially we have paid very close attention
4 to our budget. We're financially in good shape in
5 that aspect of it.

6 So I would ask the board not to

7 consider financing this, but I'd like to purchase
8 it. We would have to look into the future as
9 putting together a replacement for a few other
10 vehicles. We have a 2000 -- 2000 International we
11 need to be looking at soon as well.

12 MR. ED TUTRONE: The 2002
13 Sterling not the 2000 --

14 MS. HAASE: I'm sorry. The 2002
15 -- you're correct.

16 MS. LAMBERTON: How many miles
17 a year do you put on this?

18 MR. ED TUTRONE: On the
19 tandems? We have -- we have also have two tandems
20 now and I believe they have 60,000, almost 70,000
21 on one of them. I'm not sure the actual mileage.
22 It's --

23 Phyllis, I don't know if you
24 have Dave's report there, it's truck 4 and 8. But
25 it's roughly -- we were hauling a lot of antiskid,

1 just doing a lot of hauling ourselves now; so we've
2 been putting on quite a few more miles than we had

3 in the past.

4 MS. HAASE: Now, is this the
5 vehicle that Greg used last year?

6 MR. ED TUTRONE: No.

7 MS. HAASE: No?

8 MR. ED TUTRONE: No, no. He
9 was in the International last year. The reason why
10 -- and when I spoke to Phyllis with this, the
11 reason why I was also looking at the tandem axel
12 is, for some reason, I'm not quite sure why, over
13 the years they only bought single axels, you can't
14 haul as much in them. You -- the most we can haul
15 in our lightest single axel is 10 tons. We do 16
16 to 17 tons in the tandems; less trips, more
17 material and a lot better on timewise.

18 So our fleet originally was two
19 tandems and three single axles. And I'd like to
20 reverse that and have three tandems and two single
21 axles.

22 MR. HOLAHAN: So, Eddie, did
23 you guys look at a tri-axel?

24 MR. ED TUTRONE: We actually
25 did discuss that. We've actually discussed that a

1 couple years ago also. The only problem with
2 tri-axel is snowplowing, which is one of the major
3 uses of this truck. It's a little big to get on a
4 lot of our township roads, so that's one of --
5 that's about pretty much the only reason why we
6 didn't even look at a tri-axel. And you're about
7 maybe five tons, six tons short as far as haul --
8 as far as hauling capacity goes with the tandem
9 versus the tri-axel. So it's not that big of a
10 deal because the quarry's not very far down the
11 road.

12 MS. LAMBERTON: So if this
13 truck is not purchased what would -- I mean, you'd
14 have to do something for plowing.

15 MS. HAASE: Well, the issue
16 this year is we have another four miles of roads to
17 plow and we're down a vehicle, so --

18 MS. LAMBERTON: And this was
19 used last year to plow?

20 MS. HAASE: Yes, ma'am.

21 MS. PICKARD: I just wanted to
22 say that when I first came on the board in 2002 we
23 were trying to rebuild what had been a deteriorated
24 infrastructure with our trucks. And then the

25 school district took our earned income tax and we,

30

1 you know, ended up with the economic downturn. And
2 we're getting back into the place where we were,
3 where we didn't want to be and --

4 MR. HOLAHAN: You're right,
5 Heidi. We started working -- we've been dealing
6 real well with our capital improvements, evidenced
7 by this building and the grounds and things like
8 that.

9 MS. PICKARD: Yeah.

10 MR. HOLAHAN: And I think it's
11 time we moved forward as well. Of course, no
12 township wants to spend this kind of money. I do
13 stand corrected, I know Phyllis does not want to
14 buy a truck. Phyllis has to buy a truck.

15 MS. HAASE: Yes. Phyllis is
16 rather frugal.

17 MR. ED TUTRONE: I've tried to
18 get two out of her, single axel and --

19 MS. HAASE: In fairness to the
20 superintendent, he's correct, we need it. But I'd

21 like to build for another year or so --

22 MS. LAMBERTON: To get a second
23 one.

24 MS. HAASE: Yes, ma'am.

25 But he is correct, we are faced

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1 with another truck that will soon be close to being
2 off the road again.

3 MS. PICKARD: That's something
4 we can probably talk about in the budget cycle
5 coming up.

6 MR. HOLAHAN: Yes.

7 MS. HAASE: That's correct.
8 And certainly our first and foremost concern is the
9 operation of the vehicle and the safety for our
10 employees. But also since this is used for
11 plowing, we need to look at the conditions of the
12 road and to make certain --

13 MS. PICKARD: And it's going to
14 --

15 MS. HAASE: Yes.

16 MS. PICKARD: And it's going to
17 take a while to get this truck so we're hoping we

18 have it in time for the --

19 MS. HAASE: It will. We're

20 looking most likely into January, beginning

21 February right now. I was not -- I did not know

22 that it would take that long to get one of these

23 vehicles. Tunkhannock Township ordered one --

24 Two months ago? A month ago?

25 MR. ED TUTRONE: A couple weeks

32

1 ago. Just to also give a little background too, as

2 far as the specs that we used. Tunkhannock

3 Township bought a single axle 2013 and they ended

4 up -- they did all the homework and the leg work

5 then. And they ended up with a Freightliner as

6 being the lowest cost with what they looked at.

7 They're very pleased with the truck, they just

8 ordered a tandem axle about three weeks ago. And

9 we went through their spec. They had a couple

10 little bells and whistles, like the visors, some

11 other things that, you know, that really don't make

12 a hill of beans to me. I shaved about \$2200 off of

13 the quote because of it.

14 And what we did is we took their
15 spec, we gave it to Freightliner, we gave it to
16 Pocono Peterbilt, identical specs, that's what on
17 this sheet here. You don't really see much of a
18 difference. And these are the prices that came
19 back and I kind of -- it doesn't matter. They went
20 through a couple other different manufacturers, but
21 I didn't want to waste everybody's time because
22 Freightliner was the one that came in the cheapest.

23 I did look on the -- I spoke
24 with PennDOT, Ralph Constance from -- who does the
25 -- the bids for PennDOT. We've piggy-backed off of

33

1 them on the last three trucks that we've bought,
2 the bigger ones. He even told me with the COSTAR's
3 pricing, we're better off going with them because
4 what they did was, they went to the dealerships and
5 let them put option groups in. So I looked at a --
6 a -- just a single axel, just giving you a
7 comparison from what the state was charging. A
8 single axel was a hundred and eighty-five thousand
9 three hundred ninety dollars and that did not
10 include the snowplow or the spreader.

11 When you have a front unit on a
12 single axel is a hundred --

13 MR. HOLAHAN: 67.

14 MR. ED TUTRONE: -- eighty thous
15 -- or, I'm sorry, a hundred and sixty thousand and
16 that includes the snowplow and the spreader. So he
17 told me himself don't piggy-back off of us, go to
18 COSTAR.

19 MR. HOLAHAN: Did you try
20 Amazon.com?

21 MS. PICKARD: This does have
22 the spreader and the plow on it?

23 MR. ED TUTRONE: Yes. What you
24 see here is -- on your spreadsheet, that price is
25 complete for the outfits. You'll have the

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1 Freightliner chassis and then it goes to EM clutch
2 for the outfit for the dump body, the hydraulics,
3 the spreader, the plow and all the incidentals that
4 come along with that. So that price that's on your
5 spreadsheet is the bottom line price for the entire
6 truck, for a driver to get in and start working.

7 MS. PICKARD: What's the
8 difference with the Peterbilt? Is that a bet --
9 you know, do they consider themselves the -- more
10 of a Cadillac truck then --

11 MR. GREGORY HAMILL: I'll
12 interject a little something here. I just bought
13 eight Freightliners between our Boston yard, our
14 Milford yard and Blakeslee. I was against it, but
15 the owner who was dollars and cents is by far the
16 biggest mistake we ever made. We're going back to
17 Kenworth and Peterbilt.

18 Freightliner can underbid
19 anybody pricewise. The quality of their trucks is
20 not there. I'll tell -- you can come over to our
21 yard and I'll show you our trucks. I've got one
22 that's a year old, one that's two years old and
23 they're literally falling apart, they're plastic.
24 And everybody knows plastic's cheaper than steel.

25 I -- I -- I told Jim Reeder, I

1 will not buy any more of them, period. The second
2 problem that I have with them is getting them
3 serviced. The dealer in Dunmore is completely

4 unreasonable. I run them all the way to Horwith in
5 Northampton, which is a long ways to drive to get,
6 you know, work done and stuff.

7 MR. ED TUTRONE: That's
8 actually where we got the price from is from
9 Horwith.

10 MR. GREGORY HAMILL: Horwith?

11 MR. ED TUTRONE: Yeah.

12 MR. GREGORY HAMILL: Now,
13 Horwith's a great bunch of people, but I can say
14 they're -- if you ever want to get a good idea of
15 who builds better trucks, go up north into the gas
16 fields. I worked up there for two years where we
17 ran nothing but Kenworth, these trucks are
18 absolutely bulletproof. We drove them up the side
19 of mountains, through river beds, we towed up
20 across top of the mountain in bulldozers, skid
21 steers. The trucks are just -- they're beasts.
22 About eight percent higher than Freightliner, but
23 what you're going spend down the road in
24 maintenance, there's no comparison.

25 MR. LANCE MIRKIN: Is there a

1 price from the -- from the Peterbilt, the local
2 Peterbilt dealer?

3 MR. ED TUTRONE: Yes, we have
4 from Pocono Peterbilt.

5 MR. LANCE MIRKIN: How much
6 higher was it?

7 MR. ED TUTRONE: He was --

8 MS. LAMBERTON: 14,000 for the
9 single.

10 MR. LANCE MIRKIN: How much?

11 MS. LAMBERTON: 14,000 higher
12 --

13 MR. LANCE MIRKIN: Well, you
14 got to take into consideration --

15 MS. LAMBERTON: Travel.

16 MR. LANCE MIRKIN: -- when you
17 got to run to Northampton, you got to send a chase
18 car. You got to bring them back, you're going to
19 miss two guys from work for a day. What's the true
20 cost for workmen's comp, medical benefits and
21 everything for your manpower that day; and
22 Peterbilt's around the corner. I mean, you got to
23 weigh all that out, 'cause \$14,000 and a hundred
24 and eighty thousand dollars that's not even 10

22 weigh in the downtime and the transportation.

23 MR. ED TUTRONE: Well, the
24 other thing --

25 And, Greg, I'm not -- I don't

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1 know what kind of -- what motor do you have in
2 those trucks?

3 MR. GREGORY HAMILL: Well, all
4 the Freightliners run Detroit's.

5 MR. ED TUTRONE: We put the
6 Cummins in and actually Paccar is supposedly built
7 by Cummins from what the Pocono Pete salesman told
8 me, Tom.

9 MR. GREGORY HAMILL: No. Paccar
10 has their own engine division that they bought out
11 of Stockholm, it's a European company. But now
12 Paccar owns it lock, stock and barrel.

13 MR. ED TUTRONE: Well, what we
14 did is we put a 380 horse Cummins in -- in the
15 Freightliner and the 380 horse Paccar, he told me,
16 is made by Cummins. The only thing they changed,
17 they put the name on the valve cover, everything

18 else is Cummins in it. This is what he tells me, I
19 don't know that for sure.

20 MR. GREGORY HAMIL: Who were you
21 working with down there?

22 MR. ED TUTRONE: Tom.

23 MR. GREGORY HAMILL: Tom?

24 MR. ED TUTRONE: Yeah. So I
25 mean, basically the suspension's the same as the

39

1 Hendricksons and Haulmax suspension. We used the
2 Jacobs exhaust brake, all the -- the Allison
3 transmission. I mean, each -- each piece is
4 identical, same manufacturer, just a different
5 truck.

6 MR. GREGORY HAMILL: Well, see,
7 this is the problem that we're having. All the
8 trucks are built out of the same parts basically.
9 The cab, the wiring, a lot of the configuration is
10 what's built by Freightliner, Kenworth or
11 Peterbilt. We don't have a problem with the
12 engines, we don't have any problems with driveline.
13 What we're having trouble with is nitpicking stuff;
14 the after treatment, the DEF system, electronic

15 problems underneath the dashboard, fires, we've had
16 two with these things.

17 I'm just saying from personal
18 experience, Freightliner may be a little cheaper,
19 but in the long run, it'll cost you a lot of money.
20 I've seen it happen in the car hold industry. I
21 know a lot of owner/operators bought Freightliners,
22 here again, they're cheap. Is what they call a
23 working man's truck, but any working man will tell
24 you real soon that's it's not a bargain by no
25 means, you know.

40

1 MS. LAMBERTON: Okay. Well, I
2 don't -- I don't know that we're not opposed to
3 looking at a new truck, but could we maybe check
4 Mack or -- I mean, there are other manufacturers.

5 MS. HAASE: We did.

6 MR. ED TUTRONE: I actually did
7 look at the Mack and that was out of line
8 pricewise.

9 MS. LAMBERTON: Pricewise?

10 MR. ED TUTRONE: Yes.

11 MS. LAMBERTON: Brendan?

12 MR. BRENDAN CARROLL: Do we
13 ever consider subcontracting snow removals so we
14 don't need to spend that hundred and eighty
15 thousand dollars? I mean, driver insurance and
16 tires, no offense, nothing about the job you do,
17 but there's probably a lot of guys with a lot of
18 iron sitting around here in the winter looking for
19 something to do with it.

20 MR. ED TUTRONE: Well, I can
21 tell you with our -- with our equipment bid for
22 snowplow, our tracks, what would a tandem single
23 axel -- it's about a hundred -- I believe a single
24 axel was a hundred and ten dollars with a snowplow
25 and spreader, a hundred and ten dollars an hour,

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1 tri-axel, I want to say, around a hundred and
2 thirty. And we put five -- six trucks on the road.

3 MR. BRENDAN CARROLL: Not all
4 of them, just some of them. Why don't you give a
5 section -- do what you guys -- I'm not saying get
6 rid of the whole thing, but --

7 MR. ED TUTRONE: I don't think

8 it would be cost effective, that's just me
9 personally, with subbing it out that way.

10 MS. HAASE: And Greg --

11 MR. LANCE MIRKIN: The trucks
12 are more than that.

13 MR. ED TUTRONE: Yes.

14 MS. HAASE: Yeah. Greg
15 actually helped us out this sum -- or this winter
16 per diem and I think he can attest the -- just the
17 short times you were out there, how much it's used.

18 MR. GREGORY HAMIL: Sure. It
19 was a thrill every minute I was out there. I spend
20 50 hours a week in a box putting up with people
21 from New York City.

22 MS. LAMBERTON: You're not
23 kidding, it was a thrill.

24 MR. GREGORY HAMILL: Trust me, I
25 enjoyed every minute of it.

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1 MR. ED TUTRONE: And the other
2 thing too Tunk had this -- they've been using this
3 for -- since 2013. They said they really haven't

4 had any problems with theirs and they were highly
5 recommended. We went over and took a look at it,
6 we took it for a drive and it seemed like a decent
7 truck, but again, I don't --

8 MR. LANCE MIRKIN: Who said
9 they didn't have any problems?

10 MR. ED TUTRONE: What's that?

11 MR. LANCE MIRKIN: Who said
12 they didn't --

13 MR. ED TUTRONE: Tunkhannock
14 Township. Like I said, they just ordered their
15 second one.

16 MR. GREGORY HAMILL: What I
17 would suggest is buy one and run it for a couple
18 two, three years, see what you get.

19 MS. PICKARD: I'm just
20 thinking, if you're saying it's more plastic, then
21 it's not going to rust as much, right?

22 MR. GREGORY HAMILL: It will not
23 rust.

24 MR. ED TUTRONE: The problem is
25 we can't keep them that long.

1 MR. HOLAHAN: Yeah, Brendan?

2 MR. BRENDAN CARROLL: Yeah. I
3 would take some time if you're on the long-term
4 plan, to really take some time to develop a spec. I
5 think it makes sense to have a fleet of trucks
6 that's the same for maintenance and service and
7 familiarity.

8 MR. LANCE MIRKIN: Same
9 filters, same carbs.

10 MR. BRENDAN CARROLL: Same
11 filters, all that stuff, same body, same plow, same
12 things.

13 MS. PICKARD: I think that's
14 what Eddie's already done pretty much.

15 MR. BRENDAN CARROLL: Well, I
16 see him doing a lot, but that's why I was thinking
17 -- I said the same thing, why not look at Mack.

18 MR. ED TUTRONE: We have two
19 Macks now, but what we were doing is -- the
20 component parts, like the engine and stuff like
21 that, that's what we've been -- we've been looking
22 at, to try to keep it the same. As far as the
23 snowplows, the ones we have now were a lot cheaper
24 at the time.

25 And that was a fatal mistake

1 when we bought them because they were a company out
2 of Canada and you would think that they would have
3 a good plow, not so much. We're constantly welding
4 them, we actually need to replace one this year
5 because it outlived the -- or the truck outlived
6 it, believe it or not. And we're looking at a
7 different plow, almost identical to what's on the
8 2000 International.

9 So we're starting -- we like to
10 keep -- like what you're saying, Brendan, we like
11 to keep everything streamlined, so you're looking
12 at one set of filters kind of thing. And that's
13 why again, when we went through this spec, I went
14 through it with Dave who does -- he's basically our
15 -- has a shop there and he knows trucks inside and
16 out, as far as mechanics go. And he was the
17 biggest person on the motors and the drivetrain.

18 So that's one thing that we were
19 keeping in mind along with -- like Greg said, we
20 could've got a Detroit motor in it versus the
21 Cummins, but we wanted the Cummins because we have

22 Cummins in here.

23 MS. LAMBERTON: Can I ask a
24 question? How many hours, if you were like a
25 fill-in person, how many hours did you spend

45

1 plowing?

2 MR. GREGORY HAMILL: Couple, two
3 three hours. Unfortunately I have another job so
4 --

5 MS. LAMBERTON: Yeah, I'm just
6 going by what Brendan's saying, like to put
7 somebody else -- to sub it out, seriously, for a
8 winter.

9 MR. BRENDAN CARROLL: Not the
10 whole thing. I mean, you haven't --

11 MS. LAMBERTON: I'm -- I'm --

12 MR. BRENDAN CARROLL: --
13 dedicated it to --

14 MS. LAMBERTON: I'm agreeing
15 with you.

16 MR. BRENDAN CARROLL: It might
17 buy a year's time to do research and --

18 MS. LAMBERTON: To actually get

19 two and maybe we can do more of a deal.

20 MS. HAASE: We tried that, they
21 won't give a better rate.

22 MR. ED TUTRONE: I asked that
23 question too, 'cause there was another supervisor
24 that I had seen, who's not here tonight, and he
25 said why don't you get two. I said, well, I don't

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1 think we have the money for two, but if guys want
2 to buy two, I'm in favor of that. But I did ask
3 the salesman -- both salesmen from Peterbilt and
4 from Freightliner, and they both told me that
5 you're not gonna get any kind of deal unless you're
6 around 10 plus trucks. And with the COSTAR's
7 contract, they're at their lowest anyway.

8 MR. HOLAHAN: Right.

9 MR. ED TUTRONE: So all the
10 concessions --

11 MR. LANCE MIRKIN: What are you
12 doing with the old truck?

13 MR. ED TUTRONE: We're gonna
14 sell it.

15 MR. LANCE MIRKIN: Did the
16 dealer offer you anything on it or are you gonna
17 sell it privately?

18 MR. ED TUTRONE: No. What we
19 have to do with a municipality, we actually have to
20 put it out for bid.

21 MR. HOLAHAN: Well --

22 MS. PICKARD: If it's over a
23 thousand dollars.

24 MR. HOLAHAN: Yeah. We -- I
25 think DPW is probably -- Eddie and our manager

47

1 probably put a fair amount of research into this
2 already. I kind of depend on the people that we
3 have in place to do those things. I don't know
4 that much about -- talk to me about building a
5 house or something like that and I'll have a real
6 good conversation with you. But I depend on the
7 people that we put in place for that
8 responsibility.

9 Is it the recommendation of DPW
10 that we move forward with the dual axle?

11 MR. ED TUTRONE: Yeah. I

12 actually like Greg's idea, let's try it; and if we
13 don't, you know, something comes up with it, then
14 the next one we look at will be -- will be a
15 Freightliner.

16 MS. PICKARD: Or we can sub it
17 out and look at that option as well. But I think
18 right now we need at least -- we probably need two
19 trucks. I think we need to move ahead with one and
20 then we can --

21 MS. LAMBERTON: If it's not
22 coming in till January, you might be subbing it out
23 anyway.

24 MR. HOLAHAN: Yeah. Do I have
25 a motion to approve the purchase --

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1 MS. PICKARD: I'll make a
2 motion that we move forward with the purchase of
3 the Horwith Freightliner at one eighty-one one
4 eighty for the dual axle.

5 MR. HOLAHAN: Got a motion.
6 Do I have a second?
7 I'll second.

8 Got 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 Heidi?
15 MS. PICKARD: I vote in favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I'll vote in
18 favor, but I'd also like to get some idea of what
19 it would cost for us to sub something out for a
20 season.
21 MR. HOLAHAN: Okay. So we have
22 a conditional --
23 MS. LAMBERTON: Yes. I have a
24 conditional, yes. I just like to, you know, voice
25 that opinion.

49

1 MR. HOLAHAN: I'm going to take
2 that as a yes.
3 MS. LAMBERTON: Thank you.
4 MR. HOLAHAN: And I vote in

5 favor. Motion carries.

6 MR. ED TUTRONE: Annie, what I
7 can do for you tomorrow, 'cause I log every storm
8 that we have for the guys who's in and I can look
9 through that book from last year.

10 MS. LAMBERTON: Even if it's
11 just the truck we're replacing, how many hours it
12 was out there and what it would've cost if that was
13 somebody else in place of that truck.

14 MR. ED TUTRONE: Yeah, well, it
15 -- that --

16 MS. PICKARD: That's -- we'll
17 be able to use the truck more.

18 MR. ED TUTRONE: -- truck that
19 we're replacing was out on everything, whether it
20 was a cinder storm -- you know, for two or three
21 hours, a full-blown snowstorm.

22 MS. LAMBERTON: Okay.

23 MR. ED TUTRONE: But I can get
24 you that information.

25 MS. LAMBERTON: Just to give me

1 an idea.

2 MR. ED TUTRONE: Yeah. I have
3 it all in the books.

4 MR. HOLAHAN: -- certainly
5 arduous --

6 MS. LAMBERTON: I appreciate
7 that. Thank you.

8 MR. HOLAHAN: So there's
9 certainly arduous as we (inaudible) out
10 municipalities -- I figured if I kept trying --

11 MS. LAMBERTON: It would come
12 out eventually.

13 MR. HOLAHAN: -- and townships
14 that take a look at how much do they want to do
15 in-house and how much do they want to sub out. So
16 there's certainly -- the head of DPW is either
17 going to be coordinating, scheduling and roads and
18 maintenance and fleet management and all those
19 things, or they're going to be managing bids,
20 they're going to be opening up bids and figuring
21 out what to take.

22 And I think that we need to --
23 we need to as a township figure out where we're
24 going to go at some point. Are we going to
25 maintain a full DPW or are we are going to take it

1 to a certain point where we are going to be subbing
2 some of those things out. So we can figure out --
3 our fleet, 'cause if we're going to start spending
4 money like this and then we have to figure out next
5 year or the year after we have to do it again.

6 MS. LAMBERTON: Right.

7 MR. HOLAHAN: And a couple of
8 years after we have to do it again.

9 MS. LAMBERTON: Right.

10 MR. HOLAHAN: What's our
11 long-term of holding onto, you know, DPW that's
12 staffed at what it currently is? Does it have to
13 expand or does it have to be reduced and do more
14 subcontracting?

15 MR. ED TUTRONE: John, just to
16 add to that, we -- we do -- we have the equipment
17 bid. So we do kind of work hand in hand. Last
18 year we got a lot of paving, we haven't done any
19 paying since 2004.

20 MS. LAMBERTON: Wow.

21 MR. ED TUTRONE: And we paved
22 quite a few roads last year that were just falling

23 apart, working with subcontractor and our fleet --
24 or our employees. And then this year same thing,
25 we're -- we got Stony Hollow paved and we're

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1 looking at paving about six roads, I believe.
2 They're not really big roads, but they're falling
3 apart, there's nothing left to most of them.
4 We're doing the base work
5 currently and the drainage. When I say the
6 drainage, the drainage maintenance because the
7 drainage has been done pretty much on 95 percent of
8 all our roads that exist now. So we're going in
9 doing the maintenance ahead of the paving, we're
10 gonna pave those. So far with Phyllis teaching me
11 how to be frugal, we were underbudget on Stony
12 Hollow and we may even be able to add another road
13 as far as paving, I'm gonna renew the contract
14 tomorrow morning and see if we can put another road
15 on.

16 MS. LAMBERTON: That's great.

17 MS. HAASE: Unfortunately in
18 the past, I mean, we've been faced with some

19 financial situations because of monies that was
20 taken away from us. I think with you folks working
21 with me now in this position for two years, one of
22 my big points -- and Eddie and I have come to agree
23 that this is the way we're going to move forward --
24 is planning and being very cautious with exactly
25 where every penny goes. And by co-partnering, we

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1 -- we could not be doing all of this without our
2 equipment bid and our material bid, we couldn't,
3 because there is so much work as you see by the
4 reports now that is done.

5 However, by co-partnering
6 together with our work forces and our rental bids,
7 we're making the money stretch so much further.
8 And that was certainly evident with Stony Hollow
9 that came in underbudget, which fortunately now
10 we'll be able to put into another road that is now
11 falling apart. So by being very cautious and
12 planning properly, we're able to move forward in a
13 better direction.

14 MR. ED TUTRONE: And actually,
15 as far as last year, what -- we did also use the

16 rental bid for some snow removal because we were --
17 the grant wasn't available, had nobody else and
18 that's what it was there for, that's what we needed
19 to do.

20 MS. HAASE: That's a good
21 point. Even with the five trucks we had, the five
22 trucks we had on the road, we still needed to bring
23 in equipment.

24 MR. HOLAHAN: I guess it goes
25 to what DPW -- their core function is taking care

54

1 of maintenance and roads and all the rest of the
2 things. I use analogy, you don't build a church
3 for Easter Sunday. So when we do these things, we
4 need to make sure that they're used at almost full
5 capacity. What I don't want to do is purchase a
6 bunch of things and then --

7 MS. LAMBERTON: It sits.

8 MR. HOLAHAN: -- it just sits
9 there.

10 MR. ED TUTRONE: No, I agree.

11 MR. HOLAHAN: And I'm sure you

12 are, so I -- from sitting up here trying to
13 evaluate what you do, I could see your report, but
14 I don't get to see what's going on, on a daily
15 basis where you guys are putting -- putting
16 together the township. I know that I'm pleased
17 with what I see and so --

18 MR. ED TUTRONE: If you ever
19 have a couple minutes during the day and you want
20 to take a ride out, I can show some of the other
21 stuff and --

22 MS. HAASE: We can put anybody
23 to work. I know Annie's done some plowing herself
24 so we can --

25 MR. ED TUTRONE: I know you

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1 have a hard hat in your car, John, so --

2 MR. HOLAHAN: I do. Well, I
3 leave it on the sun deck in the back there just to
4 impress people.

5 MS. LAMBERTON: I have a pink
6 one.

7 MR. HOLAHAN: I don't wear that
8 thing necessarily.

9 MR. ED TUTRONE: I can easily
10 get you a vest, so you can come help us work.

11 MR. HOLAHAN: All right.

12 MS. PICKARD: I did have one
13 quick comment. I have queued up on my computer
14 this video series for capital budgeting that
15 Phyllis and Eddie and I are planning on spending
16 some time with, in looking at putting forth and
17 looking at the numbers to make those decisions
18 which we haven't done in a long time as well.

19 MS. LAMBERTON: Sounds like way
20 too much fun.

21 MS. HAASE: Yeah. I just have
22 two quick -- actually three quick items just to
23 catch the board up on. I have spoken to Mr.
24 Campson from Blueberry Estates. He certainly
25 understands -- we've had a lengthy discussion the

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1 day before yesterday. He certainly understands
2 what they are faced with now. We will still
3 investigate the LSA Grant, but I think he
4 understands more the difficult situation that the

5 group is in.

6 I also mentioned to some of the
7 board members, I am looking into getting a -- to
8 video some of the areas in the township building.
9 We will be putting cameras in, in our entrances.
10 We will move forward in this budget with an NVR and
11 some cameras. We're looking at four now with the
12 capability of expanding it to the future.

13 So I just wanted to mention that
14 to the board. Also I've reached out to Brendan,
15 Brendan's here. We spoke day before yesterday, I
16 think, or yesterday --

17 MR. BRENDAN CARROLL: Yesterday.

18 MS HAASE: -- with regards to
19 Phase 5 and 6. As you recall, he brought it up at
20 Monday's meeting that he would like to move forward
21 with doing the improvements to those phases. He's
22 going to be out of the area for a few days. When
23 he comes back, we're going to sit and meet.

24 I've reached out to Pat, he's
25 given me some direction as well, which we have to

1 have just a little further discussion on that, but

2 we will be moving forward with that project as
3 well.

4 MR. HOLAHAN: Cool, cool.
5 Okay.

6 Anything else?

7 MS. LAMBERTON: Motion to
8 adjourn.

9 MR. HOLAHAN: Public comment?
10 Motion to adjourn.

11 Second?

12 MS. PICKARD: Second.

13 MR. HOLAHAN: All in favor,
14 aye?

15 BOARD MEMBERS: Aye.

16 MR. HOLAHAN: We're adjourned.

17 (Meeting concluded at 7:57 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.

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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 14, 2015, beginning at 7:00 p.m.

PRESENT: JOHN J. HOLAHAN, 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. HOLAHAN: Okay. I've got
2 seven o'clock. Call to order the regular
3 supervisors meeting for September 14. Let's start
4 with the pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MR. HOLAHAN: Good evening,
8 folks. Set your Tasers to stunned, please, and
9 we'll get started here.

10 What do we have in the way of
11 announcements?

12 MS. HAASE: I think I will save
13 those, sir, for my report.

14 MR. HOLAHAN: Looking forward
15 to it.

16 Let's consider the minutes for
17 August 10 regular business meeting.

18 MS. HAASE: I do have three
19 changes. Page 49, line 25, trick should be trunk;
20 Page 97, Line 7, Dunk should be Doug; and Page 107

21 MATT should be HATT, H-A-T-T.
22 MR. HOLAHAN: Okay. Do I have
23 a motion to approve the minutes as amended?
24 MS. LAMBERTON: So moved.
25 MS. PICKARD: Second.

3

1 MR. HOLAHAN: I got a motion
2 and second.
3 Further discussion from the
4 board?
5 Anything 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 vote.
13 MR. HOLAHAN: Anne?
14 MS. LAMBERTON: I vote in
15 favor.
16 MR. HOLAHAN: I vote in favor.

17 Motion carries.

18 Let's go to the treasurer's
19 report. Looking for an approval on the treasurer's
20 report in the amount of \$449,408.02.

21 MS. LAMBERTON: So moved.

22 MR. MOYER: Second.

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

25 Further discussion from the

4

1 board?

2 Anything from the public?

3 Hearing none. I'll call the
4 vote.

5 John?

6 MR. KERRICK: Abstained.

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: I vote in favor.

15 Motion carries.

16 Let's go on to solicitor's

17 report.

18 Patrick?

19 MR. ARMSTRONG: Thank you, Mr.

20 Chairman.

21 There's nothing listed under my

22 report. I do have a few updates that I will -- I

23 will have comments on some of the new business

24 agenda items further on, in the evening's meeting.

25 But the first item is with

5

1 respect to -- if you may recall, you got a request

2 from the Monroe County IDA concerning an agreement

3 with respect to a grant that they're applying for,

4 for that UGI gas line?

5 MR. HOLAHAN: Yes.

6 MR. ARMSTRONG: There were some

7 issues that we needed to get through in that

8 agreement. I believe we're -- we've gotten through

9 the big hurdle. As of Friday I looked at a revised

10 version and it addresses the concerns that I had.
11 This afternoon or late this morning I forwarded the
12 latest revised version to the IDA, as well as their
13 counsel and I expect to hear back from them
14 shortly.

15 After they're okay with those
16 revisions, the next step, it will be forwarded on
17 to the BCRA attorney to make sure that the BCRA is
18 agreeable to it, as they are also a party. And
19 then thereafter, it will probably be ready for this
20 board to act upon.

21 MR. HOLAHAN: Very good.

22 MR. ARMSTRONG: But there's
23 nothing -- there's no final version for you to act
24 upon tonight.

25 MR. HOLAHAN: Okay.

6

1 MR. ARMSTRONG: I do have
2 executive session items with respect to a zoning
3 appeal, as well as sewer collection cases with
4 respect to status on those.

5 And with respect to Kalahari,
6 it's my understanding that they are actually

7 currently in the process of moving forward with
8 Phase 2 construction. There are two outstanding
9 items that we likely need to address. One is the
10 supplement to the development agreement to address
11 the financial securities needed for that Phase 2
12 development.

13 My understanding is that Bob
14 McHale is waiting for a cost estimate for the
15 improvements associated with that Phase 2 of the
16 plan. Once we have that we can move forward with
17 the supplement to the development agreement to
18 address those issues.

19 And the other item is the sewer.
20 If you recall, this board approved the resolution
21 that you're -- might have been -- it was probably
22 your August meeting, authorizing moving forward
23 with condemnation proceedings against certain
24 properties to take an easement in order to put, you
25 know, the Tobyhanna Township Sewer District No. 1

7

1 sewer line.

2 Since that time, it's my

3 understanding that we have actually come to terms
4 with easements with those -- there's actually five
5 properties but four property owners -- with those
6 property owners, and it looks like we will not have
7 to proceed with the condemnation. Last time I
8 heard, we were still waiting for one signature on
9 the easements, but if everything goes as planned,
10 we should have that very shortly, If not already.

11 MR. HOLAHAN: Great.

12 MR. ARMSTRONG: So with that
13 said, it kind of goes into my next quick update.
14 With Phase 2, there came some requirements for
15 Kalahari to post additional financial securities
16 associated with their use of that pump station that
17 they're currently tied into. But given the fact
18 that they -- that we now have these easements along
19 these properties, the idea is that we're not going
20 to need to be connected to that pump station
21 anymore. And that eventually when the line goes in
22 through these easements, it will be through the
23 initial connection point of the initially proposed
24 sewer connection of the Kalahari resort's plan; and
25 thereby eliminating the need for those additional

1 financial securities associated with the pump
2 station.

3 I guess the reason I'm bringing
4 this up is, there's nothing for you to act upon
5 right now, but I think there's going to probably be
6 some discussions in the not too distant future to
7 see, you know, timewise as to how quickly that
8 line's going to be put in and the initial
9 connection point connected in the event that it's
10 going to be -- in the very near future, there is
11 likely no reason for them to require them to post
12 that financial security associated with the pump
13 station.

14 But obviously Pocono Township
15 has to be on board with this because it's their
16 pump station. But if, you know, everyone's on the
17 same page, which I think they are, I think we're
18 proceeding towards the initial connection point;
19 thereby bypassing, you know, the issues related to
20 that pump station. Okay?

21 MR. HOLAHAN: Great.

22 MR. ARMSTRONG: Everyone
23 understand? Any questions? Comments?

24 MR. HOLAHAN: No? Okay.

25

MR. ARMSTRONG: Okay.

9

1

MS. HAASE: Good.

2

MR. ARMSTRONG: Thank you.

3

That's all I have for my report at this time.

4

MR. HOLAHAN: Great.

5

Phyllis, how about the manager's

6

report?

7

MS. HAASE: Yes, sir. The

8

first item I'd like to address is old Route 940.

9

We have received some change orders. I've asked

10

actually Mr. Hendricks to come in, to answer any

11

questions that you may have.

12

In front of you there are photos

13

of the old Route 940 bridge, the areas that we're

14

speaking of. There is an eastern view and a

15

western view. There's one copy of each.

16

Jim, I'm going to turn it over

17

to you.

18

MR. JAMES HENDRICKS: I'm Jim

19

Hendricks with Rettew Associates. Thank you very

20

much for having me here, Phyllis.

21 There was some things on the 940
22 bridge that weren't available to be seen from our
23 visual inspection before we did the plan and
24 specifications. And although we've done a number
25 of bridges of this type, unfortunately, these are

10

1 not conditions that we have seen typically in those
2 bridges, so we didn't anticipate it.

3 I did forward some change orders
4 earlier today. There's one for an epoxy crack
5 injection repair and we were not aware that there's
6 cracks in the walls of the abutment that you could
7 see here. They penetrate the hole with the
8 abutment. We weren't aware of that. The way to
9 repair those economically is to -- the epoxy
10 injection.

11 MS. PICKARD: Is it on the east
12 or the west?

13 MR. MOYER: Both of them.

14 MS. HAASE: They're both of
15 them.

16 MR. JAMES HENDRICKS: The
17 other one was a -- there's a beam seat repair to be

18 done under the -- the middle beam. It wasn't
19 apparent to us that it was cracked all the way up
20 to the beam seat and we're concerned that if we put
21 the new beam on that seat with that crack, it will
22 wind up reflecting back to that beam and causing
23 the situation we already have.

24 So the change order's to
25 actually notch out the three by three foot block of

11

1 that abutment wall and replace that beam seat so
2 that the new beam will not be affected by the old
3 crack if it does reoccur.

4 The amount of the first one I
5 just mentioned was \$12,200. The beam seat repair
6 is \$17,500 and there is a foundation drain that we
7 recommended that will provide a drain for the back
8 of the abutment walls according to the detail that
9 PennDOT has. It's not one that the two feels is
10 mandatory, it has to be done, but since we're
11 already doing that work, it's -- we recommend it.

12 That particular one we feel like
13 the contractor has priced high and we are

14 continuing to negotiate with him on the price. So
15 they have priced that third one at \$12,200. With
16 our estimates being conservative, the most we've
17 gotten up to is 9,000.

18 MR. KERRICK: Can I ask you a
19 question on that or do you want to wait until the
20 end?

21 MR. JAMES HENDRICKS: You can
22 ask me.

23 MR. KERRICK: What does that
24 consist? A pipe at the bottom and stone all the
25 way to the top?

12

1 MR. JAMES HENDRICKS: It's --
2 actually I have a detail here that I can share with
3 you. So it's not at the bottom, it's stone to the
4 top, John. It is -- but it is a pipe wrapped in
5 stone. It's not completely at the bottom of the
6 abutments because it's mostly to keep the water
7 away from the beam seeps on the back of the beam.

8 MR. KERRICK: You can show it
9 to me later.

10 MR. JAMES HENDRICKS: Okay.

11 Well, it's that same type of detail as you probably
12 have commonly seen where we wrap a pipe in some
13 stone and in some fabric to keep its integrity from
14 the surrounding backfill and it runs along the back
15 of the abutment and then it daylights on both sides
16 of the road to allow any water that gets underneath
17 the road to travel out and exit.

18 And we also are -- recognize
19 that the beam seat grout repair is another
20 requirement. The beam seat -- the beams actually
21 sit on grout on top of the abutment wall and it
22 wasn't apparent that that was in such deteriorated
23 condition that needed to be removed and replaced.
24 And that -- that's apparent now that the demolition
25 has proceeded to the point where it is.

13

1 So right now we've recommended
2 four change orders. The total of those four would
3 be \$52,900 and what we would like the board to
4 consider is authorizing the change orders the way
5 they're written in the amount they are, as a not to
6 exceed, to allow us to continue negotiate with

7 contractors 'cause we feel like we do have an
8 opportunity to lower the prices on those.

9 So we are trying to move very
10 quickly on this so he doesn't start asking for
11 delays because we're taking a long time to come up
12 with designs and direction from him. And he's
13 really not entitled -- I mean, he's -- he has some
14 scheduling issues based upon his shop drawing
15 submittals and the fabrication time and his last
16 submittal was just approved today, so that's all in
17 his court.

18 MR. HOLAHAN: Okay. And you've
19 gone over all this with Mr. McHale?

20 MR. JAMES HENDRICKS: I sent
21 these -- the details to Bob earlier today. He did
22 -- we have talked about it and he saw the change
23 orders. He asked for some additional details and
24 one was the foundation drain, which we sent to him.

25 MS. HAASE: I did meet with Bob

14

1 this morning --

2 MR. HOLAHAN: Okay.

3 MS. HAASE: -- after you

4 received the change orders, we went over all of
5 them and he does concur with the requests.

6 MR. HOLAHAN: Okay. Do I have
7 a motion to approve the change orders not to exceed
8 52,9?

9 MR. KERRICK: I'd make that
10 motion.

11 MS. LAMBERTON: Second.

12 MR. HOLAHAN: I got a motion
13 and a second.

14 Further discussion from the
15 board?

16 MS. PICKARD: Would that be
17 contingent upon our legal and engineer's approval
18 or we're pretty sure --

19 MS. HAASE: He has reviewed.

20 MS. PICKARD: Okay. All right.
21 I'm good then.

22 MR. HOLAHAN: Further
23 discussion?

24 Anything from the public?

25 MS. HAASE: Mr. Chairman, if we

1 could add that they were Change Order Nos. 1, 2, 3
2 and 4 --

3 MR. HOLAHAN: Okay.

4 MS. HAASE: -- please?

5 MR. HOLAHAN: So amended.

6 MR. ARMSTRONG: Yeah, and just
7 to clarify. I don't know if there's anything
8 really for me to review. This -- I'm assuming this
9 was all outside of the contracted bid because we
10 didn't anticipate these issues.

11 MR. JAMES HENDRICKS: That is
12 correct, yes.

13 MR. ARMSTRONG: So there's
14 probably nothing for me to review with respect to
15 the contract.

16 MR. HOLAHAN: Further
17 discussion?

18 Hearing none. I'll call the
19 vote.

20 John?

21 MR. KERRICK: In favor.

22 MR. HOLAHAN: Heidi?

23 MS. PICKARD: I vote in favor.

24 MR. HOLAHAN: Donald?

25 MR. MOYER: I vote in favor.

16

1 MR. HOLAHAN: Anne?

2 MS. LAMBERTON: I vote in
3 favor.

4 MR. HOLAHAN: I vote in favor.
5 Motion carries.

6 Thanks, Jim.

7 MS. HAASE: Jim, thank you for
8 coming in.

9 MR. JAMES HENDRICKS: You're
10 welcome.

11 I wanted to announce to the
12 board that I received notification on May 14, 2016,
13 there's gonna be the Wagner Relay. It will coming
14 through the township again. They're going to be
15 utilizing private roads in Emerald Lakes and state
16 routes, but they still need acknowledgement from
17 the township, so I will be sending that out.

18 MR. HOLAHAN: Very good.

19 MS. HAASE: American Red Cross
20 would like the township to consider having a blood
21 drive. I'm not opposed to that. I don't know if

22 the board has any issues --

23 MR. HOLAHAN: I have none.

24 MS. HAASE: -- if we advertise?

25 MR. HOLAHAN: Everybody okay

17

1 with that?

2 MS. LAMBERTON: Yeah,

3 absolutely.

4 MS. HAASE: Okay.

5 MR. HOLAHAN: Certainly.

6 MS. HAASE: I also just wanted
7 to touch base with the board that I will be
8 advertising in taking sealed bids for the sale of a
9 1996 Ford LN 8000 truck, with a mileage of 74,031
10 miles.

11 I did receive official
12 confirmation that the western polling place has
13 been officially changed and it is going to be at
14 the Faith Lutheran Church at 550 Route 940.

15 MR. HOLAHAN: I think that's
16 appropriate, prayer and voting going together.
17 Certainly --

18 MS. HAASE: If the board
19 recalls last month, I had mentioned that I was
20 going to be bringing some information to the board
21 with regards to LERTA, and that's the acronym for
22 Local Economic Revitalization Tax Assistant Act.
23 And what I'm passing out is the
24 actual act and also information that I've received
25 from the IDA. And what they've done is, they've

18

1 taken a parcel of land on -- or a property on 15
2 acres of land and they broke out the relief that
3 would be for the property owner if, in fact, that
4 they were in a LERTA zone.
5 I've also passed out the map of
6 the township as well and if this is something that
7 the board is interested in pursuing, then I will
8 need direction as far as what areas that you would
9 like to consider. Once we decide the areas that
10 you would like to be zoned as a LERTA, then Bob and
11 I will sit down and do narratives on those
12 properties and we'll have to spell out the specific
13 boundaries of this area.
14 The LERTA where the IDA has it

15 referenced as being six years on a scale being paid
16 back, according to the act, it can go up to ten
17 years. So that's a decision as well that the board
18 would make, is the length of time, up to ten years,
19 and the zones that we would need.

20 A couple areas that maybe we can
21 consider is of course the Blakeslee area. We have
22 the Blakeslee Village that we were looking at,
23 perhaps maybe also the Pocono Pines area. We have
24 the old Hop Inn, we have a few properties that
25 maybe we could consider. And then we also have

19

1 Pocono Summit, whether we look at some changes out
2 there and hopefully that we can progress in making
3 that a little bit more pleasing.

4 What we -- what I did find out
5 on Friday is, this does not necessarily have to be
6 just commercial. It can also be residential, if
7 need be. But definitely it's gonna be, as I put
8 down, it's for an area that is deteriorated and
9 needs to be improved. And that is what's in the
10 act.

11 So I still have some questions
12 that I'm going to reach out to Mr. Leonard from the
13 IDA, because I have some questions with regards to
14 this act that I just need some clarification on.
15 But the next step would be that the board decide
16 exactly where you would like to create those zones,
17 and then internally we would start working on the
18 narratives and the proper mapping that we'd have to
19 submit.

20 We would bring it back to the
21 board for your approval. We would have to reach
22 out to the school district and we'd also to have to
23 reach out to the county, and that's something the
24 IDA would go with us and represent us.

25 MR. HOLAHAN: Heidi, you had

20

1 said something a couple years ago, I recall, about
2 something like this and I think this is probably
3 about the time.

4 The other thing would be to go
5 out to some of our residents and find out if
6 they've got suggestions, you know, just being in
7 the neighborhood and figuring out, hey, I'd like

8 this taken a look at, so --

9 MS. HAASE: Just to be -- just
10 so everyone understands, with the LERTA, it would
11 be the improvements we receive the release for a
12 period of time, but they would still pay the
13 initial taxes on the property and the structure.
14 It's just the increase would be changed and that
15 would be spread out on a scale between the six to
16 ten years, whichever your decision would be.

17 MS. LAMBERTON: Do you know how
18 they're classified as like deteriorated? I mean,
19 who classifies it?

20 MS. HAASE: Well, that's my
21 question actually, because in the act I highlighted
22 what is deteriorated property and that's actually a
23 question I have for Mr. Leonard.

24 MS. LAMBERTON: Okay.

25 MS. HAASE: I'm a little -- I

21

1 had questions.

2 MS. PICKARD: Phyllis and I
3 spoke earlier also because Middle Smithfield

4 brought this up again, just classified everything.

5 MR. HOLAHAN: Everything?

6 MS. PICKARD: Everything.

7 MR. HOLAHAN: Right.

8 MS. HAASE: They made it all
9 commercial in Middle Smithfield so -- and they were
10 able to do that with that.

11 MS. HAASE: Yeah, so I have
12 some questions.

13 MR. HOLAHAN: Well, I think
14 they did a great job with that too, Middle
15 Smithfield. They're working a long time --

16 MS. PICKARD: Yeah.

17 MR. HOLAHAN: -- but they took
18 care of some things that needed to take care of.

19 MS. HAASE: Yeah, Mr. Leonard
20 said it took about two years to get through that
21 process.

22 So this is something, if the
23 board would like to consider, and either reach back
24 out or I can -- we can keep this on the agenda for
25 further discussion next month, however you'd like

1 to handle that.

2 MS. PICKARD: I'd like to see
3 it move forward quicker. I think the question I
4 have is, how do we determine what those areas are?
5 It seems to me that the Blakeslee and the sewered
6 area --

7 MR. HOLAHAN: Right.

8 MS. PICKARD: -- would be
9 relatively easy to determine, specially commercial
10 corridors on the corners. Pocono Pines and Pocono
11 Summit, I'm a little -- yeah, I don't -- you know,
12 if we can do more, but it's not deteriorated.

13 MR. HOLAHAN: Well, perhaps
14 getting the clear definition of what that is can --
15 we can decide what gets folded into that at that
16 point.

17 MS. PICKARD: Maybe Phyllis
18 could go out or somehow you and Maureen could be
19 able to go to downtown Pocono Pines or Pocono
20 Summit and have some suggestion. I mean, I don't
21 know how to go about that.

22 MR. ARMSTRONG: Yeah, it looks
23 -- it looks like there's no clear specific
24 definition in the LERTA Act, but it does reference
25 what's known as blighted areas under the Urban

1 Redevelopment Law. And it also references the
2 Neighborhood Assistant Act, which talks about, you
3 know, they'll take into consideration unsafe,
4 unsanitary and overcrowded buildings, vacant,
5 overgrown and unsightly lots of ground. I mean,
6 there's references within the LERTA Act, but in
7 those references it talks about other acts like the
8 Urban Redevelopment Act and the Neighborhood
9 Assistant Act.

10 MS. HAASE: The area that I'm
11 having -- I'm struggling with, it's, the property
12 that has been subject to and ordered by government
13 agency to claim the unit to be vacated, condemned,
14 demolished by reason of noncompliance with laws,
15 ordinances or regulations. And that's the area
16 that I'm having -- I'm struggling with.

17 MS. LAMBERTON: It also says
18 here that it's designated deteriorated areas of
19 economically depressed communities, so, I mean,
20 that's pretty broad --

21 MR. ARMSTRONG: Yeah, and if

22 you --

23 MS. LAMBERTON: -- when you
24 look at our history in the last 10, 15 years, just
25 in the county alone.

24

1 MR. ARMSTRONG: If you look at
2 what's defined as deteriorated property, it calls
3 upon property located in a deteriorating area,
4 which is set by the ordinance of the municipality
5 based on those other conditions I just -- I
6 mentioned or any such property that has been
7 subject -- you know, condemned, vacated, so on and
8 so forth, so it's an either-or. It's either
9 property that's, you know, classified as
10 deteriorating under this act, in the Urban
11 Redevelopment, in the Neighborhood Assistant Act or
12 it's property that's been vacated, condemned, so on
13 and so forth.

14 MR. HOLAHAN: Well, first
15 thing, is it the consensus of the board to move
16 forward?

17 MS. LAMBERTON: Absolutely. I
18 think Phyllis should reach out to Chuck and --

19 MR. HOLAHAN: So that would be
20 the next thing, reach out to Chuck, Mr. Leonard,
21 from the IDA and find out what kind of --

22 MS. HAASE: For the
23 clarification?

24 MS. LAMBERTON: Yep.

25 MR. HOLAHAN: And what the help

25

1 he can offer here.

2 MS. HAASE: All right. And
3 then I'll bring it back to the board in October
4 then --

5 MR. HOLAHAN: Please.

6 MS. HAASE: -- for the areas to
7 be zoned?

8 MS. LAMBERTON: And if you have
9 time maybe to suggest areas that --

10 MS. PICKARD: Yeah.

11 MS. HAASE: Absolutely.

12 MS. LAMBERTON: -- you do take
13 --

14 MS. HAASE: Absolutely.

15 MS. LAMBERTON: -- some visuals
16 and maybe some photos --
17 MS. HAASE: Okay.
18 MS. LAMBERTON: -- and say this
19 could be an area for us and Bob --
20 MR. HOLAHAN: Certainly is an
21 example --
22 MS. LAMBERTON: Absolutely.
23 MS. HAASE: Absolutely.
24 MR. HOLAHAN: Perfect.
25 MS. LAMBERTON: Because that

26

1 will move it along a little faster, I believe.
2 MR. HOLAHAN: All right.
3 MS. HAASE: Absolutely. So
4 we'll have that for old business.
5 MR. HOLAHAN: Cool.
6 MS. HAASE: We also would be
7 sending out an RFP for our auditor. The contract
8 will expire 12/31/15, so we're requesting
9 proposals.
10 MR. HOLAHAN: Okay.
11 MS. HAASE: And my question

12 would be, does the board want that for another
13 three year contract?

14 MR. HOLAHAN: I would think so.

15 MS. HAASE: That's what we did
16 with Riley & Associates. Three years?

17 MR. HOLAHAN: Yeah, I would
18 think so.

19 Is everybody okay with that?

20 MS. PICKARD: Yeah.

21 MR. MOYER: Yes.

22 MS. LAMBERTON: I'm fine with
23 that.

24 MS. HAASE: Okay. I am also
25 going to ask the board for some suggestions on

27

1 dates for budget meetings. If we can go towards
2 the end of October. Last year we did Wednesday
3 mornings, at seven o'clock, are you still
4 comfortable with that? Is that what you want to
5 do?

6 MR. MOYER: That's okay.

7 MS. HAASE: Now, I know, Mr.

8 Holahan, you're gone towards the end of the month,
9 you have a meeting on a Wednesday early, so I'll
10 work around your schedule.

11 MR. HOLAHAN: I want to be here
12 for the budget meetings, I --

13 MS. HAASE: Yeah, so I'll work
14 around that.

15 MR. HOLAHAN: -- look forward
16 to those.

17 MS. HAASE: I make them very
18 interesting.

19 MR. HOLAHAN: They really are
20 fun if anybody's gone through them.

21 MS. HAASE: I also passed out
22 to the board and I just wanted for you to be aware,
23 I've spoken to some board members, T&M Associates,
24 which is our -- an engineering firm that we've done
25 work with this year, had approached me on ways that

28

1 perhaps we could better improve our area with
2 economic development and was, of course -- we've
3 received a lot of praise for how we handled
4 bringing in business in our area and making certain

5 that we welcome them but we want it done properly
6 and planned properly.

7 So we have proposed to PCAPs a
8 presentation, it will be two, 75 minute
9 presentation sessions, and that has been submitted,
10 so we'll see if it's recognized and approved and
11 that should be in November. So I'll keep the board
12 updated on that.

13 I do want to announce that the
14 fall festival is gonna be October 3 from 11 to 5.

15 And that is all I have at this
16 point, sir.

17 MR. HOLAHAN: Very good. Thank
18 you.

19 Let's go to committee reports.
20 Anything from Pocono Mountain Regional EMS?

21 MS. DENISE DOREMUS: Yeah. Hi,
22 Denise from Pocono Mountain Regional EMS.

23 MR. HOLAHAN: Hi, Denise.

24 MS. DENISE DOREMUS: Hi.

25 Total calls for this month for the Pocono Mountain

1 Regional EMS ambulance was 504; year to date was
2 3,685 calls. This month in Tobyhanna Township was
3 96 calls this month. It is up 4.9 percent for the
4 total month and all together we are up for the year
5 to date, 11.5 calls, just in this area and on
6 mutual aid calls, we're up 89 percent, so 14.8
7 percent all together were up in total calls.

8 Phyllis, I had sent a letter of
9 support --

10 MS. HAASE: A request for an
11 LSA Grant? Yes.

12 MS. DENISE DOREMUS: -- for the
13 LSA Grant.

14 MS. HAASE: And that's on the
15 agenda further down.

16 MS. DENISE DOREMUS: Okay.

17 MS. HAASE: Yep.

18 MS. DENISE DOREMUS: You have
19 any questions?

20 MR. HOLAHAN: Yeah, when you
21 say up, you mean trending year over year?

22 MS. DENISE DOREMUS: After last
23 -- yeah, from last year, 2014 we're up 11 --

24 MR. HOLAHAN: So now, how is
25 that compared to the prior year before that? Are

1 we seeing -- is this trending up constantly?

2 MS. DENISE DOREMUS: You know,
3 through the years, because I've been doing this a
4 pretty long time, usually every few years there's a
5 jump, but I don't honestly ever remember it being
6 -- there's a hundred calls extra a month.

7 MR. HOLAHAN: Yeah.

8 MS. DENISE DOREMUS: We used to
9 border on 400 calls a month, we're up to 500 calls
10 a month, so it's a lot.

11 MR. HOLAHAN: Oh, yeah.

12 MS. DENISE DOREMUS: So it's
13 the biggest jump I've ever seen honestly. Last
14 year and the year before -- actually the last three
15 years, it was pretty much the same. This year is
16 -- it's almost 12 percent over than what we had,
17 and just in our area.

18 MR. HOLAHAN: How you doing
19 with staffing?

20 MS. DENISE DOREMUS: It's
21 actually -- I think I'm pretty level -- level now.
22 We had two people coming up to paramedics that were

23 EMTs, we already hired some EMTs, so those medics
24 filled in nicely. We were a little short on
25 medics, but now that they're medics, we're doing

31

1 pretty good now.

2 MR. HOLAHAN: Great.

3 MS. DENISE DOREMUS: Okay?

4 MR. HOLAHAN: Thank you.

5 MS. DENISE DOREMUS: Anything

6 else?

7 MR. HOLAHAN: Nope, that's it.

8 Anybody else? No?

9 MR. MOYER: No. Good.

10 MR. HOLAHAN: Thank you,

11 Denise.

12 MS. DENISE DOREMUS: No

13 problem.

14 MR. HOLAHAN: Let's go to

15 Pocono Mountain Regional Police Commission.

16 Donald, are you gonna do this

17 one or we're gonna let Phyllis take care of it?

18 MR. MOYER: Let Phyllis take

19 care of it.

20 MR. HOLAHAN: Okay.

21 MR. MOYER: There wasn't much.

22 MS. HAASE: Thank you. I did

23 want to announce that Coolbaugh Township will be

24 hosting at the library the next Pocono Mountain

25 Regional Police Commission meeting, so anyone that

32

1 would like to attend, it will be at the library.

2 They are still moving forward

3 with location for the shooting range and we are

4 still trying to resolve the issue with the mold in

5 the building. And we hope within the next two

6 months we should be back in there.

7 MR. MOYER: Yeah.

8 MR. HOLAHAN: Okay. Well, turn

9 the heat off down there and the mold won't grow.

10 How about open space?

11 MS. PICKARD: We have a meeting

12 five o'clock this coming Monday here at Tobyhanna

13 Township, so maybe we'll have something next month.

14 MR. HOLAHAN: Very good. Let's

15 go into old business.

16 Proposed zoning ordinance.
17 Anything? Anybody?
18 MS. HAASE: The -- if the board
19 recalls and it's actually further down on the
20 agenda, that we have gone into an agreement with
21 the Natural Lands Trust, which is partnering with
22 the William Penn Foundation through a grant to
23 assist us in looking at some of our zoning
24 ordinances.
25 MR. HOLAHAN: Perfect.

33

1 MS. HAASE: So at this
2 particular time, I have no updates for the proposed
3 zoning ordinances.
4 MR. HOLAHAN: But as we put
5 this together, we may start --
6 MS. HAASE: Yes, sir.
7 MR. HOLAHAN: -- moving on.
8 Great.
9 Okay. How about the sale of the
10 wastewater treatment plant?
11 Anything happening there,

12 Patrick?

13 MR. ARMSTRONG: Yeah. I've
14 been going through a number of the township files.
15 I've been in contact with Aqua. We're getting to a
16 point, I think, probably this week we'll be able to
17 submit like a -- almost like a counterproposal just
18 with some issues that have developed.

19 The big one is the timing. We
20 brought this up when they were here before you last
21 month. You have -- you've refunded your existing
22 note -- or bond for the sewer and you refunded or
23 refinanced that in 2011 and there's a five year
24 time frame, which takes us to June, July 2016, so
25 closing on this realistically won't be before that

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1 point in time because you don't want to get hit
2 with a penalty. Aqua's aware of that, I've talked
3 to them, and they're convinced that the approval
4 process isn't gonna get us anywhere before that
5 time frame anyway.

6 MR. HOLAHAN: But if you want
7 to move before that, would they compensate us for
8 any prepayment penalties?

9 MR. ARMSTRONG: That discussion
10 has not taken place. They're responsible -- we
11 won't likely get our approvals that we need before
12 that time frame.

13 MR. HOLAHAN: Okay.

14 MR. ARMSTRONG: So they're not
15 very concerned with the timing.

16 MS. HAASE: They anticipate
17 about seven to eight months of the PUC.

18 MR. HOLAHAN: Right. Okay.

19 MR. ARMSTRONG: But I have been
20 in contact. I've been going through files. My
21 next step is to come in and meet with Bob to go
22 look at the -- you know, the nice big thick plan of
23 the entire sewer system in one of those back rooms
24 and we're going to kind of go through the easements
25 and make sure that we have everything with respect

35

1 to the real estate that we should for the project,
2 but it's progressing. Thank you.

3 MR. HOLAHAN: Anybody have any
4 questions on what we're doing there? No. Good.

5 This is getting maybe a little
6 faster than you thought, John.

7 MR. KERRICK: We're doing all
8 right.

9 MR. HOLAHAN: Okay. Cool.
10 And we already spoke about the RCAP so -- right?

11 MS. HAASE: The polling place
12 and also the --

13 MR. HOLAHAN: Yep. Okay.
14 Great.

15 So now for the exciting part of
16 the meeting is new business. And first on the
17 agenda is the Marker Advocates of Tobyhanna
18 Township, or MATT, the acronym. And we've got Rick
19 Bodenschatz to give us a little presentation on
20 that.

21 MR. RICK BODENSCHATZ: Thank
22 you. Thank you for having me. I'll put this out
23 here and then we'll turn it around for the public.
24 But first of all, let me just pass these down.

25 Please, John?

1 MR. KERRICK: Sure.

2 MR. RICK BODENSCHATZ: And my
3 name is Rick Bodenschatz. I'm the member,
4 designated manager of the Marker Advocates of
5 Tobyhanna Township and you're looking at a marker
6 that currently exists at Pocono Lakes Cemetery that
7 was done approximately a year ago. It was a
8 donation by the Questers Organization to the
9 cemetery and this emulates the type of marker that
10 we are advocating for our historical marker program
11 in Tobyhanna Township.

12 And as you know historical
13 markers dot every corner of the US. I mean,
14 commonly are operated -- the programs are operated
15 by both states and on a local level and cities and
16 so on and organizations as well, as it is in our
17 case. And until 2013 we actually never had any
18 markers in Tobyhanna Township and, in fact, Monroe
19 County being rural as it is, has less than the
20 average for population in the state overall through
21 the state program.

22 But despite our remote location,
23 over 175 year period, we have a very remarkable
24 historical record. A lot of things that come to
25 light with a number of research projects that our

1 folks have done over the last five years and public
2 interest has grown considerably.

3 So this past spring we enacted a
4 concept of a network of historical roadside markers
5 for Tobyhanna Township and we've launched with over
6 20 volunteers, one of which is in the room here and
7 now, Susan Bush with us, and Susan helps out on our
8 writing committee so to speak. It's called our
9 marker advisory committee and we make
10 recommendations to the entire group of topics and
11 actually do the proposed text writing for the
12 donors and the property owners.

13 We are a unincorporated
14 nonprofit association under PA Statute Title 15 and
15 as such, we are also visioning ourselves to put
16 ourselves out of business with success, hopefully.
17 We have given ourselves an objective of a four-year
18 program and to actually succeed in reaching an
19 objective of 30 markers for the township. We felt
20 that's probably a good number for the number of
21 subjects that are remarkable to us.

22 And our goals are to educate and

23 preserve the rich history of Tobyhanna Township and
24 to enhance a heritage of tourism, which we all know
25 is very beneficial to our local economy and our

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1 local businesses. Believe it or not, there's a lot
2 of us history geeks out there who will travel quite
3 a way to see a network or something significant and
4 this will be rather significant to have this number
5 of markers with significant history and a driving
6 tour, so to speak, where people actually will be
7 stopping for gas, stopping for lunch, buying
8 memorabilia; so we're hopeful that it's going to
9 help local businesses on a gradual basis through
10 time.

11 But it also creates community
12 pride and we are already seeing that with the
13 excitement that we're getting in a feedback from
14 folks around the township and the limited exposure
15 that we have had. So as I mentioned with 30 top --
16 with 30 as an objective, right now we have 26
17 topics. Three more were approved by our committee
18 in the full group last Thursday, one of which is
19 Tobyhanna Township. And as a whole, we're founding

20 and -- in our roots.

21 These markers last as a minimum
22 -- we don't know how long they last, but they last
23 as a minimum 50 to 75 years. Similar markers that
24 are very identical markers put up by the state in
25 1948 in the county are still out there going strong

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1 and so -- so this is a case where we need to do it
2 right and get it right because they're gonna be out
3 there a long time and mistakes can't be forgiven in
4 something like this.

5 So we approve topics on the
6 basis of three criteria. The history of the
7 subject, the topic must be meritorious, it must be
8 historically significant, and it must be
9 interesting. And as we say, Uncle Harry's tea rose
10 garden doesn't make the cut, so we have to make
11 sure that these are subjects that are, in fact,
12 worthy of the public reading them, understanding
13 and appreciating them.

14 Once enough markers are in
15 place, we will have a driving map brochure and that

16 will be both in hard print, as well as on our
17 website. In fact, you'll see our website printed
18 on the bottom of the back of the brochure. It is
19 up and running now with the two existing markers
20 that are in -- in the township, each in the last
21 two years and a home page for that. Good driving
22 direction maps and a lot of other details.

23 Through time we will be placing
24 more and more backup information. So many -- so
25 many words you can get on one of these little

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1 puppies, so we are kind of going to be backing up
2 with -- some of which we already have historical
3 articles and accounts and some which we have to
4 develop, so that the history can be expanded on the
5 website. And to supplement that, both by way of
6 hard copy driving maps, it will be available
7 through the township and web search. Finding us
8 will be a QR program, where QR decal will be on
9 each pole, simply hold up your mobile device, bang,
10 scans it, takes you right to the website for that
11 particular marker, as well as the entire website.

12 So each property -- or each

13 marker will be permanently installed on property
14 and we have an agreement, a legal agreement to be
15 entered into by the property owner and by MATT and
16 it's signed, sealed and delivered. And we also had
17 a meeting with Maureen in zoning a few weeks back
18 to make sure that we understand the process.

19 We don't want to have any issues
20 with right of way or any issues with anything else
21 that's totally unexpected or unknown by us, not
22 making dangerous assumptions but, you know, is
23 there a new sewer line going through, is there --
24 what is the activity, what is known, so that we can
25 properly communicate; so once we stick that pole in

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1 the ground, not that it can't be removed easily,
2 but once we do it, we can do it being rest assured
3 that we've done it correctly.

4 MR. HOLAHAN: You may have to
5 check with PA One Call on some of those things.

6 MR. RICK BODENSCHATZ: Yes,
7 absolutely. Yep.

8 MR. HOLAHAN: Right.

9 MR. RICK BODENSCHATZ: And when
10 each marker is installed, we will also be having a
11 brief dedication. The big news is for it, that
12 this is all free to the public and doesn't cost the
13 public anything. It is something to enjoy for
14 many, many years and not just the public, so to
15 speak, but the important parts, our residents and
16 our visitors.

17 So with it being a four-year
18 program, we're very excited about the fact that of
19 the goal of 30, we -- we are very quickly
20 approaching the halfway point. We have -- I think
21 it's 11. There's already two in the ground and
22 counting towards that thirty so we're cheating a
23 little bit from the last two years, but it gives us
24 our base and our examples; but we have commitments
25 for and are already receiving checks for upwards of

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1 eleven. This week we expect to have a few more by
2 the sounds of things, so we're quickly approaching
3 after 100 days our halfway point.

4 But I don't want to get too
5 optimistic, we know anytime there's fundraising a

6 project like this, it's more so the low hanging
7 fruit and it's the second half that really gets
8 tough. And so we'll -- over the next couple years
9 doing this, some more general fundraising things to
10 support that. But the good news behind that is, is
11 once we get the product out on the street, people
12 start seeing these, we think that's gonna create
13 some excitement for some more bucks to come in as
14 well.

15 So with that, that's it in a
16 nutshell. If you have any questions, I'll be happy
17 to entertain those.

18 MR. HOLAHAN: Anybody?

19 MS. PICKARD: We're good.

20 MR. HOLAHAN: I like it.

21 MS. LAMBERTON: Yeah, it's very
22 interesting.

23 MS. PICKARD: Thanks for all
24 your work.

25 MR. HOLAHAN: We don't -- we'll

1 be able to address this -- we don't have to worry

2 about sign ordinances or anything, these aren't
3 gonna go digital anytime soon, right?

4 MR. RICK BODENSCHATZ: They all
5 come with battery packs. It's about as old school
6 as you can get it.

7 MR. HOLAHAN: Okay.

8 MS. PICKARD: I'd just like to
9 think about if we -- if there's still a sign
10 available for the township in next year's budget,
11 if that's doable for the township?

12 MR. HOLAHAN: Yep, yep. Let's
13 take a look at that.

14 MS. PICKARD: \$1500 for anybody
15 who's interested.

16 MR. HOLAHAN: Or \$300 each.

17 MR. RICK BODENSCHATZ: The
18 color on this, don't pay attention to, there was a
19 glare when I took the photo, so it didn't come out
20 too well.

21 This is at the Pocono Lake
22 Cemetery facing out on old Route 940 and straight
23 across, almost the driveway closest to Firehouse
24 Road, the driveway to the TEC school across the
25 street. Okay?

1 MR. HOLAHAN: Thank you very
2 much, Rick.

3 MR. RICK BODENSCHATZ: Thank
4 you.

5 MR. HOLAHAN: Okay.

6 MS. PICKARD: Thanks, Rick.

7 MR. HOLAHAN: Now, we've got
8 several requests for some LSA Grant support.

9 MS. HAASE: Yes, Mr. Chairman.
10 The first request we have is from Ms. Turcotte and
11 she is looking at a letter of support in the amount
12 of \$53,292.24 for an area that was formally
13 Hennings (phonetic) Produce or Harvest Corners and
14 she's looking for a letter of support to help
15 improve the property.

16 MR. HOLAHAN: Do they give
17 money for stuff like this?

18 MS. PICKARD: She -- yeah, that
19 was my question.

20 MS. HAASE: I did speak to --
21 actually Michelle Bisbing has been handling most of
22 these LSA Grants. I did speak to Michelle about
23 that, she said it would be eligible. Whether it's

24 funded or not, it's another story, but it is
25 eligible.

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1 MR. MOYER: LERTA maybe --

2 MR. HOLAHAN: Yeah, but LERTA
3 would be a long time.

4 MR. MOYER: Yeah.

5 MR. HOLAHAN: What's the
6 pleasure of the board? Anybody --

7 MS. LAMBERTON: Oh, I'm not
8 opposed to any letter of support.

9 MR. MOYER: Yeah, I'm fine with
10 it.

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

13 MR. MOYER: Send the letter.

14 MR. HOLAHAN: Okay?

15 MS. HAASE: The board's in
16 agreement?

17 MR. HOLAHAN: Okay?

18 MS. PICKARD: I had a -- I'm
19 sorry.

20 MR. HOLAHAN: No, go ahead,
21 Heidi. Get your coffee and --

22 MS. PICKARD: She does not own
23 the property, so is this for a leasehold
24 improvement?

25 MS. HAASE: I believe she does

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1 own the property.

2 MS. PICKARD: She does not own
3 the property.

4 MS. HAASE: Michelle Bisbing is
5 handling this, so whatever requirements needed to
6 be met from the LSA has gone through Michelle and
7 it has been met. So I know that there was multiple
8 property owners on that. I don't know if she
9 bought other ones out. I don't know.

10 MS. PICKARD: I was talking to
11 the owner of the property and I thought she was
12 leasing it, there was no --

13 MS. HAASE: I can't answer
14 that. All I can -- it's what I received from the
15 IDA.

16 MR. HOLAHAN: Let's leave that

17 up to the IDA to deal with that.

18 But do I have a motion to --

19 MS. LAMBERTON: I'll make a
20 motion to approve the --

21 MR. HOLAHAN: I got a motion.
22 Do I have a second?

23 MR. MOYER: I'll second.

24 MR. HOLAHAN: I've got a motion
25 and a second.

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1 Further discussion?

2 Anything from the public?

3 Hearing none. Call the vote.

4 John?

5 MR. KERRICK: We're gonna do
6 them all at once or are we gonna do them
7 individually?

8 MR. HOLAHAN: You know what --

9 MR. ARMSTRONG: I would suggest
10 doing them individually.

11 MR. HOLAHAN: On the advice of
12 our attorney --

13 MS. LAMBERTON: But thanks for
14 trying.

15 MR. HOLAHAN: You know what?
16 We're not gonna do a roll call.

17 All in favor, aye?

18 BOARD MEMBERS: Aye.

19 MR. HOLAHAN: Opposed? Motion
20 carries.

21 MR. HOLAHAN: Next we're
22 looking at --

23 MS. LAMBERTON: I'll make a
24 motion for a letter of support for Pocono Mountain
25 Regional Police Commission.

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1 MR. HOLAHAN: Pocono Mountain
2 Regional.

3 MS. PICKARD: I'll second it.

4 MR. HOLAHAN: I got a motion
5 and second.

6 Further discussion?

7 Anything from the public?

8 All in favor, aye?

9 BOARD MEMBERS: Aye.

10 MR. HOLAHAN: Opposed? Motion
11 carries.

12 MS. LAMBERTON: I'll make a
13 motion for a letter of support for Pocono Mountain
14 Regional EMS.

15 MR. HOLAHAN: Okay. Just hold
16 on a second. Maybe Denise wants to say something
17 on this, you know --

18 No?

19 MR. DENISE DOREMUS: It's just
20 for the LUCASes so --

21 MR. MOYER: Aye.

22 MR. HOLAHAN: Okay.

23 MS. LAMBERTON: Aye.

24 MS. DENISE DOREMUS: Thank you
25 for your support.

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1 MR. HOLAHAN: I got a motion
2 and second.

3 MS. LAMBERTON: You're welcome.

4 MR. HOLAHAN: Further
5 discussion?

6 All in favor, aye?

7 BOARD MEMBERS: Aye.

8 MR. HOLAHAN: Opposed? Motion
9 carries.

10 How about Kalahari's looking for
11 a letter of support.

12 MS. HAASE: Yes, sir. Last
13 year Kalahari had requested the IDA to submit for
14 this grant for the Long Pond, 380 alignment. We
15 know this is really technically a community
16 project. We have an existing issue there now.
17 Kalahari will be helping to improve that, so both
18 the exit widening and Long Pond, 380 alignment was
19 submitted in 2014 that the board approved. I did
20 want to put that back on just so you could
21 reconfirm that you're still in favor of that.

22 MR. HOLAHAN: Okay. Are we
23 still in favor of this? Do we have a motion to
24 approve this?

25 MS. PICKARD: I'll make a

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1 motion.

2 MR. HOLAHAN: Okay. I got a

3 motion. Do I have a second?

4 MR. MOYER: I'll second.

5 MR. HOLAHAN: I got motion and

6 second.

7 Further discussion from the

8 board?

9 Anything from the public?

10 All in favor, aye?

11 BOARD MEMBERS: Aye.

12 MS. LAMBERTON: I'll abstain.

13 MR. HOLAHAN: Opposed?

14 Abstentions?

15 MS. LAMBERTON: I'll abstain.

16 MR. HOLAHAN: Motion carries.

17 Then we go to Kalahari exit widening. Let me pull

18 this up.

19 MS. PICKARD: I'm sure we'll

20 have to combine that.

21 MS. HAASE: We didn't receive

22 anything from Michelle.

23 MR. HOLAHAN: Oh, nothing on

24 that?

25 MS. HAASE: No, sir.

1 MR. HOLAHAN: Then we're gonna
2 have to -- we've got no information on that, so I
3 would say we go to the Arcadia gas line extension.

4 MS. HAASE: Is the board in
5 agreement to --

6 MR. HOLAHAN: To hold off on
7 what, Kalahari's?

8 MS. HAASE: Well, the -- we
9 have to submit something by the end of the month.
10 Michelle did not send the information for the exit
11 widening, but the board did address this last year
12 as well.

13 MR. HOLAHAN: Oh, okay. So
14 we're just reaffirming.

15 MS. HAASE: Yes, sir.

16 MR. HOLAHAN: Okay. Do I have
17 a motion to --

18 MS. PICKARD: So moved.

19 MR. MOYER: Second.

20 MR. HOLAHAN: I don't even have
21 to finish my sentence. Perfect.

22 MR. MOYER: Second. Aye.

23 MR. HOLAHAN: All in favor,

24 aye?

25 BOARD MEMBERS: Aye.

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1 MR. HOLAHAN: Opposed?

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: And one

4 abstention.

5 And next is the Arcadia gas line

6 extension.

7 MR. KERRICK: Motion.

8 MR. HOLAHAN: I got a motion.

9 Do I have a second?

10 MR. MOYER: Second.

11 MR. KERRICK: Motion and

12 second.

13 Further discussion?

14 Anything from the public?

15 All in favor, aye?

16 BOARD MEMBERS: Aye.

17 MR. HOLAHAN: Opposed? Motion

18 carries.

19 MR. ARMSTRONG: And all of

20 those motions were for approving the LSA Grant

21 letter of support from Tobyhanna Township for those
22 projects.

23 MR. HOLAHAN: Yes, sir.

24 MS. HAASE: Mr. Chairman, I
25 also wanted to mention, we did have Blueberry

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1 Estates that was looking and hoping that they could
2 go through and receive the recommendation to move
3 forward with an LSA Grant.

4 After looking at it further, it
5 is something the township definitely would have to
6 do and if we were to apply and receive the moneys,
7 they would have to be -- the difference would have
8 to come from someplace.

9 So I believe the consensus was,
10 if we could get it funded, we would move forward
11 with it; so that's why I did not put it on the
12 agenda.

13 MR. HOLAHAN: Okay. We can't
14 get it funded unless we enlist the township?

15 MS. HAASE: The township -- the
16 township would have to take over the roads, yes.

17 MR. HOLAHAN: We got to take
18 over the roads.

19 MS. HAASE: I also looked at
20 Senator Toomey -- there was some information that
21 was sent to the representatives of Blueberry Estate
22 from Senator Toomey's office, but also those
23 federal and state grants, again, would have to be
24 ownership of the municipality. But I just wanted
25 to update the board.

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1 MS. LAMBERTON: -- residential,
2 right, we could --

3 MS. HAASE: I'm sorry?

4 MS. LAMBERTON: -- with the
5 LERTA?

6 MS. HAASE: Well, the LERTA's
7 for a structure and this is a road, so I don't
8 think it would qualify.

9 MS. LAMBERTON: But
10 economically --

11 MR. HOLAHAN: All right. Let's
12 move on.

13 Item C. Consider Michael

14 Palko's request --

15 Oh, I'm sorry.

16 MR. THOMAS CAMPSON: I kind of
17 like missed that transaction there with regards to
18 Blueberry Estates. Thomas Campson by the way.

19 MR. HOLAHAN: Okay.

20 MR. THOMAS CAMPSON: I sent the
21 information to Phyllis from Senator Toomey's
22 office. Apparently what I'm looking at, on a
23 whole, is if you're not a governmental agency, you
24 stand a snowball's chance in heck to get any kind
25 of money.

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1 So I guess what I'm asking the
2 board is, with all -- there's grants out there and
3 I'm sure this board would have much more
4 flexibility, much more strong whatever you want to
5 call it, to get such grants to help us with our
6 roads. But as a private entity, I don't think we,
7 you know --

8 MR. HOLAHAN: All right. It
9 sounds like we have to take ownership of the roads

10 to be able to access those grants.

11 MR. MOYER: And the grant
12 would not finance the whole project.

13 MR. HOLAHAN: That's correct.

14 MS. HAASE: No, sir.

15 MR. THOMAS CAMPSON: But
16 there's a lot of the grants, like I say, through
17 the government, federal government. Now, again, I
18 don't know much about it, but, you know, there's
19 got to be something that maybe this township can do
20 to apply for those grants and then wait until we
21 get all that money to -- whatever how much we need
22 and then take over the roads. I don't know the
23 answers but something's got to get done.

24 MS. PICKARD: We've had a very
25 difficult time getting grants for any of the

56

1 projects that we have for the roads we own now.
2 Now it's like next to impossible to get funding for
3 grants for roads.

4 MR. THOMAS CAMPSON: Oh, I
5 know, I know, and I've done extensive research.
6 But like I say, private entity, we don't even --

3 MS. LAMBERTON: Well, maybe
4 they can put a request for him to come back out.

5 MS. HAASE: Well, we certainly
6 -- what we hope is, in 2016, we can revisit it,
7 and maybe there's money available or maybe the
8 requirements will change, so that's what our hope
9 is, but actually Ed Tutrone and Bob went out with
10 Mr. Motts.

11 MR. KERRICK: I didn't hear
12 what you said.

13 MS. LAMBERTON: I just thought
14 --

15 MR. KERRICK: I didn't hear
16 what you said.

17 MS. LAMBERTON: It was just a
18 suggestion, I thought maybe --

19 MR. HOLAHAN: Well, explain
20 what that is, conservation of dirt?

21 MS. LAMBERTON: They have a
22 funding program that helps with areas that can
23 affect any swale or -- it has to have a stream or
24 by water that the road washes off and affects that
25 water quality, and then -- and there was like

1 \$70,000 in a fund that was available. I know it's
2 not much, but it could --

3 MS. HAASE: It's actually two
4 separate funds.

5 MS. LAMBERTON: Oh.

6 MS. HAASE: Yeah, there's two
7 separate funds, but we could not get any moneys
8 this year for it.

9 MS. LAMBERTON: Just a thought.

10 MR. HOLAHAN: And we're not
11 looking at taking ownership of the road.

12 MR. MOYER: Yeah.

13 MR. THOMAS CAMPSON: I
14 understand that, I understand the situation the
15 township is in, but on the same token, what do we
16 do for it? What does the taxpayer do from here on
17 out? Because this is gonna be a, you know --

18 MR. HOLAHAN: Well, it will
19 only get worse if --

20 MR. THOMAS CAMPSON:
21 Absolutely. And then we have a special bus that
22 comes down the road for a -- for one of my
23 neighbors, I don't know who it is, but that road's
24 gonna get beat up even further.

25

MR. MOYER: Even if we could

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1 get those funds, you can't just let them pile up
2 until you get enough to do it. There's time
3 constraints --

4 MS. HAASE: Right.

5 MR. MOYER: -- and stuff that
6 are mandated by --

7 MR. KERRICK: We'll be taking
8 over every road --

9 MS. PICKARD: My sister lives
10 on a private road and all the neighbors kick in and
11 they grate the road and they pay for the plowing
12 and there's no way that you guys can start doing
13 something to --

14 MR. THOMAS CAMPSON: We've done
15 it for the past 20 years. I myself, since I'm
16 retired, been taking care of the roads, but, you
17 know, I'm getting tired of it. I'm not getting any
18 younger and I'm getting tired of it. You know, my
19 tax dollars -- and the other thing that really
20 gripes me more than anything else is, I stopped a

21 police officer, he can't write summonses, he can't
22 do nothing because it's not a PennDOT approved
23 road.

24 MS. HAASE: It's a private
25 road.

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1 MR. THOMAS CAMPSON: It's a
2 private road. So now what? We can't stop anybody
3 from speeding, there's no stop signs. There's --
4 you know, I mean, it's waiting to happen, it's just
5 a matter of time before a kid gets killed or
6 somebody gets hurt seriously and then what do we
7 do?

8 MS. HAASE: Mr. Campson, just
9 so you understand, that's the same for Stillwater,
10 Emerald Lakes, Wagner Forest, they -- they -- it's
11 a private development.

12 MR. THOMAS CAMPSON: I
13 understand that. But they have an association and
14 everything else and my neighbors don't want it and
15 I don't blame them, 'cause I know that -- I've been
16 in volunteer organizations most of my life and let
17 me tell you, you know, especially homeowners

18 association, to get money out of people, I try to
19 be nice, I -- I refuse to do it, but what --

20 MS. LAMBERTON: And
21 unfortunately that's why the roads are like that.

22 MR. THOMAS CAMPSON: -- can you
23 offer me? Give me an -- give me something where I
24 can go with this because this is absurd. Should I
25 go to PennDot and say, hey, listen, you got a

61

1 million dollars laying around?

2 MS. LAMBERTON: PennDOT tries
3 to give us roads.

4 MR. THOMAS CAMPSON: I'm sorry?

5 MS. LAMBERTON: PennDOT tries
6 to give us roads.

7 MS. HAASE: Unfortunately, Mr.
8 Campson, your -- the option is to form your
9 association and that's something that you don't
10 want to do. But as far as -- PennDOT is not going
11 to be able to assist with that.

12 MR. THOMAS CAMPSON: There's no
13 grants, there's nothing in this great country that

14 we can get money to be had?

15 MR. HOLAHAN: They're probably
16 is, but how much do you need? Are we -- are we
17 talking numbers of -- been 700, \$800,000?

18 MR. THOMAS CAMPSON: About
19 \$700,000.

20 MS. HAASE: 850, I would say
21 again about 850.

22 MR. THOMAS CAMPSON: And
23 believe me, if I was rich, I'd pay it and do it
24 myself and I'd say here you go, here's the road.
25 But I don't have that kind of money, neither does

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1 anybody in my neighborhood. You know, we've
2 chipped in, we brought grindings in, we've done
3 everything to try to keep it up, but it's
4 impossible.

5 MR. HOLAHAN: Who's your
6 representative, who's your state representative?
7 Is that --

8 MR. THOMAS CAMPSON: Jack
9 Rader.

10 MR. HOLAHAN: Jack? And you've

11 certainly gone to that office?

12 MR. THOMAS CAMPSON: Oh, I've
13 been to Senator Scavello's office, he says, yeah,
14 yeah, yeah, we can get an LSA Grant, but like I
15 say, after I did further research --

16 MR. HOLAHAN: Right.

17 MR. THOMAS CAMPSON: -- if
18 you're not a government entity, anybody with strong
19 political ties funding the fund, you don't stand a
20 chance. That's from among all the -- all the
21 information that I've gathered.

22 MR. HOLAHAN: Well, if you want
23 to stick around afterwards so we can move on with
24 the meeting --

25 MR. THOMAS CAMPSON: Yes,

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1 absolutely.

2 MR. HOLAHAN: -- and then we
3 can discuss that --

4 MR. THOMAS CAMPSON: Yeah,
5 absolutely.

6 MR. HOLAHAN: Let's get on with

7 the rest of this and we'll come back to it.

8 MR. THOMAS CAMPSON: Yeah,
9 absolutely. I appreciate that.

10 MR. HOLAHAN: Thank you, sir.

11 Okay. So we're going on to Item
12 C, consider Michael Palko's request to return EDU.

13 MS. HAASE: Yes, sir. Mr.
14 Palko purchased a piece of property, he has
15 multiple pieces of property on this road. He has
16 razed a structure, it is vacant and he does not
17 plan on developing the property. He has asked the
18 township to consider taking the EDU back.

19 We do have a application that
20 will need to be executed by Mr. Palko and the
21 township and the actual agreement will be recorded
22 with the county.

23 MR. HOLAHAN: Well, we took
24 back EDU from Mr. Palko previously as well,
25 correct?

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1 MS. HAASE: No, sir. We had
2 discussed it --

3 MS. PICKARD: No, this is the

4 same one.

5 MS. HAASE: We're moving
6 forward with it now with the board's agreement.

7 MR. HOLAHAN: There was one --
8 one that had a garage on it -- anyway, but that's
9 not -- that's what we're talking about -- we're
10 talking about this one now so --

11 MR. ARMSTRONG: My only
12 recollection is -- and it sounds like what I just
13 heard is, Mr. Palko is actually removing any --

14 MS. HAASE: He has removed.

15 MR. HOLAHAN: It's gone.

16 MR. ARMSTRONG: So there's no
17 improvement on the property? It's a vacant piece
18 of land at this point in time?

19 MS. PICKARD: And it's a small
20 strip on the end of the --

21 MR. HOLAHAN: It's
22 nonconforming.

23 MS. PICKARD: Yeah, I don't
24 think --

25 MR. HOLAHAN: Yeah, it's

1 nonconforming. This place is probably -- if it's
2 30 feet wide, that would be a lot. Now, I can't
3 vote on this because Mr. Palko's a client of mine
4 and my company did raze the structure and they
5 pulled the pump and everything and capped it off,
6 so I can tell you what's there and what's not
7 there.

8 MS. LAMBERTON: I'll make a
9 motion.

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

12 MS. LAMBERTON: You don't have
13 to finish it.

14 MR. HOLAHAN: Isn't this great?

15 MR. ARMSTRONG: Would that
16 motion be conditional upon Mr. Palko executing the
17 requisite agreement which contains provisions like,
18 he's understanding that he's giving up his right to
19 the EDU and that in the future, if there's not
20 capacity, he doesn't have the right to that EDU;
21 and when he does come back and want to improve the
22 property, he's gonna have to pay any requisite
23 tapping and so on and so forth?

24 MS. LAMBERTON: Yes, I'll amend

25 my motion to include those items.

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1 MR. MOYER: All of it.

2 MR. HOLAHAN: Okay. I've got a
3 motion 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: In favor.

11 MR. HOLAHAN: Heidi?

12 MS. PICKARD: I vote in favor.

13 MR. HOLAHAN: Donald?

14 MR. MOYER: I vote in favor.

15 MR. HOLAHAN: Anne?

16 MS. LAMBERTON: I vote in
17 favor.

18 MR. HOLAHAN: I abstain.

19 Motion carries.

20 Appoint Nature Conservancy

21 committee members. I've been putting this off as

22 long as I can. I guess I got to --

23 MS. PICKARD: This is the
24 Natural Lands Trust not the Nature Conservancy?

25 MS. HAASE: Natural Lands

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1 Trust.

2 MR. HOLAHAN: Yeah, so we need
3 two members from -- two supervisors.

4 MS. PICKARD: Well, I would
5 like to be involved.

6 MR. HOLAHAN: I'd love to have
7 you involved in it, Heidi. So Heidi's one.

8 MR. HOLAHAN: Who else would
9 like to be on it?

10 MS. LAMBERTON: What do you
11 have to do?

12 MR. HOLAHAN: You have to go to
13 meetings and --

14 MS. HAASE: Review the
15 ordinances.

16 MR. HOLAHAN: -- talk about a
17 bunch of stuff.

18 MS. LAMBERTON: Oh, wow. No, I
19 can't possibly do that.
20 MS. PICKARD: Come on, John.
21 MR. HOLAHAN: I'm not getting a
22 ground swell here of support.
23 MS. PICKARD: I think then it
24 defaults to you if nobody volunteers.
25 MS. LAMBERTON: I think John

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1 Holahan and Heidi --
2 MR. HOLAHAN: Is that right?
3 Is that how it works here?
4 MS. LAMBERTON: -- by default.
5 I'd like to appoint Heidi and John Holahan.
6 MR. MOYER: I'll second it.
7 MR. KERRICK: I third.
8 MR. HOLAHAN: I've lost
9 control, folks. I've lost control.
10 MS. LAMBERTON: We're taking
11 over, John. We're taking over.
12 MR. HOLAHAN: Okay. Then we
13 need two planning -- two planning members.
14 MS. PICKARD: You have another

15 opportunity, Anne.

16 MR. HOLAHAN: Yeah.

17 MS. LAMBERTON: I think we

18 should have Mark Sincavage and Michelle Bisbing.

19 MR. HOLAHAN: Well, I think

20 that's a great idea.

21 MR. MOYER: I'll second it.

22 MR. HOLAHAN: Yeah. Okay.

23 We've moved from like nominating to conscripting,

24 which is perfectly okay with me.

25 MR. MOYER: That's good.

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1 MS. PICKARD: That's all on one

2 failed script --

3 MS. LAMBERTON: Yes, that

4 motion's on one failed script.

5 MS. HAASE: Oh, we're not done

6 yet.

7 MS. LAMBERTON: Oh, wait.

8 There's more?

9 MR. HOLAHAN: Yeah. Who else

10 do I need?

11 MS. HAASE: The township
12 manager and the zoning officer --
13 MR. HOLAHAN: Okay.
14 MS. HAASE: -- will be on the
15 committee --
16 MS. LAMBERTON: Okay.
17 MS. HAASE: -- and we need a
18 member at large.
19 MR. HOLAHAN: A member at
20 large.
21 MS. PICKARD: Maybe there's
22 somebody out in the audience.
23 MR. HOLAHAN: Chris Matirko's.
24 MR. MOYER: Anybody? Would
25 you?

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1 MS. CHRISTINE MATIRKO: I
2 would.
3 MR. MOYER: Okay.
4 MS. LAMBERTON: Oh, that's
5 wonderful.
6 MR. HOLAHAN: Perfect.
7 MS. LAMBERTON: There you have

8 it.

9 MR. MOYER: Thank you.

10 THE REPORTER: Can you state
11 your name, please?

12 MS. LAMBERTON: I'll nominate
13 Christine Matirko.

14 MR. HOLAHAN: I've been putting
15 this off and look how easy this was, right? Get
16 the difficult things done first, folks, and then
17 everything else gets easier.

18 Let's go on to consider the 2016
19 purchase of police hours.

20 MS. HAASE: Yes, sir. Pocono
21 Mountain Police Regional Police Commission, their
22 committee has been formed and we are now working on
23 the budget. We have been fortunate to -- the wish
24 of the municipalities is always to have more patrol
25 hours than investigation hours and we still are

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1 able to accomplish that, but we're at a point that
2 I think that it would be advisable for the board to
3 consider perhaps purchasing another ten hours just

4 to give us a little cushion, a little leeway.

5 We have 42.06 units and there's

6 10 hours to a unit, so we would --

7 MS. PICKARD: Can you say that

8 again slow?

9 MS. HAASE: There's 42.06 hours

10 in a unit -- I'm sorry, we purchased -- we have

11 42.06 units and there's ten hours in a unit. Right

12 now the cost per hour is \$4,032.44.

13 MR. HOLAHAN: It's more than

14 our attorney.

15 MS. PICKARD: \$4,032.

16 MS. HAASE: That \$5 increase,

17 right?

18 MS. LAMBERTON: And they'll be

19 no more.

20 MS. HAASE: I'm sorry?

21 MR. HOLAHAN: So what are we

22 looking to--

23 MS. PICKARD: \$4,032, and so

24 how much --

25 MS. LAMBERTON: 4,000.

1 MS. HAASE: \$4,032.44 right now
2 for the 2015 --
3 MS. PICKARD: Are you making a
4 proposal to --
5 MS. HAASE: I am asking the
6 board to consider purchasing an additional 10
7 hours.
8 MS. LAMBERTON: I'll make a
9 motion --
10 MR. KERRICK: I'll make that
11 motion.
12 MS. LAMBERTON: Second.
13 MR. HOLAHAN: I got a motion
14 and second.
15 Further discussion from the
16 board?
17 Anything from the public?
18 Hearing none. Call the vote.
19 John?
20 MR. KERRICK: In favor.
21 MR. HOLAHAN: Heidi?
22 MS. PICKARD: I vote in favor.
23 MR. HOLAHAN: Donald?
24 MR. MOYER: I vote in favor.
25 MR. HOLAHAN: Anne?

1 MS. LAMBERTON: I vote in
2 favor.

3 MR. HOLAHAN: I vote in favor.
4 Motion carries.

5 Consider approving the
6 certificate of developer request for Payment No. 11
7 for Kalahari Resorts Access Road Account in the
8 amount of \$9,364.35.

9 MS. HAASE: Yes, sir. T&M has
10 reviewed it and I'm prepared to sign off upon your
11 approval.

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

14 MR. MOYER: I'll make that
15 motion.

16 MR. KERRICK: Second.

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

19 Further discussion from the
20 board?

21 MS. PICKARD: I just had a

22 question. Is this also the money we held or is
23 this just off the other --
24 MS. HAASE: This is still
25 through the TIF.

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1 MS. PICKARD: What's that?
2 MS. HAASE: This is moneys from
3 the TIF.
4 MS. PICKARD: Okay. Got it.
5 Thank you.
6 MR. HOLAHAN: Any further
7 discussion?
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: Donald?
16 MR. MOYER: I vote in favor.
17 MR. HOLAHAN: Anne?
18 MS. LAMBERTON: I'll abstain.

19 MR. HOLAHAN: I vote in favor.

20 Motion carries.

21 Consider proposed motions --
22 resolutions to submit to the MCATO.

23 MS. PICKARD: Monroe County
24 Association of Township Officials.

25 MS. HAASE: Yes. I circulated

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1 an e-mail a few weeks back, this is something that
2 would be proposed to PCAPs down the road. I didn't
3 know if the board had any concerns, any topics.
4 The proposed resolution would have to be submitted
5 by October 9. I didn't receive anything back, but
6 I just wanted to make certain it was on the agenda
7 to get your official decision.

8 MS. PICKARD: When I was
9 talking to Phyllis, my only thought, but I don't
10 know if we could -- and we have our October 5
11 meeting, if anybody comes up with something, but I
12 was thinking about something with this LERTA, about
13 these blighted properties and these buildings that
14 are in disrepair, if there was any way to fast

15 track them for a LERTA type --

16 MR. HOLAHAN: Okay.

17 MS. PICKARD: So to make it
18 easier -- I mean, I was at Pocono Township's
19 meeting and they're looking at moving forward on
20 declaring these blighted properties.

21 MR. HOLAHAN: Well, as a
22 township we can move quickly.

23 MS. PICKARD: And take them
24 down or whatever, but I just think it would speed
25 it up and maybe offer an opportunity, if they would

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1 offer some kind of tax incentive for people who do
2 rehab --

3 MS. HAASE: And I did look into
4 that today --

5 MS. PICKARD: -- rehabilitate
6 these properties.

7 MS. HAASE: I did look at that
8 today; and again, if that property is in that zoned
9 area, then that property owner would -- all they
10 would have to do is fill out the application once
11 it's all been approved, that zone area --

12 MS. LAMBERTON: So we create
13 the zone.

14 MS. HAASE: We create the zone.
15 If their property is in that, then they would just
16 fill out the application, would submit it to all
17 the taxing bodies and then they would move forward.

18 MS. PICKARD: But we all know,
19 in some of the developments, in Arrowhead and Lake
20 Naomi and some of these other areas, are probably
21 not gonna be in blighted zones, that there are, you
22 know, these properties. That was just my thought,
23 to find a way to get, you know, those --

24 MR. HOLAHAN: Well, certainly
25 other municipalities have to be dealing with the

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1 same thing.

2 MS. PICKARD: That's what I'm
3 thinking. When I listened to Pocono, they had a
4 number of them and it becomes a burden on the
5 townships if we take over or end up, you know,
6 razing the building or taking that burden on
7 ourselves, it would be easier if we had another

8 vehicle to add another tool for the arsenal.

9 MR. KERRICK: Our legal counsel
10 always shy away from getting involved in razing
11 buildings.

12 MS. PICKARD: Exactly. And
13 this would just be a way --

14 MR. ARMSTRONG: Razing what?

15 MR. KERRICK: Razing buildings.

16 MS. LAMBERTON: Deteriorated
17 structure.

18 MS. PICKARD: I'm not
19 suggesting to get involved.

20 MR. KERRICK: I know other
21 communities do take them down at the township's
22 expense but I don't think --

23 MS. PICKARD: I'd rather have
24 something else that would incentivize somebody else
25 to rehab the property.

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1 MR. HOLAHAN: Do we have
2 something we -- 'cause typically we're gonna be
3 dealing with foreclosed that's -- deteriorated
4 properties that -- title insurance, you got to go

5 through someday of quitclaim or --

6 MR. ARMSTRONG: There's --
7 since I've been at Tobyhanna Township, the only
8 potential -- there was one on --

9 MR. MOYER: Stoney Hollow Road.

10 MS. HAASE: On Stoney Hollow.

11 MR. ARMSTRONG: Yeah, a
12 structure that was arguably considered unsafe and
13 the discussion was whether or not to proceed under
14 the UCC, whether or not it's an unsafe structure
15 and proceed under those, you know, provisions, but
16 we never discussed blighted property or
17 condemnation. It was always an enforcement of the
18 UCC.

19 MR. HOLAHAN: So do we have
20 that much of an issue in this township?

21 MS. PICKARD: I'm looking at a
22 resolution that would be --

23 MR. HOLAHAN: That would take
24 care of the state.

25 MS. PICKARD: Yeah. Yeah. But

1 we do have quite a number -- John and I were just
2 talking and --

3 MR. KERRICK: We've had in the
4 past.

5 MR. HOLAHAN: Right.

6 MR. KERRICK: Phyllis, you were
7 involved with some in Arrowhead, Lake Naomi.
8 Fortunately they were taken care of.

9 MR. HOLAHAN: I guess probably
10 the time to address it is before we have to deal
11 with it again as well, so maybe this is the time to
12 -- unless you want to wait until there's a fire
13 before we address it, but -- okay.

14 You want to bring forward some
15 language?

16 MS. PICKARD: That was just my
17 suggestion. Maybe I could come up with something.
18 If everybody thinks that that would be --

19 MR. HOLAHAN: Yeah.

20 MS. PICKARD: I mean,
21 (inaudible) had one about adding on a fee at the
22 recording, at the time of recording, to put in a
23 fund and I didn't really like that --

24 MR. HOLAHAN: Right, right.

25 MS. PICKARD: -- at all so -- I

1 mean, that went down --

2 MR. HOLAHAN: Okay. Your idea,
3 you come up with some language and we'll discuss it
4 for 45 minutes --

5 MS. LAMBERTON: I'll appoint
6 Heidi.

7 MR. HOLAHAN: -- or something
8 and then do nothing. Okay. Good. Thank you,
9 Heidi.

10 Looking for Resolution 2015 dash
11 022 for disposition of records.

12 MS. PICKARD: I'll make that
13 motion.

14 MS. LAMBERTON: Second.

15 MR. HOLAHAN: I got a motion
16 and second.

17 Further discussion from the
18 board?

19 MR. KERRICK: In favor.

20 MR. MOYER: In favor.

21 MR. HOLAHAN: Thank you.

22 Anything from the public?

23 Hearing none. I'll call the
24 vote.
25 John?

1 MR. KERRICK: Speed it up a
2 little bit. 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 again.
8 MR. HOLAHAN: Will you?
9 MR. MOYER: Yes.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I'll vote in
12 favor.
13 MR. HOLAHAN: I vote in favor.
14 Motion carries.
15 You getting all this?
16 THE REPORTER: Yes.
17 MR. HOLAHAN: All right.
18 Electronic graphic signs discussion. Tell you

19 what, let's skip that for now.

20 Let's go to the Pocono Summit
21 Volunteer Fire Company request for release of funds
22 for the rescue tools.

23 Did you read the letter?

24 MS. LAMBERTON: I did.

25 MR. HOLAHAN: Okay. Did you,

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1 Donald?

2 MR. MOYER: No, I did not.

3 MR. HOLAHAN: No, that's right.

4 MS. LAMBERTON: It's money in
5 their account --

6 MR. HOLAHAN: It's money in
7 their account they want to pull out.

8 MR. MOYER: I'm good with it.

9 MR. HOLAHAN: All right. So
10 they're looking for a release of \$10,900.

11 Do I have a motion?

12 MS. LAMBERTON: I have a
13 motion.

14 MR. KERRICK: Second.

15 MR. HOLAHAN: Motion and

16 second.
17 Further discussion from the
18 board?
19 Anything from the adoring
20 public?
21 Hearing none. All in favor,
22 aye?
23 BOARD MEMBERS: Aye.
24 MR. HOLAHAN: Opposed?
25 Motion carries.

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1 Thornhurst EMS request for
2 donation. Thornhurst sent us a letter, they're
3 looking for \$500?
4 MS. LAMBERTON: Um-hmm.
5 MR. HOLAHAN: And --
6 MS. HAASE: Mr. Chairman,
7 Thornhurst has been asked to assist in Philadelphia
8 during the visit of the pope. And they were going
9 to be responsible for their food and et cetera, so
10 they're wanting some type of donation from the
11 municipalities to help defray the cost.

12 MR. HOLAHAN: They're looking
13 for \$500. Do I have a motion to approve donation
14 to Thornhurst Fire Company for \$500?

15 MS. LAMBERTON: So moved.

16 MR. HOLAHAN: I got a motion.
17 Do I have a second? I'll second.

18 I got a motion and second.

19 MR. KERRICK: I have a
20 question. Any other emergency organization that we
21 deal with, we ask for financials, do we have any
22 finances from Thornhurst?

23 MS. HAASE: We do not.

24 MS. PICKARD: Could we make it
25 contingent upon?

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1 MS. HAASE: Well, there was
2 financials that were submitted -- I take that back.
3 Last year they did submit financials when there was
4 an issue with PMR.

5 MR. KERRICK: Okay. Stand
6 corrected.

7 MS. HAASE: So we do have some,
8 Mr. Kerrick.

9 MR. HOLAHAN: Okay. Further
10 discussion?
11 Anything from the public?
12 Hearing none. All in favor,
13 aye?
14 BOARD MEMBERS: Aye.
15 MR. HOLAHAN: Opposed? Motion
16 carries.
17 MS. HAASE: John, you skipped
18 over Kalahari's, this one.
19 MR. HOLAHAN: Oh, yeah. I was
20 -- K?
21 MS. HAASE: K, yes.
22 MR. HOLAHAN: Yeah, I
23 intentionally skipped over that.
24 MS. HAASE: Okay. I'm sorry.
25 MR. HOLAHAN: That's okay.

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1 We're gonna go for -- Kalahari Resorts is looking
2 for, request board support for street lights on
3 Route 314.
4 MS. HAASE: And just to -- just

5 to explain, Kalahari has reached out to me and what
6 they would like to do is add lighting on the exit
7 ramp 314, going down 314 to Kalahari Boulevard.

8 They have agreed that, A, they
9 would try to submit to PP&L and have the account in
10 their name and the bill would go directly to them.
11 Whether PP&L agrees upon billing Kalahari directly
12 or Tobyhanna Township would have to set up an
13 account, they would bill us and then they would
14 have to reimburse us.

15 So if that's the case, we would
16 need to have an agreement in place for the
17 reimbursement and which they have agreed that they
18 would reimburse the township for the cost.

19 MR. HOLAHAN: Okay. So first
20 of all, everybody okay with supporting Kalahari
21 with the request for street lights?

22 MR. KERRICK: Could I ask a
23 question?

24 MR. HOLAHAN: Yeah.

25 MR. KERRICK: Could we do the

1 street light ordinance and that way it would affect

2 that whole area instead of just Kalahari?

3 MS. LAMBERTON: Then you don't

4 need the agreements.

5 MR. KERRICK: Then you don't

6 need an agreement.

7 MR. ARMSTRONG: You mean --

8 MS. HAASE: Well, it would be

9 no other street --

10 MR. KERRICK: We have a street

11 light ordinance, correct? Or did it disappear?

12 MS. HAASE: No, we're not --

13 MR. KERRICK: We had one at one

14 time.

15 MS. HAASE: Years ago, yes.

16 MR. KERRICK: Right.

17 MS. HAASE: But there are no

18 other street lights there that we would be taxing a

19 private entity for.

20 MR. HOLAHAN: For what? A

21 light tax?

22 MS. HAASE: Yes. There's an

23 assessment.

24 MR. ARMSTRONG: It would be an

25 assessment.

1 MS. HAASE: There's an
2 assessment.

3 MR. ARMSTRONG: You would have a
4 street light assessment district, but the trick to
5 that is, the property owners that are benefiting
6 through those -- by those lights is probably not
7 only Kalahari.

8 MR. HOLAHAN: Right.

9 MR. ARMSTRONG: There's
10 probably neighboring property owners that are gonna
11 be lumped into that street light assessment
12 district.

13 MR. HOLAHAN: Okay.

14 MR. ARMSTRONG: If that's the
15 direction you proceed in.

16 MS. HAASE: And Kalahari's
17 prepared to do this. They're the ones that brought
18 it to me and they're the ones that said that they
19 would pay for it.

20 MR. KERRICK: I'm just trying
21 to give them a little break because it benefits the
22 other landowner there. They should contribute too

23 in my mind but it's only Pocono Manor.

24 MR. HOLAHAN: And what happens
25 between 940 and Kalahari eventually?

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1 MR. KERRICK: Correct.

2 MR. HOLAHAN: Right.

3 MS. LAMBERTON: Yeah.

4 MR. HOLAHAN: Right now --
5 well, right now they just want to move forward and
6 see if they can get PP&L to put the lights on there
7 and then pay for them.

8 MR. KERRICK: Okay.

9 MS. LAMBERTON: Maybe we can
10 share information that we'd be willing to have them
11 look at that ordinance so they --

12 MR. KERRICK: It's an
13 assessment --

14 MS. HAASE: Well, it's not an
15 ordinance, it's an assessment that would be billed
16 through the tax collector.

17 MS. LAMBERTON: Oh.

18 MR. ARMSTRONG: But even if --
19 even if they're -- I'm not aware of one, but if

20 they're -- if you do have a street light district,
21 I'm assuming it's not in that area?

22 MR. KERRICK: It's not.

23 MS. HAASE: That was repealed.

24 MR. ARMSTRONG: So --

25 MR. KERRICK: It's not.

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1 MR. ARMSTRONG: Okay. So you
2 would need a new ordinance establishing this new
3 street light district to assess those properties.

4 MR. HOLAHAN: And then
5 advertise it for 30 days in public meeting?

6 MR. KERRICK: -- doesn't affect
7 the general fund of the township?

8 MR. MOYER: Yeah.

9 MR. HOLAHAN: It's gonna take
10 them too long though, I think they want to move
11 quick.

12 MR. KERRICK: Understood. But
13 I think it's something you should look into.
14 That's my opinion.

15 MR. HOLAHAN: And I would

16 agree. I would agree. So let's go back to the
17 original thing then. Are we, the township, by
18 consensus want to be able to send a letter of
19 support on behalf of Kalahari for these street
20 lights with the PP&L application?

21 MR. MOYER: Yeah, I'm okay with
22 it.

23 MR. HOLAHAN: Okay? By
24 consensus? Everybody okay?

25 MS. PICKARD: Yeah.

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1 MR. HOLAHAN: All right.

2 MS. LAMBERTON: I'll abstain.

3 MR. HOLAHAN: Okay.

4 MS. HAASE: And then I would
5 also ask if Kalahari is not able to obtain the
6 account in their name, it would be in Tobyhanna
7 Township's, then we would have an agreement
8 together to speak to reimbursement.

9 MR. HOLAHAN: Okay. Everybody
10 okay?

11 MR. KERRICK: Not really but
12 continue.

13 MS. PICKARD: So if they have
14 an account, is there -- if we have to do billing
15 and stuff --
16 MS. HAASE: Correct.
17 MS. PICKARD: -- administrative
18 fee on that?
19 MS. HAASE: I mean, we could
20 put a few dollars on it, whatever, it's up to the
21 board.
22 MR. HOLAHAN: If we're gonna --
23 if we need to enter into an agreement, do we need
24 to do this by motion then?
25 MR. ARMSTRONG: Not at this

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1 point in time. I don't think we know what -- if
2 PP&L is agreeable to billing them directly --
3 MR. HOLAHAN: We'll wait until
4 it comes up.
5 MR. ARMSTRONG: -- the point is
6 moot.
7 MR. HOLAHAN: Okay.
8 MR. ARMSTRONG: If they don't,

9 then it will be back in front of you for an
10 agreement to approve.

11 MR. HOLAHAN: Okay. Let's see,
12 let's go to the last item here, electronic graphic
13 signs discussion. We got a letter from Dave Moyer.
14 I'm trying to find it here. It was pretty -- it
15 was brief. Dave Moyer from Mountain Car Care
16 writes: I would like Tobyhanna Township Board of
17 Supervisors consider amending your sign ordinance
18 to allow for digital signs in the commercial
19 district. Okay.

20 MS. HAASE: There was a
21 request, and I'll just add a little bit more to
22 that, Mr. Chairman, there was a request to go in
23 front of the zoning hearing board for a variance.
24 The zoning hearing board also sent a letter to the
25 board requesting clarification. Recently the

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1 digital sign -- the ordinance was amended and it
2 was allowed in resi -- resort districts and the
3 concern that the zoning hearing board had is they
4 can't write legislative laws or ordinances.

5 So they asked the board for

6 clarification and to consider if in fact you wanted
7 to change that, if the board would move forward
8 with that.

9 MS. PICKARD: I think we really
10 have discussed this, that we really need to -- if
11 we're gonna do the ordinance, we really need to do
12 the whole --

13 MR. MOYER: Yeah.

14 MS. PICKARD: -- entire sign
15 ordinance because we have all these other hanging
16 issues out there.

17 MR. MOYER: Yeah, there's
18 definitely some issues. I got some problems with
19 some of it, so I'd like to look at the whole -- I
20 think it needs to be changed.

21 MR. HOLAHAN: Well, then let's
22 change it.

23 MR. KERRICK: Let's challenge
24 ourselves to get it done by the end of the year.

25 MS. PICKARD: Well, can we get

1 a draft --

2 MS. HAASE: Well, how it was
3 left, actually Mr. Insalaco from Ahart's had
4 approached the board last early summer, I believe,
5 and it was left with the board for dimensions or
6 what you want to see and that's where we left this.

7 MR. MOYER: Was it digital?

8 MR. KERRICK: Wasn't he
9 supposed to send some pictures?

10 MS. HAASE: He did.

11 MR. KERRICK: Oh, he did? I
12 don't think I ever saw them. Maybe I did.

13 MS. HAASE: He did.

14 MR. HOLAHAN: Well, it doesn't
15 matter, we need to see them again anyway 'cause
16 we've all just kind of --

17 MR. ARMSTRONG: May I suggest
18 something?

19 MR. HOLAHAN: Okay.

20 MR. ARMSTRONG: You know, in
21 the last -- in the beginning of the year, you had
22 Kalahari, Pocono Manor approaching you with a
23 potential revision specific to --

24 MS. PICKARD: The overlay.

25 MR. ARMSTRONG: -- overlay and

1 I'd like -- in specific electronic signs. Now you
2 have this correspondence from a recent zoning
3 hearing board applicant and the zoning hearing
4 board, you have this ongoing item on your agenda
5 for the zoning ordinance. Given the fact that the
6 zoning ordinance is the huge animal and the sign
7 portion is a small -- smaller portion of that
8 animal, maybe what you want to do is consider
9 directing maybe Bob and Phyllis, and if you want to
10 get me involved, to focus at least at this point in
11 time on the sign, get the sign portion of it, if
12 that's what's pressing before this board at this
13 point in time.

14 MS. PICKARD: Well, it is for
15 multiple --

16 MR. MOYER: Yeah --

17 MR. ARMSTRONG: So maybe almost
18 take -- rather than -- it sounds like you may be
19 apprehensive to jump into the entire zoning, to
20 look at the sign, get that provision or that
21 section, at least, in a format that you're
22 comfortable with, move forward with that and then
23 you'll be one step closer to --

24 MR. HOLAHAN: Well, I'd much
25 rather deal with a stack of papers about that thick

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1 than the other one so --

2 MS. HAASE: But we're back to
3 the same dilemma though, we need direction from the
4 board of what you want to see and what you don't
5 want to see.

6 MR. HOLAHAN: Well, I'm -- and
7 we're getting more people who are asking about
8 signs as well and at some point we have to address
9 the digital signs.

10 MS. LAMBERTON: I have to -- I
11 mean, it's a thing of the future, you know? I look
12 at their maintenance and they just -- they just
13 look crisper, you know? I mean, you don't have --

14 MS. PICKARD: What are you
15 talking about? Billboard or you're talking about
16 --

17 MS. LAMBERTON: No, I'm just
18 talking about the signage in general, you know --

19 MR. KERRICK: They do look nice

20 if they're done properly.

21 MS. LAMBERTON: If they're done
22 properly. And, you know, you have other PennDOT
23 restrictions for the flashing and the way things
24 are scrolling, which you don't allow, because
25 that's distractive, you've got to look at the

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1 safety issues; so those are items that can be
2 already, you know, written into it.

3 MR. HOLAHAN: Well, we've got
4 something on illumination, how bright they are. We
5 had to deal with that with Kalahari and we had to
6 deal with that with Adams Outdoor when they put
7 something up by Cramer's so --

8 MS. PICKARD: What is it that
9 everybody wants on the -- 'cause I am more the only
10 one that really doesn't like them that much, but I
11 don't like them flashy, I don't like them at
12 Cramer's but I, you know -- I think like CVS, I
13 think is -- I don't know what Mountain Car Care,
14 you weren't at that hear -- zoning hearing board,
15 so I'm really not sure, but I think something
16 tasteful and limited, you know. I just don't want

17 to see flashing lights up and down --
18 MS. HAASE: Well, flashing is
19 not allowed.
20 MS. LAMBERTON: -- you're not
21 allowed to.
22 MS. HAASE: It's not allowed.
23 MR. HOLAHAN: Yeah, but therein
24 lies --
25 MS. LAMBERTON: That just could

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1 be your perception.
2 MS. PICKARD: I know that and
3 that is my perception.
4 MS. LAMBERTON: They're not
5 allowed.
6 MR. HOLAHAN: And therein lies
7 the issue is, what is --
8 MS. PICKARD: Well, we don't --
9 whatever we want it.
10 MR. HOLAHAN: Right, what's
11 your perception of it. So we need to get something
12 that we can look at. Chief Justice -- who was it

13 said -- somebody knows who the chief justice said,
14 pornography, I'll know it when I see it, right? So
15 look at these signs, we kind of -- because it's the
16 unintended consequences of what you might think is
17 flashy.

18 MS. LAMBERTON: Maybe we should
19 have a sign company come in and do a demonstration
20 and show different types of signs that are
21 available to the commercial properties.

22 MR. HOLAHAN: That's actually
23 not a bad idea.

24 MS. PICKARD: Well, yeah. And
25 what are the --

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1 MS. LAMBERTON: 'Cause, I mean,
2 if you're saying they're flashing, well, that's not
3 allowed, so your perception is wrong.

4 MS. PICKARD: Well, the rolling
5 and what I think is distractive when I'm driving, I
6 start reading.

7 MS. LAMBERTON: That's why
8 PennDOT doesn't allow it.

9 MR. KERRICK: There's some in

10 Coolbaugh Township and Pocono Township that we've
11 all just said here that we like, did we ever look
12 at their ordinances?

13 MS. PICKARD: Well, we'll have
14 to see what Barrett Township or some reasonable
15 place, like you said earlier, that we like, I just
16 don't know --

17 MR. HOLAHAN: Okay. So --

18 MS. HAASE: I can reach out. I
19 don't -- I think -- I'm sorry, John.

20 MR. HOLAHAN: Please.

21 MS. HAASE: But I think most
22 likely we will get literature. I can't see them
23 actually bringing the signs because there's so many
24 components to it.

25 MS. LAMBERTON: I mean, we can

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1 -- you know, there's got to be something on their
2 websites.

3 MS. HAASE: Right. I certainly
4 could look and --

5 MS. LAMBERTON: That we could

6 have visual and --

7 MS. HAASE: Absolutely.

8 MS. LAMBERTON: Thank you. I
9 think that that's the best way we can do it.

10 MS. HAASE: But are we looking
11 at the monument style? This is a -- the one thing
12 I do want to bring to the board's attention, we
13 were pushing towards monument style signs --

14 MR. HOLAHAN: Right.

15 MS. HAASE: -- and actually I
16 spoke with Ms. Lambertson about this, this winter,
17 that didn't really think about the effects of the
18 elements up here with the snow and the snow
19 drifting by it and it does create a problem. So
20 even though we were gearing towards that and I was
21 a big proponent of that, I realize now that that
22 might not be the best for up here because of the
23 snow and the drifting and the covering the signs.
24 So I'll give you different types
25 of --

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1 MS. LAMBERTON: And there are
2 some hazards, no doubt. Even visibility when you

3 pull in.

4 MS. HAASE: -- samples --
5 exactly -- to look at.

6 MR. HOLAHAN: Anybody want to
7 talk about signs?

8 MS. SUSAN BUSH: I do.

9 MR. MOYER: Yeah, how are we
10 gonna address the other signage?

11 MR. HOLAHAN: Is it Bush?

12 MS. SUSAN BUSH: Yes. Thank
13 you.

14 THE REPORTER: Can you state
15 your name, please?

16 MS. SUSAN BUSH: Yes. My name
17 is Susan Bush. No relation. And as all of you are
18 probably painfully aware, I represent the Pocono
19 Pines Improvement Association which, in this case,
20 I think we can think of as the Pocono Pines
21 Preservation Society.

22 And we considered your
23 consideration of digital signs at our last meeting,
24 it took our membership all of -- well, a couple of
25 minutes to be abhorred by the thought of digital

1 signs. We've seen them, we've seen them at
2 Cramer's, we see them going across 380, here it
3 comes, here it comes, this unbridled cheapening of
4 this precious place.

5 Now, our credo for the past 105
6 years has been to preserve the natural beauty of
7 the Poconos, honor a compassionate way of life and
8 reward those who support these ideals. We don't
9 think that the colors -- it doesn't matter if
10 they're flashing -- the colors, the brightness, the
11 contrast have anything to do with the natural
12 beauty of the Poconos. Some of these beautiful
13 signs from the '40s, they're more like what we
14 would like to see.

15 So is this a done deal that were
16 gonna have digital signs? Did this already go by?

17 MR. HOLAHAN: No.

18 MR. MOYER: No.

19 MS. SUSAN BUSH: Thank you for
20 listening.

21 MR. HOLAHAN: You're welcome.

22 MS. LAMBERTON: I would suggest
23 if you could bring some photos of the signs that

24 you are speaking of just for our visual, I think
25 that would be a big help as well.

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1 MS. SUSAN BUSH: Okay.

2 MS. PICKARD: Just as an aside,
3 if we're looking at some of those overlay areas for
4 village, sometimes different styles, different
5 villages may be able to be --

6 MS. LAMBERTON: You're gonna be
7 on a sign hunt.

8 MR. HOLAHAN: Well, with our --
9 with our new association with the Natural -- Ann
10 Hutchins --

11 MS. LAMBERTON: She should be
12 able to help.

13 MR. HOLAHAN: -- we're gonna be
14 looking at those things as well. When we did the
15 Blakeslee Visioning, we were trying to figure out,
16 what did we want our downtown to look like in
17 Blakeslee and then be able to duplicate that,
18 Pocono Pines, Pocono Summit, those types of things.
19 We certainly don't want to start off on a wrong
20 foot and I've often said, I don't want the place to

21 look like the Vegas strip where you've got these
22 things -- and there's some unintended consequences
23 when you start dealing with some of these signs.
24 I mean, you just -- you know, you think you're
25 doing the right thing, you find out that you're --

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1 you restricted something else, you know? So how do
2 you give yourself the back door, you know, a way
3 out?

4 You got a suggestion?

5 MS. SUSAN BUSH: Well, I just
6 -- what you just said reminded me of, it's a
7 slippery slope, you follow this digital sign craze
8 and it's like people who get tattoos, they get
9 tattoos because they want to identify themselves as
10 something special, this is a special tattoo, but
11 everybody has tattoos so it means nothing. See my
12 point?

13 MR. KERRICK: I don't. I don't
14 have any.

15 MS. PICKARD: Do you have any?

16 MS. SUSAN BUSH: I'm not

17 telling you that.

18 MS. LAMBERTON: I mean, we also
19 have to take into consideration the businesses. I
20 mean, there's a fairness that goes along to them as
21 well.

22 MS. PICKARD: With the what?

23 MS. LAMBERTON: The businesses.

24 MR. HOLAHAN: With businesses.

25 MS. PICKARD: And I think we

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1 need Susan and some of the businesses to also hear
2 each other's side when we do this. I don't know
3 how. I know there were a time that we had
4 something going on, we could e-mail a group of
5 those business, you know, folks and other folks
6 that are --

7 MR. KERRICK: Why don't we get
8 some things --

9 MS. LAMBERTON: Let's do a town
10 hall meeting --

11 MR. HOLAHAN: Yeah, town hall
12 -- that sounds good.

13 MR. KERRICK: John?

14 MR. HOLAHAN: Yes, John.
15 MR. KERRICK: I suggest the
16 work session, maybe?
17 MR. HOLAHAN: Yeah, I think
18 that would be a great idea.
19 MR. KERRICK: You're too far
20 away. I can't hear you. I need a digital sign.
21 MS. HAASE: What I had said,
22 Mr. Kerrick, is perhaps we have like a town hall
23 meeting and advertise and ask people to come in and
24 --
25 MR. KERRICK: That's a good

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1 idea.
2 MS. HAASE: -- both sides of
3 it, hear both sides of it.
4 MR. KERRICK: Perfect.
5 MS. HAASE: You know?
6 MR. HOLAHAN: I've talked about
7 it before, but we go to Vermont fairly often, you
8 get into Vermont, and they just don't -- they just
9 don't allow it. But as a state, they're allowed to

10 restrict colors and architectural and things like
11 that. My understanding from our solicitor is,
12 Pennsylvania does not allow that type of thing. So
13 we don't have that -- we can't exercise that
14 authority, but I think in the Blakeslee Visioning
15 what we were looking to do is to encourage an
16 architectural look and color scheme and things like
17 that and maybe everybody would kind of fall into
18 it.

19 But one of the things that
20 happens in Vermont is, because nobody has an
21 exception, one sign's not trying to outdo the other
22 sign. So, you know where to find the hardware
23 store in town because that's --

24 FEMALE VOICE: Not everybody
25 does.

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1 MR. HOLAHAN: Well, we're gonna
2 start telling them how to get to your place, Chris,
3 that's important. Quit going to Lowe's, go to
4 Matirko's. All right?

5 MS. PICKARD: You can get a
6 driving map of all the businesses.

7 MR. HOLAHAN: Yeah. Okay.
8 Let's -- we'll go for a town hall, put it on our
9 website, we'll twitter you, everybody follow us on
10 twitter.
11 MS. PICKARD: Well, we need to
12 get some ideas.
13 MR. HOLAHAN: I'm sure there's
14 some people out here who just don't have -- does
15 everybody have a Twitter account?
16 MR. KERRICK: No.
17 MS. SUSAN BUSH: I don't even
18 have a TV.
19 MS. LAMBERTON: Wow.
20 MR. HOLAHAN: That's why you
21 don't want digital signs.
22 MS. SUSAN BUSH: Part of it.
23 MR. HOLAHAN: Okay. Do I have
24 anything from the public?
25 MR. THOMAS CAMPSON: No. Go

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1 ahead.
2 MR. HOLAHAN: You're good? All

3 right.

4 Any comments from the public?

5 Anybody want to say anything?

6 MS. JOANNE KINGKINER: I do.

7 MR. HOLAHAN: Okay.

8 THE REPORTER: Can you state
9 your name, please?

10 MS. JOANNE KINGKINER: Joanne
11 Kingkiner. I lived in Medford, New Jersey for a
12 long time.

13 MR. HOLAHAN: Lovely place.

14 MS. JOANNE KINGKINER: It is.
15 But they have a strict sign policy and McDonald's
16 wanted to build a McDonald's and for 30 years they
17 were told no, because they wouldn't build it, you
18 know, to blend in with the property and the land.
19 Well, I guess, four years ago, we went by that
20 corner, guess what? McDonald's is there and it's
21 built the way he wanted it. There's no big sign,
22 there's no big M, but it's there; so it's like make
23 a policy and stick to it. I mean, people didn't
24 move here to be in the city.

25 MR. HOLAHAN: No, got you.

1 Good point Joanne.

2 MR. THOMAS CAMPSON: With her
3 comments, is it possible that you could zone like
4 Blakeslee Corners as the (inaudible), I guess you
5 want to call it. Agra --

6 FEMALE VOICE: (Inaudible
7 comment.)

8 MR. THOMAS CAMPSON: There you
9 go. Yeah, like that area, maybe Pocono Summit. I
10 mean, whatever areas that you want to keep nice --

11 MS. SUSAN BUSH: Keep charming.

12 MR. THOMAS CAMPSON: Right.

13 Exactly.

14 MR. HOLAHAN: Oh, certainly.
15 And we have that right now. The digital signs are
16 allowed in resort area, that's it, and there's only
17 one resort area, Kalahari so -- so we've kind of
18 taken care of that. We're gonna revisit this often
19 if we don't do something about that now. As much
20 as I love talking about it and sitting here with
21 you folks, we got to do something about it too.

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22          Anybody else have anything?  Any
23  board members?
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24 MR. MOYER: No, not right now.

1 quick, though, Heidi and I were at the economic
2 summit at ESU, that was -- Friday?

3 MS. PICKARD: Yes.

4 MR. HOLAHAN: Pretty cool.
5 Heidi was a little twisted because they picked on
6 townships. They said, you know, there's no
7 regional planning, that the townships are these
8 little -- each of these areas is little pythiums
9 and I take it -- offense to that, but I think we
10 found out that regionalizations help with the --
11 our police force. Regionalization is helping out
12 with our EMS. We're just gonna go in a manner of
13 planning. So I think this was -- what's this
14 heritage thing -- what is it actually called that
15 Ann Hutchinson's with? Is it Natural Heritage?

16 MS. HAASE: Ann Hutchin -- it's
17 Natural Lands Trust --

18 MR. HOLAHAN: Natural, yes.

19 MS. HAASE: -- who has
20 co-partnered with William Penn.

21 MS. PICKARD: Foundation.
22 MR. HOLAHAN: And their intent
23 is to kind of help us set some direc -- give us
24 some ideas and some direction on how we want this
25 area to look and of course Natural Lands Trust, you

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1 can imagine they don't want to cut any trees down
2 -- that name just never trips off my tongue easy
3 enough because it was always something that -- as a
4 home builder, I talk to people on opposite sides,
5 turns out not necessarily, but I think these folks
6 are gonna help us kind of set some direction there
7 as well.

8 The thing is we need --

9 MS. LAMBERTON: We'll have her
10 part of our town hall meeting.

11 MR. HOLAHAN: The thing is we
12 need -- we need you folks to come in here and tell
13 us what we're doing right and wrong or anything.

14 MS. LAMBERTON: Make
15 suggestions.

16 MR. HOLAHAN: Oh, by the way,
17 Eddie Tutrone, back there, DPW, nice report. A lot

18 of stuff.

19 MS. PICKARD: Nice roads.

20 MR. HOLAHAN: A lot of stuff

21 got done.

22 MS. PICKARD: You paved the

23 roads, I drove the roads.

24 MR. HOLAHAN: Thank you very

25 much.

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1 MS. PICKARD: You did a nice

2 job.

3 MR. HOLAHAN: Okay. Do I have

4 a motion to adjourn?

5 MS. LAMBERTON: So moved.

6 MS. SALLY VINEY: Oh, wait,

7 wait, wait.

8 MR. HOLAHAN: Oh.

9 MS. LAMBERTON: Oh, excuse me.

10 Sorry.

11 MR. HOLAHAN: Nope, too late.

12 MS. SALLY VINEY: I thought you

13 still had to do a letter yet. Is that -- I'm

14 looking at the agenda here.

15 Hi, my name is Sally Viney. I'm
16 a resident in Pocono Summit and -- 25 years as a
17 resident in Pocono Summit. A lot of changes in
18 those 25 years. I hear some exciting things
19 tonight. I hear some discussion about taking care
20 of dilapidated properties and I've been in Pocono
21 Summit and watched some of the things that were
22 absolutely picturesque and beautiful there, I've
23 watched Johnny's change into the auction house.
24 I've watched a multi-dwelling corner that use to be
25 the post office. I watched the train station

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1 deteriorate.

2 I brought some pictures tonight
3 because there is a deteriorated structure that I
4 have reported and come to the township for many
5 times. I'm a teacher so the only time I really get
6 here is -- I try and stop. Every time I go, hey,
7 this property is still falling apart, please, you
8 know, do something about it. Oh, yeah, we'll do
9 something, we'll send somebody over. Never
10 reported back to me if anything was done.

11 This property belongs to the
12 Miller estate. It is behind our property and we
13 have reported it numerous times. The township has
14 told me to call them so I called -- of course I
15 knew Ike, that's how long ago, you know, we moved
16 in here. He wanted to park his Cadillac in our
17 garage, a cinder block garage here. And then of
18 course he passed and his -- they said well, talk to
19 his wife, and I tried to reach her several times.
20 Finally she told me I am passing
21 away, I am dying of cancer, please don't bug me.
22 So for three years, I got -- okay, I'm just not
23 gonna do anything. So I've come to the township
24 several times with this. Tonight I brought
25 pictures. We have had people vandalize this

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1 property, children have been climbing through it,
2 raccoons and skunks find their place. Feral cats
3 are in there. And it is absolutely dangerous.
4 This week I saw a no trespassing
5 sign on there about four days ago. Today when I
6 went back to look at it, the no trespassing sign

7 was gone. People are accessing this property. It
8 is -- if you've ever heard of the broken glass
9 theory, it is a severe drag on Pocono Summit, a
10 severe drag. And I would love to share these
11 pictures with you, if I may?

12 MR. HOLAHAN: Certainly.

13 MS. SALLY VINEY: May I bring
14 them up? So, I'm sorry, I thought you were still
15 talking about signage when you said, are there any
16 public comments.

17 So if I can show you. There are
18 piles of pallets. Originally the Pocono Summit
19 Fire -- Volunteer Fire Company was going to burn
20 them. Oh, no, we can't do that, there's too many
21 residential properties. There are two trailers
22 behind and on either side of this, they're now --
23 nobody is living in those either.

24 This is what it looks like from
25 my backyard. We have a 104 year-old house. I love

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1 the history and we have our best to just better it
2 through the years. It's just a 1500 square foot
3 property, but if you ever go past it, you'll see

1 been here 25 years, I've watched those snow drifts
2 come across at Walmart, I've watched those snow
3 drifts come across at 84 Lumber. If we're clear
4 cutting this, we're gonna have snow drifts on the
5 access road to 940. We know how these winters are,
6 we -- and I love -- Pocono Summit I think is the
7 best as far as taking care of their roads. They
8 have always been phenomenal. I hear it from other
9 folks, oh, I'm here and there and I don't like it.
10 Pocono Summit has done a wonderful job clearing
11 these things and cleaning up.

12 So do -- is there something more
13 commercial going in there? I have heard talk of a
14 flea market coming into that area, it's gossip, I
15 don't know. Can we -- do we have any information?

16 MS. HAASE: There was a sketch
17 plan submitted to the township, nothing formally
18 has been submitted. That parcel, you're correct,
19 is both residential and commercial. What is being
20 proposed would be on the commercial property.
21 They're allowed to encroach into the residential
22 property by 100 feet.

23 MS. SALLY VINEY: Okay. Right
24 now it says don't -- you know, it's like if you go

22 later --

23 MS. HAASE: Four years later --

24 MR. HOLAHAN: -- it could be.

25 MS. HAASE: It could be. I

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1 have not -- I personally have not been out there.

2 MS. SALLY VINEY: And I have
3 been coming down here, I would say, at least 15 to
4 20 years asking about this property because it's
5 been vacated all of that time. There's been
6 nothing in there.

7 My worry was when I would see --
8 I'm a kindergarten teacher, when I was seeing
9 children going in that structure, and I called the
10 police, you know, this was very dangerous and
11 certainly somebody could have been hurt badly. We
12 would hear crashing glass, I call the police, this
13 sort of thing. It's a very dangerous structure.

14 I really love living in Pocono
15 Summit. I'd like to do some of the signage there,
16 you know, welcome to Pocono Summit. We've got
17 Kalahari that is taking that side of 940 and making

18 it look nice. Do you go under the bridge -- or
19 under the bridge that is 940 and you look like
20 you've entered a poverty area. We used to be a
21 beautiful little place there and I have watched it
22 go down and it breaks my heart, breaks my heart.
23 MS. PICKARD: We can make this
24 part of the LERTA.
25 MR. HOLAHAN: Part of the

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1 LERTA. I think we're gonna have to go out there
2 because I'm pretty sure this lady's not gonna go
3 away unless we actually do something and at least
4 follow up on it.
5 Sir?
6 MR. THOMAS CAMPSON: I will
7 speak to this lady because how ironic that the
8 Millers estate started Blueberry Estates as well.
9 MR. HOLAHAN: That's correct.
10 Okay.
11 MR. THOMAS CAMPSON: I just
12 wanted to -- one other thing or question, I
13 happened to notice the astounding growth of homes.
14 I went down Sullivan Trail not too long ago, I see

15 a sign on this property, auction. Right next door
16 to it they're building a brand new house. Next
17 door to that one is up for sale and and it's
18 overgrown. Is there a possibility we can slow some
19 of this building down?

20 MR. HOLAHAN: No.

21 MS. LAMBERTON: No.

22 MR. THOMAS CAMPSON: Because I
23 have two -- two vacant properties that are all in
24 bankruptcy, you know, talk about getting beat --
25 beat up as far as property value, but yet they keep

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1 on building, keep on building.

2 MS. LAMBERTON: Yeah, we can't
3 control that one.

4 MR. HOLAHAN: Well --

5 MS. PICKARD: Well, the LERTA
6 can.

7 MR. THOMAS CAMPSON: I know
8 you're a builder, so I'm sorry, but --

9 MR. HOLAHAN: Oh, no. That's
10 all right. I like being a builder.

11 MR. THOMAS CAMPSON: -- I mean,
12 it's kind of ridiculous. I mean, you know, I see
13 homes right next door to each other that --
14 auction, auction, auction.

15 MR. HOLAHAN: Yeah.

16 MR. THOMAS CAMPSON: Brings
17 property value down and yet they're building a
18 brand new building right next door to it. I don't
19 get it.

20 MR. MOYER: But it's different
21 people, you know what I mean like? It's not all
22 one person. It's -- a house going down and he's
23 building a new one. You know, you --

24 MR. THOMAS CAMPSON: Well,
25 these homes are like a couple -- four, five years

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1 old, seven years old. I've been up here 20 years
2 myself. I mean, it's just amazing how, you know,
3 they buy them, oh, we're gonna commute back and
4 forth to New York and after a year or two that gets
5 tired, and they walk away, but yet they're building
6 more.

7 MR. HOLAHAN: Yeah, that's --

8 that's what's happening still. Absolutely. But
9 I'm not gonna suggest that we stop building or
10 putting more --

11 MR. THOMAS CAMPSON: No, no,
12 I'm not saying stop building but maybe, maybe, just
13 maybe, we can get rid of these homes that are
14 vacant, that are up for auction, fill them up
15 first.

16 MR. HOLAHAN: From your mouth
17 to God's ears, that's exactly what needs to be done
18 with the real estate industry, it's taken a while.

19 MR. THOMAS CAMPSON: Oh, I
20 agree, absolutely.

21 MR. HOLAHAN: It takes a while.

22 Okay. Do we have anything else
23 then? Then we're gonna go into executive session.

24 (Meeting concluded at 8:45
25 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.

COURTNEY L. ROGERS, 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 5, 2015, beginning at 7 p.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

MATTHEW McHUGH, ESQUIRE, Solicitor

ALSO PRESENT: Phyllis Haase, Township Manager
Robert McHale, PE, Township Engineer

PANKO REPORTING
537 Sarah Street, Second Floor
Stroudsburg, Pennsylvania 18360
(570) 421-3620

2

1 MR. HOLAHAN: I'm going to call
2 to order the meeting of October 5th, regular
3 business meeting. Start with the Pledge of
4 Allegiance, please.

5 (Pledge of Allegiance.)

6 MR. KERRICK: Mr. Chairman, I
7 would like us to go into an executive session, a
8 short executive session, just the five supervisors.

9 MR. HOLAHAN: Okay. When did
10 you want to do that, right now?

11 MR. KERRICK: Right now.

12 Counsel can come in.

13 MR. HOLAHAN: We're going into
14 executive for a couple minutes.

15 (Board moved to executive
16 session at 7:03 p.m. and returned at 7:08 p.m.)

17 MR. HOLAHAN: Start with
18 announcements.

19 MS. HAASE: The township would

20 like to announce that trick or treat is set for
21 Saturday the 31st from 6 to 8 p.m.

22 MR. HOLAHAN: Okay. And
23 consider the minutes of the special meeting, August
24 13.

25 MS. HAASE: I have no

3

1 corrections.

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

4 MS. LAMBERTON: So moved.

5 MR. MOYER: Second.

6 MR. HOLAHAN: Have a motion and
7 second. Further discussion from the board?
8 Anything from the public?

9 Hearing none, call the vote.
10 John?

11 MR. KERRICK: Abstain.

12 MR. HOLAHAN: Heidi?

13 MS. PICKARD: I vote in favor.

14 MR. HOLAHAN: Donald?

15 MR. MOYER: I vote in favor.

16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I'll vote in
18 favor.
19 MR. HOLAHAN: I vote in favor.
20 Motion carries.
21 Next consider the treasurer's
22 report. Looking for a motion to approve in the
23 amount of \$438,025.14.
24 Do I have a motion?
25 MS. PICKARD: So moved.

4

1 MR. MOYER: Second.
2 MR. HOLAHAN: Got a motion and
3 second. Further discussion from the board?
4 MS. HAASE: Mr. Chairman, I
5 don't think Mr. Moyer is aware that there's a
6 check.
7 MR. HOLAHAN: Okay. So does
8 that affect him as being -- Donny, Gerry is getting
9 the security deposit back. Are you concerned about
10 voting on that?
11 MR. MOYER: No, I don't have
12 problem with that.

13 MR. McHUGH: As long as there's
14 no pecuniary gain, I don't know that there's an
15 issue. But as long as there's no pecuniary gain or
16 anything of that nature, then --

17 MS. HAASE: It's just a return
18 of security deposit.

19 MR. HOLAHAN: We're giving him
20 his money back.

21 MR. MOYER: Not mine.

22 MR. HOLAHAN: We're giving Gerry
23 her money back. We're giving Gerry Donny's money
24 back.

25 MR. MOYER: It's not hers

5

1 either, but nevertheless.

2 MR. HOLAHAN: All right. So
3 I've got a motion and second. Further discussion?
4 Anything from the public? Do you understand what's
5 going on?

6 A VOICE: No.

7 MR. HOLAHAN: Do you want to?

8 A VOICE: No.

9 MR. HOLAHAN: Call the vote.
10 John?
11 MR. KERRICK: I'll abstain.
12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: I vote in favor.
14 MR. HOLAHAN: Donald?
15 MR. MOYER: I vote in favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I'll abstain.
18 MR. HOLAHAN: I vote in favor.
19 Motion carries.
20 Let's go on to the solicitor's
21 report.
22 MR. McHUGH: I don't have any
23 specific items to report on. Under the solicitor's
24 report I will have some comments on some of the
25 items as we progress through the agenda. Also I

6

1 think Pat sent an email to all the members, so if
2 there's any questions I can address those at this
3 time. But other than that there's nothing specific
4 to report on.
5 MR. HOLAHAN: Okay. Thank you.

6 Manager report?

7 MS. HAASE: Mr. Chairman, I just
8 have one item. If the board recalls, in 2012 there
9 was monies that was granted to the township from
10 the county liquid fuels fund. We asked for the
11 monies to be allocated in 2013 to the 940 bridge.
12 We have begun the project and two weeks ago we had
13 a meeting with PennDOT regarding the monies. And
14 even though the monies were to be used for the
15 engineering, it now becomes a liquid fuels project,
16 and inspections would have to coincide with the
17 regulations of PennDOT.

18 With that, it would put an
19 additional expense of 10,000 for us to use the
20 18,5. So we are asking the county to reallocate
21 the funds to another project so we'll not have to
22 spend the \$10,000. 5,000 was for inspection and
23 5,000 was for a former report.

24 MR. HOLAHAN: Okay.

25 MS. HAASE: So I just wanted to

1 bring that to the board's attention.

2 MR. HOLAHAN: Very good.

3 Thanks.

4 Let's go on to reports.

5 Anything from Pocono Mountain Regional Police?

6 MS. PICKARD: Yes, please. We
7 do have a little presentation.

8 MR. HOLAHAN: Pocono Mountain
9 Regional Police.

10 MS. PICKARD: Oh, all right.
11 We're usually first.

12 MS. HAASE: I want to announce
13 that the October meeting is going will be held at
14 Coolbaugh Township at the municipal library at
15 seven o'clock.

16 Donny, do you have anything
17 else?

18 MR. MOYER: Just they did a
19 thing for Roy Gross who passed away and was a long
20 time chairman. They made a plaque and stuff over
21 at the police station headquarters.

22 MR. HOLAHAN: Is there anything
23 on open space, Heidi?

24 MS. PICKARD: We did have a
25 meeting and we forwarded some information to the

1 township for consideration for budget items and
2 update on status about the buildings and the trees
3 that were coming down. And we were looking to get
4 some kiosks replaced and maybe some stones. We
5 we're going to talk to Tunkhannock Township and we
6 just wanted to get updates on the status for that
7 with the township.

8 MR. HOLAHAN: Okay. Great.
9 Now, Pocono Mountain Regional
10 EMS.

11 MS. DENISE DOREMUS: Hi, I'm
12 Denise from Pocono Mountain Regional EMS.

13 Call volume this month, I'll
14 start with that first. Tobyhanna Township for the
15 month of September had 97 calls. Year to date they
16 have 760 calls. They are up almost eight percent
17 from last year. Total calls for Pocono Mountain
18 Regional this year is, so far is 4,521 calls, which
19 were up 15 percent for the total year of 2015 so
20 far.

21 MS. PICKARD: So we have our
22 media kit that we had worked on that we talked
23 about and we had emailed. So Denise was going to

24 go through and highlight that. And also we have
25 Joyce Onstead who's also one of our board members

9

1 from Coolbaugh Township here as well, for those who
2 have not met Joyce.

3 MS. DENISE DOREMUS: I gave you
4 all a booklet on our media package. The reason
5 why we put the media package together is basically
6 there's all the facts about Pocono Mountain
7 Regional Ambulance. It's basically where our money
8 comes from, what we do, ALS and BLS services. And
9 basically the contributions from the townships,
10 where they're distributed. Our income, how our
11 income is between insurances, Medicare, Medicaid.
12 And basically to describe how hard it is in EMS now
13 for the funding because of the cuts on Medicaid and
14 Medicare.

15 One of the facts is, a big fact
16 is that Medicare and Medicaid were cut. And
17 basically this was put together to show that. I'll
18 start from the beginning. Pocono Mountain Regional
19 supplies advanced life support care and basic life

20 support care. We are -- our employees include,
21 approximately now, it changes, there's a big
22 turnover a lot of times for 24 paramedics, which is
23 specialized care and extends beyond the basic CPR.
24 Basic life support, which we have 31 EMTs. And
25 that's procedures to sustain life.

10

1 Our coverage area, as you
2 probably know by now, is over 240 square miles.
3 Call volumes that was in 2014, but like I explained
4 we're already up 15 percent. We do cover mutual
5 aid too. And our mutual aid actually this year I
6 think is up 71 percent from last year. And that's
7 to Chestnuthill Township, Pocono Township and even
8 Carbon/Pike County and all of that. So, we're
9 pretty busy this year.

10 This is basically costs. It
11 costs us actually, an ambulance, to get out the
12 door is \$365. Average revenue per billing call is
13 only 306. Already there there's a little bit of a
14 problem. Sometimes especially -- average Medicaid
15 call we bill out -- our bill out is 800 for BLS,
16 1200 for ALS. Sometimes for a BLS call for a

17 Medicaid call we only get \$120, so right there
18 that's a big cut for basically to make ends meet.
19 This shows our revenue. It's
20 all in your thing and it's the percentages. This
21 year so far though I can say, this is -- this is
22 also for grants, for our grants to go to the local
23 businesses. This year in 2015 we had got the LSA
24 grant for a new ambulance, and that was through
25 Monroe County Community Ambulance Association.

11

1 Each ambulance corps got a \$100,000 to put towards
2 a new ambulance. And then we also got a private
3 grant, which thanks to Joyce, we put it in, and
4 that was for \$124,000. So in January we have two
5 new ambulances coming. And there already is the
6 new ambulance that we had purchased at 1102 and
7 that's 1103. So we'll have three new ambulances
8 this year. Which will be nice, because even the
9 cost to keep them up, it's a lot.

10 MS. PICKARD: What do we put,
11 30, 40,000 a miles on a truck a year or more?

12 MS. DENISE DOREMUS: More.

13 About 60,000 a year probably on each truck. And we
14 have seven. So we do rotate them but -- and I
15 think actually the oldest ambulance we have now is,
16 I want to say, is 2009. Which is not so bad. We
17 try to get them but it's hard. Very hard. One has
18 over 270,000 miles on it, so.

19 Any questions? See that was
20 quick. Any questions from anybody? It's basically
21 all in the book.

22 MS. PICKARD: And again, we're
23 looking for some consideration in the budget too --

24 MS. DENISE DOREMUS: In the
25 budget, yeah, in the beginning of the letter.

12

1 MS. PICKARD: Last year one of
2 the --

3 MS. DENISE DOREMUS: Your
4 20,000 last year helped us tremendously. And we
5 did get the grant for the generator, and that's
6 actually in the process of being put in. 1101
7 never had a generator. And we got a separate LSA
8 grant for the generator. So that should be put in.

9 MS. PICKARD: We put in the

10 money for Lucas' for the LSA --

11 MS. DENISE DOREMUS: Yeah.

12 Joyce just did too in the fire grant. And we're

13 asking one, so we just need money for one more.

14 And they're \$15,000 a piece.

15 MS. JOYCE ONSTED: Does everyone

16 know what a Lucas is?

17 MS. DENISE DOREMUS: Yes, we

18 already -- they had a presentation ---

19 MR. HOLAHAN: Anybody have any

20 thing?

21 MS. DENISE DOREMUS: Any

22 questions?

23 MR. HOLAHAN: Okay. Thank you.

24 MS. PICKARD: And thank you,

25 Janine with -- helped to put together the media

13

1 kit.

2 MS. DENISE DOREMUS: Yes.

3 MR. HOLAHAN: Thank you.

4 Okay. Let's go to old business,

5 proposal zoning ordinance.

6 MS. HAASE: Yes, sir. I have a
7 few items. To start off, the board of supervisors
8 will be holding a town hall meeting on October 15th
9 at 6 p.m. to listen to concerns and comments from
10 our residents and business owners pertaining to
11 signage in the municipality.

12 We've also scheduled our first
13 meeting for the overlay committee. And that's
14 going to be October 19th at 6 p.m. at the
15 government building.

16 In front of the board you will
17 find a packet with some samples of digital signage.
18 So those are some examples that I was able to pull
19 out from the area. I guess one of the concerns or
20 questions that Ms. Hutchinson has, is whether the
21 board would like to see the digital sign only on
22 the buildings, only free standing, and/or both. So
23 those are -- that's something that we're going to
24 be looking for direction from the board.

25 MS. PICKARD: Do you have

14

1 samples of all of those in the packet?

2 MS. HAASE: Well, the first two

3 would be samples of signage that would be on the
4 building. And then there's samples of free
5 standing signs.

6 And then following off on the
7 digital signs, we received an email -- the board
8 received an email from a resident that had some
9 questions regarding digital signage, and whether or
10 not we could require in our ordinance or recommend
11 in our ordinance for the sign company to advertise
12 for the 501 3-C's free of charge. I've reached out
13 to our solicitor, and that's not something that we
14 could put into our ordinance. We certainly --
15 nothing would prohibit that non-profit organization
16 to contact the agency, the advertising firm, to see
17 if they would advertise for them. So they could
18 reach out directly for it.

19 One of the other questions was
20 if we could require the advertisement company to
21 allow the township to put on either special
22 announcements if we had an emergency. And
23 currently for the one digital sign that we have,
24 that is the agreement with the township, so that's
25 already taken place.

1 MS. PICKARD: What about for
2 like Amber alerts or an emergency --

3 MS. HAASE: That's already taken
4 place. We already have that.

5 MS. PICKARD: Okay. I thought
6 you meant that was just in the zoning hearing board
7 agreement.

8 MS. HAASE: Correct. We don't
9 have an ordinance right now that speaks to that.

10 MS. PICKARD: Could we put it in
11 the ordinances for emerg -- I understand not
12 non-profit, but could emergency use be --

13 MS. HAASE: That's something we
14 could ask Pat if it could be in the ordinance. But
15 as far as the 501 3-C's he suggested that.

16 MS. PICKARD: Yeah, that I get
17 but for Amber alert --

18 MR. McHUGH: You're going to
19 have a similar issue when you're requiring 3-C's.
20 Amber alerts you're talking more about public
21 safety issue for us, so the restriction is going to
22 be less tailored there. But generally those are, I
23 think -- I see a lot of those type of conditions on

24 zoning hearing board approvals as opposed to being
25 located directly in the ordinance.

16

1 MR. HOLAHAN: Okay.

2 Let's go on to the sale of the
3 wastewater treatment plant.

4 MS. HAASE: Pat Armstrong was in
5 the township last week and we were going over some
6 documents that he needed to research. He's pretty
7 comfortable with where we're at right now. He did
8 update the board on his recent email. And he will
9 be circulating the agreement shortly.

10 MR. HOLAHAN: Okay. And then
11 what's going on with the RCAP on the agreement on
12 the natural gas extension?

13 MS. HAASE: Pat reached out to
14 Marc Wolfe last week just to see where we were at.
15 He hasn't heard back in about two weeks. Actually
16 since the last board meeting. It's my
17 understanding that Mr. Wolfe has some additional
18 changes that needs to take place in the agreement
19 off of some comments from Attorney Prevoznik. And
20 that will be circulated to everyone again. We

21 anticipate it being back in front of the board in
22 November.

23 MR. HOLAHAN: Okay. And then
24 working on LERTA.

25 MS. HAASE: Yes. We're

17

1 fortunate this evening that Mr. Chuck Leonard is
2 here to help answer some questions that we had. I
3 did reach out to Michelle Bisbing and she had
4 thought it would be wise to have Mr. Leonard come
5 in and speak with us.

6 MR. CHUCK LEONARD: I'm here to
7 answer questions and talk to you about how -- we've
8 done, I guess since I've been here, eight LERTA
9 zones for ourselves and assisted other communities
10 in establishing three or four others. LERTA is a
11 much more flexible law than you might anticipate.
12 You can include any zone in a LERTA zone. Of
13 course the typical approach is commercial
14 industrial in general and with a preference towards
15 properties that are either underdeveloped or
16 blighted, although case law does allow a pretty

17 liberal definition of what you actually put in the
18 LERTA zone.

19 But the process usually begins
20 with the municipality which identifies a number of
21 parcels, or properties that they think might work
22 placement in the LERTA zone in order to encourage
23 development, of course. And a proforma is prepared
24 identifying this. And the service that we provided
25 we go out to the other two taxing bodies and

18

1 present to them and say, here's what's proposed,
2 would you be willing to participate in a public
3 hearing to discuss the establishment of a LERTA
4 zone in the community.

5 And we have a pretty good model
6 that we can follow, you could use if you're
7 interested in going that direction. And we're here
8 to help.

9 Any questions? And I'd be glad
10 to answer any questions.

11 MS. LAMBERTON: Are they all set
12 up the same, Chuck? Is it you start out where
13 there's no taxes for the first year and then it

14 breaks into increments? Is that a set in stone
15 template that you design it --

16 MR. CHUCK LEONARD: No, it
17 varies. You can -- we've experienced LERTA zones
18 that are a hundred percent abated for ten years.
19 And we've had LERTA zones that were three years.
20 And we've had zones -- but the common model for us
21 is first year a hundred percent, second year 80
22 percent, third year 60, 40, 20, year six you're
23 full boat. So it's -- that's our common model.

24 Although it's up to the taxing
25 bodies how they prefer. We've seen them in ten

19

1 percent increments for the first five years. When
2 I say that, in 50 percent abatement set at the
3 outset as opposed to a hundred percent abatement.
4 And then, you know, a decline. Every year there's
5 ten percent given back. So it's really open to
6 your discretion and discussions with the other
7 taxing bodies about how exactly it's set up.

8 MS. PICKARD: But this is only
9 for the increase in redevelopment for those

10 existing properties?

11 MR. CHUCK LEONARD: That's
12 right. It is -- probably shouldn't reference this,
13 but it's similar to the TIF -- where there's a tax
14 base, of course, on the property. And, of course,
15 that makes it more useful when you have a vacant
16 piece of property, for example, because then only
17 the land taxes are what is paid going forward and
18 the abated taxes are based on the new assessment
19 that's caused by the new building.

20 However, there are some
21 situations where you have a property that is in
22 serious disrepair and as a consequence has been
23 assessed quite low, and then there is sometimes a
24 significant differential after renovation, there's
25 a significant, you know, differential increment,

20

1 increase in increment in regard to the new taxes
2 that make it cost effective to develop that kind of
3 property in a LERTA zone.

4 MR. HOLAHAN: I think one of the
5 first things we're going to do is actually do an
6 inventory to find out what would work. Because I

7 don't know if we were looking at taking so much in
8 areas or as individual properties.

9 MS. PICKARD: I think individual
10 properties. There's -- Phyllis can probably
11 explain this, but I think there's some people that
12 may not want to be part of that if we just did a
13 blanket like all over.

14 MS. LAMBERTON: Well, they don't
15 have to use it, right?

16 MR. CHUCK LEONARD: No, you
17 don't have to. I mean, they take --

18 MS. LAMBERTON: It's an option
19 that's available to them if we do blanket a group
20 of properties, correct?

21 MR. CHUCK LEONARD: We go from
22 the Middle Smithfield Township where they took all
23 of their commercial and industrial zones and put
24 them in a LERTA zoning. The Township of Shohola,
25 if you're familiar with that township, they did the

21

1 entire township, which is -- yes, the entire
2 township is a LERTA zone. Which is highly unusual

3 in our experience and not as targeted as we think
4 is appropriate.

5 MS. PICKARD: Is that
6 residential as well?

7 MR. CHUCK LEONARD: Yes,
8 residential as well.

9 MS. PICKARD: So you can do just
10 for residential?

11 MR. CHUCK LEONARD: Yes, you can
12 do residential. I mean, there is one -- there was
13 one residential LERTA zone in Monroe County. That
14 was in East Stroudsburg. I think that's expired at
15 this time though. I'm not sure. I'd have to go
16 back and look at --

17 MS. LAMBERTON: What are some
18 examples of the criteria that needs to be met for
19 it to be considered?

20 MR. CHUCK LEONARD: Well, there
21 is a blank designation in the law, however, it's
22 fairly liberally interpreted. And there's been
23 case law that has evolved to the point where, for
24 example, we have wooded properties, we have wooded
25 properties in our business parks, that were either

1 woods or in some cases cornfields, and of course
2 the zoned industrial. And since it was zoned
3 industrial a higher better use would be using it as
4 industrial. So that's considered an adequate
5 argument to place a property in a LERTA zone.

6 So it's pretty wide open. And
7 we've been -- if you look at the Middle Smithfield
8 example, there's some properties there that would
9 be very difficult to talk about as blighted. But I
10 think that their concern was is if you made a
11 property on one side of the street LERTA or put
12 that in a LERTA zone, and you have a guy across the
13 street in a similar business that might want to
14 expand but the LERTA is not available to him, it's
15 kind of a competitive disadvantage and is kind of
16 unfair. So out of fairness they decided to put all
17 commercial industrial properties into --

18 MS. LAMBERTON: Is it unheard of
19 to do all of your commercial?

20 MR. CHUCK LEONARD: Pardon?

21 MS. LAMBERTON: Would it be
22 unheard of to do every parcel that's zoned
23 commercial?

24 MR. CHUCK LEONARD: No, it's

25 definitely not unheard of. No, that's --

23

1 MS. PICKARD: That's what they
2 did in Middle Smithfield.

3 MR. CHUCK LEONARD: That's what
4 they did in Middle Smithfield. It's comparatively
5 --

6 MS. LAMBERTON: But you also
7 said residential. I mean --

8 MR. CHUCK LEONARD: Residential
9 too. You can do residential. That's not at all
10 common, the residential approach.

11 MS. LAMBERTON: Yeah, I wouldn't
12 understand that.

13 MR. CHUCK LEONARD: I only know
14 of a few of those across the State of Pennsylvania,
15 but there is a considerable number of LERTA zones
16 that exist that included all commercially developed
17 -- all commercial zones in various municipalities.

18 MR. HOLAHAN: I suppose my
19 concern would be that anybody that understands what
20 LERTA is, that it's considered blighted. And then

21 if you are in that, that you are perceived to be
22 blighted where you --

23 MS. LAMBERTON: Economic blight.

24 MS. PICKARD: Phyllis and I were

25 --

24

1 MR. CHUCK LEONARD: It can be --
2 the law says blight or the avoidance of blight.

3 MS. LAMBERTON: So we're
4 avoiding that.

5 MR. CHUCK LEONARD: So the
6 argument that's been made over the years is that
7 the -- establishing a LERTA zone for the purposes
8 of creating jobs is a strategy in an effort to
9 avoid blight.

10 MR. HOLAHAN: I understand, but
11 when you get to have that conversation with
12 somebody that can be explained.

13 MR. CHUCK LEONARD: Yes.

14 MR. HOLAHAN: I guess part of my
15 concern is when you don't get to get in front of
16 somebody, it's all in the way it's marketed.

17 MR. CHUCK LEONARD: Absolutely.

18 And of course we don't market our sites as
19 blighted. You know, our sites we say our pride --
20 MR. HOLAHAN: It's blighted but
21 it's going to get better.
22 MR. CHUCK LEONARD: Right. But
23 it's prime invested property that we want you to
24 build on that will create jobs and a tax base for
25 our community.

25

1 MR. HOLAHAN: Understood.
2 MR. KERRICK: Have we had
3 anyone, Phyllis, in the last year or so inquire?
4 MS. HAASE: No, not to my
5 knowledge. I know this is something that Heidi
6 brought up a few years ago. We thought maybe it
7 would be beneficial to the township if we look into
8 this to try to help with development. As it was
9 discussed at our last meeting, you know, the
10 concern was under the act it's deteriorated areas
11 of economic depressed communities.
12 And when I spoke to Michelle
13 Bisbing that was my concern as well, as far as how

14 does that make that area look. Now, Michelle did
15 speak to the fact that you can just use specific
16 properties instead of an entire area and maybe it
17 would be worthwhile speaking to the property owner
18 to see if they wanted to be a part of that.

19 MR. KERRICK: So if we all had
20 properties next to one another -- use you, John, as
21 an example, say your probably is blighted or we dub
22 that blighted, what about Anne's or -- would it
23 affect our property at all or property values?

24 MS. HAASE: It's my
25 understanding, contiguous properties could take in

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1 use of this as well, correct?

2 MR. KERRICK: Could or not?

3 MS. HAASE: They could if --

4 MR. KERRICK: Or not take --

5 MR. CHUCK LEONARD: Yeah.

6 MS. PICKARD: It wouldn't hurt.

7 I mean, I'm thinking if I want to put a new amenity
8 on my house I could now not have to pay taxes for a
9 while, so I might want to put a deck on my house
10 and increase, you know, my value because I'm not

11 going to pay taxes on it right away.

12 MR. CHUCK LEONARD: We've never
13 run into a situation where a LERTA zone was a
14 deterrent to sales of adjacent property. Never.

15 MS. PICKARD: And I'm thinking
16 it would be more of an attraction but would a bank
17 or -- is there any downside where a bank would look
18 at that and say oh, you're in a LERTA zone, you're
19 blighted?

20 MR. CHUCK LEONARD: We've had
21 banks locate in LERTA zones in Monroe County and
22 had enjoyed it immensely.

23 MS. LAMBERTON: Absolutely, as a
24 tax advantage, absolutely.

25 MR. McHALE: Can infrastructure

27

1 improvements be included in that for extension of
2 sewers or water lines to service those properties
3 that you're speaking to?

4 MR. CHUCK LEONARD: You mean as
5 a requirement or --

6 MS. PICKARD: No as a part of

7 the package.

8 MR. CHUCK LEONARD: You mean the
9 idea of extension of the lines would enhance the
10 value or --

11 MR. McHALE: Yes. And to be
12 utilized to be able to bring development to those
13 properties.

14 MR. CHUCK LEONARD: In other
15 words the LERTA proceeds would go to paying the
16 installation of infrastructure?

17 MR. McHALE: That's what I'm
18 asking, yes.

19 MR. CHUCK LEONARD: That's not a
20 --

21 MR. McHALE: As part of the --

22 MR. CHUCK LEONARD: -- in
23 general not our experience. I think that if you're
24 looking to do that, I mean, in essence LERTA, they
25 talk about TIFs as kind of a reverse LERTA, sort

1 of, because really the benefit approves not to
2 necessarily the property owner, but it does perform
3 or does the infrastructure that's necessary in

4 order to accommodate a development at this site.

5 MR. McHALE: The reason I ask
6 was we have these village centers that the board
7 has been looking at in Blakeslee and Pocono Pines
8 and Pocono Summit. And, you know, if we needed to
9 bring improvements to enhance that development that
10 we're looking to, I didn't know if monies could be
11 used to help assist in that.

12 MR. CHUCK LEONARD: The TIF,
13 would be -- the Tax Increment Financing District
14 would be a better tool in that case.

15 MS. PICKARD: There's no money
16 coming in. It's just the --

17 MR. CHUCK LEONARD: Right.
18 Actually the benefit accrues to the -- I mean,
19 there are some districts that do have requirements.
20 For example, in -- let's see if I can remember
21 this. In East Stroudsburg, in order to take -- for
22 a residential property owner to take advantage of
23 the tax abatement, the bureau required that they
24 show that the abatement was actually going back in
25 to improve the value of their property. And that

1 had to be verified by their zoning officer or -- I
2 forget who specifically had to review it, but that
3 basically -- we set up a mechanism and we were the
4 cooperating agency in establishing those rules.

5 And we also have a number of
6 Keystone Opportunity zones that captured
7 residential properties and a form of that
8 requirement was implemented in those zones in order
9 to make certain that, you know, the properties were
10 enhanced.

11 MS. PICKARD: My thought just
12 about the residential was, again, on the blighted
13 property if there was an enhancement for somebody
14 to fix up or repair or something, a blighted
15 property. But you'd have to go in to get the taxes
16 appealed to get them lowered in order to fix it up
17 and gain any tax benefit?

18 MR. CHUCK LEONARD: Well, I
19 mean, theoretically what you're thinking is
20 correct. But, sometimes the values are enhanced by
21 improving a property to the extent where the
22 increment is significant enough to make a benefit
23 to the property owner.

24 MR. HOLAHAN: Anything else?

25

MR. CHUCK LEONARD: We'll be

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1 glad to help, whatever we can do. We have some
2 pretty good models that can be followed and we'd be
3 glad to sit with you and talk about what sites
4 might be appropriately put in the LERTA zone.

5 MR. HOLAHAN: Thank you.

6 MS. PICKARD: Thanks, Chuck.

7 MR. HOLAHAN: All right. Let's
8 go on to consider the PSATS resolution.

9 MS. PICKARD: Just one thing.
10 How are we moving forward then on this.

11 MR. HOLAHAN: On the LERTA?

12 MS. PICKARD: Yeah.

13 MS. HOLAHAN: Did we start
14 inventory of properties.

15 MS. HAASE: I did. I started in
16 the Blakeslee area and I started taking properties
17 that I felt perhaps the board would like to
18 consider in to including this. So I can finish
19 this, submit it to the board and see how you'd like
20 to move forward with it.

21 Do you want to go through an

22 entire area and consider a zone or just specific
23 properties?

24 MS. LAMBERTON: Honestly, I
25 would think if the Blakeslee visioning area to

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1 start, and make that --

2 MS. PICKARD: And the Pocono
3 Lake Hotel.

4 MS. LAMBERTON: Or R3 that we
5 had looked at when we started our visioning, those
6 three areas. Because if that's where you want to
7 start your development, that's where you want your
8 incentive to --

9 MS. HAASE: Okay.

10 MS. PICKARD: I agree.

11 MR. HOLAHAN: Agreed?

12 MR. KERRICK: Okay with that.

13 MR. HOLAHAN: Okay. Now, let's
14 consider the PSATS resolution.

15 MS. PICKARD: We didn't really
16 come forward with anything at this point in time.

17 MR. HOLAHAN: Okay. Next --

18 then we're not going to talk about this --

19 MS. PICKARD: Well, we kept
20 running into little road blocks and things and
21 coming up with something specific, you know. And
22 there are some programs out there with the blighted
23 act and things like this LERTA that we could use as
24 a tool for blighted properties that may be
25 dangerous structures.

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1 My concern is, and I know Pocono
2 Township has several properties that they're
3 dealing with now, that's coming into tens of
4 thousands of dollars that the township has to lay
5 out to remove these dangerous structures.

6 MR. HOLAHAN: That's probably
7 something else. I think what we need to do is go
8 ahead and take care of the direction we've given
9 you, Phyllis, is take a look at those centers of
10 various -- for the -- like our visioning, and
11 identifying those properties. And then find out
12 what kind of inventory --

13 MS. PICKARD: Take a blighted
14 inventory.

15 MR. HOLAHAN: Yep. Okay?
16 Let's move on. We're going to
17 new business. We want to change that up a little
18 bit too, Phyllis, before we go into -- or do you
19 have this in the order you want to do that?
20 MS. HAASE: Yes, sir, I think
21 it's fine. I have one addition that I'll add in
22 after Item No. C.
23 MR. HOLAHAN: Okay. Very good.
24 So let's go into Pinecrest Phases 5 and 6.
25 MR. BRANDON CARROLL: It's my

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1 understanding the board's been involved with the
2 reorganization of Phases 5 and 6 a few times in the
3 last year. Pinecrest Lake Community Trust, who is
4 the managing governing body of the Pinecrest Lake
5 property has purchased the remaining bankrupt
6 project out of bankruptcy, hoping at some point to
7 sell it, but I'm here tonight to request the bond
8 release that the township holds. I have 30
9 homeowners who live there now that haven't had
10 their final wearing course of paving added to their

11 house since they've lived there. Some of these
12 people are driving over four to inches of a lip to
13 get into their garage. So they're pretty upset.

14 So I'm here tonight, we've
15 presented some bids to Phyllis and Bob that we've
16 obtained. We're looking to get the money released
17 Road AAA, which is now Clymer Lane. BBB is
18 Bungalow. And what used to be Crestwoods Lane is
19 now Pocahane Lodge Road. We would like to request
20 the reduction in the bond to move forward to put
21 the final wearing course. It's been sitting
22 probably a little more than -- almost we're going
23 on ten years now. So that's either going to fall
24 apart and crumble or -- we'd like to get it done
25 and not be a liability to the homeowners of our

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1 community.

2 MR. McHALE: The funds that the
3 township is currently holding is, I believe, around
4 the 243,000 mark. As we've discussed over many
5 years, is that as time goes on that money becomes
6 less and less appropriate for the improvements that
7 need to be made to complete Phases 5 and 6. So

8 what we had discussed with Brandon and Eric Woelfel
9 in a meeting is that the intent would be that a
10 development agreement would be put together for
11 this particular portion of the project, because
12 they're essentially taking over a project that's
13 already approved. And with the caveat, I guess,
14 that it would be kind of a phased building
15 procedure.

16 So what's shown in the shaded
17 portions that Brandon had identified with these
18 roads, these shaded buildings are already
19 constructed. And there's a couple more townhouse
20 clusters that are sort of under construction. But
21 Brandon doesn't know what he's going to do with
22 those yet or if he's even going to convert the
23 amount of units that are left to duplexes. So
24 there's a question of is he going to complete and
25 finish out the way it's been approved, or is a

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1 revised final plan going to come into play.

2 The other thing that he ran into
3 that he mentioned to us was the NPDES permitting.

4 That permit had expired and so to start new
5 construction they got to go back to square one and
6 start over as though it's a brand-new project. So
7 with all those hurtles, and he had gotten some
8 pricing of tens of thousands of dollars to
9 reengineer and get some things back in place, let
10 alone the construction costs. So the intent was
11 try to simplify this as best we could, pull
12 together a development agreement that would allow
13 the release of the funds as Brandon had described.

14 And, in addition then, it would
15 lock in those future townhome clusters to where
16 they could not be issued building permits or sold
17 or transferred or anything like that, interest,
18 until such time as additional financial securities
19 were brought to the township to secure those
20 improvements. Or like a typical prelim final plan,
21 the developer could put those improvements in and
22 then be able to sell and that type of thing.

23 So there's ways to -- but the
24 development agreement could detail out those
25 parameters and procedures as to how that would be

1 used. But what it would do now is be able to free
2 up -- he has presented about a \$93,000 quote to do
3 the paving portions, and about another 2600. So
4 we're looking at maybe 95 to \$100,000 that the
5 board would kind of grant permission to be included
6 into that development agreement. Then the
7 development agreement can be put together as
8 quickly as possible, executed by both parties,
9 recorded, and hopefully they could get underway and
10 get the paving in before the weather turns.

11 If they could do that it's going
12 to be a win/win for everybody because then the
13 residents get what they need. And what we would
14 have then is essentially the parts that he had
15 shown on the map, those parts would be essentially
16 a hundred percent complete. So we wouldn't have to
17 go back to those units. All we'd have to worry
18 about then is future. And when the future comes
19 about and he decides what they're going to do --
20 because he even mentioned they might turn to green
21 space. They don't know what trust wants to do yet.

22 So that's all we had.

23 MS. LAMBERTON: So if it turns
24 to green space then why would he have to go back
25 for his NPDES.

1 MR. McHALE: He wouldn't have to
2 do anything then.

3 MR. BRANDON CARROLL: We
4 wouldn't do anything. We would just abandon it.
5 At this point it's too -- there's too many bugs in
6 the air --

7 MS. LAMBERTON: Is there anyway
8 the township could speak on behalf -- I mean,
9 they're not the original owners, but yet they want
10 to exercise the option of creating this plan that's
11 already been approved. So if they would use
12 today's BMPs, why do they have to go through the
13 whole process again?

14 MR. McHALE: The sad part about
15 this is that there really isn't that much more
16 earth disturbance to occur. We're talking about
17 the footprint of the building, because these other
18 -- this other road, there's actually road CCC, I
19 believe, has a stone base already in it.

20 MR. BRANDON CARROLL: Yeah, the
21 remainder of the stone base is already in place.

22 The project is stable.

23 MR. McHALE: But it expired and
24 it expired before it was transferred. And there's
25 all kinds of permitting issues related to that.

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1 MR. BRANDON CARROLL: I guess it
2 was approved under 2006 rules, 2003 rules?

3 MR. McHALE: Something like
4 that, yeah, 2003 or 4.

5 MR. BRANDON CARROLL: In 2010 it
6 changed but because they let it lapse they're
7 saying you start off with 2010. And it's so up in
8 the air that until you spend -- I got quotes
9 between 30 and a hundred thousand dollars just for
10 engineering. And then it could be another 30, a
11 hundred thousand on top of that for construction
12 costs to maybe get it to a point where you can do
13 that.

14 MR. HOLAHAN: What if doesn't
15 work?

16 MR. BRANDON CARROLL: That's
17 right. I started with a couple of the folks on the
18 board who've seen a proposal to change the product

19 to duplexes, which would make everything smaller,
20 stormwater, buildings, impermeable strip. But I
21 can't -- you got to be at that magic number or it
22 doesn't work.

23 MR. McHALE: But with the
24 original developer fading out of the picture many
25 years ago, the money's been sitting there and it's

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1 just been kind of in the bank's interest and other
2 things. I think we had three or four different
3 developers come in and look at it to see if they
4 could make it work and to date nothing has really
5 come about there.

6 MR. BRANDON CARROLL: I think as
7 is if we finished it as is round numbers, I think
8 maybe the bond is \$50,000 short. I say if we do
9 this at least we're protecting the infrastructure
10 there and make 30 homeowners happy. I take away --
11 I feel the community's liability, the township's
12 liability and then you guys still have the rest of
13 the money. If we move forward you're holding the
14 key to the lock that, you know, at that point if it

15 becomes viable then we can just say okay, we're
16 going to need 50 other thousand, we'll get that and
17 we'll have our stuff together for Bob to --

18 MR. McHALE: And that new
19 development agreement would then protect the
20 township's interest to make sure that there's
21 adequate financing in addition to what's remaining
22 to go together to finish the improvements.

23 MS. PICKARD: Didn't this fall
24 under the permit extension act?

25 MR. BRANDON CARROLL: According

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1 to Monroe County, no.

2 MS. LAMBERTON: And there's
3 nothing we can do as a township to approach them
4 and --

5 MS. PICKARD: Are they above the
6 state?

7 MR. BRANDON CARROLL: Are they
8 above the state?

9 MR. McHALE: They're the
10 delegated authority of the DEP.

11 MR. BRANDON CARROLL: I mean,

12 could you argue it? I think maybe there's an
13 argument --

14 MS. LAMBERTON: Well, I just
15 think maybe there was something we could do.

16 MR. BRANDON CARROLL: --
17 argument for lack of a better word. At the time
18 and due diligence it was -- you know, it was too
19 long of a project and too much of a cash outlay on
20 something that you didn't know -- there was no
21 chance. It wasn't even -- it wasn't worth
22 gambling. At best we have one building left. If
23 not, then we get more hiking trails and less
24 development, I guess.

25 MR. HOLAHAN: At this point you

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1 want us to -- we need to be able to release a
2 hundred thousand into a new developer agreement,
3 that Patrick would be drafting?

4 MR. McHALE: Yes.

5 MR. KERRICK: I would make that
6 motion but I'd like our solicitor to make the
7 motion that I would. So we do it the proper way.

8 MR. McHUGH: I think the motion
9 would be to authorize the solicitor to prepare a
10 development agreement that permits the release of
11 the escrow funds pursuant to the completion of
12 improvements in accordance with the approved plan.

13 MR. HOLAHAN: In the amount of a
14 hundred thousand?

15 MR. McHALE: Around a hundred
16 thousand would cover a little extra in case there's
17 some unforeseen circumstances come up, that would
18 be a good number.

19 MS. PICKARD: Up to a hundred
20 thousand? Would that be --

21 MR. McHALE: You could do up to
22 -- that would be a good idea. And then he can --
23 Pat can detail out then the other provisions that
24 we discussed here tonight.

25 MR. McHUGH: I think we'd also

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1 ask for the execution of a professional services
2 agreement.

3 MR. BRANDON CARROLL: Yes, I
4 have that, Counselor. Yes.

5 MR. KERRICK: That's my motion.
6 MS. PICKARD: That's my second.
7 MR. HOLAHAN: Okay. I have a
8 motion and second. Further discussion from the
9 board? Anything from the public?
10 Call the vote. John?
11 MR. KERRICK: In favor.
12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: I vote in favor.
14 MR. HOLAHAN: Donald?
15 MR. MOYER: In favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I vote in favor.
18 MR. HOLAHAN: Don't you live
19 there?
20 MS. LAMBERTON: I live there. I
21 abstain.
22 MR. HOLAHAN: And I vote in
23 favor. Motion carries.
24 MS. HAASE: John, did that also
25 authorize you to execute the agreement for the

1 board so we can expedite this?

2 MS. LAMBERTON: Could you amend
3 your motion?

4 MR. KERRICK: I didn't hear what
5 you said.

6 MS. HAASE: I was asking John,
7 the chairman --

8 MR. KERRICK: Oh, that John?

9 MS. HAASE: Yes. The Chairman.

10 MR. HOLAHAN: If the board
11 agrees based on that, that I'm authorized to
12 execute the agreement as well.

13 MR. KERRICK: Absolutely.

14 MS. LAMBERTON: Here, here.

15 MS. HAASE: We're trying to beat
16 the elements and get it --

17 MS. LAMBERTON: No, absolutely.
18 Move it along.

19 MR. HOLAHAN: Okay. Let's go
20 on, Kalahari Boulevard release of punch list
21 security.

22 MS. HAASE: Kalahari's requested
23 that the security be released for the punch list
24 items. There is a letter that is in your packet
25 from T&M that speaks to their recommending the

1 release of \$630,400 contingent upon Items 1, a
2 certificate from developers engineers stating the
3 punch list items as installed are in conformance
4 with the design specifications, and are acceptable.
5 And 2, warranty information on light standards and
6 luminaries.

7 Item 3, the AIA documents that
8 can be submitted at a later date, but they're
9 requesting that Items 1 and 2 be submitted.

10 MR. HOLAHAN: Have we received
11 those items?

12 MS. HAASE: No, sir. So any
13 motion, I'd ask that it would be conditional upon
14 them sending the items to the township and T&M.

15 MR. HOLAHAN: Does everybody
16 understand what we're looking to do here?

17 MS. PICKARD: Where are we at?

18 MR. HOLAHAN: So we're on the
19 letter from T&M.

20 MS. PICKARD: The one that's on
21 the table here dated today?

22 MS. HAASE: No, it's on the

23 portal.

24 MR. HOLAHAN: It's on our

25 portal.

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1 Okay? So Kalahari, I believe,
2 has asked for the release of \$730,400 for the road
3 punch list. The engineers have gotten together and
4 taken a look at some issues that's going on with
5 the roads. And there was seepage that is occurring
6 on the boulevard. So it's the recommendation of
7 the engineers that we release the punch list money,
8 but hold \$100,000 until the seepage issue is
9 resolved in a manner acceptable to the township.
10 Now, I don't know if that means that it's fixed or
11 that something is determined that will resolve
12 that.

13 Do you have any further input on
14 that, Mr. McHale?

15 MR. McHALE: I believe if some
16 sort of resolution was prepared and a cost estimate
17 associated with that resolution put together, then
18 you could refine that instead of holding out a

19 100,000, maybe it's 65, maybe it's 45. But at this
20 point we -- there was a request back in July, this
21 was from July 16th to the 27th there was a number
22 of emails that went back and forth between
23 Kalahari, their engineers, T&M, myself and Phyllis
24 and Ed.

25 The end result was that the

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1 request was made to have a resolution and
2 associated with this water seepage that's going in
3 the boulevard by the end of August. And we haven't
4 received anything and it's just kind of been
5 sitting dormant. Nothing's been done. But if we
6 let it go there's enough information here on record
7 that there is a water issue, our DPW superintendent
8 was out there today to photograph that area. They
9 did see more water. And it only seems to be an
10 issue when the stormwater detention basin fills or
11 partially fills with water, and it appears that
12 that's where the water is migrating from there,
13 down slope, and across and into the base materials
14 of the boulevard.

15 So that said, we don't know what

16 the answer is going to be. We believe it's
17 important that the developer and his engineer get
18 together to propose a resolution and then a cost
19 estimate could be associated with that, further
20 monies could be released at that point if the board
21 wishes. But at this point we don't know whether
22 it's going to be lining the basin, underground
23 subsurface drainage, longitudinally, transversely,
24 you know, that type of thing.

25 MS. PICKARD: Can we just

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1 release the 630 and make it contingent on releasing
2 the rest as soon as we get some kind of --

3 MR. McHALE: Absolutely. That's
4 what's recommended.

5 MS. PICKARD: -- understand what
6 it is. Bob, I think you had mentioned this morning
7 if there was a French drain. I mean there might be
8 something that's very minimal costwise, I mean.

9 MR. McHALE: T&M has recommended
10 that the \$630,400 be released at this point in
11 time. So it's --

12 MS. PICKARD: But can we do it
13 contingent so that we don't have to wait until
14 there's another meeting to release the rest of it
15 if it's --

16 MR. McHALE: You could release
17 the 630 right and make a motion.

18 MS. PICKARD: -- tomorrow or the
19 day after tomorrow?

20 MR. HOLAHAN: Understood. So
21 instead of getting together again saying okay, go
22 ahead and release the other, the balance --

23 MS. PICKARD: Yes.

24 MR. HOLAHAN: -- whatever that
25 balance would be.

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1 MS. PICKARD: As soon as we have
2 a definitive answer on what it is was what my --

3 MR. HOLAHAN: So how would we do
4 that conditionally, that it's acceptable by our
5 engineer?

6 MR. McHALE: Well, T&M has been
7 on the project reviewing and taking care of all the
8 construction inspections.

9 MS. PICKARD: Well, Pennoni has
10 to come up with what it is, right?

11 MR. McHALE: Correct. They
12 would come up with --

13 MS. PICKARD: They would have to
14 agree to look at it.

15 MR. McHALE: -- a proposed
16 resolution and a cost estimate associated with
17 that. And present that to T&M and the township.

18 MR. HOLAHAN: Now, it's been
19 stated that we are still holding \$480,000 or
20 something like that in a maintenance agreement that
21 we're holding for 18 months.

22 MS. PICKARD: Is that 18 months
23 or is that until Phases 2 and 3 were done with the
24 wear and tear on the road?

25 MR. HOLAHAN: I'm not sure.

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1 MS. LAMBERTON: Could I ask a
2 question? What items on the punch list have not
3 been done?

4 MR. McHALE: This is the

5 outstanding item.

6 MS. LAMBERTON: This is on the
7 punch list?

8 MR. McHALE: This is not on the
9 punch list. If you recall, during the time that
10 Kalahari was trying to grand open, they had asked
11 that the board go ahead and accept the road with a
12 list of punch list items.

13 MS. LAMBERTON: Right.

14 MR. McHALE: Had the
15 construction continued in a typical manner and been
16 completed at whatever time, they're just now
17 finishing the punch list, so let's say three
18 additional months, this would have been discovered
19 and put on the punch list. It's just that there
20 was no rain events of any significance to be able
21 to allow those basins to fill up and for the water
22 seepage to occur, so it was not seen until the
23 punch list was developed and then two or three
24 weeks later that was in there.

25 The punch list also includes a

1 ten percent contingency added on the 600 and some

2 thousand that was originally approved. So those
3 contingencies are for this type of thing. It's an
4 unforeseen condition. We're not pointing to design
5 and saying that something was missed in design or
6 that the contractor didn't build something
7 correctly. All we're saying is, it was unforeseen
8 and we're seeing seepage come up.

9 If we let it go the problem
10 enters into where it then becomes -- it could
11 become a liability issue for the township because
12 every time we get a rain event, the basins fill and
13 you get the migration of water and then we get
14 these cold temperatures at night and then it
15 freezes over, are we going to send the DPW guys out
16 there every time it freezes to check and see if
17 that spot is an icy problem. And that's one of our
18 concerns is a liability issue. Let alone, this is
19 actually part of design and construction.

20 MS. LAMBERTON: So we've owned
21 it since July 1st?

22 MR. McHALE: Subject to the
23 proper completion of all the improvements --

24 MS. LAMBERTON: And the items
25 are improved now that were on the list?

1 MR. McHALE: Yes.

2 MS. LAMBERTON: So we're not
3 going to have somebody else go on our property and
4 fix something?

5 MR. McHALE: No, that's why
6 we're saying the monies that are still left there
7 could be utilized or developer can put in something
8 to remedy this. We would not have taken dedication
9 of this had this issue come up anyway. I mean,
10 this is not a maintenance issue. It's not like you
11 go out and we're going to -- we're going to mark it
12 out and we saw cut it, remove and replace the
13 asphalt and then a later come out to the same spot
14 remove and replace a year later, because this water
15 is going to keep seeping in.

16 It's a design -- it's actually
17 an unforeseen issue. It's unforeseen soil
18 conditions.

19 MR. KERRICK: I can understand
20 that, Bob. But you got to make me understand, when
21 you have a punch list -- I've been around
22 construction all my life -- when you have a punch

23 list, you finish those items and you get your money
24 released. That's what we have the other thing for
25 the bond, for the 400 and whatever thousand.

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1 Somehow I'm missing something here.

2 MR. McHALE: But again, there
3 was a scramble, if you recall, to hurry and take
4 possession of this. And had we not hurried to take
5 possession of it with only the known punch list
6 items that were available at the time, and the
7 course of construction continued, we would have
8 passed this time, the water seepage would have
9 become evident and it would have been a part of the
10 punch list.

11 So it's during construction that
12 this came about. I mean, even though we took
13 jurisdiction of the road, if you will, the road was
14 still under construction. They're just now
15 completing it.

16 MR. MOYER: Let me ask this.
17 Suppose we didn't get any rain, we released
18 everything because the punch list was done?

19 MR. McHALE: We wouldn't have

20 known. But now we do know though, and it was an
21 issue that came about. But that's up to the board.
22 I mean, you all can call it either a design
23 construction to be addressed, but again, it --
24 MR. KERRICK: How much do we
25 want to hold?

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1 MR. McHALE: Well, if we had --
2 MR. KERRICK: We already have
3 400,000.
4 MS. PICKARD: If it was done in
5 July you wouldn't be sitting here, it would have
6 been done.
7 MR. McHALE: If we would have
8 gotten the proposal by the end of August as we
9 requested -- and the only reason T&M had suggested
10 to wait until August was because they wanted to see
11 if there was other rain events that occurred to see
12 if this was what was causing it. But we had a dry
13 August. We had a dry September. And we only hit
14 seven days out of five months that were over an
15 inch of rain. So, again, it's just the sequence in

16 the way things happened gets us to the point we're
17 at.

18 Is it a design construction
19 issue? Yes, it is. If you all want to call it a
20 maintenance issue, you can call it a maintenance
21 issue. But then we would want to authorize T&M to
22 go ahead and put together bid documents, prevailing
23 wages and have them go out to bid. Get the bids in
24 and then immediately put that in before winter. So
25 it's going to cost more money to go down that path

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1 than it is for them to do it as a change order and
2 just go to their engineer and say, what do we want
3 to do to try to resolve this.

4 And they come up with, let's
5 say, subsurface drain. 750 feet goes in at \$30 a
6 foot. So it's 25, \$30,000, change order, they're
7 finished at that point. Then if something else
8 crops up or continues, the maintenance would then
9 kick in down the road because we've resolved it to
10 the best we could under the design construction
11 umbrella.

12 MS. LAMBERTON: So if something

13 else happens, do we go after them again and say,
14 oh, you know, that wasn't on our list so -- I mean,
15 where does it end?

16 MR. McHALE: At the point that
17 this is resolved, there are no other issues that we
18 are aware of. So we're taking the road as is.

19 MS. LAMBERTON: But we also
20 weren't aware of this.

21 MR. McHALE: We were, though,
22 during construction. On July 16th we were aware of
23 it.

24 MR. KERRICK: The thing is we
25 are -- we are aware of the --

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1 MS. PICKARD: -- there was a
2 problem that first weekend that it rained that
3 heavily it was evident.

4 MR. HOLAHAN: John, an update
5 about construction, we took this when the paint was
6 still wet.

7 MR. KERRICK: Correct.

8 MR. McHALE: Well, the paint

9 wasn't even down yet.

10 MR. HOLAHAN: So when this now

11 is becoming evident.

12 MR. McHALE: Yes.

13 MR. HOLAHAN: But it was always

14 there?

15 MR. McHALE: Correct.

16 MR. KERRICK: I wasn't aware of

17 it until hours ago.

18 MR. HOLAHAN: Understood.

19 MR. KERRICK: But I thought in

20 my mind -- and educate me, please -- that's what

21 this 400 and some thousand dollars was. How much

22 can we hold from the developer? I mean, it never

23 stops. Dollars, dollars, dollars, dollars. And

24 where do they come up with the hundred thousand

25 dollars? It could be a \$10,000 fix.

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1 MR. McHALE: It may be.

2 MR. KERRICK: But you're holding

3 up a hundred thousand dollars.

4 MR. McHALE: The only reason

5 it's being held because nothing was submitted as a

6 resolution, with a cost estimate. If they would do
7 that or would have done it by the end of August as
8 the emails that went back and forth between all
9 parties had discussed, we wouldn't be sitting here
10 talking about it. It would have been resolved
11 already.

12 MR. HOLAHAN: Mr. Pine.

13 MR. STEVEN PINE: Mr. Chairman,
14 Steve Pine. I'm with the Kalahari Resort. I have
15 several comments to make.

16 When we put down the three hun
17 -- the \$730,000 for the punch list, we believed
18 that we had to turn in a punch list of things that
19 had to be approved and agreed to by both parties.
20 And that was done. All of those items with the
21 exception of the two items that Phyllis said in the
22 motion need to be contingent on have not been
23 completed. We actually got one in today and we'll
24 probably have the next one in by tomorrow or so.

25 We believe that we should have

1 all \$730,000 returned to us for those punch list

2 items. I don't recall exactly what Bob is talking
3 about, but I knew about this seepage issue that --

4 MR. McHALE: You were copied on
5 all that, Steve.

6 MR. STEVEN PINE: I understand
7 that. But what I'm saying is I don't recall all of
8 it. I get 130 some emails day. We were under the
9 impression, whether right or wrong, we were under
10 the impression that once the dedication of the road
11 was completed, along with the dedication of the
12 sewer, that then became property of Tobyhanna and
13 they had to repair anything that had to go on and
14 we had to reimburse for that repair. That's always
15 been our belief.

16 We didn't believe we could just
17 arbitrarily go in and dig things up. That's why I
18 say -- I'm sure I was copied on those, I'm not
19 questioning Bob at all in any way, shape or form --
20 but we also know that you have almost a half
21 million dollars at 483,000 plus dollars in a letter
22 of credit to hold against in case we don't take
23 action on it. So is there going to be some kind of
24 resolution that we can go into your property and
25 start digging it up and repairing it, et cetera?

1 And, you know, I'm sure you wouldn't want us
2 touching the sewer now that it's been dedicated.
3 You want a specialist to do that.

4 So we're kind of a little lost
5 here because we believe that we should get the full
6 730 because that was a punch list deposit based on
7 an exact list that is now complete. We believe
8 that this other thing, whether it's designed or
9 maintenance, we don't know. But we agreed that
10 there's a problem and we don't want to go into the
11 winter with it either. We don't want to go into
12 winter with it either. We want it fixed, however
13 that has to happen.

14 I believe all the agreement is
15 covered ten times, that whatever repairs happens
16 between, I want to say, the next 21 months because
17 I believe the statement actually says 18 months
18 plus whatever time it takes to complete the punch
19 list, which is now we see is three months. So we
20 have to leave that irrevocable letter of credit in
21 place. And we believe that that should take care
22 of any insecurities. We won't it take out of that
23 423. We'll pay for the repair because that's our

24 commitment to the township. It just seems like
25 we're mixing funds where we don't need to.

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1 So my request is to ask you to
2 approve the full \$730,400 for the punch list items.

3 MR. HOLAHAN: Okay. Thank you.

4 I'm not of opinion that we
5 should release all of the money. I think we rushed
6 to take those roads to get the place open. We were
7 put -- we were under pressure to accept those
8 roads, to accept dedication. And I think we went
9 above what we need to be able to do, but we wanted
10 to make sure that that happened.

11 And now we've got a flaw in the
12 construction out there that's going on. Whose
13 responsibility is it to fix it? It's now our
14 roads. How are we going to get this fixed in time?
15 Because let me tell you what, the longer this drags
16 out, we know the road's going to fail on us. We'll
17 end up getting frost in here, it'll heave the road.
18 And how many different locations right now are
19 identified, two.

20 MS. PICKARD: Three?

21 MR. STEVEN PINE: To my
22 knowledge there's only one.

23 MR. McHALE: There was two that
24 were identified by Pennoni Associates, but there's
25 actually pieces that are away from the main seepage

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1 point. There's actually other little areas that
2 are part of that.

3 As a point of clarity,
4 Mr. Chairman, I just want to mention that Mr. Pine
5 is correct in what he had said. However, that the
6 -- they have been in our right-of-way doing
7 improvements since the time we took over the
8 project because they were completing the punch list
9 items. So this could be simply a change order to
10 their contractor to finish up some solution to at
11 least get us down the path where we've addressed or
12 done our best to address the seepage issue, and
13 then see how the winter goes. And if something
14 else crops up later that we needed transverse
15 drains across the road, we'll have to put those in
16 under the maintenance bond.

17 MR. STEVEN PINE: And we're
18 happy to fix it if you allow us to do that. But I
19 was truly under the impression that once it was
20 dedicated, other than the punch list items, we
21 weren't supposed to do anything else to anymore
22 roads, any curb cuts, change anything, do anything
23 like that.

24 MR. HOLAHAN: I don't think
25 we're looking for you to be out there with a hammer

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1 and chisel. I think what they were looking for was
2 some kind of plan, some kind of idea of how this
3 was going to be resolved.

4 Have you received anything at
5 this point?

6 MR. McHALE: No, sir.

7 MR. HOLAHAN: My concern.

8 MR. McHALE: We received a plan
9 from Pennoni Associates identifying the location by
10 stationing where the seepage areas are. And we
11 also had T&M -- they had photographed all the
12 seepage items and basically had asked Pennoni

13 Associates -- I had asked T&M for the stationing,
14 and then Pennoni responded by giving us exact
15 locations as to where the seepages occur.

16 So, like I said, it's been in
17 the process, we just haven't gotten some final
18 number. Now, if the board wants to release all the
19 monies based upon the word that Kalahari is
20 committing to have their engineer come up with a
21 solution and implement that solution to the
22 satisfaction of the township then -- it's up to you
23 all.

24 MR. HOLAHAN: Did you say based
25 on their word?

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1 MR. McHALE: That's what he's
2 saying tonight.

3 MR. STEVEN PINE: We just made a
4 several hundred million dollar investment. We're
5 not going to go away and not fix a hole in our
6 road. Come on, you guys know us better than that.
7 And I'm going to remind you again, you still have
8 \$483,000. This is what, 25, 30, who knows, it's a
9 \$40,000 repair. Whatever it is we're going to take

10 care of it.

11 I will be the first to apologize
12 for our company not committing to get this done at
13 the end of August if that's in fact what it said.
14 Like I said, that hasn't been my portion of the
15 deal. I turned it over to our maintenance person
16 onsite. I'm not trying to throw anybody under the
17 bus. And to our construction development person.
18 And if they let the ball drop those are my
19 employees and I'll deal with that.

20 But the point still remains, in
21 my mind, that we're talking about two different
22 items. One is a punch list, which was completed to
23 the satisfaction with exception to the two items
24 that you're making your motion contingent upon.
25 And you still have this money. And we're not going

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1 to go away. We're going to fix it. And we will be
2 a lot more into it. To be honest with you, I kind
3 of forgot it until I saw the letter again.

4 Did I know it was there in July?
5 Yes, I absolutely did. Has it gotten dealt with?

6 No, it hasn't. Again, I thought the township would
7 come to me and say all right, here's the estimate,
8 here's the repair. This is what it's going to
9 cost, you need to sign on the dotted line that we
10 can move ahead with this and you'll reimburse us
11 for it. That's my understanding of the roadway and
12 the sewer.

13 MR. HOLAHAN: Mr. McHale, should
14 we have been pressing once we knew that? I know
15 that emails were circulating amongst the engineers,
16 but was Kalahari not being asked to come forward
17 with what they were going to do?

18 MR. McHALE: The way it was all
19 discussed is that it was all in the context of
20 they're under construction to complete this
21 \$730,000 worth of punch list items. Again, this
22 item not being identified because of the timing,
23 not because it wasn't there. So, again, it was all
24 in that context that it was design and
25 construction.

1 We even had Pennoni send us that
2 plan that they went out in the field and identified

3 those locations. So everybody was aware of it.
4 Again, there was ten percent added into that number
5 to get it up to the \$730,000. That ten percent was
6 for -- it's always included in a number like that
7 for unforeseen situations or extra costs that may
8 come up. That's why it's there.

9 But it's up to the board how
10 they want to handle that. They can release more
11 funds down to leave 30 or 40,000 in there or go to
12 zero and release all 730,000. But something's got
13 to happen before wintertime.

14 MR. KERRICK: Mr. Chairman.

15 Sir, I'm in favor -- let me finish before --

16 MR. HOLAHAN: Go ahead.

17 MR. KERRICK: I'm not willing to
18 hold onto funds here because I think we have it
19 double funded. But to expedite this, for us to put
20 it out to bid and everything, it's not going to get
21 done. So could we hold the -- give the 600 and
22 some thousand dollars back, as soon as they know,
23 if it's tomorrow, that it's a \$10,000 fix, we don't
24 have to come back to a meeting. If Bob agrees with
25 it and T&M and Phyllis, then give them the rest of

1 the money back or get it fixed.

2 MR. McHALE: That is exactly
3 what we're looking for.

4 MR. KERRICK: If we have to wait
5 another month to go out to bid it's not going to
6 work.

7 MS. PICKARD: That's what I
8 said.

9 MR. KERRICK: It needs to be
10 fixed.

11 MS. PICKARD: What's what I
12 said.

13 MR. KERRICK: Well, I'm just
14 helping it along a little.

15 MS. PICKARD: You're agreeing
16 with me?

17 MR. KERRICK: Yeah, I'll agree
18 with you, Heidi.

19 MS. PICKARD: You're going to
20 second my motion?

21 MR. KERRICK: If that's your
22 motion, I'll seconds your motion.

23 MR. McHALE: And those monies

24 could be released subject to T&M --

25 MR. KERRICK: But I'm not

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1 willing to hold -- I think the 400,000 does cover
2 it but we got to get off first base here.

3 MR. HOLAHAN: I have a motion
4 from Heidi to --

5 MS. PICKARD: To release the
6 630,000, whatever the number is, and then hold the
7 other subject to a resolution number.

8 MR. McHALE: And an estimated
9 cost associated with that.

10 MS. PICKARD: With that.

11 MR. McHALE: And then the
12 release of additional funds --

13 MS. PICKARD: And if it's done
14 next week, if it's something simple, they can have
15 all the money back. I just --

16 MR. KERRICK: Who's going to
17 make that determination? We're going to leave that
18 up to the engineers, T&M?

19 MS. PICKARD: The engineers.

20 MR. McHALE: I mean, if the

21 number comes in -- let's just say it's a \$20,000
22 fix. The other 80,000 can be released if the board
23 does a contingent upon, it doesn't have to come to
24 the board again.

25 MS. PICKARD: No.

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1 MR. MOYER: What do they think
2 it is? I mean, if this was in July somebody had to
3 have been looking at it.

4 MR. McHALE: What it appears to
5 be, Donny, is that when the stormwater basin
6 retains a significant amount of water in it, that
7 the water is then migrating down through the soils
8 and underneath the road bed. And that's what seems
9 to be apparent. And that's what T&M has been
10 indicating that they think it's from. We haven't
11 actually heard from Pennoni Associates because no
12 one has provided a resolution. So, again, it's one
13 of those things that --

14 MR. MOYER: In your mind what is
15 the fix? I mean, if you had to do it what would be
16 done to fix it?

17 MR. McHALE: You can do one of
18 two things, you can either put a subsurface drain
19 700 feet down the -- in front of the basin up
20 against the curb to protect that migration of
21 water. But it doesn't necessarily solve it a
22 hundred percent if that water migration is lower
23 than that and there's a seam that's actually
24 pushing that water up, that's the only thing that
25 would prohibit it. But if they put in due

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1 diligence, an under drain system.
2 The other option is to clay line
3 the bottom of the basin. That would probably be
4 more expensive. And that's why the hundred
5 thousand came in is because no one came up with a
6 definite solution and proposed that to us because
7 it's part of this design construction issue. So,
8 again, if they come up with something that's
9 legitimate and it's reasonable then the residual
10 between the hundred and whatever that number is
11 could then be released immediately. And I think
12 that's a good plan.

13 MR. STEVEN PINE: I'm going to

14 say one more time. I object to the whole idea of
15 simply because I think you're crisscrossing monies
16 here. I think this is going to become an
17 accounting and auditing nightmare, because now I'm
18 asking my subcontractor to do something that -- who
19 the township's going to pay for because they've
20 hung on to this money and I'm not going to have it
21 to pay them with. All of these other items -- and
22 it's telling me that you flat out don't trust
23 Kalahari to pay their bills when I sit right here
24 in an open meeting and told you that we will fix it
25 and we'll pay for it if we have your permission.

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1 Now, and you still have \$483,000
2 in a letter of credit beyond this money.

3 MR. HOLAHAN: But I think we're
4 talking about releasing the balance of the funds
5 once we have --

6 MR. STEVEN PINE: I think if you
7 don't release everything tonight you're sending us
8 a strong message.

9 MR. KERRICK: I'll withdraw my

10 second.

11 MR. STEVEN PINE: Okay. I'll
12 leave it at that.

13 MR. HOLAHAN: So, Heidi, you
14 still keeping your motion?

15 MS. PICKARD: I'll have my
16 motion.

17 MR. HOLAHAN: Do I have a
18 second? I'll second it.

19 Got a motion and second.
20 Further decision from the board?

21 MR. MOYER: I do. What is the
22 problem with if there's the 400 and some thousand
23 there? I mean, what's the difference of where it
24 comes from? Does it matter?

25 MR. McHALE: If we try to use

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1 that money, number one, H&K works for Kalahari.
2 They don't work for us. So if we have to do it the
3 township has to do it and pull money out of the
4 maintenance, that means contract documents T&M put
5 together, bidding, we won't probably get it done by
6 the time the weather turns.

7 MR. MOYER: All I'm asking is --

8 MR. McHALE: I'm just saying
9 that that's one way to approach it. So more money
10 is going to be expended and more money is going to
11 come out of that maintenance bond. At the end of
12 the maintenance period, whatever monies are not
13 utilized out of that maintenance bond, according to
14 the agreement, the way I'm reading it, gets
15 released back to the developer. So the developer
16 is paying for it either way. We're just trying to
17 say if you do it as a change order with your
18 contractor it's going to save you a lot of money
19 and it gets done now. That's all we're saying.

20 MR. STEVEN PINE: We're still
21 happy to do that and we will pay for that out of
22 the money that we're getting back from there or
23 wherever we pay it from. The point is, is that we
24 believe that the \$730,000 is a punch list item and
25 all those items are done period.

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1 Now, you have a letter of credit
2 to back you up but what I'm telling you is we'll

3 fix it and we'll pay for it if we have the
4 permission of the board. So if they approve this,
5 they're going to have to give me permission to go
6 in on their property and do it. And then what's
7 the approval process --

8 MR. McHALE: You've had
9 permission. All I'm saying is -- you've had
10 permission.

11 MR. STEVEN PINE: Let me finish.
12 If Pennoni says this is the fix, does T&M and Bob
13 have to approve that then too? That's where I'm
14 getting a little confused as to what our next steps
15 are. We're happy to do it and we want to get it
16 done before winter too. But if I go out and say
17 Pennoni, what's the fix, and they tell me what the
18 fix is, can I charge ahead with that? Or is that
19 something that you have to look at? Which I would
20 I would understand, and T&M.

21 MR. McHALE: We had requested
22 that it be submitted to the town --

23 MR. STEVEN PINE: No, not what
24 we requested, what --

25 MR. HOLAHAN: Let Mr. McHale

1 complete his thought here.

2 MR. McHALE: Okay. Right now a
3 solution is submitted and an estimated cost
4 submitted to T&M and the township. We'll look at
5 it and say yes, we agree or don't agree. Go do it.

6 MR. STEVEN PINE: And if you
7 don't agree?

8 MR. McHALE: Then come up with
9 another solution.

10 MR. STEVEN PINE: I guess that's
11 why the comment was made because we thought that
12 once it was yours, yours, meaning the township,
13 that you would fix it. We're happy to do it that
14 way but it's going to turn into a cycle that's
15 going to delay the processing of it anyway. And
16 again, I still don't see how that affects it. You
17 said it yourself, we have to pay for it no matter
18 what.

19 MR. McHALE: Correct. But in
20 clarity, you keep mentioning, Steve, that you'd
21 have to get permission for us to go on the road.
22 You've been on the road the last three months since
23 we've owned it and --

24 MR. STEVEN PINE: For punch list

25 items that needed to be done.

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1 MR. McHALE: Exactly. You've
2 been doing construction -- okay. Whatever. I'm
3 just trying to find a way that we can move ahead,
4 get it done before winter. That's all.

5 MR. STEVEN PINE: Me too.

6 MS. LAMBERTON: It sounds like
7 if the Kalahari presents something to both you and
8 T&M to resolve this issue, and you agree with it,
9 that Kalahari can go ahead and construct it with
10 their dime and we're out of it.

11 MR. McHALE: Yes.

12 MR. STEVEN PINE: That's right.

13 MS. LAMBERTON: How does that
14 sound?

15 MR. STEVEN PINE: That's what I
16 thought we would do. But again, that would take a
17 second motion or some -- another part of this
18 motion.

19 MR. McHALE: I thought what was
20 being proposed in this motion was to release the

21 630 and then to release the difference between the
22 hundred and whatever they come up with as a
23 solution. If it's 20,000, the day they hand us
24 that solution and we say, oh, okay, it's 20,000,
25 move ahead. When we say move ahead, 80,000 gets

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1 released. As soon as they're done 20,000 gets
2 released. That's how I thought the motion was
3 being presented.

4 MR. HOLAHAN: Mr. Forbes.

5 MR. HARRY FORBES: Harry Forbes
6 with Kalahari. I think there's a legal issue here
7 too that may have to be looked at from a two prong
8 standpoint. One being that when Pat originally
9 worked on the punch list items, that was what that
10 money was set aside for. The other issue is, you
11 guys own the road map. And for Kalahari to go in
12 and it was unforeseen that this wet spot came back
13 as late as it did or it probably would have been
14 added to the list. But it wasn't added to the list
15 when the money was put aside.

16 The other issue is, is to
17 indemnify H&K or whoever Kalahari gets to do

18 whatever it's supposed to. Right now they've not
19 identified -- one of sources is the pulling up out
20 of the retention point. The other may be as simple
21 as one of the sprinkler heads that may be leaking,
22 in that particular area, that may be leaking. We
23 don't know just yet. That's why Pennoni hasn't
24 given you the final answer on this to resolve it.
25 But it's your road, your liability right now. And

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1 I think that's what Steve was trying to point out
2 is somebody would have to give permission for their
3 contractors to go in and do this repair, because
4 it's not one of the original punch list items that
5 was agreed upon with the solicitor of your
6 township.

7 And that's what that money was
8 set aside for was that punch list completion. This
9 is over and above. Kalahari is not running away
10 from it as Steve has identified to you, we're going
11 to stand up and pay the bill and do whatever and
12 work with you. And as he's saying, that this has
13 come to the forefront of an issue that has to be

14 resolved and resolved quickly, Bob, for the
15 township and for Kalahari. They don't want their
16 guests creating a problem coming up into that area
17 either.

18 So as what has happened
19 throughout this whole project, Kalahari has worked
20 with this board to get things done, and the board
21 has worked with Kalahari very well. And I think
22 there's a marriage there that it should be resolved
23 easily. And Steve is requesting this for a lot of
24 reasons. You have a maintenance agreement but he's
25 going to stand up and write a check when this

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1 completion, whatever it may be, and not touch that
2 maintenance bond issued money.

3 MR. HOLAHAN: Thank you, Mr.
4 Forbes. I actually understood it when Mr. Pine was
5 saying it, but thank you.

6 And I get what you're saying,
7 Mr. McHale, is they've been in there taking care of
8 punch items which is what this pretty much is, that
9 didn't show up on the list because of it being a
10 failure of the installation.

11 If we release the money, all of
12 the money, then the repair, if it means repairing
13 the roads, means we as a township take care of it.

14 MR. McHALE: If we do it we're
15 going to be looking at going out to bid.

16 MR. HOLAHAN: But if we go out
17 to bid then it's possible that we'll have a
18 different contractor than the one that originally
19 installed the road?

20 MR. McHALE: Correct.

21 MR. HOLAHAN: So if Kalahari
22 doesn't go back and just repair this on their own
23 as a change order with their contractor, then we're
24 going to have to go out to bid, construction
25 documents, go out to bid, open the bids, decide

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1 who's going to do it and it could be whoever bids
2 that.

3 MR. McHALE: The contract has
4 not been be closed out yet. The final applications
5 have not been submitted for the final close out of
6 the contract with this project related to Kalahari.

7 MR. KERRICK: Mr. Chairman, I
8 think Mr. Pine said he would pay for it.

9 MR. STEVEN PINE: We're happy to
10 do it --

11 MR. KERRICK: He would pay for
12 it but he would like to have his 730 back. And I'm
13 okay with that.

14 MS. PICKARD: What difference
15 does it make if we take it out of the 730 or he
16 takes it, if he's going to pay for it?

17 MR. KERRICK: He gets the money
18 back. How much are you going to hold from --

19 MR. STEVEN PINE: I'm trying to
20 keep it clear for a lot of reasons. A punch list
21 that was approved by both entities, yours and ours,
22 is now complete. That should get me my money back,
23 period. End of story on that part of it.

24 Now, on this repair if I can do
25 that by simply making a change order and using the

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1 contractor I got, we still have to pay prevailing
2 wage because that road was built with TIF money and
3 now it has been dedicated over to you. I still

4 have to do that. I still have to submit reports
5 into Chuck's agency, by coincidence he's sitting
6 here, showing that we paid prevailing wages and we
7 did all of those things properly. We're happy to
8 do that, I just don't know why we're convoluting
9 two pieces and going back and forth when, if for
10 some reason, I fix it and it doesn't get paid for,
11 you still have \$483,000 to take out of there. We
12 would not do that to you because we understand that
13 any maintenance on both dedications that you
14 accepted, kindly accepted, the sewer and the
15 boulevard, are our responsibility for the next 20
16 some months.

17 MR. HOLAHAN: What incentive do
18 we have that Kalahari will go out there in a timely
19 fashion and take care of this once we release all
20 of their money from the punch list.

21 MR. STEVEN PINE: \$483,000.

22 MS. PICKARD: Do we have to ask
23 for the letter of credit and apply for the letter
24 of credit?

25 MR. McHUGH: I'm not positive

1 that once the punch list is closed out, it's now a
2 township road completely, that it's just as simple
3 as saying Kalahari go and do this work. I think
4 that has to be bid.

5 MR. McHALE: That's right.

6 MR. McHUGH: You don't get to
7 chose Kalahari or their subcontractors as to who's
8 going to perform the work. It's something --

9 MR. HOLAHAN: So if we release
10 all the money have we closed out the agreement?

11 MR. McHUGH: You've closed out
12 that potential ability. I think that's what the
13 engineer's recommendation is. And I know Pat's in
14 agreement with it is considering this as a punch
15 list item to close out the punch list, allows it to
16 be done quicker, more expedited fashion as part of
17 that, along with allowing Kalahari's subcontractors
18 perform that work.

19 I think that's what it boils
20 down to. When you close out the punch list, now it
21 has to be bid, it has to go through the normal
22 processes, which is not an expedited fashion. And
23 you're not ensuring --

24 MR. STEVEN PINE: So the road

22 motion and second.

23 MR. HOLAHAN: But you withdrew
24 your second.

25 MR. KERRICK: You seconded it.

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1 MR. HOLAHAN: I don't withdraw
2 my second.

3 Got a motion and second on the
4 floor.

5 MS. PICKARD: And that was to
6 release it as --

7 (Discussion off the record.)

8 MS. PICKARD: I'll make a motion
9 that we release the \$630 -- is it 400?

10 MS. HAASE: \$630,400.00.

11 MS. PICKARD: -- at this time.

12 And if we get an estimate on the rest I'm okay with
13 releasing immediately, before we have another
14 meeting, the rest of the monies as indicated by our
15 agreement of the engineers.

16 MR. HOLAHAN: Okay. And I'll
17 second.

18 So now we can open it up for
19 discussion again.
20 If we release the balance of the
21 money we're closing up the contract. We still have
22 to hold the amount estimated --
23 MS. PICKARD: Yes. That's what
24 I meant.
25 MR. HOLAHAN: Okay.

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1 MR. KERRICK: We're going to
2 hold the ten percent anyway?
3 MR. McHALE: The ten percent
4 would probably cover this right now. I mean, if we
5 would have gotten something by the end of August we
6 wouldn't even be talking about this issue.
7 MS. PICKARD: Exactly.
8 MR. McHALE: So you could
9 release all except the 10 percent. You could just
10 hold the ten percent, that would be fine.
11 MR. MOYER: Why don't we do
12 that.
13 MR. KERRICK: There's already a
14 motion and second on the floor.

15 MR. HOLAHAN: Do you want to
16 withdraw and make it the ten percent?
17 MS. PICKARD: I'll withdraw if
18 somebody gives me the ten percent number.
19 MR. HOLAHAN: So the ten percent
20 number would be \$73,040 or something like that,
21 right?
22 MR. McHALE: I don't have the
23 original number.
24 It looks like it's \$730,400, so
25 ten percent would be 73,040.

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1 MR. HOLAHAN: Is that your
2 motion, Heidi?
3 MS. PICKARD: Yes.
4 MR. HOLAHAN: Do I have a
5 second?
6 MR. MOYER: I'll second.
7 MR. HOLAHAN: We've got a motion
8 and second.
9 Further discussion from the
10 board? 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: Anne?
19 MS. LAMBERTON: I'll abstain.
20 MR. HOLAHAN: I vote in favor.
21 Motion carries. That was easy.
22 Item C, consider approving
23 certificate of developer request for Payment No.
24 12, Kalahari Resorts access road account,
25 \$6,842.38.

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1 MS. HAASE: Mr. Chairman, in
2 front of the board is the documentation that I
3 received this afternoon from T&M recommending the
4 release of \$6,842.38. And I'm prepared to sign off
5 once the board approves.
6 MR. HOLAHAN: Do I have a
7 motion?

8 MR. KERRICK: I'll make a
9 motion.
10 MS. PICKARD: Second.
11 MR. HOLAHAN: I have a motion
12 and second. Further discussion from the board?
13 Anything from the public?
14 Hearing none, call the vote.
15 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: Anne?
22 MS. LAMBERTON: I'll abstain.
23 MR. HOLAHAN: I vote in favor.
24 Motion carries.
25 MS. HAASE: Mr. Chairman, I have

85

1 an item that is not on the agenda that I'd like the
2 board to consider. Pennoni has -- sorry, Kalahari
3 has also requested the board consider releasing

4 \$188,783.98 to be taken out of the funds being held
5 for the sewer, the TIF fund. T&M is not objecting
6 to the amount of money. They do have to go through
7 the pay Apps 11, 12, 13 and 14 to verify the
8 accounting.

9 So if it pleases the board if
10 you could recommend, I ask that you recommend
11 conditional upon receiving the approval from T&M
12 releasing \$188,783.98.

13 MR. KERRICK: So moved.

14 MR. MOYER: Second.

15 MR. HOLAHAN: I have a motion
16 and second to release the \$188,783.98 conditional
17 upon T&M reviewing the rest of the paperwork.

18 Further discussion from the
19 board? Anything from the public?

20 Hearing none, call the vote.
21 John?

22 MR. KERRICK: In favor.

23 MR. HOLAHAN: Heidi?

24 MS. PICKARD: Vote in favor.

25 MR. HOLAHAN: Donald?

1 MR. MOYER: Vote in favor.

2 MR. HOLAHAN: Anne?

3 MS. LAMBERTON: I'll abstain.

4 MR. HOLAHAN: I vote in favor.

5 Motion carries.

6 Request for a waiver of land

7 development, Kalahari Resorts balcony enclosure

8 project. Did everybody get that?

9 MS. PICKARD: I make a motion

10 that we approve the land development waiver.

11 MR. KERRICK: Second.

12 MR. HOLAHAN: I've got a motion

13 and second. Further discussion from the 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: Vote in favor.

20 MR. HOLAHAN: Donald?

21 MR. MOYER: Vote in favor.

22 MR. HOLAHAN: Anne?

23 MS. LAMBERTON: I'll abstain.

24 MR. HOLAHAN: I vote the favor.

25 Motion carries.

1 Item E, fiscal year 2016 minimum
2 municipal obligations to the township nonuniform
3 employee's pension plan.

4 MS. HAASE: Yes, Mr. Chairman.
5 Act 205 requires the chief administrative officer
6 of the township, would be myself, to submit a
7 budget to the township supervisors regarding the
8 pension plan on or before September 30th. That was
9 submitted to the board on September 21st of this
10 year, and I just need that to be reflected in the
11 minutes.

12 MR. HOLAHAN: Okay.
13 Acknowledged.

14 MS. PICKARD: Didn't you put the
15 amount in the --

16 MS. HAASE: \$23,899.

17 MR. HOLAHAN: TEC PTO Halloween
18 parade donation request.

19 MS. HAASE: Yes, sir.
20 Historically the township has donated \$250 to TEC
21 for the Halloween parade. And they would ask the

22 board to consider that for 2015.
23 MR. MOYER: So moved.
24 MS. PICKARD: Second.
25 MR. HOLAHAN: Got a motion and

88

1 second. Further discussion from the board?
2 Anything from the public?
3 Hearing none, call the vote.
4 John?
5 MR. KERRICK: In favor.
6 MR. HOLAHAN: Heidi?
7 MS. PICKARD: Vote in favor.
8 MR. HOLAHAN: Donald?
9 MR. MOYER: Vote in favor.
10 MR. HOLAHAN: Anne?
11 MS. LAMBERTON: I vote in favor.
12 MR. HOLAHAN: I vote in favor.
13 Motion carries.
14 Set a resolution, 2015-023
15 budget reappropriations and appropriations.
16 MS. PICKARD: Make a motion we
17 approve Resolution 2015-023.
18 MR. HOLAHAN: Got a motion. Do

19 I have a second?
20 I'll second. I've got a motion
21 and a second. Further discussion from the board?
22 Anything from the public?
23 Hearing none, call the vote.
24 John?
25 MS. KERRICK: Favor.

89

1 MR. HOLAHAN: Heidi?
2 MS. PICKARD: Vote in favor.
3 MR. HOLAHAN: Donald?
4 MR. MOYER: Favor.
5 MR. HOLAHAN: Anne?
6 MS. LAMBERTON: I'll vote in
7 favor.
8 MR. HOLAHAN: I vote in favor.
9 Motion carries.
10 Consider well isolation distance
11 for Ronald and Penny Joines in 21 -- we won't give
12 the address, but it's in Lake Naomi.
13 MS. HAASE: Yes, sir. The sewer
14 enforcement officer submitted a letter to the

15 board, which you will find in front of you,
16 recommending the approval from the board. The only
17 thing she is recommending, that the well be tested
18 and sampling done on a periodic basis due to the
19 short separation distance.

20 MR. HOLAHAN: Is that 38 feet?

21 MS. HAASE: Yes, sir.

22 The other item, if you so
23 notice, that it is right adjacent to the township
24 property line.

25 MR. HOLAHAN: Okay. What do you

90

1 think, John, we can't make them do it but ask if
2 they consider, I would recommend approval.

3 MR. KERRICK: I made the motion
4 to approve it before -- I didn't wait for Phyllis,
5 I apologize. But I'm not in favor of the testing.
6 I think that's up to them. And who's going to keep
7 track of it? We've done this in the past. That's
8 up to them. Whatever their distance is, that's up
9 to the homeowner, in my opinion.

10 I'll make a motion that we
11 accept a waiver of well isolation distance for Ron

12 and Penny Joines.

13 MS. LAMBERTON: Second.

14 MR. HOLAHAN: Got a motion and
15 second. Further discussion?

16 And I understand what you're
17 saying, we can't require that. That was a
18 recommendation I think of the SEO.

19 MR. KERRICK: I understand that.

20 MR. HOLAHAN: But they certainly
21 should grout that well, but that's a different
22 story at this point.

23 So got a motion and second.
24 Further discussion from the board? Anything from
25 the public?

91

1 Hearing none, call the vote.

2 John?

3 MR. KERRICK: In favor.

4 MR. HOLAHAN: Heidi?

5 MS. PICKARD: In favor.

6 MR. HOLAHAN: Donald?

7 MR. MOYER: In favor.

8 MR. HOLAHAN: Anne?

9 MS. LAMBERTON: I vote in favor.

10 MR. HOLAHAN: I vote in favor.

11 Motion carries.

12 Consider awarding the bid for

13 the 1996 Ford LN 8000 truck.

14 MS. HAASE: Yes, sir. The

15 township advertised a surplus item that we had to

16 take out of our fleet. We did receive two bids;

17 one in the amount of \$2150 and the other at \$2500.

18 The higher amount was presented to the township by

19 Robert Tutrone. And the reserved bid, ten percent

20 was submitted by a certified check.

21 MR. HOLAHAN: Do I have a motion

22 we accept the bid from Robert Tutrone?

23 MS. LAMBERTON: So moved.

24 MS. PICKARD: Second.

25 MR. HOLAHAN: Got a motion and

92

1 second. Further discussion from the board?

2 Anything from the public?

3 MR. KERRICK: Snowplow is worth

4 that much.

5 MR. HOLAHAN: Eddie, you got
6 anything to say?
7 MR. EDWARD TUTRONE: I'm not
8 getting involved.
9 MR. HOLAHAN: Okay. Call the
10 vote. John?
11 MR. KERRICK: In favor.
12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: Vote in favor.
14 MR. HOLAHAN: Donald?
15 MR. MOYER: In favor.
16 MR. HOLAHAN: Anne?
17 MS. LAMBERTON: I vote in favor.
18 MR. HOLAHAN: I vote in favor.
19 Motion carries. Robert's in possession of a new
20 truck. A new old truck.
21 Okay. Anybody on the board have
22 anything that they want to comment and make a
23 statement or anything? No?
24 Do I have anything from the
25 public? No.

1 Do I have a motion to adjourn?
2 MS. LAMBERTON: So moved.
3 MS. PICKARD: Second.
4 MR. HOLAHAN: All in favor aye?
5 (All say aye.)
6 MR. HOLAHAN: We are adjourned.
7 (Meeting concluded at 8:40 p.m.)

8 ---

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

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JOSEPHINE HOLLMAN, C.R.

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Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, November 9, 2015, beginning at 7:00 p.m.

PRESENT: JOHN J. HOLAHAN, 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. HOLAHAN: All right. I
2 have seven o'clock. So I'd like to call to order
3 the meeting for November 9. We'll start with the
4 pledge of allegiance, please.

5 (Pledge of allegiance was
6 recited.)

7 MR. HOLAHAN: Good evening,
8 folks.

9 MS. HAASE: Good evening.

10 MR. HOLAHAN: Are we gonna hold
11 announcements, Phyllis, until your report?

12 MS. HAASE: Yes, sir.

13 MR. HOLAHAN: All right. Let's
14 go right on to consider the minutes for September
15 14, regular business meeting; and the October 5,
16 regular business meeting.

17 MS. HAASE: Mr. Chairman, I do
18 have changes for the October 5.

19 MR. HOLAHAN: Okay.

20 MS. PICKARD: I make a motion
21 that we approve the September 14, 2015 regular
22 business meeting.

23 MS. LAMBERTON: I'll second.

24 MR. HOLAHAN: I got a motion
25 and second.

3

1 Further discussion from the
2 board?

3 Anything from the public?
4 Hearing none. Call the vote.
5 John?

6 MR. KERRICK: In favor.

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: I vote in favor.

15 Motion carries.

16 Looking for a motion to accept
17 the October 5 regular business meeting minutes.
18 MS. LAMBERTON: So moved.
19 MS. HAASE: The --
20 MR. MOYER: With the
21 corrections.
22 MS. LAMBERTON: With the
23 corrections.
24 MS. HAASE: Page 8, Line 11,
25 proper spelling should be D-O-R-E-M-U-S; Page 9,

4

1 Line 4, immediate should be media; Page 15, Line 5,
2 through should be thought; Page 33, 17, correct
3 spelling, C-L-Y-M-E-R; Page 64, Line 11, funds
4 should be funds; and Page 70, Line 18, monthly
5 should be money.
6 MS. PICKARD: Money?
7 MS. HAASE: Money, M-O-N-E-Y.
8 MS. PICKARD: Okay.
9 MR. HOLAHAN: Okay. So do I --
10 MS. LAMBERTON: I'll amend my
11 motion.
12 MR. HOLAHAN: Okay. And who's

13 the second? Donald?

14 MR. MOYER: I'll second, yeah.

15 MR. HOLAHAN: Okay. I got a

16 motion and second.

17 Further discussion from the

18 board?

19 Anything from the public?

20 Hearing none. Call the vote.

21 John?

22 MR. KERRICK: In favor.

23 MR. HOLAHAN: Heidi?

24 MS. PICKARD: I vote in favor.

25 MR. HOLAHAN: Donald?

5

1 MR. MOYER: 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 Let's go on to the treasurer's

8 report. I'm looking for a motion to consider

9 approving the treasurer's report in the amount of
10 \$1,208,675.48. When you say it fast, it doesn't
11 sound as much.

12 MS. PICKARD: I just want to
13 make a couple comments that we did transfer 323,000
14 over to capital reserve and we have a couple other
15 large payments. This month we had the transfers to
16 the fire and for the police MMOs and the pensions
17 came in and we'll transfer them.

18 And I'll make a motion that we
19 approve the treasurer's report in the amount of
20 \$1,208,675.48.

21 MR. HOLAHAN: I got a motion.
22 Do I have a second?

23 MR. MOYER: I'll second.

24 MR. HOLAHAN: I 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 John?
7 MR. KERRICK: Abstain.
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: Anne?
13 MS. LAMBERTON: I'll abstain.
14 MR. HOLAHAN: And I vote in
15 favor. Motion carries.
16 Now we come to the fun part of
17 the meeting, solicitor report.
18 MR. ARMSTRONG: Thank you, Mr.
19 Chairman.
20 There's nothing listed under my
21 report, but I do have a few items. First, if the
22 board recalls, there was a zoning appeal, title of
23 the case, Tobyhanna Township versus Teddie Moyer,
24 with respect to the property owner with a property
25 in the R-1 Low Density Residential Zoning District,

1 operating a commercial vehicle repair station.

2 Since the beginning of the case,
3 we have been able to resolve it by stipulation and
4 agreement. Now, that will be filed with the court.
5 It's my understanding that the defendant is
6 agreeable to it. So if the board so inclines to
7 make a motion approving the stipulation and
8 agreement and authorizing the chairman to execute
9 it, we can execute it, get it fully executed, file
10 it with the court and resolve that case completely.

11 The gist of the agreement is
12 that the defendant agrees not to operate a
13 commercial business on his residential property
14 going forward.

15 MR. HOLAHAN: And matter solved
16 -- resolved?

17 MR. ARMSTRONG: Yes, yes, yes.

18 MR. HOLAHAN: Did everybody get
19 the chance to read that? Do I have a motion then?
20 Looking for a motion to consider the -- approving
21 the stipulation and agreement with Teddie Moyer.

22 MS. PICKARD: So moved.

23 MS. LAMBERTON: I'll second.

24 MR. HOLAHAN: I've got a motion
25 and second.

1 Further discussion?

2 Anything from the public?

3 MR. TED MOYER: Yes.

4 THE REPORTER: Can you state
5 your name, please?

6 MR. TED MOYER: Ted Moyer.

7 Your first sentence started out was that I was
8 operating a vehicle repair station, not that I was
9 alleged to.

10 MR. ARMSTRONG: Okay. I apol

11 --

12 MR. TED MOYER: And I have a
13 problem with that.

14 MR. ARMSTRONG: I apologize.

15 MR. TED MOYER: Okay.

16 MR. ARMSTRONG: It was -- it
17 was the township's belief that that was the case.

18 MR. TED MOYER: I also have a
19 problem with a lot of things in the agreement,
20 which I figure we'd follow up on when it gets to
21 that part of the meeting or we can do it now?

22 MR. HOLAHAN: We can do it now.

23 MR. ARMSTRONG: We can do it

24 now.

25 MR. TED MOYER: Okay.

9

1 MR. ARMSTRONG: Mr. Moyer, I
2 was -- you are represented so I -- I shouldn't be
3 -- or, I mean, your attorney indicated that this is
4 agreeable.

5 MR. TED MOYER: For the most
6 part it is.

7 MR. ARMSTRONG: Okay.

8 MR. TED MOYER: I just want to
9 go over a few things and make it known to the
10 public --

11 MR. ARMSTRONG: Sure.

12 MR. TED MOYER: -- what you're
13 asking of me.

14 MR. ARMSTRONG: Okay.

15 MR. TED MOYER: Now, you were
16 at my property?

17 MR. ARMSTRONG: I was.

18 MR. TED MOYER: We discussed
19 the tractors.

20 MR. ARMSTRONG: Yes.

21 MR. TED MOYER: Now, I have a
22 question as to who decides that a farm tractor is a
23 nuisance? Who makes that decision? Who defines it
24 as a nuisance?

25 MR. ARMSTRONG: I don't think

10

1 it's the farm tractor itself, Mr. Moyer. I think
2 it's the way it was stored. But like I said, if
3 you had concerns with the way this was phrased,
4 your attorney didn't --

5 MR. TED MOYER: I did three
6 times, three times and you guys -- as lawyers, you
7 can't come together on this. I tried calling you
8 personally. I tried calling him. You guys can't
9 get together because you're lawyers. It's a very
10 simple thing. You guys are considering the
11 tractor's a nuisance, you in no way can consider
12 them a nuisance. They are an unregistered vehicle.
13 I run them in the parades. Gary Gallery (phonetic)
14 had them out in front of his place. I'm sure he's
15 not getting letters from the township.

16 This is where I have a problem.

17 This is the only -- I moved out of the township. I
18 bought property outside of the township, so I won't
19 have to deal with you guys no more. But right now,
20 that part of the stipulation, I have a problem
21 with.

22 MR. ARMSTRONG: Okay. Just two
23 quick responses, Mr. Moyer. I believe I did get
24 that message, but because you're represented, I
25 can't -- I can't talk with you about the case

11

1 because you're represented by counsel. I'm --

2 MR. TED MOYER: I asked a
3 simple question --

4 MR. ARMSTRONG: The other
5 aspect of it --

6 MR. TED MOYER: -- regarding
7 the nuisance.

8 MR. ARMSTRONG: The other
9 aspect of it, your attorney never made any changes
10 to that section of the stipulation.

11 MR. TED MOYER: Three times he
12 did.

13 MR. ARMSTRONG: Not -- not to
14 me.

15 MR. TED MOYER: Three times he
16 did. I -- he copied me in on everything he sent to
17 you.

18 MR. ARMSTRONG: Not --

19 MR. TED MOYER: Three times it
20 was amended.

21 MR. ARMSTRONG: Not to that
22 provision, Mr. Moyer. I mean, I -- I haven't seen
23 any tract changes --

24 MR. TED MOYER: I don't care.
25 I want to -- I want to sign the agreement and get

12

1 it behind me and forget about it. It's over with.
2 But I just want you people to know, you stink.

3 MR. ARMSTRONG: Okay.

4 MR. TED MOYER: Okay? All of
5 yous.

6 MR. HOLAHAN: All of us or just
7 the attorneys?

8 MR. TED MOYER: All of yous.

9 MR. HOLAHAN: Okay.

10 MR. TED MOYER: Because --
11 MR. HOLAHAN: I want to make
12 that clear.
13 MR. TED MOYER: -- you allow
14 her to do what she's doing. You're her boss, we're
15 your boss. We have no say. We the people have no
16 say because you guys are all lining your pockets
17 for whatever good it is to you.
18 MR. HOLAHAN: Anybody want to
19 comment on that?
20 MR. MOYER: Yeah, I have never
21 lined my pocket so --
22 MR. HOLAHAN: Yeah, that's
23 pretty -- pretty much unsubstantiated.
24 MR. MOYER: I'm missing out --
25 MR. TED MOYER: I guess you

13

1 are.
2 MR. HOLAHAN: Okay. Anything
3 else?
4 Anything else, Mr. Moyer?
5 MR. TED MOYER: No.

6 MR. HOLAHAN: Thank you. So do
7 I have a motion to move forward with the execution
8 of the Teddie Moyer agreement?

9 MS. LAMBERTON: I think we have
10 a motion and a second on the table.

11 MR. HOLAHAN: Did we? Oh, I'm
12 sorry.

13 Any more discussion then?

14 MS. PICKARD: I'm not sure
15 whether it's changed now and --

16 MR. HOLAHAN: Who made the
17 motion?

18 MS. PICKARD: I did.

19 MR. HOLAHAN: And who second?

20 MS. LAMBERTON: I did.

21 MR. HOLAHAN: Okay. Further
22 discussion?

23 MS. LAMBERTON: Actually I --
24 he raises a very valid question about the tractors.

25 MR. KERRICK: I agree with him.

14

1 MS. LAMBERTON: I agree with
2 you on that.

3 MR. KERRICK: I saw that. I
4 don't think that should have been in there.

5 MR. TED MOYER: If you all
6 read it over --

7 MR. KERRICK: Half the stuff --
8 half the stuff that was done, I didn't even know it
9 was in the agreement.

10 MR. TED MOYER: (Inaudible
11 comment.)

12 THE REPORTER: Hold on. I
13 can't get both of them --

14 MR. KERRICK: I'm talking right
15 now.

16 THE REPORTER: Hold on. Thank
17 you.

18 MR. KERRICK: I said I didn't
19 even know we appealed the thing. I didn't know.
20 But I think the tractors, I think that's crazy.
21 It's only my opinion.

22 MR. TED MOYER: I'd like to add
23 one more thing, before the closing of my new house,
24 the mortgage service brought it to my attention
25 that Tobyhanna Township has a lien on my property.

1 What is that?

2 Patrick, you certainly are the
3 one who did it. Why would you do such a thing?

4 MR. ARMSTRONG: When you say a
5 lien, I don't know if you necess --

6 MR. TED MOYER: A judgment
7 against my property. No dollar amount.

8 MR. ARMSTRONG: Unless it's a
9 -- unless -- unless it's a sewer.

10 MR. TED MOYER: Tobyhanna
11 Township.

12 MR. ARMSTRONG: You may -- if
13 it's not sewer, we wouldn't have --

14 MR. TED MOYER: I don't live
15 within the sewer.

16 MR. ARMSTRONG: Okay. Well,
17 then it wouldn't be a sewer lien, sir.

18 MS. LAMBERTON: Did they tell
19 you what it was for?

20 MR. TED MOYER: No. I have to
21 go down to the courthouse to find out. It didn't
22 matter. The closing was able to go through because
23 there was no dollar attached to it, but come spring

24 when I put my house on the market, it has to be
25 rectified. I shouldn't have to do this.

16

1 MR. MOYER: What -- what's the
2 --

3 MR. TED MOYER: You were the
4 folks who did it.

5 MS. PICKARD: About this case,
6 is this case --

7 MR. ARMSTRONG: This case may
8 have come up because this case is likely on the
9 dockets of Monroe County, but there's no -- I
10 haven't been involved in any lien against your
11 property, sir.

12 MR. TED MOYER: So that's just
13 a formal thing that automatically happens?

14 MR. HOLAHAN: We don't know
15 which --

16 MR. ARMSTRONG: I don't know --
17 I don't know what you're talking about to be
18 honest. With a lien, no. This case, yes. This
19 case has been filed in Court of Common Pleas in
20 Monroe County, but there's no lien that I'm aware

21 of we're involved with.

22 MR. TED MOYER: Okay. Well,
23 there is -- there is a judgment against my property
24 from Tobyhanna Township and if I could've got a
25 hold of you that day --

17

1 MR. ARMSTRONG: Are you sure it
2 was involving me, Mr. Moyer?

3 MR. TED MOYER: It was
4 involving Tobyhanna Township. I don't know who --
5 who -- I don't know how this stuff works. I don't
6 want to know how it works, to be honest with you,
7 but I know it's there and I know it's because of
8 you folks.

9 MS. LAMBERTON: Can we look
10 into that and find an answer for Mr. Moyer --

11 MR. ARMSTRONG: Yeah.

12 MS. LAMBERTON: -- see if
13 that's --

14 MR. ARMSTRONG: I'm not aware
15 of any lien against the property. I mean, this
16 case is in the Court of Common Pleas, so this might

17 have been what triggered -- I don't know if it was
18 your real estate agent or title company, but I'm
19 not aware of any lien against your property, sir.

20 MS. LAMBERTON: But it is
21 possible that this --

22 MR. MOYER: What did it say?

23 MR. ARMSTRONG: Yeah, it could
24 have been this.

25 MS. LAMBERTON: -- this came up

18

1 in a title search?

2 MR. ARMSTRONG: Yeah, it could
3 have been this.

4 MR. TED MOYER: I didn't go
5 down there and get it because the mortgage service
6 was able to go through because there was no dollar
7 figure tied to it. The -- the -- the closing was
8 able to go through. It didn't matter.

9 MS. LAMBERTON: Can I ask a
10 question then? So when this is satisfied, that
11 should be removed from your property?

12 MR. TED MOYER: It should be.

13 MR. ARMSTRONG: Yeah, part of

14 the stipulation and agreement is to file a, you
15 know, dismissal.

16 MS. LAMBERTON: That way it
17 doesn't stand in the way of any future sale, right?
18 This is then removed?

19 MR. ARMSTRONG: Yeah.

20 MS. LAMBERTON: This is what it
21 is?

22 MR. ARMSTRONG: Yeah, it's set
23 forth right in here, yep.

24 MS. LAMBERTON: Not that that
25 makes it any better but --

19

1 MR. TED MOYER: No, I know.
2 It's just -- it's just --

3 MS. LAMBERTON: -- but at least
4 you'll have an answer of what's showing up when you
5 go to do a title search. I don't know all that
6 information either.

7 MR. TED MOYER: And all of you
8 up there, if you have not had the opportunity to
9 read through the agreement, I wish you would,

10 because you'll be amazed what's in there. And I'm
11 moving out of the township, like I said, so it
12 doesn't matter to me; but the township thinks that
13 they have the authority to come to my property,
14 with due notice, and do an inspection, nonsense,
15 nonsense.

16 I had to allow the lawyer and
17 the zoning officer to come onto my property, you
18 don't know -- you don't know how that went against
19 me to do that. That is total Marxism in my
20 opinion. And that -- that -- boy, that completely
21 went against the grain; but I want to get this
22 behind me. I don't care anything about you. I
23 just want to get it behind me and move out of here
24 and then you can deal with your own New York, New
25 Jersey folks. You can have your own problems. I

20

1 don't care.

2 So whatever it takes, Patrick,
3 to get this behind us, do it and get it over with.

4 MR. HOLAHAN: Okay. Anything
5 else?

6 MR. TED MOYER: That's it.

7 MR. HOLAHAN: I got a motion
8 and second.
9 Further discussion?
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: I vote in favor.
22 Motion carries.
23 MR. ARMSTRONG: Thank you.
24 The next item is -- I don't know
25 if the board's completely aware of this, but

21

1 Sheehan Pipeline is -- have you noticed any large
2 pieces of equipment being traversed or carried

3 through the township?

4 MR. HOLAHAN: I have not.

5 MR. ARMSTRONG: Part of the
6 pipeline that's going in, I guess Sheehan Pipeline
7 Company approached the township months ago about a
8 potential maintenance and bonding agreement.
9 Basically they proposed to post the bond in the
10 event that when they're using public roads within
11 Tobyhanna Township, they damage the roads, the
12 bonds would be used to repair, maintain those roads
13 if they were to impact or damage them.

14 We've come to terms on the
15 agreement. Actually it's been a few months. We
16 actually just got the returned signed version from
17 Sheehan Pipeline and they did post the bond, so now
18 if the board would want to pass a motion
19 authorizing that agreement to be -- to be executed,
20 you can do that at this point in time.

21 MS. LAMBERTON: Is that just
22 for township roads?

23 MR. ARMSTRONG: Just for
24 township roads. Well --

25 MR. HOLAHAN: Are they crossing

1 any private roads?

2 MR. ARMSTRONG: That -- I don't
3 think they're crossing any private roads.

4 MS. HAASE: Any -- they did
5 reach out to the private associations --

6 MR. HOLAHAN: Okay.

7 MS. HAASE: -- that they were
8 dealing with, but the --

9 MS. LAMBERTON: What about
10 PennDOT, does PennDOT require it?

11 MS. HAASE: I can't speak to
12 that. But the board did authorize in July the
13 chairman to sign the agreement.

14 MR. HOLAHAN: Right. We're
15 just waiting for the --

16 MS. HAASE: Right.

17 MR. ARMSTRONG: We were just
18 waiting for it.

19 MS. LAMBERTON: No, I
20 understand. I remember it. It was just a
21 question.

22 MR. HOLAHAN: So what do you
23 need us to do at this point, Patrick?

24 MR. ARMSTRONG: Well, it sounds

25 like you may have already done it in July, so if

23

1 you already authorized it, just an update, we got
2 the signed agreement and I'll be asking John to
3 sign it after the meeting.

4 MR. HOLAHAN: Very good.

5 MR. ARMSTRONG: Similar note --
6 I don't see it later on in the agenda, so I guess
7 I'll bring it up now -- the Pocono Mountain School
8 District traffic agreement extension, if you recall
9 -- well, you probably don't recall, but you entered
10 into an agreement with the Pocono Mountain School
11 District back in 2004.

12 MR. HOLAHAN: Right.

13 MR. ARMSTRONG: And part of
14 that agreement was for certain traffic improvements
15 to be completed and eventually dedicated to the
16 township within a certain time frame. They -- we
17 granted them an extension last year until the end
18 of November 2015. It looks like they're still not
19 going to get everything completed at that traffic
20 light and they've requested an additional extension

21 of time through August 31, 2016.

22 I received the updated addendum
23 this afternoon from the school district, so I don't
24 know if you're -- you're in a place to consider
25 agreeing to that extension tonight or if you wanted

24

1 to hold off on that. I will say, the last
2 extension I think runs November 30 of 2015.

3 MS. HAASE: That is correct.
4 I've been working, along with Mr. McHale, with the
5 school district and their engineering firm to get
6 all the proper permitting in place with PennDOT and
7 I will say two weeks ago is when they finally got
8 their permit.

9 The school does not feel that
10 they can accomplish the improvements prior to the
11 weather turning. So they'd like it to extend --
12 they first initially asked to the end of the year.
13 I asked them to shorten it up to the end of -- just
14 prior to the school starting and they were in
15 agreement with that. So they'll have it completed
16 by August 31 of 2016.

17 MR. HOLAHAN: Okay. So --

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

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

22 MR. HOLAHAN: Okay. So I have
23 a motion and second to extend the agreement with
24 the school for their traffic light project.

25 Further discussion?

25

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: Donald?

9 MR. MOYER: I vote in favor.

10 MR. HOLAHAN: Anne?

11 MS. LAMBERTON: I vote in
12 favor.

13 MR. HOLAHAN: I vote in favor.

14 Motion carries.

15 MR. ARMSTRONG: And the last
16 item that I'll bring up that's not further on in
17 the agenda is the -- well, actually it is, the
18 redevelopment assistant capital program cooperation
19 and funding procedures agreement for the
20 Coolbaugh/Tobyhanna natural gas line extension
21 project. It's actually under old business. Do you
22 want to wait until we get to that?

23 MR. HOLAHAN: No, let's go
24 ahead and do it now. You're on a roll.

25 MR. ARMSTRONG: Okay. So if

26

1 the board recalls, last month we discussed, or
2 maybe even the month before, we were initially
3 going to be a party to that agreement with the
4 Monroe County IDA, UGI, Kalahari, Pocono Manor and
5 the BCRA.

6 Since that time, it's been
7 decided that we no longer need to be a party, but
8 we just need to execute a consent letter consenting
9 to the agreement between the Monroe County IDA,
10 Kalahari, UGI and Pocono Manor. The BCRA is no

11 longer a party either and they're doing a similar
12 consent letter.

13 I've reviewed the latest draft
14 of that consent letter circulated by the attorney
15 for the Monroe County IDA. I have no further
16 comments or concerns with it. I think it's in a
17 form that's agreeable to this township. However,
18 there are still certain provisions of the agreement
19 that the Monroe County IDA, UGI and Kalahari are
20 still working on. So the agreement itself isn't
21 ready. But we're no longer a party.

22 What I would suggest or advise
23 is, if the board wanted to consider a motion this
24 evening conditionally approving and authorizing the
25 signature of that consent letter, the draft consent

27

1 letter that's in your packet this evening, you can
2 do so, and then when they are ready for that letter
3 to be sent out together with the agreement when
4 they come to terms, it's -- it's ready to go.

5 MR. HOLAHAN: This --

6 MR. ARMSTRONG: Yes.

7 MR. HOLAHAN: Yes, this one
8 right here? Okay.

9 MR. ARMSTRONG: What it's
10 basically saying is that you're consenting to the
11 Monroe County IDA submitting certain documentation
12 with their grant, but you're not -- you're not
13 confirming its accuracy or whatever the factual
14 depictions in the actual grant application itself.

15 MR. HOLAHAN: Okay. So do I
16 have a motion to accept this -- are we just signing
17 off at this point?

18 MR. ARMSTRONG: It would just
19 be authorizing -- it could actually be --

20 MS. HAASE: Myself.

21 MR. ARMSTRONG: It could be
22 Phyllis. So if you just want to authorize Phyllis
23 to execute the consent letter when it's needed by
24 the Monroe County IDA. That would be perfect.

25 MR. HOLAHAN: Looking for a

28

1 motion to authorize Phyllis to sign that -- sign
2 off the ARCAP.

3 MS. LAMBERTON: So moved.

4 MS. PICKARD: I'll make that
5 motion.
6 MS. LAMBERTON: I'll second it.
7 MR. HOLAHAN: I got 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: Donald?
19 MR. MOYER: Favor.
20 MR. HOLAHAN: Anne?
21 MS. LAMBERTON: I vote in
22 favor.
23 MR. HOLAHAN: I vote in favor.
24 Motion carries.
25 MR. ARMSTRONG: And that's all

1 I have for my report. I will have comments on
2 certain other items later on in the agenda, but
3 that's all I have for now.

4 MR. HOLAHAN: All right. Let's
5 go on to manager report.

6 Phyllis?

7 MS. HAASE: Yes, Mr. Chairman.
8 The first item, I had a meeting with Jean Hofbauer
9 of Hofbauer Strategies with regarding a program
10 that's being offered, Think Big. Go Small, and it's
11 to promote small businesses and that day that is
12 promoted would be November 28.

13 Jeanine, do you have anything
14 you want to add or to discuss?

15 MS. JEANINE HOFBAUER: Actually
16 I'm here -- I'll speak on behalf of the Journal
17 News, which is unusual, since I normally report on
18 this. I was just letting you all aware that the
19 Journal News, This Week In The Poconos, as well as
20 Printing Craftsmen and Lamar Billboards and
21 Advertising, has all talked and spoke about how we
22 can help introduce people to the area and kind of
23 bring to light the unique quality of the area, the
24 people, the places and such.

1 passed a billboard up on 940 near the Pocono Lake
2 Post Office, we have a notice in the newspaper, as
3 well as the magazine, and I felt compelled to make
4 Phyllis aware of what we're trying to do and help
5 these small business owners who work together with
6 them to help get them out there, especially the
7 date we picked, November 28, the day after Black
8 Friday, small business Saturday.

9 So that's pretty much the reason
10 I brought this to your attention and to the
11 public's attention, to make sure you all kind of
12 know what we're trying to help everybody out with.

13 MR. HOLAHAN: Very good.

14 MS. HAASE: I appreciate that.

15 MS. LAMBERTON: How can we
16 help?

17 MS. JEANINE HOFBAUER: Can I
18 sit down?

19 MS. LAMBERTON: Sure.

20 MS. JEANINE HOFBAUER: Okay.

21 Well, I was just more less -- I would share the

22 information with you. If you want to do anything
23 on your own to introduce the people to the
24 uniqueness in the community, not necessarily any
25 particular business or anything like that, you're

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1 welcome to. I'll be happy to sit with Phyllis or
2 sit with you as a group to see if there's anything
3 I can put together for you for your website. It's
4 all at your discretion. But again, that would be
5 for the benefit of the whole municipality showing
6 what Tobyhanna Township's about and I think a lot
7 of it was brought to light with how people wanted
8 to see, you know, how they can show the different
9 things about this municipality and such.

10 You see a lot of partnerships;
11 Honesdale Partnership, the Greater Hawley
12 Partnership where everybody kind of does a
13 community-wide co-op working together to get the
14 word about the community out there. So if there
15 are any questions about it in the future, I can sit
16 down and discuss it further. I don't want to
17 consume all the time at the meeting, take away from

18 anything there but --

19 MS. LAMBERTON: Thank you.

20 MS. JEANINE HOFBAUER: -- I'd
21 be happy to come back and talk to everybody.

22 MR. HOLAHAN: Great. Thank
23 you.

24 MS. JEANINE HOFBAUER: You're
25 welcome.

32

1 MS. PICKARD: Thank you.

2 MS. HAASE: Just wanted to
3 inform the board that we did receive a
4 correspondence from a resident pertaining to a
5 local road in Emerald Lakes that abuts Long Pond
6 and they're requesting the board to install a stop
7 sign. We've moved that request to PennDOT for
8 their consideration.

9 Effective April 1st the Bureau
10 of Safe Drinking Water Division is requiring that
11 all transient noncommunity water system owners
12 submit a written policy and procedures related to
13 the system, so we will need to be submitting plans
14 and policies and procedures to opening up our water

15 system in the parks and also one for the township.

16 MR. HOLAHAN: Okay.

17 MS. HAASE: So that will need
18 to be submitted. They are requiring now monthly
19 testings and that will be reflected in our 2016
20 budget, you will see an increase in that.

21 MS. PICKARD: Hey, Phyllis. I
22 just wanted to bring up at this time, we had talked
23 about possibly hooking on to the Aqua Water System.
24 Is that something that we can look into, finding
25 out the cost and seeing if that's something we want

33

1 to move forward on?

2 Do you remember, John, what the
3 cost was? What we had --

4 MR. KERRICK: I think Bob might
5 have that down somewhere. We did talk about that
6 and -- at the time there was some grant money
7 available, that Aqua was going to work with us to
8 see if they can do that, bring it into this
9 building and into the park.

10 MS. PICKARD: It might make

11 sense in the long run, it would probably include
12 the need for the testing so it will be done through
13 Aqua.

14 MS. HAASE: Okay. Is that like
15 -- the board would like me to proceed with that?

16 MR. HOLOHAN: Sure.

17 MS. PICKARD: Sure.

18 MR. HAASE: Okay.

19 MR. HOLAHAN: Thanks, Heidi.

20 And, Phyllis, do you have more?

21 MS. HAASE: Oh, I certainly do.

22 We did receive notification from MetroCast under
23 their franchise agreement with the township, they
24 had to inform us that there will be a rate change,
25 will go into affect January 16 for the customers of

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1 MetroCast.

2 Midlantic Market -- Marking was
3 awarded the 2015-2016 line painting contract
4 through COG. We initially had some difficulties
5 coming to an agreement with when they were coming
6 to the township, but I think that they finally
7 understand that Tobyhanna Township was pretty

8 persistent. So supposedly, will be coming this
9 week to mark the roads that were paved this year.

10 We are in the process of getting
11 together the bids for the quarry stone and road
12 construction material, as well as various equipment
13 hours that will be submitted for advertisement.
14 We'll be accepting sealed bids. I don't have the
15 exact date but it will be the beginning of December
16 at some time.

17 The Kalahari Boulevard water
18 seepage issue that we had discussed last month, the
19 township is still waiting on revised plans and
20 engineer's opinion of probable cost to try to see
21 how we're gonna mitigate those measures. We're
22 looking as a resolution for subsurface drain along
23 that basin.

24 The Blakeslee Zoning Overlay
25 Committee met on October 19 and our next meeting is

35

1 scheduled for November 16.

2 We -- the township and some of
3 the support team met with representatives of Pocono

4 Mountain School District pertaining to the
5 replacement of the turf and the permitting process
6 that would be required. I attended the school
7 board meeting on November 4 and discussed what
8 would -- require to the township, that land
9 development would not be required. At this
10 particular point they're not planning on going
11 vertical, just replacing the turf and it would be
12 reviewed internally in-house.

13 We had been pre -- the MATT
14 group presented to the township what they were
15 doing with the markers. And at that particular
16 time there was some discussion of whether or not
17 the township would be or would not be purchasing a
18 marker. There are minimal sites still available.
19 Heidi has the listing and I just wanted direction
20 from the board if you wanted to move forward with
21 purchasing a marker.

22 We had thought about the
23 township -- it's my understanding it's already been
24 sold, that marker. Heidi does have the list of
25 what is remaining. If the board would like to move

1 forward with that, we could take it out of this
2 year's funds.

3 MS. LAMBERTON: How much were
4 they?

5 MS. HAASE: I believe 1500.

6 MS. PICKARD: Yes.

7 MS. LAMBERTON: I don't have a
8 problem with that at all.

9 MS. HAASE: Did the board want
10 --

11 Heidi, do you want to read the
12 areas that are still available?

13 MS. LAMBERTON: The township is
14 gone?

15 MR. HOLAHAN: Yeah.

16 MR. HAASE: The Lion's Club
17 purchased it.

18 MS. PICKARD: The Lion's --

19 MR. HOLAHAN: It's okay.

20 MS. HAASE: So --

21 MS. LAMBERTON: They purchased
22 it for the township?

23 MS. HAASE: No, they purchased
24 it, I guess, for MATT. I guess it's their program.

25 MS. PICKARD: I think it's with

1 the name on the bottom of the sign that it was
2 donated by them.

3 MS. LAMBERTON: And that's my
4 question. Okay.

5 MS. PICKARD: Yeah.

6 MS. LAMBERTON: Okay.

7 MS. PICKARD: But the committee
8 has to approve the language and they would probably
9 ask the township to make sure we were okay with it
10 --

11 MR. HOLAHAN: Right.

12 MS. PICKARD: One of the ones
13 that she mentioned she's -- is the first school,
14 which was out on 115 heading towards Wilkes-Barre
15 on the right-hand side, that is available; the DL&W
16 Railroad, which was the first railroad. The WB&E,
17 Trudy bought. I believe Jacob Blakeslee, Jr., I'm
18 not really sure, I didn't get a chance to look that
19 up; agriculture for the area as a whole; the Great
20 Swamp is also; and Isaac Stauffer, who was the King
21 of the Poconos and one of the lumber magnet that

22 came in down Snyder'sville.

23 MS. LAMBERTON: Can you share
24 that with us and then we can just respond by e-mail
25 --

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1 MS. PICKARD: Yeah.

2 MS. LAMBERTON: -- is that okay
3 with you?

4 MS. PICKARD: Is that okay?

5 MR. HOLAHAN: Yeah.

6 MS. PICKARD: I mean, I like
7 the idea of the first school, is my favorite on the
8 the list; but after that, I -- I want to do some
9 more research.

10 Did you have any, John?

11 MR. KERRICK: I've already
12 bought two.

13 MS. PICKARD: But you still
14 have an opinion.

15 MR. KERRICK: The school's
16 fine.

17 MR. HOLAHAN: Okay.

18 MS. LAMBERTON: Okay. Get

15 board if you want me to move forward with this or
16 just let this rest at this time.

17 MR. HOLAHAN: We could at least
18 call PennDOT and find out what's involved.

19 MS. HAASE: It's an application
20 you'd have to fill out and submit.

21 MR. HOLAHAN: Okay.

22 MS. HAASE: And if it does get
23 rejected, there is an appeal process that we could
24 go through if the board so chooses.

25 MS. LAMBERTON: I'm fine with

40

1 that.

2 MR. HOLAHAN: Yep. We've only
3 -- I mean, I've only ever heard one complaint about
4 it.

5 Does anybody else have a problem
6 with the brake retarders on trucks?

7 MALE VOICE: Where is it at?
8 Where is the complaint?

9 MR. HOLAHAN: Yeah, I don't
10 know, Joe. It's -- I'm trying to think of how many
11 places could you possibly need them within the

12 township.

13 MALE VOICE: I would assume
14 it's on the Ridge Road because they're doing a lot
15 of night construction --

16 MR. HOLAHAN: Yeah.

17 MALE VOICE: -- and then a 35
18 mile an hour road -- it doesn't bother me 'cause I
19 have them on my trucks --

20 MR. KERRICK: It wasn't --

21 MALE VOICE: -- but I can see
22 that it's very annoying --

23 MR. HOLAHAN: Right.

24 MALE VOICE: -- at two, three
25 in the morning on a 35 mile an hour road to have 18

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1 tri-axle trucks running their Jake brake. It
2 doesn't happen to bother me. I sleep through it,
3 but I know some of my neighbors have complained.

4 MR. HOLAHAN: You're not
5 driving while you're sleeping through it, are you?

6 MALE VOICE: No, but I -- it
7 doesn't bother me because I have them. You're used

8 to the sound, but I can see it being annoying to
9 the elderly people.

10 MR. HOLAHAN: Well -- and
11 probably the thing is not to wait until we have a
12 dozen or two dozen people complaining and then
13 decide to do something about it either. So as the
14 traffic picks up, then perhaps we should take a
15 look into that so --

16 MR. TED MOYER: It's not the
17 Jake brake that's loud, it's the exhaust
18 (inaudible).

19 MR. HOLAHAN: Okay.

20 MS. PICKARD: And I think John
21 is --

22 MR. TED MOYER: The Jake brake
23 slows the truck down, that's another way of
24 braking.

25 MR. HOLAHAN: Yeah, I'm -- I

42

1 didn't know actually how it worked. I thought it
2 was the compression of the engine or something like
3 that was --

4 MALE VOICE: It does. But if

5 they have mufflers, you don't even hear them.

6 MR. HOLAHAN: Gotcha.

7 MALE VOICE: When they cut the

8 mufflers off and it's straight pipes, you can hear

9 some trucks from 10, 15 miles away. You can't even

10 hear some that go by.

11 MR. HOLAHAN: Right.

12 MS. PICKARD: I think that

13 complaint was from Lake Naomi.

14 MR. KERRICK: I think he stated

15 he was from Lake Naomi.

16 MR. HOLAHAN: Okay.

17 MS. PICKARD: And you can hear

18 it. I've heard it across the lake from there.

19 MR. HOLAHAN: Gotcha. Okay.

20 We'll pursue that then.

21 MS. HAASE: Okay. And that's

22 all I have at this time.

23 MR. HOLAHAN: Thanks.

24 Okay. Let's go on to committee

25 reports. Pocono Mountain Regional EMS.

1 MS. PICKARD: Denise? Denise?

2 MS. DENISE DOREMUS: Hi.

3 Denise from Pocono Mountain Regional.

4 So far to date total for Pocono
5 Mountain Regional Ambulance calls is 4,620. In
6 Tobyhanna Township there were 72 calls. Up about
7 four percent now. It was a little lower this
8 month. Total for the year in Tobyhanna Township so
9 far is 832. That's about it.

10 I did -- I did pass on papers to
11 Phyllis of the ALS and BLS calls in totals for each
12 month now. If you want the total per year, I can
13 do that also.

14 MS. HAASE: Did you want to
15 read that, Denise?

16 MS. DENISE DOREMUS: I do have
17 a copy page.

18 MS. HAASE: Okay.

19 MS. DENISE DOREMUS: Actually
20 we did get our subscription total in. So, so far
21 -- well, this year so far -- because we do have a
22 couple stragglers, but in 2015 and '16, which our
23 subscription run June to June, there was 1166
24 subscribers, members, which was \$73,785 for
25 Tobyhanna Township.

1 There was a total of calls from
2 September to September, because that's what we're
3 doing, you know, the things were, and last year it
4 was ten thou -- 1,031 with 490 ALS calls and 541
5 BLS calls.

6 MR. HOLAHAN: Okay. That's it?

7 MS. DENISE DOREMUS: Yep.

8 MR. HOLAHAN: Thank you.

9 MS. DENISE DOREMUS: Thank you.

10 MR. HOLAHAN: You can go back
11 and talk to Ed now.

12 How about Pocono Mountain
13 Regional Police?

14 MS. HAASE: I guess I'm up?

15 MR. HOLAHAN: You're up.

16 MS. HAASE: Pocono Mountain
17 Regional Police Commission is still working on
18 their budget. We are trying to get some solid
19 figures out of Coolbaugh Township. We're hoping
20 that we will obtain them tomorrow. But we still
21 are working diligently on that.

22 MR. HOLAHAN: That's it?

23 MS. HAASE: Yes, sir.
24 MR. HOLAHAN: Perfect.
25 MS. HAASE: Donny, did you have

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1 anything else?
2 MS. LAMBERTON: He left. He's
3 sick.
4 MR. HOLAHAN: Donny's gone.
5 He's --
6 MS. HAASE: Oh.
7 MR. HOLAHAN: He snuck out.
8 He's not feeling well.
9 MS. HAASE: Okay.
10 MR. HOLAHAN: Anything on open
11 space?
12 MS. PICKARD: No, not at this
13 time.
14 MR. HOLAHAN: And what we may
15 do is add -- we may want to add the --
16 MS. HAASE: The committee onto
17 here?
18 MR. HOLAHAN: Huh?

19 MS. HAASE: The overlay
20 committee.

21 MR. HOLAHAN: The overlay
22 committee onto this as well, right.

23 That was interesting 'cause when
24 we --

25 MS. PICKARD: It was.

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1 MR. HOLAHAN: -- when we talked
2 about sign -- the overlay committee, so when we
3 talk about signs, but this overlay committee I
4 think is gonna help us out with how we figure out
5 our sign ordinance as well. I was pretty -- I was
6 pleased with it. I was against it. I did not want
7 the Natural Heritage Lands Trust coming in and
8 telling us how to set things up and I was
9 completely wrong. Heidi talked me into it and it
10 actually was well worth it so --

11 MS. HAASE: Mr. Chairman,
12 there's two items I did neglect to mention.

13 MR. HOLAHAN: Okay.

14 MS. HAASE: One pertaining to
15 PMREMS, we did receive your request for LUCAS, I

16 did put -- that is in the budget for the board's
17 consideration.

18 MR. HOLAHAN: Right. That was
19 15,000?

20 MS. HAASE: Yes. And also open
21 space for the Blakeslee Natural area, they had
22 requested \$300 for a kiosk --

23 MR. HOLAHAN: Okay.

24 MS. HAASE: -- and that is also
25 in the budget.

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1 MR. HOLAHAN: Okay. Okay.
2 Anything else? Is there anything open space that
3 you have, Heidi?

4 MS. LAMBERTON: She said no.

5 MS. PICKARD: No.

6 MR. HOLAHAN: You said no?

7 MS. PICKARD: No. Just I think
8 Phyllis -- we were still talking about trying to
9 get those buildings down and trying to find --

10 MS. HAASE: Yes.

11 MS. PICKARD: -- ways to do

12 that.

13 MS. HAASE: I've been in
14 discussion with Tunkhannock Township for their
15 assistance. We are trying to secure some matting
16 for -- to get the equipment into this area and then
17 we will be razing the structures. We were hoping
18 that this is gonna be a project for us since it's
19 the winter.

20 MR. HOLAHAN: Okay. Very good.
21 Let's go on to old business
22 then.

23 The proposed zoning ordinance,
24 discussion related to signs.

25 MS. HAASE: Yes, sir. If you

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1 recall at the last meeting, what -- the board was
2 gonna do their homework, was to review this section
3 and then any areas that you had concerns with, to
4 let me know. I haven't received any comments. I'm
5 assuming everybody's okay with what -- with this
6 particular point. We do have to add the electronic
7 signs, change that verbiage in there.

8 MR. HOLAHAN: Right.

9 MS. HAASE: But I didn't know
10 if the board had any direction for me at this
11 particular point?

12 MR. HOLAHAN: I'm -- I'm still
13 struggling with that.

14 Anybody else have anything with
15 the sign ordinance? Hearing nothing?

16 MS. LAMBERTON: Yeah, I'd like
17 --

18 MS. PICKARD: Well, I think we
19 would look -- you know, you mentioned those
20 overlay, we were gonna talk about some of that and,
21 you know, I think we can go through -- it would be
22 easier to mark this up and add or subtract from
23 this form. I don't know. I mean, it seems pretty
24 simple, straightforward. The -- the definitions
25 are the definitions, which is the 90 percent of

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1 this; so I think if we just went through what we
2 liked and what we didn't like, I think we can
3 probably knock it out. But I think we did say that
4 there might be some discussion on the overlay at

5 the other place. I don't know how that affects us.

6 MR. HOLAHAN: 'Cause I don't
7 really see a whole lot on -- in general for the
8 signs here except for when we get to the
9 electronic.

10 MS. PICKARD: Yeah, exactly.
11 And we talked about where -- you know, determining
12 where and when and how --

13 MR. HOLAHAN: Right.

14 MS. PICKARD: -- we wanted them.
15 So that would be something that needs to be added
16 in, so I think we need to look at some other
17 electronic sign ordinances and see how they're
18 worded.

19 MR. HOLAHAN: Okay.

20 MS. PICKARD: I mean, is there
21 any that you've looked at, Anne?

22 MS. LAMBERTON: No, I have not.

23 MS. PICKARD: Then I'm not sure
24 where to go specifically.

25 MR. ARMSTRONG: Just -- just

1 out of curiosity, the sign ordinance that you're

2 looking at, is it the sign ordinance part of the
3 zoning that the planning commission recommended a
4 few years ago, is that --

5 MS. PICKARD: Yeah, that's what
6 I was -- that's what you handed out, correct?

7 MS. HAASE: This is the draft
8 from 2000 --

9 MS. PICKARD: Yeah.

10 MR. HOLAHAN: 8?

11 MS. HAASE: -- 11, I think. So
12 in here the digital signs would -- if the board so
13 chooses to move in that direction, would have to be
14 revisited and perhaps loosened up a little bit or
15 leave it as it is. Everything else the board's
16 looked at already once.

17 MR. HOLAHAN: Yep.

18 MS. PICKARD: But there was
19 some things from our town hall meeting that may be
20 revisited about. I think it refers to the Nascar
21 and we talked about different holidays to allow
22 certain things. But that -- you know, based on the
23 meeting we had -- we didn't get those minutes back
24 yet, did we?

25 MS. HAASE: For?

1 MR. HOLAHAN: The town hall.

2 MS. PICKARD: The town hall.

3 MS. HAASE: The town hall did
4 come in, I believe, on Friday.

5 MR. HOLAHAN: Okay.

6 MS. HAASE: So --

7 MS. PICKARD: But we're not
8 approving those like regular meeting -- okay.

9 MS. HAASE: It's -- it's --
10 yeah, there's no action. It was just a town hall
11 session.

12 MS. PICKARD: But I think that
13 would be something -- I don't know.

14 MS. HAASE: The big discussions
15 that evening, as you're aware, was the A-frame
16 signs and banners. And, of course, we did touch on
17 digital signs, but it was quite brief.

18 MR. HOLAHAN: Okay.

19 MS. HAASE: So I'm just going
20 to then hold off on this right now?

21 MR. HOLAHAN: Just hold off on
22 that, yeah.

23 All right. The --
24 Patrick?
25 MR. ARMSTRONG: Real -- I guess

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1 before you get off signs, real quickly, and Phyllis
2 and I had a conversation, or maybe we exchanged
3 e-mails, over this past summer, in the June, July
4 time frame, there was a -- believe it or not, a
5 case out of Arizona that went all the way up to the
6 US Supreme Court. So there will likely be some
7 additional revisions to that draft you've been
8 looking at, specific to that case and what you can
9 and cannot regulate with respect to, if it's
10 content based.

11 I don't think you -- you don't
12 have a lot, you have some but you don't have a lot.
13 It's not as blatant as the case from Arizona that
14 was up in the supreme court, but you will have to
15 -- there will have to be some changes to the draft
16 that you're looking at that was drafted back in
17 2011.

18 MS. PICKARD: Well, I do have
19 some concerns on the -- with the temporary types of

20 signs and how they're all gonna be treated.

21 MR. ARMSTRONG: Yeah, the --
22 that's -- I mean, that's --

23 MS. PICKARD: Specifically with
24 political signs, I really don't understand how
25 you're gonna make temporary signs and political

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1 signs.

2 MR. ARMSTRONG: And that's
3 going to be a task that every municipality is going
4 to be stuck with now because of this case. So
5 there's going to be a way to do it, it's just --
6 when it comes time, when you want me to start
7 looking at it again, that's going to be one of the
8 -- you know, the side thoughts I'm going to have
9 when I'm going through revising it.

10 MR. HOLAHAN: Okay.

11 MR. ARMSTRONG: In addition to,
12 I guess, your electronic graphic type revisions
13 that you're considering with the overlay.

14 MR. HOLAHAN: Okay. Thanks.
15 Anything on the potential sale of the wastewater

16 treatment plant?

17 MS. HAASE: Did you want to
18 take that, Pat?

19 MR. ARMSTRONG: Sure. As the
20 board's likely aware, Aqua and the township are in
21 discussions and there's a draft of an asset
22 purchase agreement out there. I recently -- well,
23 probably about two, three weeks ago, I sent them my
24 changes to their asset purchase agreement and I
25 received a tract change version from them on Friday

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1 of last week. I've gone through it. I think we're
2 going to be -- I think we're close.

3 The one -- the one unknown at
4 this point in time is, if the board recalls, there
5 was some interest in incorporating the extension of
6 the existing sewer line through the limits of the
7 537 Plan of Tobyhanna Township to provide service
8 to those properties in the township that are within
9 the 537, but the line doesn't extend to them right
10 now. And the idea was we would incorporate that
11 into the asset purchase agreement.

12 The one way we were going to do

13 it was to proceed with the closing and Aqua would
14 proceed with the extension of that line. And
15 initially Aqua thought they would be able to do it
16 in that way, they're still, however, investigating
17 the detail specifics of how they will able to do
18 it.

19 So the latest version I got from
20 last week is, there's not a specific provision
21 addressing that. What they're proposing to do is
22 reference that, that idea, that theory, that
23 agreement that they'd extend the line and the
24 specifics we'll have to iron out in a -- probably
25 an addendum or supplement agreement prior to

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1 closing. So it will be a condition in the asset
2 purchase agreement.

3 Once I get through the draft
4 that they circulated on Friday, I'll probably
5 circulate it with any comments I have to the board,
6 so you guys can start looking at it. It's -- it's
7 pretty -- it's pretty voluminous. There's going to
8 be a number of exhibits. We don't have all of the

9 exhibits yet. There's going to be easements,
10 assignments and fee simple that -- there's a lot to
11 it. But you should start looking at this agreement
12 because chances are -- at least the asset purchase
13 agreement is going to likely be in front of you
14 probably before the end of the year. That's the
15 asset purchase. Closing won't be until July of
16 2016. This is the asset purchase agreement. It's
17 -- we're going to start doing our due diligence,
18 both sides; but this is the first step.

19 Are there any questions for me
20 at this time?

21 MS. LAMBERTON: Yeah, I
22 actually have a question. What's the difference of
23 waiting for a second agreement to be part of the
24 original agreement, why not just do it all at once?

25 MR. ARMSTRONG: That's what I

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1 had proposed and that's what I was hoping for, but
2 I think Aqua's getting a little -- the way, you
3 know, Aqua was proposing to do the extension would
4 be -- we'd sell it and Aqua would move forward with
5 the extension and we would be out of it completely.

6 In order to do that, they would have to likely
7 amend their tariff. And initially they thought it
8 was in -- not that big of a chore, but the more
9 they talked to their attorneys, the more they're
10 realizing it might be -- they have to do a little
11 bit more research and due diligence on their part
12 before they can commit specifically to it.

13 So I guess --

14 MS. LAMBERTON: So then we'd be
15 agreeing to something that we don't agree with?

16 MR. ARMSTRONG: Well, the way
17 we would phrase it in the asset purchase -- you
18 don't have to. I mean, you don't --

19 MS. LAMBERTON: I'm just -- I'm
20 just asking.

21 MR. ARMSTRONG: Yeah, if we
22 want to keep it -- if we want to keep it in the
23 asset purchase, we don't have to move forward at
24 this point in time. We can let them know, no,
25 figure it out.

1 MS. LAMBERTON: Just keeps it

2 part of urgency --

3 MR. ARMSTRONG: We'll wait a
4 few months and we'll get it done. But if we were
5 to proceed in the fashion that they're asking --
6 and I've made it clear that that provision, when we
7 reference it, it would be a condition that needs to
8 be resolved prior to closing, so we wouldn't be
9 closing without solidifying that aspect of it.

10 Does that make sense?

11 MR. HOLAHAN: Yes.

12 MR. ARMSTRONG: I mean, even --

13 MS. LAMBERTON: We just --
14 that's our chance to protect those property owners
15 along that corridor and once you sell it, you don't
16 have that opportunity any longer so --

17 MR. ARMSTRONG: And what I'm
18 saying is, the way -- the way I responded to their
19 request not to put it specifically in the asset
20 purchase is, okay, we'll reference it and we'll
21 make it a condition prior to closing. Meaning we
22 won't close until we're satisfied with whatever
23 direction we're going to go. Whether it be in that
24 initial option that we discussed or the other
25 option, which would be a joint kind of partnership,

1 but that would definitely postpone the closing of
2 the system. Okay?

3 So I guess at this -- there's
4 nothing for you to do tonight, I just want to give
5 you a quick update as to where we're at in the
6 process.

7 MS. LAMBERTON: It's just a
8 question. What's the problem if the closing is
9 postponed?

10 MR. ARMSTRONG: From our
11 perspective --

12 MS. LAMBERTON: None.

13 MR. ARMSTRONG: -- I don't -- I
14 don't --

15 MS. HAASE: I think they've
16 made it pretty clear as far as the two options.
17 That if it was Option 1, where they had to, if they
18 can, amend the tariff and PUC allows this to occur,
19 it would have to be financially sound for them to
20 do that.

21 MS. LAMBERTON: And I
22 understand that.

23 MS. HAASE: And then if it was

24 a private/public partnership, of course, we'd be
25 holding that, so we'd have to look at that. It's

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1 not something that they're saying they're not
2 interested in, but there has to be the need there.
3 And that's what their concern is, there's not the
4 need to sustain (phonetic) that line.

5 MR. ARMSTRONG: But I am
6 getting the impression it's --

7 MS. PICKARD: -- anything to
8 do -- that we can do on our part to determine that?

9 MS. HAASE: John Brogan, our
10 former CEO, has already gone through that area.
11 John Kerrick I think had some discussions as well,
12 was aware of it. There is a couple commercial
13 businesses that could use this line to help them.

14 Right now we have 250 EDUs.
15 Unfortunately those two businesses would only be
16 purchasing one to two -- one would be purchasing
17 two, the other one would be one. Properties right
18 now that are on Robyn Lane are beyond -- many of
19 them are beyond the 150 foot requirement, so they

20 would not have to connect, as our ordinance speaks,
21 as of this date. So the concern is that if -- the
22 residents, not having enough residents to be able
23 to connect onto that.

24 MS. PICKARD: It doesn't
25 (inaudible) 150 feet?

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1 MS. HAASE: You could but then
2 that would be throughout the entire township.

3 MR. ARMSTRONG: Meaning
4 increasing it.

5 MR. HOLAHAN: Right.

6 MR. ARMSTRONG: There's case
7 law on that. I'd have to look -- I think 150 --
8 150 feet from the line is -- I think that's -- I'd
9 have to look at -- if there's any new case law.
10 But it -- yeah, we didn't -- we didn't pull 150 out
11 of -- you guys didn't pull 150 out of the air.
12 There's a basis and a logic and a -- that warrants
13 that. If you increase it, arguably -- I don't know
14 if you can at this point, so I don't want to --
15 MS. PICKARD: I did ask him the
16 question --

17 MS. HAASE: Looking at
18 decreasing it.
19 MR. ARMSTRONG: Oh, decreasing
20 it?
21 MS. HAASE: Decreasing it.
22 MR. ARMSTRONG: Oh, then that's
23 different. That's different.
24 MR. HOLAHAN: Decreasing what?
25 MR. ARMSTRONG: The distance.

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1 MR. KERRICK: I don't think
2 we're talking decreasing, I think we're increasing.
3 MS. PICKARD: I thought we were
4 increasing, so we'd make -- so that it would be --
5 'cause there was some property --
6 MR. HOLAHAN: Yeah, if you were
7 200 feet off, you would have to hook up.
8 MS. HAASE: Well, that's --
9 MR. HOLAHAN: You got to take a
10 look at the pro forma, how much does it run -- cost
11 to run that sewer line up through there, how many
12 EDUs are gonna be used on it and then, you know,

13 what's the income as compared to what the costs of
14 those lines are gonna be?

15 MR. KERRICK: John Brogan, Bob
16 and myself ran numbers --

17 MR. HOLAHAN: Right.

18 MR. KERRICK: -- and looked at
19 that, and at the time we felt it was close to being
20 feasible, but things change, that was five years
21 ago.

22 MR. HOLAHAN: Well, if it was
23 close to being feasible then, it could be close to
24 feasible now.

25 MS. LAMBERTON: And that's what

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1 they're doing due diligence on so -- okay.

2 MR. KERRICK: -- it was the 940
3 corridor to Locust Ridge Road.

4 MR. HOLAHAN: Right.

5 MS. HAASE: Yeah, I did meet
6 with Bob --

7 MR. KERRICK: It wasn't
8 gravity, it was pressure.

9 MS. HAASE: I did meet with Bob

10 and John on this.

11 MS. PICKARD: We had those --
12 could Bob update some of those --

13 MS. HAASE: John Brogan had
14 three properties that weren't failures there, so
15 that was the concern.

16 If you recall from RETTEW's
17 study, they did do a breakdown for Onocop, Robyn
18 Lane, 940 corridor. As far as -- I guess I'm a
19 little confused. Right now we have 150 feet.
20 You're talking about increasing it to 200 or
21 decreasing to say 50 or 75?

22 MR. HOLAHAN: Increasing it.

23 MS. HAASE: So make it --

24 MR. HOLAHAN: So more people
25 would be required to hook up to it.

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1 MS. LAMBERTON: Then you want
2 to decrease it.

3 MS. HAASE: You want to
4 decrease it. If you're -- if it's 200 feet, that
5 means less people are going to.

6 MR. HOLAHAN: Within two --
7 right. So if you're within 200 feet or 300 feet,
8 you have to hook up.

9 MS. PICKARD: Yeah.

10 MS. HAASE: Okay.

11 MR. HOLAHAN: So increasing the
12 distance.

13 MS. LAMBERTON: Anybody that's
14 greater than one foot away from -- puts it in
15 perspective, I guess.

16 MR. HOLAHAN: It puts it into
17 perspective. Okay.

18 MR. ARMSTRONG: All right. But
19 it sounds like that particular aspect the board is
20 still interested in pursuing and requiring as a
21 matter of this arrangement.

22 MR. HOLAHAN: Yes.

23 MR. ARMSTRONG: Okay. Then
24 we'll proceed in that direction and like I said,
25 probably in the next week or so, you'll probably

1 start seeing the draft, so we can start talking
2 about it at the next meeting.

3 MR. HOLAHAN: Okay. Let's talk
4 about LERTA real quick, real quick.

5 MS. HAASE: Okay. On the
6 board you still see the areas that we had
7 discussed, which will be the commercial areas for
8 the east, west and central locations in the
9 township.

10 I did do some investigation work
11 and looked at specific properties, which I have if
12 the board so choses to look at. If the intent is
13 to move this forward, speaking with Michelle
14 Bisbing, she thinks it is an easier sell to the
15 school district if we pick a specific area versus
16 the entire commercial corridor.

17 They recently -- with a
18 municipality in the county went through this and it
19 took just a little over two years to get through.
20 So she said if it's something that we seriously
21 want to move forward with, then perhaps we should
22 look at a specific area and work on that.

23 So my question to the board is,
24 do you have east, west, central, whichever section
25 you would like to and if you would like me to begin

1 the process?

2 MS. PICKARD: Can I ask you a
3 question? Like if we did that in the line -- the
4 area that we're running the line, how would that
5 affect those property owners? Would that be a
6 benefit for them to be hooking up to the sewer
7 line?

8 MS. HAASE: Well, this would be
9 for an expansion. And as far as the line --

10 MS. PICKARD: It would increase
11 the property values -- I don't know. That wouldn't
12 help.

13 MS. HAASE: I mean, anywhere
14 that you so designate or propose to designate, the
15 two taxing bodies would have to approve and it
16 certainly would help, I would think, somebody
17 that's wanting to expand their building.

18 MS. LAMBERTON: Common sense
19 would tell you that east is gonna be the --

20 MR. HOLAHAN: Right.

21 MS. LAMBERTON: -- next to be
22 developed, so if you want to encourage a particular
23 type of growth.

24 MS. PICKARD: I don't know, but
25 I think the west is in more dire need right now as

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1 far as economically.

2 MR. HOLAHAN: We may have to
3 have a --

4 MS. PICKARD: If we could do
5 both. You know, I still think -- there's not that
6 much. I mean --

7 MS. LAMBERTON: So do like --
8 concentrate on Blakeslee Visioning.

9 MR. HOLAHAN: Right. And which
10 is what the overlay committee is working on as
11 well. So that may help.

12 MS. HAASE: Now, my other --
13 next question --

14 MS. PICKARD: Start with one
15 and then --

16 MS. HAASE: -- to the board, if
17 the board agrees to move with the western section,
18 are we looking at solely commercial properties, are
19 we looking for nonconforming residential within the
20 zoning district? That is another question that

21 we'll need direction on.

22 MR. HOLAHAN: Okay.

23 MS. HAASE: If you want
24 residential as well that's in that area?

25 MS. PICKARD: You're saying

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1 nonconforming residential in a commercial district,
2 I think it definitely should be included?

3 MS. HAASE: Michelle said that
4 it's gonna be up to the board whether you so choose
5 that or not.

6 MS. PICKARD: I think so, but
7 that's all commercially zoned.

8 MS. HAASE: Well, it will be a
9 resident that's expanding, not a business. We're
10 talking about a residence.

11 MR. HOLAHAN: Yeah. Yeah, I'm
12 not prepared to make that decision tonight.

13 MS. LAMBERTON: Can I ponder on
14 that for a moment?

15 MS. HAASE: You may.

16 MS. PICKARD: Yeah, I think --

17 MS. HAASE: So should --
18 MR. HOLAHAN: Instead of having
19 all these people have to suffer through what we're
20 doing right now, perhaps we can call a special
21 meeting, maybe take 45 minutes or something like
22 that to discuss that and then come back to one of
23 the board meetings and --
24 MS. HAASE: Well, now that
25 you mentioned that, Mr. Chairman, I am --

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1 MR. HOLAHAN: A budget?
2 MS. HAASE: Well, I am gonna
3 have to ask the board to consider a special
4 meeting. Would be to go through the capital
5 budget, as well as liquid fuels and we're going to
6 have a draw for Kalahari; so if the board could
7 consider the 18th. Mr. Moyer did relate to me
8 today we've customarily had seven o'clock in the
9 mornings for our budget meetings, if we could do
10 eight o'clock because seven is too difficult for
11 him. So I don't know if the board is available.
12 MR. HOLAHAN: 18th of November?
13 MS. HAASE: Yes, sir.

14 MR. HOLAHAN: That's a
15 Thursday?
16 MS. LAMBERTON: That's a
17 Wednesday.
18 MS. HAASE: That's a Wednesday.
19 MR. HOLAHAN: Oh, that's right,
20 Donny's off. Yeah.
21 MS. PICKARD: I'm good.
22 MR. HOLAHAN: I'm good.
23 MS. HAASE: And then we can do
24 those final two funds to review and the draw and
25 then maybe the board can have some discussion and

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1 give you some direction regarding LERTA.
2 MR. HOLAHAN: Okay. Yeah, put
3 it out there, please.
4 MS. HAASE: Okay.
5 MR. HOLAHAN: And that's what
6 we'll do.
7 MS. HAASE: Thank you.
8 MR. HOLAHAN: Thank you.
9 MR. ARMSTRONG: Is this a

10 meeting the board would want me at?
11 MR. HOLAHAN: I'm afraid to say
12 yes.
13 MR. ARMSTRONG: I do have
14 something that day, but I can move that around,
15 specially if it's -- you're saying eight o'clock?
16 MR. HOLAHAN: Right.
17 MR. ARMSTRONG: Okay. Well,
18 let me -- I'll --
19 MS. LAMBERTON: We can do it
20 without Patrick.
21 MR. KERRICK: We'll save the
22 money, Pat.
23 MR. ARMSTRONG: Okay. You can
24 always reach me on the phone.
25 MR. HOLAHAN: Okay. And then

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1 we've already taken care of -- if you're following
2 the agenda, we've already taken care of the ARCAP.
3 So we're going to new business.
4 Tobyhanna Township Sewer District No. 1, force main
5 extension. So --
6 MS. HAASE: Yes. I've included

7 in the board packet the e-mail from our township
8 engineer --

9 MR. HOLAHAN: Right.

10 MS. HAASE: -- pertaining to
11 this matter. It just so happens today I had a
12 meeting with Mr. Matergia and he advised me that
13 right now they're anticipating spring of 2016,
14 which would be April or May, to begin the work on
15 this project.

16 I did speak to our township
17 engineer after that meeting and his one concern is,
18 A, he feels that if they did begin in May, that
19 they would be able to complete that line. We
20 certainly feel and I think everyone agrees that
21 that is the best course of action to move forward
22 with the installation of that 1400 foot.

23 The one concern that the
24 engineer had, that if -- whatever the issues are
25 have not been resolved at that particular point and

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1 they have to rerate the system in Pocono Township,
2 DEP -- it has to go through a DEP permitting

3 process and that is the one concern the engineer
4 had, that it would be completed by the spring of
5 '17 when they're proposing to open Phase 2.

6 Mr. Matergia stated today they
7 recognize that if it is not complete by that time,
8 they won't get their C0 because they don't have the
9 sewage capacity. Regardless, this would all have
10 to be contingent on Pocono Township agreeing with
11 the extension, but we want to just bring that forth
12 to the board so you're aware of where we're at with
13 this.

14 MR. HOLAHAN: I would imagine
15 that Kalahari's well aware of what could happen if
16 the -- extends into where Pocono Township is gonna
17 get a little more involved in it.

18 How are they with this?

19 MS. HAASE: I have had no
20 discussion directly with Kalahari, just with Mr.
21 Matergia today. We have reached out to Mr. Henson
22 (phonetic), he did not have a date yet when they
23 were proposing to begin, but since the e-mail, Mr.
24 Matergia did refer to the spring of '16.

25 MR. HOLAHAN: Okay. So --

1 MR. ARMSTRONG: And as an
2 aside, I did shoot an e-mail a week or so ago to
3 the attorneys representing both Kalahari and Pocono
4 Manor with a similar inquiry after speaking with
5 Phyllis and Bob. I have not heard back. This is
6 the first I've heard that we're getting a spring
7 time frame.

8 The only issue is, when you
9 entered into that addendum sewer agreement, when
10 they did this alternate route, with Phase 2, they
11 should actually start -- they should have started
12 the design for this upgrade to the system, but it's
13 everyone's understanding that they're going to go
14 to the initial connection point, so they won't need
15 it.

16 Maybe at the very least, to
17 reach out to Pocono to let them know of the status
18 to make sure that they're on -- on board with maybe
19 -- like Phyllis said, maybe extending the time
20 frame for that design with the understanding that
21 if things fall apart and they still have to go to
22 the pump station, they're not going to be getting a
23 C of O until, you know, they have all the approvals
24 they need and the --

25

MS. HAASE: And just to refresh

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1 the board's memory, it was not Tobyhanna Township
2 that set the requirement of this, this was through
3 Pocono Township, that the rerating would need to
4 occur if they didn't do the installation of that
5 line in a timely fashion.

6 MR. HOLAHAN: So we don't have
7 to act on anything at this point, correct? Do we
8 need to get -- or grant them an extension if they
9 need it?

10 MR. ARMSTRONG: Conditional
11 upon probably Pocono being on board with it.

12 MR. HOLAHAN: Yeah, I'm okay
13 with that.

14 Do I have a motion?

15 MS. PICKARD: So moved.

16 MR. HOLAHAN: Do I have a
17 second?

18 MS. LAMBERTON: I'll second.

19 MR. HOLAHAN: I got a motion
20 and second.

21 MS. HAASE: If I may add,
22 should we have a time frame? Mr. HcHale was
23 suggesting December 31, we know that's not
24 realistic now.

25 MR. HOLAHAN: There was -- the

74

1 other one was March?

2 MS. HAASE: Attorney Matergia's
3 referencing that they would anticipate beginning
4 April or May, so with the verbiage in the agreement
5 speaks of the completion of that.

6 MR. HOLAHAN: Okay.

7 MS. LAMBERTON: Why don't you
8 make it prior to Labor Day?

9 MR. HOLAHAN: Or Memorial Day.

10 MS. LAMBERTON: Well, you're
11 gonna start it when? In March or April?

12 MS. HAASE: What was relayed to
13 me today was April or May.

14 MS. LAMBERTON: How you gonna
15 have it done by Memorial Day?

16 MR. HOLAHAN: We just have to
17 give them another extension. That was what was

18 referenced in the letter too, right?

19 MR. ARMSTRONG: I would --

20 MS. PICKARD: That was for
21 those properties?

22 MS. LAMBERTON: Yeah, to go --
23 the additional line from the --

24 MS. PICKARD: But was it in the
25 agreement with those properties, Becker and all of

75

1 those?

2 MS. LAMBERTON: No, no, no,
3 that's another agreement with Pocono and Kalahari.

4 MS. PICKARD: That doesn't
5 affect those?

6 MS. LAMBERTON: No, no --

7 MR. ARMSTRONG: The extension
8 that we're really -- the way I look at this is, the
9 extension we're really granting them is the
10 extension to design the upgrade to the pump
11 station, as well as their requirement to post the
12 financial securities to secure the work for the
13 upgrade.

14 So if you want to consider
15 extending the time frame to require that obligation
16 on Kalahari and Pocono Manor until the April, May
17 time frame, because if that's when they're gonna
18 start it, you're going to know if you're going to
19 need -- if they're going to need to design the pump
20 station, upgrade and post it. If they start -- if
21 they start the initial connection point through
22 those easements, we know it's -- we know it's going
23 to be resolved in the very near future.
24 MR. HOLAHAN: That's right. So
25 we want to go and offer them an extension to May

76

1 for the design and --
2 MR. ARMSTRONG: Financial
3 security.
4 MR. HOLAHAN: -- financial
5 security?
6 MR. ARMSTRONG: Conditional
7 upon Pocono Township agreeing.
8 MS. LAMBERTON: June 1st.
9 MS. PICKARD: Yes, I'll make
10 that motion.

11 MR. HOLAHAN: Okay. So I've
12 got June 1, were you making the motion, Heidi?
13 June 1st?
14 MS. PICKARD: June 1st.
15 MR. HOLAHAN: Okay. Do I have
16 a second?
17 MS. LAMBERTON: Second.
18 MR. HOLAHAN: I got a motion
19 and second.
20 Further discussion?
21 Anything from the public?
22 Hearing none. Call the vote.
23 John?
24 MR. KERRICK: In favor.
25 MR. HOLAHAN: Heidi?

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1 MS. PICKARD: I vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: I vote in
4 favor.
5 MR. HOLAHAN: I vote in favor.
6 Motion carries.

7 Next, amend Kalahari land
8 development plan.

9 MS. HAASE: Yes, sir. We had
10 some correspondence with the engineering firm that
11 Kalahari has hired. What they are proposing is to
12 add another restaurant of 3800 square foot. They
13 are proposing another outdoor pool and also support
14 building adjacent to the pool.

15 The -- we felt it was the most
16 reasonable approach instead of sending them back
17 through land development, would be if they could
18 change out specific sheets in the approved plan,
19 present it to the board of supervisors for
20 consideration and then record them.

21 They are in agreement with that
22 as long as the board is in agreement.

23 MR. HOLAHAN: It does sound
24 easier.

25 MS. HAASE: However,

78

1 unfortunately it was supposed to be on the agenda
2 and they have not submitted the revisions, so we're
3 gonna ask the board to table this and it will be on

4 for next month.

5 MR. HOLAHAN: If can they get
6 to us by the 18th?

7 MS. PICKARD: I was just gonna
8 say, will we have it the 18th?

9 MS. HAASE: I can't -- I can't
10 speak to that.

11 MR. HOLAHAN: Let them know and
12 we'll move on that.

13 Okay. Next. Old Route 940
14 bridge rehab, the time extension.

15 MR. HAASE: Yes, sir. We just
16 need to -- we need to verify this.

17 MR. HOLAHAN: Do I have a
18 motion to extend without liquidated damages?

19 MS. LAMBERTON: So moved.

20 MR. HOLAHAN: I got a motion.
21 Do I have a second?

22 MS. PICKARD: Second.

23 MR. HOLAHAN: Motion and
24 second.

25 Further discussion?

1 MR. KERRICK: This is
2 encouraging them to work some overtime --

3 MR. HOLAHAN: Yeah.

4 MR. KERRICK: -- instead of the
5 --

6 MR. HOLAHAN: Instead of the --

7 MR. KERRICK: Want to get it
8 done.

9 MS. LAMBERTON: No, that's a
10 good idea, yeah.

11 MR. HOLAHAN: Their anticipated
12 date is December --

13 MS. HAASE: December 11.

14 MR. HOLAHAN: -- 11, so --

15 MR. KERRICK: Could be really
16 cold December 11.

17 MR. HOLAHAN: Yeah. Okay. I
18 got a motion and second.

19 Further discussion?

20 Call the vote.

21 John?

22 MR. KERRICK: In favor.

23 MR. HOLAHAN: Heidi?

24 MS. PICKARD: I vote in favor.

25

MR. HOLAHAN: Anne?

80

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MS. LAMBERTON: I vote in

2

favor.

3

MR. HOLAHAN: I vote in favor.

4

Motion carries.

5

Reminds me, what's going on with

6

940 down by Forest Glen, how are they doing?

7

MS. HAASE: They moved to the

8

other side as you're aware. We have received --

9

Eddie has been in contact, he visits the site. I

10

have received very few correspondence back and

11

forth from PennDOT pertaining to this project.

12

Eddie, do you have any update

13

when you spoke to the foreman?

14

MR. ED TUTRONE: They have --

15

they moved to the other side about a week and a

16

half ago and as of now, they're still looking at

17

the end of February into March.

18

MR. HOLAHAN: Okay.

19

MS. HAASE: They -- I will say

20

that PennDOT -- it was being proposed that the

21

Locust Ridge Bridge down by Arrowhead, as well as

22 the Twin Lakes, was going to be started this year.
23 They did put the signals up for the Twin Lakes and
24 they have removed them. Again, we've received very
25 little conversation or communication --

81

1 MR. ED TUTRONE: I've tried to
2 make contact with Walsh Granite, who's the main
3 contractor, about three or four times, I have not
4 gotten a call back yet, to find out about that
5 bridge and also Locust Ridge.

6 MR. HOLAHAN: Okay. Stay on
7 them, Eddie.

8 Let's go on to Monroe County
9 Transit Authority proposed bus shelter, they're
10 having a request for waiver of fees.

11 MS. HAASE: Yes, sir. I had
12 the opportunity to meet with the representative
13 from the transit authority and what they would like
14 to do is install a bus shelter, which is a
15 conditional use on the Kalahari site, and it's
16 going to be for the silver line, which will be from
17 Pocono Country Place down 196 into Pocono -- Mount

18 Pocono and then move forward to Kalahari. It would
19 be for their employees and of course hopefully any
20 patrons that like to have -- have transportation
21 needs.

22 The applicant is hoping that the
23 board would consider waiving the conditional use
24 fee and when and if it is approved, then also the
25 zoning fee.

82

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

3 MS. LAMBERTON: I'll make a
4 motion.

5 MR. HOLAHAN: Are you motioning
6 that we waive those fees?

7 MS. LAMBERTON: Well, I know
8 we've had some discussion on lowering that fee
9 because I think it kind of got out of control a
10 little bit.

11 MR. HOLAHAN: Well, I think --

12 MR. KERRICK: It's another
13 government agency.

14 MR. HOLAHAN: Yeah, I think

15 what they're talking about, this is fairly de
16 minimis with 40 square feet in a place that's
17 already developed and all of that too, so --

18 MS. HAASE: Okay.

19 MS. PICKARD: Well, that was
20 why in that other ordinance we had limited the
21 special exceptions under conditional uses when we
22 went through that ordinance, if you remember, but
23 we never did it.

24 MR. HOLAHAN: Okay.

25 MS. LAMBERTON: So I'll make a

83

1 motion waiver to waive the fees.

2 MR. HOLAHAN: Okay. I've got a
3 motion to waive the fees. Do I have a second?

4 MS. PICKARD: And I'll second.

5 MR. HOLAHAN: I got a motion
6 and second.

7 Further discussion from the
8 board?

9 Anything from the public?

10 Hearing none. Call the 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 MS. HAASE: Okay. The
21 applicant will move forward with submitting the
22 request for a hearing and we'll get that scheduled.
23 MS. LAMBERTON: Great. Thank
24 you.
25 MR. HOLAHAN: Item E, consider

84

1 proposals for the 2015, '16 and '17 township
2 audits.
3 MS. PICKARD: They're much
4 higher than last year's.
5 MS. HAASE: In your packet you
6 will see the three companies that have submitted;
7 Riley and Company --

8 MR. HOLAHAN: Right.

9 MS. LAMBERTON: I'm sorry.

10 MS. HAASE: That's okay.

11 MS. LAMBERTON: What did you

12 say?

13 MS. HAASE: The three proposals

14 was from Riley and Company, it's going to be for

15 three years; '15, '16, and '17. Their proposal is

16 10,000 for '15; ten-two for '16; and ten-five for

17 '17. Frey & Company is 15,000 across the board.

18 And Weseloh & Carney is twelve, twelve-seven-two

19 and thirteen-four-eighty.

20 MS. LAMBERTON: I'll make a

21 motion to approve Riley and Company for the 2015,

22 '16, '17 years for the township audits.

23 MR. HOLAHAN: I have a motion.

24 Do I have a second?

25 MR. KERRICK: Second.

85

1 MR. HOLAHAN: I got a motion

2 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: 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.

17 G, consider Resolution 2015 dash

18 24, disposition of records. Do I have a motion?

19 MS. LAMBERTON: I'll make a

20 motion for Resolution 2015 dash 024 for disposition

21 of records.

22 MR. HOLAHAN: I have a motion.

23 Do I have a second? I'll second.

24 I got a motion and second.

25 Further discussion from the

1 board?

2 Anything from the public?

3 Hearing none. Call the 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: I vote in favor.

12 Motion carries.

13 H. Let's talk about the budget.

14 Let's talk about the 2016 proposed budget. This
15 should be fairly easy, a quick conversation. We're
16 just reviewing because we're gonna have a special
17 meeting on it anyway.

18 MS. HAASE: Correct. What we
19 had hoped for is, I wanted to submit this to the
20 board, this is for the general fund, the 01; and
21 the sewer, 08. It's pretty straightforward. As I
22 said, it's mirrored off of 2015. There's very few
23 changes in this. I did reach --

24 As I mentioned earlier, received
25 a request from PMREMS with regards to a LUCAS. We

1 did add that into the budget, so the board could
2 look at and see what your feeling was when you
3 looked at the numbers. So if the board so chooses
4 to leave that in, I won't adjust that.

5 I have -- we've decided that the
6 accounts 415 and 414, which was sewer enforcement,
7 planning and zoning, historically, I want to say
8 for the last maybe eight years, nine years, it was
9 separated and that was because we were receiving
10 reimbursements back from DEP; that since has
11 stopped. So it just doesn't make much sense to
12 keep them separate anymore especially since the
13 same person is doing the zoning and the enforcement
14 of the sewer. So that was a change.

15 The other --

16 MS. LAMBERTON: I saw the
17 21,000 there and that kind of was a red flag.

18 MR. HOLAHAN: Right.

19 MS. HAASE: I'm sorry. Yeah,
20 that's --

21 MS. LAMBERTON: That's all

22 right. No, I figured that's what you did.

23 MS. HAASE: We combined that.

24 Also for park events we have budgeted 5,000 each

25 year. Fortunately, we've reached out to our

88

1 community for donations and they have for the last
2 two years donating approximately about \$10,000, the
3 businesses and residents. So what we have done is
4 at the end of the year, we've now -- we
5 reappropriated the moneys. What we have done now
6 is we anticipate receiving the same 10,000 and we
7 just put that into the budget.

8 MR. HOLAHAN: Okay.

9 MS. LAMBERTON: I see like 15
10 or something on that?

11 MS. HAASE: Yeah, so we took
12 the five that we -- we do budget and then we added
13 the donations to that.

14 MS. LAMBERTON: Can I ask one --
15 just one --

16 MS. HAASE: Sure.

17 MS. LAMBERTON: Could we put
18 another column in and just show the percentage on

19 whether it's gone up or down?
20 MS. PICKARD: Yeah.
21 MS. HAASE: Certainly.
22 MS. LAMBERTON: Thank you.
23 MS. HAASE: Yep. On here
24 certainly it does reflect that, but it's much
25 easier with the percentages. It does show the 2015

89

1 approved budget on there, as well as what it was
2 charged in 2013 as well.
3 The one other item that I did
4 not put in the memo to the board is the increase in
5 our hospitalization coverage for the staff. There
6 was an increase this year. Fortunately the board
7 had the wisdom to open up a fund account, so when
8 we were receiving reimbursements back from the
9 company we were depositing in there. So I would
10 like the board to consider allowing me to take the
11 increase out of that fund that's what it was formed
12 for and using that for the increase and that is
13 reflected in the budget.
14 MR. HOLAHAN: Okay. Very good.

15 We're at the end here. Does
16 anybody have anything else?

17 MS. LAMBERTON: Oh, yeah.
18 We're good. No, I have no report or comment to
19 make.

20 MR. HOLAHAN: I -- I did want
21 to -- did you all take a look at the DPW report
22 that's on the portal?

23 Nice job, Ed. You guys are
24 doing all right.

25 And then, Chief, for the fire

90

1 department, do you guys have anything that you want
2 to --

3 MR. TROY COUNTERMAN: We have
4 another meeting scheduled for the 17th on that QRS
5 issue.

6 MR. HOLAHAN: Okay.

7 MR. TROY COUNTERMAN: We're
8 gonna be meeting again with the Department of
9 Health. I've requested twice the information for
10 their CAD company at the control center to know
11 avail. Supposedly they're gonna have a meeting the

12 1st, 2nd and 3rd of December with this CAD company
13 to look into our issue.

14 That's all I have.

15 MR. HOLAHAN: All right. Cool.
16 Okay.

17 MS. DENISE DOREMUS: Can I
18 just comment? I did go over -- because I know the
19 worry -- there's a worry about missing calls in
20 Tobyhanna Township. I did go over the numbers and
21 from this year, I mean, we've had 4600 calls total
22 and the total company has lost, as you can say
23 scratch, because of being busy on other calls of
24 course, is a total of -- so far this year -- sorry,
25 hold on -- 95 calls out of 4600.

91

1 So I did break it down into this
2 year. Tobyhanna Township, out of the call volume
3 so far of 832 calls, we missed 18 in Tobyhanna
4 Township and I know Tunk is close too and I know
5 they're not interested in covering Tunk; but there
6 was 260 calls in Tunk and we missed 8, so not such
7 bad averages. And for -- I know he's worried about

8 the ones to respond to, so that's not really that
9 many to respond to, 18 out of 800 and something.

10 MR. HOLAHAN: Well, I see -- I
11 read in the paper, you guys put forth a proposal
12 for Pocono Township to pick up ambulance on that
13 side so --

14 MS. DENISE DOREMUS: The plan
15 is actually if we do get Pocono Township, there
16 will be a -- one truck put in Pocono Township, an
17 ALS truck and another one also, another BLS.
18 Hopefully we can have actually six trucks during
19 the day. A total of two BLS trucks and four ALS
20 trucks and they cover the whole area.

21 MR. HOLAHAN: Okay. All right.
22 Anything else from the board
23 then?

24 Anything from the public?
25 Sheila?

92

1 MS. SHEILA CALFAYAN: I wanted
2 to ask a question --

3 MR. HOLAHAN: It's Sheila --

4 MS. SHEILA CALFAYAN: Calfayan.

5 I wanted to know if Tobyhanna picked up leaves from
6 the -- through the township.

7 MS. HAASE: No, ma'am, I'm
8 sorry, we don't.

9 MS. SHEILA CALFAYAN: In other
10 words, everybody is responsible for their own
11 leaves?

12 MS. HAASE: Yes, ma'am.

13 MS. SHEILA CALFAYAN: That was
14 a question.

15 MS. HAASE: That was easy.

16 MR. ARAM CALFAYAN: The reason
17 we ask that is, Coolbaugh will come to Arrowhead
18 specifically once or twice and pick up a pile of
19 leaves that they designated, but we don't know
20 anything about Tobyhanna.

21 MS. HAASE: The reason -- they
22 are required to do that due to their population
23 cap. DEP requires them to recycle.

24 MS. SHEILA CALFAYAN: Tobyhanna
25 has not reached that population?

1 MS. HAASE: That is correct.

2 MS. SHEILA CALFAYAN: We're
3 working on it.

4 MS. HAASE: We'll find out for
5 the next census whether we do or not.

6 MR. HOLAHAN: Well, I know what
7 I'll be doing, sneaking over, you know, bags of
8 leaves over into Coolbaugh Township. This is all
9 being written down. Okay. Kidding.

10 MS. SHEILA CALFAYAN: We're
11 publicizing that.

12 MR. HOLAHAN: All right.
13 Anything else?

14 MR. ARMSTRONG: I do have a
15 brief executive session with respect to pending
16 sewer litigation.

17 MR. HOLAHAN: Okay. So we're
18 going into executive session then.

19 (Meeting concluded at 8:15
20 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.

COURTNEY L. ROGERS

23

24

25

No. 4

MINUTES

Tobyhanna Township

Date | time 11/19/2015 4:00 PM | *Meeting called to order by* John Holahan III, Chairman

In Attendance

John Holahan III, Chairman
Anne Lamberton, Vice-Chair
Heidi Pickard, Treasurer
Donald Moyer, Member
John Kerrick, Member

Announcement

Executive Session held on November 9, 2015 to discuss personnel (8:25 PM - 8:54 PM)

Old Business

Amend Kalahari Resort Land Development Plan: Motion Made by J. Kerrick Seconded by H. Pickard

Approve Kalahari Resort Land Development Plan conditional upon the applicant providing an acceptable cost estimate for the Phase II public improvements and posting the requisite financial security for Phase II with the Township, pursuant to the MPC, Township SALDO, LDP approval, and current Development Agreement for the Kalahari Resorts LDP. Subject to the Township Engineer's review and complying with all applicable Zoning Ordinance, and/or other Township, County, and /or State ordinances, laws and regulations.

Motion Passed 5/0

New Business

1. **Certificate of Developer and Request for Payment No. 13 for Kalahari Resorts- Access Road Account \$ 268,392.36**

Motion Made by J. Kerrick Seconded by D. Moyer

Approve Release of funds in the amount of \$ 268,392.36 for Payment No.13 Access Road conditional upon verification from MuniCAP no other requirements for final payment will be required.

Motion Passed 4/0 A. Lamberton Abstained

2. **Proclamation honoring the Tobyhanna Township Volunteer Fire Department upon the occasion of its 85th Anniversary** Motion Made by J. Kerrick Seconded by A. Lamberton

Motion Passed 5/0

3. **Budget Review-** Phyllis Haase, Township Manager presented the proposed 2016 budget for review. Discussion regarding (Fund 01) wage increase up to 3% for all departments, discussed combining SEO,

Zoning and Planning Department, fund the purchase of a LUCAS (Automatic CPR Device) for PMREMS (Fund 08) Township has been approving minimal repairs to the WWTP, (35 Highway Aid Fund) discussed the need for a Loader.

4. Purchase of a 2015 Loader- Motion Made by H. Pickard Seconded by D. Moyer

Authorize the purchase of a 2015 Loader to be funded out of the 35 Fund not to exceed \$ 118,654.00 to include angle broom.

Motion Passed 5/0

5. MATT Historical Marker- Motion Made by H. Pickard and Seconded by D. Moyer

Authorize the purchase of The Great Swamp Marker for \$ 1,500.00

Motion Passed 5/0

6. MATT Historical Marker- Motion Made by J. Holahan and Seconded by A. Lamberton

Authorize the purchase of the Site of the First School House Marker for \$ 1,500.00

Motion Passed 5/0

7. Consider Advertisement of the 2016 Budget - Motion Made by J. Kerrick and Seconded by A. Lamberton

Authorize the Advertisement of the 2016 Budget

Motion Passed 5/0

Additional Items

- The Board has requested the Manager submit weekly reports of any items presented that will be on their upcoming meeting agenda.
- Board is in agreement with moving forward the installation of cameras (interior and exterior)
- Manager presented the increase cost related to replicate backup data. The board would like to continue with offsite back up.
- A Special Meeting will be advertised for November 25, 2015 at 8:30 to consider a reduction to the Sewer TIF Account
- Board is in agreement with replacing Tobyhanna Sign at the Government Building (burgundy in color with gold leaf). The sign will reflect both Tobyhanna Township and Blanche Price Park. State Representative Rader will be included in the signage.

Announcements

Meeting adjourned at 6:20 PM

Phyllis Haase, Township Secretary

MINUTES

Tobyhanna Township

Date | time 11/25/2015 8:00 AM | *Meeting called to order by* John Holahan III

In Attendance

John Holahan, Chair

Anne Lamberton, Vice-Chair

Donald Moyer, Member

Heidi Pickard, Member

John Kerrick, Member

Phyllis Haase, Township Manager

New Business

A. **Consider Approving Certificate OF Developer and Request for Payment No.11 for Kalahari Resorts in the amount of \$ 279,038.01**

Motion Made by J. Kerrick Seconded by Donald Moyer to approve the release of monies conditional upon the review and recommendation of Timothy Edinger, PE. -Motion- Passed 4/0 A. Lamberton Abstained

B. **Discussion Related to Purchase of Loader** – P. Haase distributed to the Board of Supervisors the cost of repairing the 2003 Caterpillar Loader in the amount of \$ 56,607.24. Discussion related to the Enclosed Roll Over Protection System (ROPS) and the need to replace the entire Cab. Discussion related to the need to replace the tires took place. The Board requested the equipment to be inspected by a certified caterpillar inspector. Item will be on the December Agenda

C. **Consider 2015 Employee Incentives**- Motion Made by J. Kerrick Seconded by D. Moyer to authorize employees to receive incentive package in the amount of \$ 500.00 and manager \$ 1,000.00
Motion Passed 5/0

D. **Authorize to advertise for Township Auditor positions**- Motion Made by A. Lamberton Seconded by J. Kerrick to advertise for the positions - Motion Passed 5/0

Meeting adjourn 8:42 AM

Phyllis Haase, Township Secretary

MINUTES

Tobyhanna Township

Date / time 12/9/2015 8:00 AM | *Meeting called to order by* John Holahan III

In Attendance

John Holahan III, Chairman
Anne Lamberton, Vice Chair
Donald Moyer, Member
Heidi Pickard, Member
John Kerrick, Member
Patrick Armstrong, Solicitor
Phyllis Haase, Township Manager

Old Business

Continued discussion related to the purchase of a Loader. Township Manager provided to the Board cost comparison from Midlantic Machinery (Komatsu WA200-7 \$ 107,000.00 vs. WA270-7 \$ 130,000.00) and Cleveland Brother's (Caterpillar 914K \$ 94,409.00 vs. 924K \$ 118,654.00) after trade in of 2003 Caterpillar. The cost of repairing the 2003 Caterpillar (status decertified) was discussed at length.

Phyllis Haase was instructed to move forward with the purchase of the Loader (Formal action of the Board - November 19, 2015).

Adjourned at 9:25 AM

Date _____

Phyllis Haase, Township Secretary

Before

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS

In Re: Regular Business Meeting

Tobyhanna Township Government Center Building
105 Government Center Way
Pocono Pines, Pennsylvania 18350
Monday, December 14, 2015 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
ROBERT J. McHALE, Township Engineer

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

2

***Index regarding the conditional use
hearing for the Monroe County Transit Authority bus
shelter.

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3

1 MR. HOLAHAN: Call the meeting
2 to order of December 14. Let's start with the
3 pledge of allegiance, please.

4 (Pledge of allegiance was
5 recited.)

6 MR. HOLAHAN: Good evening,
7 folks. How's everybody doing? All right?

8 Let's skip announcements for
9 this point.

10 Want to wait for your report?

11 MS. HAASE: Actually, Mr.
12 Chairman, I wanted to announce that the board of
13 supervisors, on November 25, from 8:30 to 8:35,
14 adjourned into executive session to discuss

15 personnel; and on 12/9, from 9:05 to 9:25, to
16 discuss personnel.

17 MR. HOLAHAN: Very good. So
18 let's consider the minutes of those meetings. I'm
19 looking for approval of the November 9 regular
20 business meeting.

21 MS. HAASE: I do have one
22 correction, Page 35, Line 3, sport should be
23 support. That's the only correction I have.

24 MR. HOLAHAN: How about
25 November 19? November 25? December 9? Do I have

4

1 a motion to approve the minutes?

2 MS. LAMBERTON: So moved.

3 MS. PICKARD: I'll second.

4 MR. HOLAHAN: I have a motion
5 and a second.

6 Further discussion from the
7 board?

8 Anything from the public?

9 Hearing none. Call the vote.

10 John?

11 MR. KERRICK: In favor.

12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: 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 Let's go on to consider the
20 treasurer's report. I'm going to --
21 You want to make a motion,
22 Heidi?
23 MS. PICKARD: Yeah. I'll make
24 a motion that we approve the cash and disbursements
25 report as of 12/14/15 with the disbursements in the

5

1 amount of \$827 -- 827,416.76.
2 MR. HOLAHAN: Did you pull P&M
3 out of there?
4 MS. PICKARD: Yeah, that's with
5 that out.
6 MR. HOLAHAN: Okay. So I have
7 a motion for \$827,416.76.

8 Do I have a second?
9 I'll second. Got a motion and a
10 second.
11 Further discussion from the
12 board?
13 Anything from the public?
14 MR. HARRY FORBES: I didn't -- I
15 couldn't hear what you're pulling out, John?
16 THE REPORTER: May I just have
17 your name, please? Your name?
18 MS. HAASE: Harry Forbes.
19 MR. HARRY FORBES: Oh, I'm
20 sorry.
21 MS. LAMBERTON: He's pulling
22 out the bills --
23 MR. HARRY FORBES: Hearing aid
24 --
25 MS. LAMBERTON: He's pulling out

6

1 the bills for Papillion and Moyer, 'cause I'm
2 employed by them and I cannot vote on that.
3 MR. HARRY FORBES: Okay. Thank
4 you.

5 MS. LAMBERTON: You're very
6 welcome.
7 MR. HOLAHAN: Further
8 discussion?
9 Hearing none. Call the vote.
10 John?
11 MR. KERRICK: I'll abstain.
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 Do you have another motion,
20 Heidi?
21 MS. PICKARD: Make a motion we
22 approve the Papillion and Moyer bills in the amount
23 of \$62,423.85.
24 MR. HOLAHAN: I have a motion.
25 Do I have a second? I'll

1 second.

2 We have a motion and a second.

3 Further discussion from the

4 board?

5 Anything from the public?

6 Mr. Forbes?

7 MR. HARRY FORBES: I just didn't

8 hear.

9 MR. HOLAHAN: Hearing none.

10 Call the vote.

11 John?

12 MR. KERRICK: Abstain.

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.

19 MR. ARMSTRONG: As the board's

20 aware, you have two members of the board of

21 supervisors that abstained from the vote for the

22 bills for Papillion and Moyer. Given the fact that

23 you will not be able to secure a quorum on the vote

24 this evening, pursuant to the rules in the code,

25 you are able to take a revote so long as the two

1 individuals that have abstained discloses to what
2 the conflict is and you can proceed with the
3 revote.

4 MR. HOLAHAN: Do we need to
5 restate the motion or can I just call for a revote?

6 MR. ARMSTRONG: I would have
7 them -- I would have them disclose what the
8 conflict is and then have a revote, yes.

9 MR. HOLAHAN: Okay.

10 MR. KERRICK: Want me to go
11 first?

12 MR. HOLAHAN: Please.

13 MR. KERRICK: I have a business
14 relationship with Papillion and Moyer and that's
15 why I'm abstaining.

16 MR. HOLAHAN: Okay.

17 MS. LAMBERTON: I'm employed by
18 Papillion and Moyer; therefore I will abstain.

19 MR. HOLAHAN: Very good. Then
20 I'll call for the revote.

21 John?

22 MR. KERRICK: In favor.

23 MR. HOLAHAN: Heidi?
24 MS. PICKARD: I vote in favor.
25 MR. HOLAHAN: Anne?

9

1 MS. LAMBERTON: I'll abstain.
2 MR. HOLAHAN: And I vote in
3 favor. Motion carries.
4 Well, that was easy. Let's go
5 to solicitor report.
6 Patrick?
7 MR. ARMSTRONG: Thank you, Mr.
8 Chairman. The one item -- well, the first item
9 under my report is the conditional use hearing for
10 the Monroe County Transit Authority bus shelter at
11 Kalahari Resort. This conditional use has been
12 advertised for a public hearing this evening. So
13 with that, I'll open the public hearing, public
14 hearing is now open.
15 What this is, this is an
16 application for a bus shelter at the Kalahari
17 Resort property. And pursuant to the Tobyhanna
18 Township Zoning Ordinance, in order to proceed with

19 the bus shelter use, the applicant needed to secure
20 conditional use approval from the board of
21 supervisors pursuant to Chapter 155-16 -- 16D of
22 the Tobyhanna Township Zoning Ordinance and
23 similarly, 155-105 with respect to bus shelters
24 under the zoning -- zoning -- zoning ordinance.

25 This is an application of Monroe

10

1 County Transit Authority.

2 Is there anyone here from the
3 Monroe Count --

4 MR. RICH SCHLAMEUSS: I'm here.
5 Can you please identify
6 yourself?

7 MR. RICH SCHLAMEUSS: My name's
8 Rich Schlameuss, S-c-h-l-a-m-e-u-s-s. I'm the
9 assistant executive director.

10 MR. ARMSTRONG: So we have the
11 application, we have a representative from the
12 applicant here this evening.

13 For the other members in the
14 audience, this is a conditional use hearing. The
15 applicant has to proceed with a hearing before this

16 board. And you are able, if you would like, if you
17 have an interest in the actual application, you're
18 able to request party status. What party status
19 does, it allows you to participate in the cross
20 examination of any witnesses. I'm not sure if
21 we're going to have any witnesses, if any this
22 evening. It also gives you the ability to appeal
23 the decision of the board of supervisors if you so
24 choose. If you don't request party status, you
25 won't be given it, but I'm sure the board of

11

1 supervisors would let you provide any information
2 or narratives that you feel is appropriate for this
3 board to consider when deciding the application.

4 So with that said, is there
5 anyone in the audience that would request party
6 status other than the applicant this evening?

7 Seeing none.

8 This has been advertised for a
9 public hearing. And with that, I would like to
10 admit the township exhibits at this time. So what
11 we'll mark as T-1 is the Monroe County Transit

12 Authority conditional use application.

13 (Application was marked for
14 identification by Mr. Armstrong as Township Exhibit
15 No. 1.)

16 MR. ARMSTRONG: T-2 is a
17 correspondence dated November 12, 2015 from my
18 office to the applicant and Kalahari Resorts, LLC,
19 with a copy of the legal notice for tonight's
20 public hearing.

21 (Correspondence and Copy of
22 Legal Notice were marked for identification by Mr.
23 Armstrong as Township Exhibit No. 2.)

24 MR. ARMSTRONG: T-3 is a
25 December 2, 2015 correspondence from the zoning

12

1 officer at Tobyhanna Township to my office.
2 Attached thereto is the affidavit of posting of the
3 property with the public notice for tonight's
4 hearing.

5 (Correspondence and Affidavit of
6 Posting were marked for identification by Mr.
7 Armstrong as Township Exhibit No. 3.)

8 MR. ARMSTRONG: T-4 is the

9 proof of publication from the Pocono Record with
10 the public notice providing the requisite notice
11 pursuant to the code of tonight's public hearing.

12 (Proof of Publication was marked
13 for identification by Mr. Armstrong as Township
14 Exhibit No. 4.)

15 MR. ARMSTRONG: So with that
16 said, just before we get into it, Chapter 155,
17 zoning, bus shelters, just for purposes of the
18 board, what you need to keep in consideration is
19 bus shelters shall conform to the following
20 requirements:

21 They should not be located
22 within a street cartway. They shall be considered
23 temporary structures which can be moved from one
24 location to another. They shall not exceed 10 feet
25 in height, 16 feet in width or 8 feet in depth; and

13

1 any signage on the bus shelter shall not exceed 10
2 percent of any wall surface. And the use shall not
3 alter the essential character of the neighborhood
4 or district in which the property is located.

5 And I did fail to mention, this
6 property is the Kalahari Resort, but it's Tax Map
7 Parcel Nos. -- or No. 19 slash 2 slash 1 slash 1
8 dash 4.

9 Any comments from the board
10 before we open it up to the applicant to the extent
11 they have any testimony this evening?

12 MR. HOLAHAN: It was the
13 recommendation of the planning commission with some
14 conditions?

15 MR. ARMSTRONG: Yeah. The
16 application from the planning commission, I
17 believe, had two conditions. One -- one was no
18 outside advertisement, no off-premise signs allowed
19 on the bus shelter except that Kalahari is allowed
20 to use the bus shelter for advertisement pursuant
21 to the zoning ordinance requirements. And that
22 Bureau Veritas, the township's building code
23 inspector, will be checking the roof load when
24 issuing the building code. Those are the two
25 comments, recommendations from the planning

1 commission.

2 MS. PICKARD: I had a question
3 on -- this mentions a temporary location. Will
4 they be coming back for a permanent one?

5 MR. ARMSTRONG: No, no, no.
6 You're talking about Chapter 155 dash 105. If you
7 read -- if you read that section: Bus shelters
8 shall be considered temporary structures --

9 MS. PICKARD: Okay.

10 MR. ARMSTRONG: -- which can be
11 moved from one location to another, meaning, they
12 don't want them to be a permanent structure with, I
13 guess, foundation --

14 MR. HOLAHAN: Foundation, yeah.

15 MR. ARMSTRONG: -- that you
16 can't move at all. And it sounds like this one is
17 temporary because it's proposed temporarily until
18 they can complete with Phase 2 and then it's going
19 to be moved to its more likely, more permanent
20 location.

21 MS. PICKARD: So that was my
22 question, where is that or they -- will they come
23 back?

24 MR. ARMSTRONG: No, no, no. I
25 think it's a description of the type of structure

1 it can be.

2 MS. LAMBERTON: Yeah, not where
3 it's --

4 MR. ARMSTRONG: It needs to be
5 able to be moved. It doesn't have -- they don't
6 have to come back to you for additional approvals,
7 it's just it can't be tied down --

8 MS. PICKARD: So we're not
9 approving where the location is, just that it can
10 be anywhere?

11 MR. ARMSTRONG: No, this is a
12 conditional use, they have a proposed location on
13 their application and they -- they're indicating
14 once Phase 2 is completed, they're going to be
15 moving it to the more permanent location. And I'm
16 sure the applicant can maybe describe this a little
17 better than I am.

18 MR. RICH SCHLAMEUSS: Sure. The
19 first thing is that the shelter is, I guess, bolted
20 into the concrete, so it is --

21 MR. ARMSTRONG: Actually, this
22 is considered testimony.

23 Can you swear him in?

24 ---

25 RICH SCHLAMEUSS, a witness

R. SCHLAMEUSS

16

1 called on behalf of the applicant, having been duly
2 sworn, was examined and testified as follows:

3 DIRECT EXAMINATION

4 THE WITNESS: So the shelter
5 itself is bolted into the ground with anchors,
6 concrete anchors, and it can be moved. We can just
7 simply saw them off and move the shelter. It can
8 be moved without any real disturbance to the actual
9 unit itself.

10 The proposal is to put the
11 shelter out in front of Kalahari while they're
12 doing Phase 2 construction. And then once that's
13 finished, it'll be going to the parking lot that'll
14 be for employees in the rear of the building behind
15 the new construction. We've already sited the
16 location and how our -- the flow of the route we'll
17 go through and behind the building dropping off the
18 employees, picking them up, so that's all been
19 arranged with Kalahari.

16 other exhibits or --

17 THE WITNESS: I have none.

18 None for now.

19 MR. ARMSTRONG: Any other
20 questions or comments from the board?

21 MS. LAMBERTON: I think it's
22 wonderful you're bringing employees to work. I
23 think it's great.

24 MR. HOLAHAN: Agreed.

25 MS. PICKARD: Yes.

18

1 MR. ARMSTRONG: Any other
2 questions or comments from the public?

3 Seeing none.

4 MR. HOLAHAN: Motion to close
5 the hearing?

6 MS. LAMBERTON: So moved.

7 MS. PICKARD: Second.

8 MR. ARMSTRONG: Well -- yeah,
9 okay. Sorry.

10 MS. LAMBERTON: We're good with
11 that, Patrick. It's okay.

12 MR. ARMSTRONG: So there's a

13 motion to close the hearing.

14 MS. LAMBERTON: Motion and a
15 second.

16 MR. HOLAHAN: All in favor,
17 aye?

18 BOARD MEMBERS: Aye.

19 MR. HOLAHAN: Opposed?

20 Motion carries.

21 MR. ARMSTRONG: Now, if the
22 board wanted to entertain a motion potentially
23 approving the conditional use application?

24 MS. LAMBERTON: I'll make a
25 motion approving the conditional use application

19

1 for Monroe County Transit Authority bus shelter at
2 the Kalahari Resort.

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

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 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: You'll have a
22 written decision very shortly, shouldn't take long.
23 MR. HOLAHAN: You're writing it
24 up right now?
25 MS. LAMBERTON: It looked like

20

1 he was.
2 MR. HOLAHAN: Let's go to
3 manager report.
4 MS. LAMBERTON: We have to
5 consider the conditional use --

6 MR. HOLAHAN: Do we?
7 MS. LAMBERTON: -- or is that
8 all in one?
9 MR. HOLAHAN: Didn't we just do
10 that?
11 MR. ARMSTRONG: You just did
12 that. We had the public hearing.
13 MS. LAMBERTON: I just saw it as
14 another item.
15 MR. ARMSTRONG: I'll probably
16 have comments on items later on in the agenda, but
17 for now, I think I can wait until those items come
18 up.
19 MR. McHALE: Did it include the
20 conditions that you mentioned?
21 MR. ARMSTRONG: Yes.
22 MS. LAMBERTON: That's true, we
23 didn't list them.
24 MR. HOLAHAN: Manager report.
25 MS. HAASE: Yes, sir. I just

1 wanted to announce to the board we did receive

2 confirmation from MATT that they did receive the
3 donation from Tobyhanna Township and markers have
4 been purchased now for The Great Swamp and the
5 first schoolhouse.

6 In November we had a request
7 from Mr. Kerrick to look into a house bill which
8 was House Bill 794. I did circulate that to the
9 board, I didn't know what your decision was, if you
10 wanted any correspondence to be going back and
11 forth. I did want to mention to the board that the
12 County Commissioners Association, they're in full
13 support of House Bill 794 and we did receive
14 documentation of that.

15 MR. HOLAHAN: My first reaction
16 on that was -- was not in favor of that. After
17 speaking with Representative Rader, who is a
18 co-sponsor of the bill, I have a better
19 understanding of it, so I don't have any opposition
20 to it myself.

21 MS. PICKARD: My concern is
22 that the monies that are being taxed for hotels and
23 things should be going to promoting the economic
24 viability of the area, so I think it should be
25 plowed back in. On that other note, I just wanted

1 to mention that I got an email today that MATT
2 received \$1332 of that money from a grant which
3 they get pretty much annual from that, but --

4 MS. LAMBERTON: It was my
5 understanding, though, the only thing that changed
6 was how the TPA wanted control of the funds instead
7 of the county commissioners --

8 MR. HOLAHAN: Right.

9 MS. LAMBERTON: -- having
10 control of the funds. So I didn't think that the
11 county commissioners were in favor of it.

12 MS. HAASE: I have the
13 paperwork, it's through the association not Monroe
14 County.

15 MS. LAMBERTON: No, I
16 understand that.

17 MS. HAASE: Yeah.

18 MS. LAMBERTON: But they -- the
19 commissioners are going to lose control on
20 disbursement, is how I understand that.

21 MR. KERRICK: That's why I
22 brought it up.

23 MS. LAMBERTON: That's what I

24 thought.

25 MS. PICKARD: Yeah.

23

1 MS. HAASE: Yeah. The memo
2 that I received was on behalf of the Pennsylvania
3 Association of Travel and Tourism, PATT, and the
4 Pennsylvania Restaurant and Lodging Association,
5 PRLA, and the County Commissioner's Association of
6 Pennsylvania, CCAP, they write in support of House
7 Bill 794 and they ask -- they're asking committee
8 members to vote in favor of legislation and in
9 support of the amendment. So whatever the
10 board's --

11 MR. HOLAHAN: We can choose to
12 weigh in on this or not.

13 MS. LAMBERTON: Absolutely.

14 MS. PICKARD: They did a
15 portion for administrative that's written into the
16 bill, but I'm not sure what that is, what that
17 amounts to.

18 MS. HAASE: I believe they can
19 go up to five percent and they believe it speaks to

20 -- they get forty percent of that for
21 administration.

22 MS. LAMBERTON: Do you know when
23 they're voting on the bill?

24 MS. HAASE: Jenn, I hate to put
25 you on the spot, but do you have any update?

24

1 MS. JENNIFER DeLEO: I do not.
2 I do not have an update on that with the budget. I
3 was trying to get you an update on the budget
4 tonight, but --

5 MS. LAMBERTON: Do you think
6 it'll be before our next meeting?

7 MS. JENNIFER DeLEO: Yeah, we
8 could find -- yeah, I can find out. I mean, I can
9 probably find out tonight and let you know.

10 MS. LAMBERTON: I would
11 personally like to wait to weigh in --

12 MS. JENNIFER DeLEO: Okay.

13 MS. LAMBERTON: -- till I -- I
14 would have more information.

15 MS. JENNIFER DeLEO: Until you
16 know.

17 MS. LAMBERTON: If you don't
18 mind, that'd be great.
19 MS. JENNIFER DeLEO: Sure.
20 MS. LAMBERTON: Thank you.
21 MR. HOLAHAN: I'm all right with
22 that. You want to table?
23 MS. LAMBERTON: I would like
24 to.
25 MS. HAASE: I'll bring this back

25

1 up at the next meeting.
2 MS. LAMBERTON: That would be
3 wonderful. As long as we have time, I don't want
4 to make her do all the work and they're going to
5 vote on it next week, you know what I mean?
6 MR. HOLAHAN: Okay. So I have a
7 motion to table.
8 Do I have a second?
9 MS. PICKARD: Second.
10 MR. HOLAHAN: All right.
11 Table.
12 Oh, vote on the table.

13 All in favor of tabling?
14 MS. LAMBERTON: Aye.
15 MS. PICKARD: Aye.
16 MR. HOLAHAN: Aye.
17 Opposed?
18 MS. LAMBERTON: John, maybe you
19 can get some research done too.
20 MR. KERRICK: Okay.
21 MS. HAASE: I did want to
22 announce the Old Route 940 bridge is now open to
23 traffic. If you recall, I believe in the October
24 meeting, the board of supervisors granted the
25 authority to my office to move forward with an

26

1 agreement for electric supply when it became
2 available.
3 Heidi Pickard negotiated back
4 and forth diligently with the company and we have
5 entered into a one-year agreement for the
6 wastewater treatment plant at .06188.
7 MR. HOLAHAN: Cool.
8 MS. HAASE: All remaining
9 township properties, we entered into a three-year

10 contract -- agreement at .06118.

11 MR. HOLAHAN: Nice. Who's that
12 with?

13 MS. HAASE: That's
14 Constellation. In our budget meeting we had
15 discussed purchasing cameras for the township
16 common areas, as well as access points. The board
17 did discuss about placing cameras in our meeting
18 room. What I'm presenting to the board was a
19 question that came from our IT department of
20 whether or not you would like to have microphones
21 and have audio also. And then the meeting could be
22 placed on the website for our residents to view at
23 their pleasure. So I said I would bring that back
24 to the board for your input.

25 MR. HOLAHAN: Well, then these

27

1 fine folks would stay home and --

2 MS. LAMBERTON: And miss all
3 this.

4 MS. LAMBERTON: I'm not
5 opposed, whatever makes it the safest for the

6 people. You want to put the cameras out there as
7 well -- as well as audible and visual?

8 MS. HAASE: Well, it will only
9 be audio in this room --

10 MS. LAMBERTON: Oh, okay.

11 MS. HAASE: -- if the board
12 chooses to have that on our website, so that's up
13 -- that's the board's decision, what you want taped
14 and audio; but throughout the building it would
15 just be tape.

16 MS. PICKARD: I agree with
17 that.

18 MS. LAMBERTON: Agree with
19 what?

20 MS. PICKARD: Putting the audio
21 in here and --

22 MS. HAASE: Having the new --

23 MS. PICKARD: We already
24 approved the other, correct?

25 MS. HAASE: Yes.

28

1 MS. LAMBERTON: What's the
2 additional cost for the audio?

3 MS. HAASE: I do not -- it's
4 minimal. It would just merely be microphones to be
5 placed in front of the board, so I don't have that
6 cost, but it's a small amount.

7 MR. HOLAHAN: Well, I'm
8 concerned about the ancillary cost, I mean, we've
9 got makeup, we've got --

10 MS. LAMBERTON: You don't have
11 to worry about that.

12 MS. LAMBERTON: No. I think
13 it, you know, keeps us more and more transparent.
14 I'm not opposed to it at all.

15 MR. HOLAHAN: You all -- you all
16 know that we record the meetings with the -- with
17 the court reporter -- what is she? What do you
18 call them officially?

19 MS. LAMBERTON: Stenographer.

20 MR. HOLAHAN: Stenographer,
21 that's the word I was looking for, stenographer.
22 So now we still need a stenographer?

23 MS. HAASE: Yes, because that
24 would be the recording of the minutes.

25 MR. HOLAHAN: Anybody have any

1 opinions? Because then when you speak, you'll be
2 on camera and audio. I suppose we should probably
3 start our meetings anyway with letting everybody
4 know that everything's being recorded, just as an
5 FYI.

6 MS. HAASE: If it's the
7 direction of the board to move forward with that,
8 we would have something posted outside your meeting
9 room and also on the agendas just informing
10 everyone that it would be recorded audio and video.

11 MS. PICKARD: I think we've
12 gone to a lot of conferences -- I mean, you go
13 different places in Hershey, I know, and you -- and
14 at Penn State, a lot of those meetings are all on
15 TV and it's been very interesting.

16 MS. HAASE: Actually Annie and
17 I -- yes, it was Penn State, and their borough
18 meeting, yes, is recorded.

19 MR. HOLAHAN: Do you need this
20 in form of a motion? We already approved the video
21 part. Do we need to approve the audio part at this
22 point?

23 MS. HAASE: I think I would be

24 more comfortable if there was a motion on the table
25 that the board is agreeing to video and audio and

30

1 placing it on the website for view.

2 MR. HOLAHAN: Do I have that
3 motion?

4 MS. LAMBERTON: So moved.

5 MS. PICKARD: Second.

6 MR. HOLAHAN: I've got a motion
7 and 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: I vote in favor.

20 Motion carries.

21 Where's Donald?

22 MS. HAASE: I will send him a
23 recap tomorrow of the meeting.

24 The next item in front of the
25 board you will see a revision for Kalahari. It's

31

1 on a ledger size sheet of paper. The area that's
2 circled would be Parking Lot No. 10. It was being
3 proposed to be installed at future phases. What's
4 being asked now is that Parking Lot 10 be moved to
5 Stage B and they would begin construction on that
6 area. It already has been included into the
7 stormwater calculations, so we really don't foresee
8 a problem internally, but we wanted to bring that
9 to the board, to bring that to your attention.

10 Now, Pat, would that have to
11 reference on the plan? I mean, it's -- it was
12 already stated it was going to be constructed, but
13 just under future phases.

14 MR. ARMSTRONG: Umm-hmm.

15 MR. HOLAHAN: Anybody
16 interested in what we're doing? You want to come

17 up and get this and pass it around back there? No?
18 MS. HAASE: Parking lot.
19 MR. HOLAHAN: Mr. Forbes will.
20 MR. ARMSTRONG: The latest
21 revision date on this plan is November 20, 2015?
22 MS. HAASE: Yes. If it needs
23 to be changed, could we just stage -- the staging
24 sheet and that's it?
25 MS. LAMBERTON: Yeah. Right?

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1 MR. ARMSTRONG: Yeah, I think
2 we can keep it in --
3 MS. LAMBERTON: That makes
4 sense, Bob's nodding yes.
5 MS. HAASE: I think that that
6 would be the most reasonable.
7 So that's acceptable to the
8 board?
9 MR. HOLAHAN: By consensus?
10 MS. LAMBERTON: I'll abstain.
11 MR. HOLAHAN: John, you okay
12 with that?
13 MR. KERRICK: I'm okay with

14 that, yeah.

15 MS. PICKARD: I'm okay.

16 MS. HAASE: The township has a
17 receipt of as-builts for the Kalahari project, but
18 what came to our attention is, there's no
19 irrigation plans listed on the as-builts. It's
20 something that we do need because once we receive
21 all of the as-builts, we'll now have to record that
22 with the One Call and start an account with them.

23 So, Bob, do you have anything
24 you wanted to add to that?

25 MR. McHALE: The original plans

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1 that were approved by the board, the land
2 development and the revision to the land
3 development, included a note reference to Green
4 Valley Landscaping and the RETTEW sheets that were
5 a part of that package. And we would also want to,
6 in addition to what Phyllis has indicated about the
7 irrigation as-builts, is just to have some
8 confirmation from them that the plan that was
9 approved is how they installed the landscaping, so

10 we know that that's also considered an as-built.

11 MR. HOLAHAN: Okay.

12 MR. McHALE: So that could be
13 just simply taking their drawing and putting a note
14 on it and providing that to the township. But the
15 land -- the irrigation system is very important
16 because when we go to do like a One Call we need to
17 know where those lines are, so --

18 MS. HAASE: So we'll have some
19 dialogue with either Kalahari or one of the
20 representatives to get that information to us.

21 I have a few other items that
22 actually came through my office late on Friday, so
23 they're not on the agenda. So it was a decision
24 just to put it underneath my report.

25 We did receive a request from

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1 Kalahari for the board to consider the contingency
2 monies that was being held after your meeting in
3 October for the saturation areas. Kalahari's
4 requesting that the board consider releasing the
5 \$72,510 back to them.

6 MR. HOLAHAN: What's changed

7 since the last time we discussed this?

8 MS. HAASE: Well, I know that
9 there was some meetings with a few board members
10 and Mr. McHale to discuss the saturation issue and
11 what a potential resolution could be. We did
12 receive a response from Mr. Steve Pine that Pennoni
13 would put together a report and submit that to the
14 township, the findings from Pennoni. I have not
15 received it as of this point.

16 Have you, Bob?

17 MR. McHALE: No, I have not.

18 MS. HAASE: Okay. So that is
19 still pending, but they -- they are requesting the
20 monies to be considered to be released.

21 MR. HOLAHAN: I believe one of
22 the concerns was that the boulevard that they -- do
23 they have any responsibility to it. Like we own
24 the boulevard at this point, am I correct?

25 MR. ARMSTRONG: You accepted

1 dedication of the boulevard with the condition that
2 the punch list items be completed to the

3 satisfactory of Tobyhanna Township, so you have
4 accepted dedication. There was, you know -- the
5 condition was that they post cash escrow for their
6 punch list items. And my understanding is that
7 this amount we're talking about is contained within
8 that --

9 MS. HAASE: The 10 percent
10 contingency.

11 MR. ARMSTRONG: Okay. In
12 relation to the saturation or seepage issue along
13 the boulevard. So the question is, is it township
14 road right now? Yes, you've accepted dedication of
15 it.

16 MR. HOLAHAN: Okay. I think
17 there was some confusion on that part, am I
18 right --

19 MS. LAMBERTON: Yes.

20 MR. HOLAHAN: -- when we were
21 speaking to Mr. Pine? I guess the other thing was
22 that when we were discussing this previously, the
23 attorney from your office said if we released all
24 the money, we would be closing out -- we would be
25 closing out the agreement and then any work that

1 needed to be done on the boulevard would have to be
2 bid out.

3 MR. ARMSTRONG: If it was done
4 by Tobyhanna Township, yes.

5 MS. PICKARD: What do you mean
6 if it was done by --

7 MR. HOLAHAN: No. The
8 understanding was if we gave them all the money,
9 that would've been closed out and then nobody could
10 work on it except for the township.

11 MR. ARMSTRONG: Uhm --

12 MS. LAMBERTON: So you're
13 saying if Kalahari wants to repair it on their own,
14 it won't be prevailing wage, it doesn't need to be
15 put out to bid, it could be repaired.

16 MR. ARMSTRONG: They'd have to
17 have the consent of Tobyhanna Township to work on
18 the township road.

19 MS. LAMBERTON: We could give
20 them permission to do that.

21 MR. HOLAHAN: I mean, that was
22 the real issue because we're going to have to bid
23 it out and we thought -- we thought we were being
24 nice guys by helping saving them some money.

25

MS. LAMBERTON: Now, that's not

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1 the case.

2 MR. HOLAHAN: But we can -- how
3 can we still require them to take care of the
4 boulevard even if we were to release the balance of
5 the money?

6 MR. ARMSTRONG: Well, this
7 specific item is an item that, I believe it's our
8 position, that there's still an issue with the
9 design or the installation of something, whether it
10 be the boulevard or stormwater; but it's my
11 understanding that there's an issue as to something
12 wasn't installed or there's an issue creating this
13 problem.

14 So going forward, you know, in
15 the future, they're not going to be responsible for
16 the maintenance of the boulevard. I mean, that's a
17 township road. In the intergovernmental agreement,
18 it's clear that the township of Tobyhanna Township
19 is responsible for the ongoing maintenance and
20 repair of that road. However, this item, this

21 particular issue is, from my understanding from the
22 township standpoint, an issue with respect to the
23 design or the installation of the improvements on
24 site as of now.

25 So it's not a repair or a

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1 maintenance item right now, it's still an issue as
2 to whether or not it was installed properly, 'cause
3 you're having this seepage issue right now. It's
4 a matter of tracking what -- whatever is causing it
5 and resolving it.

6 MS. LAMBERTON: So you're
7 saying it's an outstanding issue?

8 MR. ARMSTRONG: Right.

9 MS. LAMBERTON: That they could
10 go and repair it if we give them permission to go
11 do so, am I understanding that?

12 MS. PICKARD: I thought they
13 were going to or were we --

14 MR. ARMSTRONG: My understanding
15 was there was a -- there was a proposed solution.

16 MS. LAMBERTON: I don't think we
17 had a resolution yet, that's the problem.

18 MR. ARMSTRONG: Right. I
19 thought -- at the last meeting last week I actually
20 thought we were still -- there was discussion as to
21 some kind of 250 lineal foot --
22 MS. LAMBERTON: We're not sure
23 that's --
24 MR. ARMSTRONG: But then it was
25 brought to my attention at the last meeting that

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1 that may not do it and that we're still waiting to
2 receive a potential solution from Kalahari for this
3 issue, right?
4 I mean, Harry Forbes, you're in
5 the audience.
6 MR. HARRY FORBES: Harry
7 Forbes. Yes, you're right. I don't think either
8 of the engineers have come up with exactly what the
9 issue is. And Kalahari's position has been, we
10 want to fix it, fix it one time, not two or three
11 or do it by trial and error. If you've been down
12 on the boulevard during the dry periods recently,
13 there was no seepage. All the drainage lines have

14 been shut down. Well --

15 MS. LAMBERTON: Irrigation.

16 MR. HARRY FORBES: -- irrigation
17 fields and that. When there was a rain event, it
18 was coming -- seeping out of this center aisle
19 islands as you may have seen at times and running
20 right across. But the retention ponds on this side
21 of the road where the seepage is occurring or was
22 occurring, there was nothing come out of there at
23 that particular point and they're still full.

24 So the contention is, is to
25 figure out what the true problem is. Is it because

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1 of the islands being compacted so much when they
2 originally put the boulevard in that the
3 conservation district made it to that standard and
4 then it was filled in and irrigation was put in
5 there? And is that retaining water that's seeping
6 now when it hits the hard pan, up and bubbling up
7 into the surface? We're not sure yet, Pennoni's
8 still trying to figure out it.

9 And, Bob, I think you've had
10 some discussions with the -- which is the 250 foot

11 on the side of -- near the retention pond, almost
12 like a French drain environment, and then I think
13 it went to -- from 250 to 700 feet or something of
14 that nature, and that's where the corporation is
15 opposed to doing trial and error till we can truly
16 pinpoint where the issue is.

17 It's not a matter of not paying
18 for it. Kalahari is -- has always been and still
19 stands behind anything that needs to be repaired,
20 they're going to pay for it and they know it.

21 And then the issue, of course,
22 John, was the dedication of the road and then
23 getting permission to come in and do it. I think
24 that's where it stands at this particular point.

25 MR. HOLAHAN: Well, that's been

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1 settled. We are -- we are plowing the roads and we
2 will be maintaining the roads.

3 MR. HARRY FORBES: Yeah, I think
4 I heard -- right.

5 MR. HOLAHAN: I guess my concern
6 is that -- look, and I understand Kalahari doesn't

7 want to do trial and error, so without dye testing,
8 is one of the suggestions, and test borings to find
9 out some other things -- I can understand this is
10 very cumbersome. But I really wanted one of the --
11 the engineers could've come back and said we think
12 we've got it figured out, it's going to be \$10,000
13 or \$5,000 and we would've sent back 60,000 or
14 \$65,000, but we just haven't gotten that yet.

15 MR. HARRY FORBES: I know that
16 too, we don't have an answer yet. It's not even a
17 matter -- the contention between Kalahari and the
18 board, I guess, on this \$72,000 is nothing more
19 than there was a punch list item that they put up
20 money for, the 10 percent, and this issue came up
21 afterwards. It had nothing to do with the punch
22 list items, that's all their contention is on
23 \$72,000 and it's not a matter of that. It's a
24 matter that their word stands behind, they're going
25 to fix that boulevard and they're working to that

1 end result with Pennoni to try to figure out what
2 it's going to be, along with coming back to your
3 engineer when they do figure out the direct issue.

4 MR. HOLAHAN: In two weeks we're
5 going to lose that window of being able to do that,
6 this is something we're going to be discussing, I
7 think, next spring, right? So now where do we go
8 from there? My understanding was, when we had the
9 meeting before we decided to hold the 10 percent,
10 was, if we release the money, then their contractor
11 could not go back and work on the roads. Then it
12 would then have to be up to us and then it would
13 have to be bid out. And the problem there would've
14 been that the contractor that did the installation,
15 did the work out there, might not be the one to get
16 the work to repair it.

17 MS. LAMBERTON: But that's not
18 what I'm hearing.

19 MR. HOLAHAN: Well, that's why
20 I'm -- I'm trying to get a clarification from
21 Patrick now because --

22 MS. LAMBERTON: I guess --

23 MR. HOLAHAN: -- the other
24 attorney from their office did say that --

25 MS. LAMBERTON: It would close

1 the funds out.

2 MR. HOLAHAN: It would close it
3 out.

4 MS. LAMBERTON: Yeah.

5 MR. HOLAHAN: So now --

6 MS. PICKARD: But if this is a
7 design failure, it would be the original contractor
8 that has to fix it.

9 MR. HARRY FORBES: If you could
10 get them back.

11 MR. HOLAHAN: But it's not our
12 problem.

13 MS. PICKARD: I know it's not,
14 but it's -- it's our problem if the road fails.

15 MR. KERRICK: If the road fails,
16 you have a maintenance bond.

17 MS. HAASE: The other item that
18 I just wanted to bring to the board's attention, on
19 December 3 Mr. Pine sent an email that Pennoni was
20 in the process of issuing the report on the
21 problem. And I was hoping that I would have the
22 report for this evening so I could present it to
23 the board with some type of resolution; and
24 unfortunately, I don't have that to provide to you.

25

MR. HOLAHAN: Our previous

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1 agreement was if they submitted something that was
2 agreeable to our engineer, Mr. McHale, he had the
3 ability to release the money.

4 Am I correct?

5 MS. HAASE: He would recommend
6 and then I would sign off on it, yes.

7 MR. HOLAHAN: Right. But we
8 were saying, go ahead and release --

9 MS. HAASE: Yes.

10 MR. HOLAHAN: -- it based on Mr.
11 McHale's recommendation?

12 MS. HAASE: Correct.

13 MR. HOLAHAN: Well, what's the
14 pleasure of the board? You want to give them all
15 their money back?

16 MR. KERRICK: Well, at 250 feet
17 at \$30 a foot, give or take, you're talking 7500 --
18 you're talking under \$10,000. We don't know if
19 that's what the problem is.

20 MR. HOLAHAN: Right.

21 MR. KERRICK: I truly believe

22 it's the islands, but I'm not an engineer.

23 MS. PICKARD: But we don't know.

24 MR. HOLAHAN: Right.

25 MR. KERRICK: I know that. I

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1 just said I'm not an engineer, Heidi.

2 MR. HOLAHAN: Well, the
3 engineer is going to figure that out, so --

4 MS. PICKARD: That's the whole
5 point, if we had something, it would be easier.

6 MR. HARRY FORBES: I will state
7 again, Kalahari's going to stand behind --

8 MR. McHALE: Do you have a time
9 frame that Pennoni would be providing this report?
10 Because, you know, we're pointing back to there's
11 no solution. Well, I don't know, have they been
12 authorized to investigate this thoroughly and if
13 they have been, when will it be turned into
14 someone? That's really the question, is the timing
15 issue.

16 MR. HARRY FORBES: I don't have
17 your answer.

18 MR. McHALE: This issue has been
19 made known to everyone since July, so it's not like
20 it's a new item and we thought by giving some
21 latitude on time till August, it would give us a
22 few more storm events, intense storm events that
23 would fill these basins up. It's not the water
24 that's just sitting in there now that was suspect,
25 it was when they got the heavy rainfall events and

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1 pushed that level up along the side slopes. So
2 until Pennoni provides a report, which we've been
3 talking about, there is no real answer, so there's
4 real solution.

5 So the question is, when will
6 that be provided?

7 MR. HARRY FORBES: I can't give
8 you that answer.

9 MR. McHALE: Okay. So we're
10 still sitting in the same boat we were before.

11 MR. HARRY FORBES: I will follow
12 it up and get back to Phyllis, but I don't have an
13 answer tonight for you on the timing of that.

14 But they have been charged, Bob,

15 with going ahead and looking at and finding the
16 solution, finding out what the problem is.

17 MR. HOLAHAN: Are we unclear
18 about -- are we unclear about what we're supposed
19 to be doing here? Is there any confusion with
20 Kalahari's understanding what's supposed to happen,
21 is the engineer's supposed to come back, right?

22 MR. HARRY FORBES: They're
23 supposed to come back with an answer.

24 MR. HOLAHAN: Do I have an
25 motion? Does anybody want to move forward with

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1 something different?

2 Hearing none. Let's move on.

3 MR. KERRICK: I think -- can I
4 just say one thing?

5 MR. HOLAHAN: Yeah, please.

6 MR. KERRICK: We need to
7 address this, I really don't know why we're holding
8 it because they can go in and fix it. I know the
9 whole thing we were told before and that's why we
10 did the 10 percent, but it has to -- it has to end.

11 MR. ARMSTRONG: Maybe if --
12 maybe if you -- I'm sure Harry's going to go back
13 to Kalahari and potentially Kalahari's engineer is
14 going to say, listen, Tobyhanna -- what I'm hearing
15 is, we want something, we want a solution to the
16 problem before maybe we start releasing the money.

17 MR. HOLAHAN: I'll take a
18 theory, I'll take a wild guess on what he'll do.

19 And, John, like you said, you
20 know, one of the proposals was 250 feet of
21 perimeter drain, \$7500, but we haven't gotten that.

22 And I understand that you don't
23 want to go back there and try a bunch of different
24 things until you get something that works. Listen,
25 you can do something, you can go back there and put

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1 the drainage in there and it wouldn't work, then
2 what?

3 MR. HARRY FORBES: Then we're
4 back to square one trying to figure out what the
5 problem is.

6 MR. HOLAHAN: Right.

7 MR. KERRICK: I know you said

8 move on, but one more thing. If we're holding
9 \$70,000 and it's \$7500, what are we doing?

10 MS. PICKARD: Well, we don't
11 know.

12 MR. McHALE: We just don't know
13 what the solution is, that's the problem.

14 MR. KERRICK: The solution
15 could be 200,000, then you only have 70, I don't
16 get it.

17 MR. HOLAHAN: Well, then we got
18 the maintenance agreement with that, right?

19 MR. KERRICK: You have the main
20 -- to me, you have the maintenance agreement here,
21 but I disagree. I think it needs to be resolved.

22 MR. HOLAHAN: So what's the
23 resolution?

24 MR. KERRICK: I don't have one.
25 I'm just saying it needs to be resolved.

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1 MR. McHALE: Mr. Chairman, at
2 the last meeting, as I recall, it was exactly as
3 you said, there was a solution that was to be

4 provided with an associated cost. When that came
5 in, the difference between the 70,000 and that
6 cost, provided it was approved, you know, by the
7 township, was going to be reimbursed -- or turned
8 back over to Kalahari.

9 MR. HOLAHAN: Right.

10 MR. McHALE: So we're still
11 sitting here with no answer and no estimate.

12 MR. HARRY FORBES: Well, on the
13 200 yards, wasn't there a disagreeance (phonetic)
14 between yourself and Pennoni on -- from 200 to 700?

15 MR. McHALE: No. They had
16 suggested 250 lineal feet, but in that email they
17 also said, but it could be more or less, we don't
18 know. So I said, why don't you run it the length
19 of the berm that's out there with the stormwater
20 basin if you think it's coming from the stormwater
21 basin, which the way the frequency of the events
22 occurred, it's more likely or it seemed to be
23 leading to that as an answer, but nobody knew. So
24 that's where that differential came in between 250
25 and 700. We're just looking for a number and an

1 answer, that's all.

2 MR. HOLAHAN: Understand my
3 concern is, that I have don't want our engineer
4 coming up with the solution or coming up with the
5 suggestion that Kalahari acts on and it doesn't
6 work and then it comes back. That's not -- that's
7 not the responsibility of Mr. McHale, it was the
8 responsibility of the engineers from Kalahari. So
9 that said, we can keep talking about this, but does
10 anybody have a motion? Let's move on.

11 MS. HAASE: All right.

12 Sir, the next item that was
13 requested by Kalahari, Kalahari would like the
14 board to consider refunding monies paid to
15 Tobyhanna Township for reimbursement of engineering
16 pertaining to their project. It amounts to
17 \$75,361.50 and that's over a two-year period.

18 MR. HOLAHAN: Yeah. We just
19 got that report on Friday.

20 MR. KERRICK: I can't comment on
21 it. I didn't read it.

22 MR. HOLAHAN: Yeah, it's just --
23 it's too much to go through at this point, so does
24 anybody want to act on that or even to table it
25 to --

1 MR. KERRICK: I'd like to have
2 a discussion once we all get an opportunity to read
3 it.

4 MR. HOLAHAN: Agreed.

5 MS. HAASE: So you'd like me to
6 put that on January's agenda?

7 MR. HOLAHAN: Would you ple --
8 Is that okay, John?

9 MR. KERRICK: I'm fine with
10 that.

11 MR. HOLAHAN: Heidi, over to
12 January?

13 MS. PICKARD: That's fine. We
14 have -- are we doing a combined reorg meeting?

15 MS. HAASE: Yes. I actually
16 had that as an announcement as well. For the
17 January meeting, just to remind everyone, the NID
18 Authority will meet as 2:30 as per your bylaws and
19 the reorganizational meeting and your regular
20 meeting -- the reorgs will start at 3:30 and then
21 it will follow by your regular meeting directly

22 after that.

23 MS. PICKARD: On January 4?

24 MS. HAASE: I believe so.

25 MR. HOLAHAN: Mark that in your

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1 calendars, that will be one exciting day.

2 MR. ARMSTRONG: In preparation
3 of, I guess, your discussion in January, maybe if
4 you want to send the board members a copy of the
5 professional services agreement that Kalahari
6 entered into, to the township, in the beginning of
7 the process. And I can send the board the
8 provisions and development agreement that are
9 applicable to the request of Kalahari at this point
10 in time.

11 MR. HOLAHAN: Okay.

12 MS. HAASE: Kalahari is also
13 requesting -- and this is something that perhaps I
14 could work with Mr. Pine. He's requesting
15 clarification on some legal fees in the amount of
16 \$6,389 and that is over a two-year period as well.
17 He did resend me the documents or provide the
18 invoices to me; however, they're not highlighted.

19 So I do not know exactly what he is questioning,
20 but I'll reach out to Mr. Pine.

21 MR. HOLAHAN: Okay.

22 MS. HAASE: That is all I have
23 at the moment. Uhm, I'm sorry. Did we want to
24 bring up the securities for Stage B at this time?

25 MR. ARMSTRONG: If this is the

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1 time you want to -- you want me to --

2 MS. HAASE: I don't have it on
3 the agenda, so I thought you'd bring it up in your
4 report.

5 MR. ARMSTRONG: Kalahari has
6 requested -- if the board recalls, with Phase 1 of
7 Kalahari Resorts land development application, the
8 board was amenable to -- with Kalahari for a --
9 characterized as Category 1 and Category 2 public
10 improvements. Category 1 public improvements
11 having an impact on township -- on the township
12 residents to the effect that they should be posting
13 financial securities. Category 2 having a minimal
14 if any impact off -- off -- off-site. And

15 therefore, under Phase 1, in the original
16 development agreement, the board of supervisors
17 were agreeable requiring them to post financial
18 securities for Category 1 but not for Category 2
19 and just conditioning the issuance of the
20 certificate of occupancy with Category 2.

21 Kalahari has made a similar
22 request with respect to Phase 2 which is now Stage
23 B, that portion of the project. Similarly, they
24 provided a cost estimate with Category 1 and
25 Category 2 improvements to Bob, Phyllis and I, and

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1 we had a conference call last week.

2 I think, Bob, you had a chance
3 to review, you are somewhat agreeable to the
4 Category 1 and Category 2 improvement --
5 improvements in that tally, so long as the board is
6 still agreeable to that way or that arrangement
7 moving forward with Phase 2, Stage B.

8 MR. McHALE: And Pennoni
9 Associates was to provide an updated Category 1
10 only and it was supposed to include the permanent
11 stabilization. It did not need to include earth

12 work or rock excavation, just simply stabilization
13 if anything occurred and the conversion of all the
14 basins from erosion control status to permanent
15 post-construction stormwater status. And that's
16 part of the Act 167 which we got to have as part of
17 the land development.

18 MR. HOLAHAN: Okay.

19 MR. ARMSTRONG: So, I guess, the
20 question --

21 MR. KERRICK: Can I ask a -- you
22 were talking about Cat 1 or Cat 2 there, what you
23 just -- you're still on one with the basins and --

24 MR. McHALE: The basins would
25 all be Category 1.

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1 MR. KERRICK: -- I'm just trying
2 to keep up here because I didn't -- I'm not
3 familiar.

4 MR. McHALE: Yeah. Category 1
5 would be the stormwater basins, yes.

6 MR. KERRICK: Thank you.

7 MR. ARMSTRONG: So I guess the

8 question for the board this evening is, are you
9 still agreeable, as you were for Phase 1, to
10 proceed in a fashion allowing them, Kalahari, to
11 post only for the Category 1 improvement, subject
12 to the review and approval of the township
13 engineer, that Kalahari posts the financial
14 securities associated with those improvements that
15 have yet to be completed and only conditioning the
16 Category 2 improvements for Phase 2 with the
17 issuance of the certificate of occupancy.

18 MR. HOLAHAN: I'm good with
19 that.

20 MS. PICKARD: Yeah, I'm good
21 with that.

22 MR. ARMSTRONG: Obviously,
23 subject to a revised cost estimate with the items
24 Bob just referenced, the stabilization and the --

25 MR. HOLAHAN: Right.

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1 MR. McHALE: And a revised
2 development agreement.

3 MR. ARMSTRONG: Right. The --
4 it -- I don't think we have to do a full-fledged

5 development agreement, it's going to be like an
6 addendum --

7 MR. McHALE: Addendum.

8 MR. ARMSTRONG: -- to the
9 existing. If you remember that long document that
10 you received probably two years ago now. It's
11 going to be a short -- it should be a very short
12 addendum. Chuck Zwally and I have already talked
13 about it. We're just waiting to -- confirmation
14 the board's agreeable to the arrangement with the
15 Category 1 and Category 2 and a definitive cost
16 estimate with these updated items that Bob talked
17 about earlier.

18 MS. PICKARD: I'll make that --
19 do you need a motion?

20 MR. ARMSTRONG: It would
21 probably be appropriate to do a motion.

22 MS. PICKARD: I'll make that a
23 motion, what you said.

24 MR. HOLAHAN: Okay. I have a
25 motion.

1 Do I have a second?

2 MR. KERRICK: Second.

3 MR. HOLAHAN: Got a 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: I 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 Thank you, Patrick.

19 MR. ARMSTRONG: Thank you.

20 MS. HAASE: That's all I have,

21 sir, at this time.

22 MR. HOLAHAN: That's it?

23 MS. HAASE: At this time. It'll

24 be like Pat, maybe something else.

25 MR. HOLAHAN: Okay. Committee

1 reports.

2 Anything from Pocono Mountain
3 Regional EMS?

4 MS. DENISE DOREMUS: Yeah. I'm
5 Denise from Pocono Mountain Regional EMS,
6 operations manager. So far year-to-date call
7 volume is 5,453; total so far in Tobyhanna Township
8 is 924, this month was 92 calls. This month you
9 were up 13.6 percent and 4.9 for the whole year.
10 So far Pocono Mountain Regional is up 12 point --
11 12 percent for the year of 2015.

12 MR. HOLAHAN: Very good. Thank
13 you.

14 MS. DENISE DOREMUS: Oh,
15 breakfast with santa is on Saturday from nine to
16 twelve, at Mount Pocono Firehouse.

17 MR. HOLAHAN: Mount Pocono,
18 okay. Pictures taken there? Good.

19 Any questions for Denise?

20 Okay. Thank you, Denise.

21 MS. DENISE DOREMUS: You're
22 welcome.

23 MR. HOLAHAN: How about Pocono
24 Mountain Regional Police?
25 MS. HAASE: Yes, sir. I still

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1 do not have a budget to present to the board of
2 supervisors. Coolbaugh Township has informed the
3 police commission that, in essence, they will be
4 dropping one unit, so they'll be dropping 10 hours.
5 Our thought process was we wanted to pick up an
6 officer, now we're in the process of trying to save
7 an officer.

8 Tobyhanna Township agreed to
9 purchase 10 hours, so we will be purchasing just
10 slightly under that, .94 of a unit. The monies
11 that we have budgeted is pretty accurate; however,
12 that would be only for that extra time that we're
13 picking up and not an extra officer. So there is a
14 joint meeting scheduled for tomorrow at Coolbaugh
15 Township, at 7 p.m. and we're hoping to have
16 further discussion with Coolbaugh Township Board of
17 Supervisors for them to pay their portion as they
18 agreed in a CBA for -- in essence, the only

19 increases in the budget would be for the increases
20 that were noted in the CBA and plus our insurance
21 and benefits. So we're hoping to come out with a
22 positive outcome tomorrow night.

23 MS. LAMBERTON: A joint meeting
24 with the police commission and the supervisors,
25 Coolbaugh Township?

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1 MS. HAASE: Yes.

2 MR. KERRICK: So if you wanted
3 to add an officer you'd have to sell the 40 hours,
4 the PPUs?

5 MS. HAASE: Correct. And --

6 MR. KERRICK: Now, if -- we're
7 going to take the 10 that they're going to drop?

8 MS. HAASE: Correct.

9 MR. KERRICK: That's what we
10 wanted anyway, but you still can't add another
11 officer.

12 MS. HAASE: That's correct.
13 And unfortunately we are paying just about the same
14 amount of money as just taking the .94 of a unit
15 versus everyone across the board putting in to

16 purchase -- to have another officer. So in essence
17 it's almost the same monies. Each municipality has
18 agreed to put in additional monies as needed,
19 Coolbaugh Township has refused to do that. And
20 they actually are getting a refund or a -- paying a
21 less amount this year than last year.

22 MR. KERRICK: Does the chief
23 feel that you need that extra officer?

24 MS. HAASE: Yes.

25 MR. KERRICK: Obviously, you

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1 can't take it out of funds balance for a year or
2 then you're going to -- never mind, 'cause then it
3 goes --

4 MS. HAASE: The concern is,
5 what's going to happen the following year.

6 MR. KERRICK: That's -- I caught
7 myself when I said that.

8 MS. LAMBERTON: What if they go
9 over?

10 MS. HAASE: That was another
11 discussion that another municipality had, as well

12 as Toby, was historically there's always
13 off-balance. Tobyhanna Township Supervisors have
14 always been proactive and make certain there's
15 enough hours for patrol. Of course, it can happen
16 at any time, there's an incident, throw it out of
17 whack, but it's one thing that we praise the
18 supervisors is that you've always been concerned
19 about our safety.

20 So there's going to be
21 discussions this year of moving forward of how at
22 the end of the year the over and under hours will
23 be addressed.

24 MR. KERRICK: Historically over
25 500 is when they would buy -- or the times we tried

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1 to settle out at the end of the year. I don't know
2 where they are and I haven't looked at a report
3 where everybody is, but -- there was years when we
4 couldn't because of the economic crunch.

5 MS. HAASE: Well, there's --
6 there's other municipalities that are having some
7 concerns as well, so we'll see what the outcome is
8 and I'll certainly keep the board updated.

9 MR. HOLAHAN: Thank you.

10 MR. KERRICK: Thank you.

11 MR. HOLAHAN: Anything on open

12 space?

13 MS. PICKARD: No.

14 MR. HOLAHAN: Overlay committee?

15 MS. HAASE: Yes. The committee

16 met this past month and we had a good meeting and

17 some discussions related to, uhm, some topics that

18 our consultant had brought forward to us. And I

19 agreed to take it back to the board to see what

20 direction that you have.

21 The one item that the consultant

22 has looked at is, she has looked at our ordinance

23 right now in the commercial district and it's not

24 very restrictive when it comes to density or

25 certain requirements. So the concern would be for

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1 the consultant and some of the committee members

2 that if you're having that overlay, there's not

3 much to barter with. In other words, saying that

4 if you do X, Y and Z, we'll give you a greater

5 density, so we'll give you some leeway.

6 So with -- the board is going to
7 have to give direction, as do we want to use what
8 we currently have in our commercial district or do
9 we want to tighten that up somewhat and then have
10 the overlay come into play with giving some other
11 guidelines as far as the design; in essence, if
12 they follow this path, then we will benefit them in
13 other ways. So that is the direction we're going
14 to need from the board before the committee moves
15 in a direction that you're not comfortable with.

16 MS. LAMBERTON: I'd like to see
17 a list of the benefits that we could give them, you
18 know? We have some --

19 MR. McHALE: Incentives.

20 MS. LAMBERTON: Absolutely.
21 I'd like to see a list of incentives that we could
22 make available to be people so we know what we're
23 able to give them.

24 MS. HAASE: Well, it's going to
25 have to be what the board wants to see there.

1 MS. LAMBERTON: Well, I need to

2 know what we can give them.

3 MS. HAASE: Okay.

4 MS. LAMBERTON: Do you
5 understand what I'm -- do you understand what I'm
6 saying? Like you say you give them incentives,
7 what are they?

8 MR. ARMSTRONG: Usually -- I
9 haven't been involved in this, but usually the
10 incentive -- it sounded like what you were getting
11 at is, usually the incentive is increased density.

12 MS. HAASE: Correct.

13 MR. ARMSTRONG: So if they --

14 MS. HAASE: If you design it
15 this --

16 MR. ARMSTRONG: You give them
17 more increased density.

18 MS. LAMBERTON: Okay.

19 MR. HOLAHAN: Except they're
20 already getting that.

21 MR. ARMSTRONG: Right. That's
22 what I was getting --

23 MS. LAMBERTON: That's my
24 point, so what's the incentive?

25 MR. HOLAHAN: Right. Well, it's

1 difficult to give an incentive when we're already
2 giving everything away now.

3 MS. LAMBERTON: So it's not an
4 incentive.

5 MR. HOLAHAN: So what it is, is,
6 it's like -- it's like raising your prices and then
7 having a sale.

8 MS. LAMBERTON: No, I
9 understand. I'm just asking for some guidance
10 because, you know, you and Maureen get together on
11 the zoning end of things. Create a list for us. I
12 mean, I can't make a decision on that if I don't
13 know what it is.

14 MR. HOLAHAN: Right.

15 MS. LAMBERTON: That's all I'm
16 saying.

17 MS. HAASE: Well, it's what the
18 board wants to see.

19 MS. PICKARD: I think we wanted
20 a general direction to bring up at the meeting to
21 discuss, but I'm kind of stuck here too.

22 MS. HAASE: If the board wants

23 to see a certain design, let me know, there's
24 certain requirements we cannot make in the State of
25 Pennsylvania. But if we have an overlay, we

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1 certainly can grant them more density if you do
2 design in this fashion or design with so many roof
3 lines or certain requirements we could put in
4 place.

5 You see what I'm saying, Anne?

6 MS. LAMBERTON: No, I
7 understand that, but you're saying they already
8 have that ability for density.

9 MS. HAASE: Correct.

10 MS. LAMBERTON: So what are we
11 changing? But if we don't change something we're
12 going to have what we have today.

13 MR. HOLAHAN: Right.

14 MS. PICKARD: We'd have to
15 restrict our ordinance more to do an overlay to
16 lessen the restriction just like he said.

17 MS. LAMBERTON: And I want less
18 government.

19 MS. HAASE: But that's what an

20 overlay -- that's --

21 MR. HOLAHAN: Yes.

22 MS. HAASE: That is what an
23 overlay is.

24 MR. HOLAHAN: This is too
25 important to kind of breeze through tonight.

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1 MS. LAMBERTON: No, I
2 understand.

3 MR. HOLAHAN: We want to see --
4 yeah.

5 MS. LAMBERTON: I like to see
6 lists --

7 MR. HOLAHAN: No, I got you.

8 MS. LAMBERTON: -- see my pros
9 and cons.

10 MR. HOLAHAN: So maybe that's
11 what we can do is go back to the overlay committee
12 and to do that.

13 MS. LAMBERTON: Yeah, I would
14 like to have some guidance on that.

15 MS. HAASE: The other item that

16 came up through discussion, and it was kind of this
17 different direction that the board or planning
18 commission had gone in the past, was there was
19 discussion with regards to plantings in islands and
20 making that a requirement.

21 MS. LAMBERTON: Apparently
22 islands are not a good idea.

23 MS. HAASE: So, again, so we
24 don't want the committee to take a direction that
25 the board is not comfortable with, is this

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1 something that you would be open to looking at or
2 would you prefer to go down the path you have
3 historically and not require that?

4 MS. LAMBERTON: I don't know.
5 I think of the plows, I think of maintenance, I
6 think of our salt. I think of -- and I just think
7 it's a hazard that we'd be requiring at the expense
8 of the property owner to take care of those issues.
9 That's just my opinion.

10 MR. HOLAHAN: I know, but -- but
11 it certainly looks better than --

12 MS. LAMBERTON: But we don't

13 live in suburbia, we live in the Poconos, so you
14 got to -- it looks -- I don't disagree with it, but
15 what do we want?

16 MR. McHALE: You could still
17 establish a percentage of interior landscaping, but
18 just allow the developer to cluster it into a
19 larger -- larger pockets instead of individual
20 islands at the end of parking spaces where the
21 plows are going to strike the curbs or something to
22 that effect. So there can be flexibility built
23 into the design.

24 MS. PICKARD: We were talking
25 about different ways to do that. In desert areas

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1 they use stone and cactus or different things. We
2 were talking about contacting Penn State or looking
3 at different trees in different distances and
4 different things, like stone. There were some
5 pictures we were looking at --

6 MR. HOLAHAN: Right.

7 MS. PICKARD: -- with stones
8 and different types of features that may not cause

9 the problems that you would normally have, that
10 still look more attractive than not. And then
11 there were some that had just --

12 MS. HAASE: Depression areas.

13 MS. PICKARD: -- depression
14 areas instead, but I'm just saying --

15 MS. LAMBERTON: I'd be opposed
16 to that. You go to Mt. Airy, look at their upper
17 parking lot, the depressions that were required by
18 the conservation district, people drive right
19 through them. They draw the mud right through
20 their entire parking lot, it looks horrible.

21 MS. PICKARD: Just saying
22 there's just different options we've --

23 MS. LAMBERTON: I know, but we
24 got to be careful --

25 MS. PICKARD: Yes.

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1 MS. LAMBERTON: -- 'cause what
2 might sound good is not practical.

3 MS. PICKARD: Well, that's what
4 we were looking at.

5 MS. HAASE: And this is a path

6 that I think that we'll continue to do, is after
7 the committee meeting, we'll bring forth
8 suggestions because we certainly don't want the
9 committee to spend the time or the monies through
10 the grant if we're going in a direction the board's
11 not comfortable with.

12 MS. LAMBERTON: Sure, I agree
13 with that.

14 MR. HOLAHAN: Okay.

15 MS. PICKARD: But something --

16 MS. LAMBERTON: I need lists,
17 Phyllis.

18 MS. PICKARD: But nothing can
19 look much worse than it does right now.

20 MS. HAASE: Perhaps tomorrow
21 I'll circulate --

22 MS. LAMBERTON: If we don't
23 change it, it'll get the same result.

24 MS. HAASE: -- some -- some
25 correspondence that speak to overlays and generally

1 how they're formed. I'll circulate that tomorrow

2 to the board as well.

3 MR. HOLAHAN: Okay. Thank you.

4 Let's go on to old business.

5 Proposed zoning ordinance on -- related to signage.

6 Anybody have anything? Hearing
7 none.

8 MS. HAASE: No. I believe that
9 the last discussion we had pertaining to this is
10 that we were going to be working with the overlay
11 committee and that we certainly can use suggestions
12 for signage throughout the township.

13 MR. HOLAHAN: Perfect. How
14 about the --

15 MS. LAMBERTON: We'll be
16 looking at that item for a while.

17 MR. HOLAHAN: -- potential sale
18 of the wastewater treatment plant?

19 MR. ARMSTRONG: Yeah. If you
20 recall, you were working on an asset purchase
21 agreement with Aqua and we've run into a couple
22 hiccups. One is -- shortly after your last
23 meeting, I brought you up to speed on it -- I
24 received an email and then a telephone call from
25 Aqua's representative indicating that they were

1 running into some obstacles with respect to, what
2 they consider the main source program, meaning we'd
3 sell them our system and then proceed with the
4 extension of the line on their dime. We'd be
5 responsible for a mandatory connection ordinance,
6 but the actual extension and the costs that are
7 associates with it would be not on Tobyhanna
8 Township.

9 Since between that meeting and
10 this meeting, I got a follow-up correspondence and
11 telephone call indicating that they were running
12 into some obstacles and they were going back to
13 saying if we wanted that line extended, we needed
14 to do the public/private cooperation, wherein,
15 Tobyhanna Township would be really moving forward
16 with the extension of the line. Their main concern
17 at this point -- well, let me continue. And just
18 last week I got another correspondence indicating
19 that they had another meeting and now they're going
20 back to okay, we can do the main source program.
21 However, they're concerned with -- and there's a
22 couple of catches with respect to this.

They're concerned with the

24 mandatory connection and the amount of actual
25 likely end users along this line. You know, a

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1 number of these -- my understanding is the vast
2 majority of these properties are residential in
3 nature and, you know, requiring a mandatory hookup
4 connection, Aqua, rightly so, is concerned with the
5 success rate they have with the mandatory
6 connections.

7 So they're working on the, I
8 guess, finalizing the details of this potential --
9 and they keep referring to it as this main source
10 program because they have to amend their tariff to
11 be able to do this. It's something that they do
12 with their water end of their business and this is
13 something new for their sewer. So they actually
14 have to amend their tariff. But that's really the
15 hold up right now, they're concerned with the end
16 user amount that this extension is going to bring.

17 And to be quite honest, I don't
18 know the numbers. I know there's a handful of
19 commercial users that have probably been asking for

17 feel it's adequate?

18 MR. ARMSTRONG: In a nutshell,
19 yes.

20 MR. HOLAHAN: We can't promise
21 the expansion that we figured that the businesses
22 along the way will do also. I know once we run
23 sewer line down 940, that will make some other
24 properties --

25 MS. LAMBERTON: Absolutely.

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1 MR. HOLAHAN: Right? There's no
2 guarantee to that yet, so we have to kind of sell
3 them on the -- they're doing their pro forma and
4 the numbers just aren't working.

5 MS. HAASE: Would the board
6 feel that perhaps if we had another town hall
7 meeting and advertise it and get the suggestions
8 from the residents that would be on those lines,
9 what their feeling is towards the connection?

10 MS. LAMBERTON: I'm not opposed
11 to that at all.

12 MS. HAASE: Do you think that

13 that would be beneficial to help your decision?

14 MS. PICKARD: I do.

15 MR. HOLAHAN: Yes.

16 MR. ARMSTRONG: Can I ask the
17 board, if you recall, when this first came up, we
18 were going to move forward with the asset purchase
19 agreement without this sewer line extension in it.
20 My understanding is, you were approached by a
21 couple of the property owners in this area and then
22 when we went back to Aqua and wanted to insert this
23 into the asset purchase agreement, which has kind
24 of held up the agreement, is it still the board's
25 intent and position that you don't want to move

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1 forward with the asset purchase until we have this
2 extension issue resolved?

3 MS. LAMBERTON: The reason I
4 brought it up, I'd like to protect those property
5 owners that were part of the original 537 Plan
6 because they've been promised sewer for 20 some
7 years and they still don't have it.

8 MR. ARMSTRONG: I just want to
9 make that clear for me.

10 MS. LAMBERTON: That's just my
11 opinion.

12 MR. KERRICK: I agree.

13 MR. ARMSTRONG: I'm not moving
14 forward if we don't resolve this.

15 MS. LAMBERTON: I don't think
16 it's fair to those people --

17 MR. KERRICK: Some of the
18 business people approached us for years that have
19 issues and --

20 MR. McHALE: Would it be
21 possible also to entertain the idea of, in
22 somebody's commercial pockets, to maybe expand the
23 zoning a little and convert from residential to
24 commercial?

25 MR. HOLAHAN: Yes, that's a

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1 thought.

2 MS. LAMBERTON: Well, then
3 you're -- you have to be careful that you don't
4 have that --

5 MR. McHALE: I mean, adjoining

6 properties, you wouldn't be spot zoning --

7 MS. LAMBERTON: -- straw going
8 through, but I do -- I do respect what you're
9 saying, Bob.

10 MR. McHALE: I mean, you just
11 might be able to create some larger commercial
12 tracts.

13 MS. LAMBERTON: Parcels.

14 MR. KERRICK: Well, we did that
15 kind of with the --

16 MS. PICKARD: Land use.

17 MR. KERRICK: -- land use map
18 when we went through there.

19 MR. McHALE: Correct.

20 MR. KERRICK: We did go --

21 MR. McHALE: So it would be
22 something similar to that --

23 MR. KERRICK: Similar to that.

24 MR. McHALE: -- or even modify
25 that somewhat, but I mean --

1 MS. LAMBERTON: Can you color
2 code a map for us and email it to us and show us

3 something?

4 MS. PICKARD: We already have
5 it, I think.

6 John, didn't we do most of it?

7 MR. KERRICK: We have that.

8 MR. McHALE: We have what we
9 talked about as far as the land use --

10 MS. LAMBERTON: Can we share
11 that with Aqua?

12 MR. McHALE: -- proposal.

13 MS. HAASE: Well, the board --

14 MS. LAMBERTON: And say that --

15 MS. HAASE: The board would --
16 it would have to be official, you'd have to change
17 the zoning.

18 MS. LAMBERTON: I'm saying we
19 could show them here's potential commercial that we
20 could rezone.

21 MS. PICKARD: I just don't think
22 there's a whole lot --

23 MR. McHALE: The town hall
24 meeting might be a good springboard to obtain
25 information to -- from the residents that might

1 have adjoining lots to say hey, yes, I wouldn't
2 mind converting to commercial or something to
3 benefit them.

4 MS. LAMBERTON: Yeah, I'm not
5 opposed to a town hall meeting.

6 MR. McHALE: I mean, I don't
7 want to open a can of worms, but I'm just saying it
8 just might be an idea to entertain.

9 MS. LAMBERTON: No, I like that
10 idea.

11 MS. PICKARD: But I don't think
12 there was a lot of potential, other than what we
13 had listed on there, because you have all those
14 residential developments that line there or just
15 like Robyn's Lane behind the other. I don't think
16 you can -- a lot of that's already built.

17 MR. McHALE: It's a long
18 corridor, so I'd have to --

19 MS. PICKARD: That's a long,
20 narrow --

21 MR. McHALE: -- we'd have to go
22 back and look at that whole --

23 THE REPORTER: Can everyone just

24 talk one at a time?

25 MS. HAASE: We think you're

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1 really good that you can keep up with us.

2 If a town hall meeting would
3 help the board kind of make a decision, perhaps I
4 could submit dates maybe for the end of January to
5 give everybody time to go through the holidays and
6 we could advertise and kind of --

7 MS. LAMBERTON: I'd also like
8 those folks to have awareness, you know?

9 MS. PICKARD: Well, I think so.
10 I think it's going to go both ways though, I think
11 there's going to be some homeowners with working
12 septic systems that aren't going to be interested
13 in paying money to hook up.

14 MS. LAMBERTON: And I don't deny
15 that, but I'm just saying, you know, they also --

16 MS. PICKARD: But I don't how
17 many of them are --

18 MS. LAMBERTON: I mean, they've
19 all been here this long. I just don't want to see
20 -- if we have an opportunity to protect those

21 people while we still own it, I would like to have
22 that opportunity given to them, that's all I'm
23 saying.

24 MR. HOLAHAN: It sounds like
25 setting that up. We don't want to deal with

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1 conjecture here, but let's find out what's going
2 on.

3 MS. PICKARD: Yeah, exactly.

4 MS. HAASE: So I'll circulate
5 some dates to the board, you can decide on the date
6 that you like and then we could send a mailing out.

7 MS. PICKARD: Can we send a
8 mailing to the people that would be in that
9 corridor?

10 MS. HAASE: I think that that
11 probably would be -- I think that would be the
12 easiest because there may be individuals that don't
13 reside here on a permanent basis and if I just put
14 it in the journal, they may not be aware of it.

15 MS. LAMBERTON: Yeah, that
16 sounds very --

17 MR. HOLAHAN: And if nothing
18 else, if they couldn't -- if they couldn't attend,
19 they could at least send us something.
20 MS. PICKARD: Yeah.
21 MR. HOLAHAN: Okay.
22 MS. LAMBERTON: Friendly email.
23 MS. HAASE: So if I'm hearing
24 you correctly then also put a survey in that
25 mailer, is that --

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1 MR. HOLAHAN: That could work,
2 yeah.
3 MS. HAASE: Is that what you're
4 asking for?
5 MR. HOLAHAN: Let's make it
6 simple couple questions, five questions.
7 Let's move on to LERTA. Are we
8 going to tie that in somewhat with the overlay at
9 this point, do you think?
10 MS. PICKARD: Yeah.
11 MR. HOLAHAN: Cool. We're on
12 to new business. I've got some real exciting
13 stuff. I think first with new business Patrick's

14 son wants a puppy for Christmas.
15 MS. PICKARD: I'll make that
16 motion.
17 MR. HOLAHAN: I've got a
18 motion.
19 Do I have a second?
20 MS. LAMBERTON: Absolutely not.
21 MR. HOLAHAN: Got a motion and
22 a second.
23 MS. HAASE: Do we get to name
24 the puppy? That's the discussion.
25 MS. LAMBERTON: Toby.

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1 MS. HAASE: Toby, there you go.
2 MR. HARRY FORBES: Saint
3 Bernard --
4 MR. ARMSTRONG: No.
5 MR. HARRY FORBES: -- or a
6 Great Dane?
7 MS. PICKARD: Perfect.
8 MR. ARMSTRONG: He's always
9 asking for it.

10 MR. HOLAHAN: New business.
11 Consider Resolution 2015 dash
12 025, price adjustment for bituminous materials for
13 small quantities.
14 MS. PICKARD: I'll make that
15 motion to approve Resolution 2015 dash 025.
16 MR. HOLAHAN: I have a motion.
17 Do I have a second?
18 MR. KERRICK: Second.
19 MR. HOLAHAN: Got a motion and
20 second.
21 Further discussion from the
22 board?
23 Anything from the public?
24 Hearing none. Call the vote.
25 John?

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1 MR. KERRICK: In favor.
2 MR. HOLAHAN: Heidi?
3 MS. PICKARD: 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 Consider the 2016 material bids.

10 MS. HAASE: Yes, sir. Mr.
11 McHale provided a spreadsheet and there was a lot
12 of information on it, but the writing was rather
13 small. So I did write on it to try to help. We
14 had -- three proposals submitted to us was Hanson,
15 Locust Ridge Quarry and Eureka. And when the
16 distance to source was taken into consideration,
17 Locust Ridge Quarry had the lowest dollar amount.

18 MR. HOLAHAN: Okay. So do I
19 have a motion to --

20 MS. LAMBERTON: Motion to
21 approve Locust Ridge material bid for 2016.

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

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

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1 Further discussion from the
2 board?

3 Anything from the public?
4 Hearing none. 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'll vote in
11 favor.
12 MR. HOLAHAN: I vote in favor.
13 Motion carries.
14 Looks like we've got the --
15 consider the 2016 equipment rental bids.
16 MS. HAASE: Yes, sir. We
17 received one proposal that was for Papillion and
18 Moyer. All the documentation was submitted that
19 was required.
20 MR. HOLAHAN: Okay. So that
21 makes this a little bit easier.
22 MS. PICKARD: I make a motion
23 that we approve the equipment rental bid for 2016
24 for Papillion and Moyer.
25 MR. HOLAHAN: I have a motion.

1 Do I have a second?

2 I'll second. Got a motion and
3 second.

4 Further discussion from the
5 board?

6 MR. KERRICK: Is that on our
7 portal, am I not seeing it?

8 MS. HAASE: The rental bid?

9 MR. KERRICK: Yeah.

10 MS. HAASE: It was not on the
11 portal. That was the only one we received.

12 MR. KERRICK: Oh. I apologize.

13 MS. HAASE: But the material
14 bid is on there.

15 MR. KERRICK: I saw that one,
16 kind of small, but I saw it.

17 MS. HAASE: That's why I wrote
18 on it, I thought that would help.

19 MR. HOLAHAN: Further discussion
20 from the board?

21 Anything from the public?

22 Hearing none. Call the vote.

23 John?

24 MR. KERRICK: I'll abstain.

25

MR. HOLAHAN: Heidi?

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MS. PICKARD: I vote in favor.

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MR. HOLAHAN: Anne?

3

MS. LAMBERTON: I'll abstain.

4

MR. HOLAHAN: And I vote in

5

favor.

6

MR. ARMSTRONG: The board knows

7

the drill on this one. You have two individuals on

8

the board, two supervisors, that have abstained due

9

to conflict; and therefore you're not able to get a

10

quorum with respect to your motion this evening.

11

So if the two individuals that have abstained due

12

to their conflicts wish to disclose what the

13

conflict is and then vote on another motion

14

approving the award of the bid, you may do so,

15

pursuant the code.

16

MR. HOLAHAN: Do we need to

17

start with the motion first or get the disclosures?

18

MR. ARMSTRONG: Do a motion and

19

then the disclosure.

20

MR. HOLAHAN: So do I have a

21 motion to accept the equipment bid for 2016?
22 MS. PICKARD: Again?
23 MR. HOLAHAN: Yeah, again. And
24 -- and --
25 MS. PICKARD: I'll make a

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1 motion to approve Papillion and Moyer.
2 MR. HOLAHAN: And I second.
3 Further discussion?
4 MR. KERRICK: I want to
5 disclose that I have a business relationship with
6 Papillion and Moyer.
7 MR. HOLAHAN: Okay.
8 MS. LAMBERTON: At this time
9 anyone that does not know that I work for Papillion
10 and Moyer, I am disclosing that I am an employee
11 for Papillion and Moyer.
12 MR. HOLAHAN: Okay. So noted.
13 Further discussion from the
14 board?
15 Anything 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. LAMBERTON: I vote in favor.
22 MR. HOLAHAN: Anne?
23 MS. LAMBERTON: I'll vote in
24 favor.
25 MR. HOLAHAN: I vote in favor.

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1 Motion carries.
2 MS. LAMBERTON: I still don't
3 know how that's right.
4 MR. HOLAHAN: Okay. Kalahari
5 sewer draw.
6 MS. HAASE: We received a
7 request from Kalahari for a reduction of their
8 sewer punch list in the amount of \$535 -- I'm
9 sorry, \$535,425. T&M has reviewed and concurred
10 the money, recommending the money to be released.
11 MS. PICKARD: I'll make a
12 motion that we approve the draw of 535,47(sic)5 as
13 approved by T&M.

14 MR. HOLAHAN: Got a motion.
15 Do I have a second?
16 MR. KERRICK: I'll second.
17 MR. HOLAHAN: Got a motion and a
18 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 MR. KERRICK: In favor.

90

1 MR. HOLAHAN: Heidi?
2 MS. PICKARD: I vote in favor.
3 MR. HOLAHAN: Anne?
4 MS. LAMBERTON: I'll abstain.
5 MR. HOLAHAN: I vote in favor.
6 Motion carries.
7 Consider Kalahari Resorts letter
8 of credit reduction, Category 1 improvements. The
9 request is for \$20,515.23.
10 MS. HAASE: Mr. McHale has

11 reviewed the request and has approved --
12 recommending approving the release of \$20,515.23.
13 MR. KERRICK: I'll make that
14 motion.
15 MR. HOLAHAN: I have a motion.
16 MS. PICKARD: Second.
17 MR. HOLAHAN: And I have a
18 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?

91

1 MS. PICKARD: I vote in favor.
2 MR. HOLAHAN: Anne?
3 MS. LAMBERTON: I'll abstain.
4 MR. HOLAHAN: I vote in favor.
5 Motion carries.
6 Thornhurst Ambulance, request

7 for redesignation.

8 MS. HAASE: Is there anyone
9 from Thornhurst attending?

10 Mr. Chairman, this was actually
11 requested to be on the agenda last month and they
12 asked the board to table it because they could not
13 attend and we don't have representation this
14 evening. What their request was to have the board
15 consider going back to having previously
16 designation of BLS calls in the Arrowhead area. I
17 don't know if the board would like to entertain
18 this without them here or table it to the next
19 month.

20 MS. PICKARD: I'd just like to
21 make a comment -- and Denise is here too -- that we
22 have seen an improvement with Thornhurst and we
23 haven't had the problems that we were experiencing
24 previously. And conditionally upon that being
25 maintained, I have no objection to that. It always

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1 helps our area to have more service and that frees
2 us up to be here.

3 MS. LAMBERTON: Make the

4 motion.

5 MS. PICKARD: So I would make
6 that motion contingent upon them maintaining their
7 level of service. And the only other question that
8 would predicate this is -- John had brought up
9 before, is with the bridge going in at Thornhurst,
10 where that puts us for -- we'd still be doing BLS
11 on this half, so I'm not really quite certain about
12 that.

13 MS. HAASE: So actually we had
14 that meeting, actually Denise, Ed, John and myself
15 this summer, and that was already worked through.

16 Ed, or Denise, do you want to
17 speak to that?

18 MR. ED TUTRONE: Basically we
19 had -- we had worked it out for fire and EMS, and
20 they were going to cover everything BLS in there
21 while the bridge was being done, with Pocono
22 Mountain Regional coming in as the ALS provider,
23 unless they go down the back gate and down, they
24 were going to call a provider ALS out of
25 Wilkes-Barre or wherever they were headed.

1 MS. HAASE: I want to say we
2 met maybe May or June because we anticipated the
3 work to begin in 2015, but now it's been moved to
4 2016.

5 MR. KERRICK: Are they paying
6 someone to --

7 MS. PICKARD: Well --

8 MR. KERRICK: I'm sorry, Heidi,
9 were you talking?

10 MS. PICKARD: No. Well, I was
11 just -- go ahead.

12 MR. KERRICK: That's twice, you
13 go first.

14 MS. PICKARD: I'm just saying,
15 it doesn't say where it is, so that would just be
16 my only question, what the parameters are in that
17 Arrowhead area.

18 MS. HAASE: In the --

19 MS. DENISE DOREMUS: We've been
20 through this, so --

21 MS. HAASE: Yes. When the
22 repair to the bridge is occurring, is that --

23 MS. LAMBERTON: No, I think she
24 means the area --

25

MS. PICKARD: Overall.

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1

MS. HAASE: Oh, overall.

2

MS. DENISE DOREMUS: For

3

Tobyhanna Township, it's to all of Tobyhanna

4

Township, whatever is in there. They already cover

5

first do Coolbaugh Township. Is that what you're

6

talking about?

7

MS. PICKARD: We're not saying

8

they're gonna do first do in Pocono Summit or Lake

9

Naomi.

10

MS. DENISE DOREMUS: No. No,

11

no, no.

12

MS. HAASE: In Arrow --

13

MS. PICKARD: So we're just

14

saying --

15

MS. DENISE DOREMUS: Adding

16

Arrowhead Lakes.

17

MS. PICKARD: -- in Arrowhead

18

Lakes.

19

MS. HAASE: Yes.

20

MS. PICKARD: So that would be

21

my motion, that we designate Thornhurst as first do

22 for basic life support in Arrowhead Lakes.

23 MR. HOLAHAN: Okay. I have a
24 motion.

25 Do I have a second?

95

1 MS. LAMBERTON: I'll second.

2 MR. HOLAHAN: Got a motion and
3 a second.

4 Further discussion from the
5 board?

6 MS. LAMBERTON: Yeah.

7 Just, Doreen (sic), you feel
8 comfortable with it as being --

9 MS. DENISE DOREMUS: Actually
10 I've looked over their times and I have been -- you
11 know, have for the last few months and their actual
12 -- their times are not bad.

13 MR. HOLAHAN: Further
14 discussion?

15 MS. LAMBERTON: So it's improved
16 and --

17 MS. DENISE DOREMUS: Yes.

18 MS. PICKARD: Yes.
19 MR. HOLAHAN: Hearing none.
20 I'll call the vote.
21 John?
22 MR. KERRICK: In favor.
23 MR. HOLAHAN: Heidi?
24 MS. PICKARD: In favor.
25 MR. HOLAHAN: Anne?

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1 MS. LAMBERTON: I'll vote in
2 favor.
3 MR. HOLAHAN: I vote in favor.
4 Motion carries.
5 Let's consider Resolution 2015
6 dash 026, budget reappropriations and
7 appropriations.
8 MR. KERRICK: So moved.
9 MR. HOLAHAN: Got a motion.
10 Do I have a second?
11 MS. LAMBERTON: I'll second.
12 MR. HOLAHAN: Got a motion and
13 second.
14 Further discussion from the

15 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: 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 Consider Resolution 2015 dash

3 027, adopting the 2016 budget.

4 MS. HAASE: I would like to

5 just mention that this year we've made more

6 improvements to the township, making this even a

7 better place to reside in. And from the assistance

8 with the staff and the wisdom of the board of

9 supervisors, we are able to move forward with not

10 increasing taxes again for 2016.

11 MR. HOLAHAN: Great.
12 MS. PICKARD: Here, here.
13 I'll make a motion that we
14 approve Resolution 2015 dash 027 to adopt the 2016
15 budget.
16 MR. HOLAHAN: I have a motion.
17 Do I have a second?
18 MR. KERRICK: I'll second it.
19 MR. HOLAHAN: I have a motion
20 and a second.
21 Further discussion from the
22 board?
23 Anything from the public?
24 Hearing none. Call the vote.
25 MS. LAMBERTON: I do. I'm

98

1 sorry, just one question. So the police not having
2 a budget, you think our police allocation is going
3 to be adequate, that we're okay --
4 MS. HAASE: Yes, ma'am.
5 MS. LAMBERTON: -- to pass this
6 budget? That's my only question.
7 MS. HAASE: When we initially

8 had our budget meeting, if you recall, I mentioned
9 that it may increase by 10,000. I do not feel that
10 that's going to happen now.

11 MR. HOLAHAN: Further
12 discussion?

13 Call the vote. 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 favor.

19 MR. HOLAHAN: I vote in favor.

20 Motion carries.

21 All right. Go to Neighborhood
22 Improvement District Authority reappointments.

23 MS. LAMBERTON: Just reappoint
24 as current?

25 MR. HOLAHAN: I think we only

1 had one that was expiring, that was Mr. Kerrick?

2 MS. HAASE: Actually for the

3 NID it would be Mr. Pine and our chairman, Mr. John

4 Holahan.

5 MS. PICKARD: I'll make a motion
6 that reappoint Steve Pine and John Holahan.

7 MR. KERRICK: Second.

8 MR. HOLAHAN: I have a motion
9 and 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: Oh, I vote in
21 favor.

22 MS. HAASE: Just to be clear
23 that is for a five-year term.

24 MR. HOLAHAN: I vote in favor,
25 although I shouldn't.

1 Then we're going on to the
2 Municipal Sewer Authority reappointment.

3 MS. PICKARD: I make a motion
4 that we reappoint John E. Kerrick to the Municipal
5 Sewer Authority.

6 MS. LAMBERTON: Second.

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

9 Further discussion from the
10 board?

11 Anything from the public?
12 Hearing none. Call the vote.
13 John?

14 MR. KERRICK: I'll abstain.

15 MR. HOLAHAN: Yeah.

16 Heidi?

17 MS. PICKARD: 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. HAASE: Again, that would
24 be a five-year term.

25 MR. HOLAHAN: Five-year

1 sentence.

2 Consider appointing two township
3 auditors.

4 MS. HAASE: Yes, sir. We had
5 three positions, seats that were open this year.
6 One was filled by the residents, would be Mr. Troy
7 Counterman and he has been seated for a six-year
8 term. We have two vacant seats. We have received
9 two letters of interest from Kathleen Benner and
10 the other resident would be Diane Lake.

11 MR. HOLAHAN: So we have Mr.
12 Counterman, so we need to approve the -- Ms. Lake
13 and Ms. Benner.

14 MS. LAMBERTON: I'll make a
15 motion to appoint Diane Lake -- or they have the
16 same year terms or do I have to worry about that?

17 MS. HAASE: Question, Pat, that
18 would be just for this year or would be until the
19 next election?

20 MR. ARMSTRONG: These are
21 elected auditors?

22 MS. HAASE: These would be
23 elected positions.

24 MR. ARMSTRONG: It would be
25 until the next municipal election because we're

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1 already in December.

2 MS. LAMBERTON: 2016.

3 MR. ARMSTRONG: If it would've
4 been a certain period of time before the municipal
5 election this year, but it's not. You're in
6 December, it'll be until the next municipal
7 election.

8 MR. KERRICK: Second the
9 motion.

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

12 Further discussion from the
13 board?

14 Anything from the public?

15 MR. TROY COUNTERMAN: Troy
16 Counterman. I believe those elections were a six,
17 four and a one, on the terms, so --

18 MS. LAMBERTON: Yeah, but we're

19 doing appointments so I think --

20 MS. PICKARD: We can only
21 appoint for one.

22 MS. LAMBERTON: -- am I
23 understanding that?

24 MR. ARMSTRONG: When you're
25 elected, that comes into play. When you're

103

1 appointed -- the auditors must've resigned for some
2 reason or another, but when you're appointed, it's
3 until the next municipal election.

4 MS. LAMBERTON: Just keep them
5 with you for the next like six years and we'll be
6 good to go.

7 MS. PICKARD: Well, Troy's in
8 for six years, so --

9 MR. TROY COUNTERMAN: We'll
10 try.

11 MR. HOLAHAN: Any further
12 discussion?

13 Hearing none. Call the vote.
14 John?

15 MR. KERRICK: In favor.
16 MR. HOLAHAN: Heidi?
17 MS. PICKARD: I'll abstain.
18 MR. HOLAHAN: Anne?
19 MS. LAMBERTON: I'll vote in
20 favor.
21 MR. HOLAHAN: And I vote in
22 favor. Motion carries.
23 MS. LAMBERTON: I would also
24 make a motion to appoint Kathleen Benner for the
25 2016 township auditor position.

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1 MR. HOLAHAN: I have a motion.
2 Do I have a second?
3 MR. KERRICK: Second.
4 MR. HOLAHAN: I have a motion
5 and a second.
6 Further discussion from the
7 board?
8 Anything from the public?
9 Hearing none. Call the vote.
10 John?
11 MR. KERRICK: In favor.

12 MR. HOLAHAN: Heidi?
13 MS. PICKARD: I'll abstain.
14 MR. HOLAHAN: Anne?
15 MS. LAMBERTON: I vote in
16 favor.
17 MR. HOLAHAN: And I vote in
18 favor. Motion carries.
19 Next, let's consider approving
20 the Pocono Summit Volunteer Fire Company fire
21 police.
22 MS. HAASE: Would you like me
23 to read the names?
24 MS. LAMBERTON: Sure.
25 MS. HAASE: The individuals

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1 that were sworn in: George Tallmadge,
2 T-a-l-l-m-a-d-g-e; Bob Napoli, N-a-p-o-l-i; Alvin
3 Rich; Lizette Santos; Carol Feller; Jessica
4 Wallace; Pat Timothy; Grace Durso, D-u-r-s-o;
5 Theresa Siple, S-i-p-l-e-y; John Siple; Michelle
6 Gonzalez; and George Haab, H-a-a-b.
7 MS. LAMBERTON: I'll make the

8 motion approving the Pocono Summit Volunteer Fire
9 Company 2016 fire police.

10 MS. PICKARD: I just had a
11 question, that they're all credentialed and they're
12 all up to --

13 MS. HAASE: Yes, we have them.

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

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

18 Further discussion from the
19 board? I do.

20 They say there's a few more once
21 the basic fire police class has been completed.

22 MS. PICKARD: Okay.

23 MR. HOLAHAN: So do we need to
24 have them come before us?

25 MS. HAASE: Yes, sir. They'll

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1 have to send their credentials to me and then the
2 names and then I'll put that back on the agenda for
3 the board's consideration.

4 MR. HOLAHAN: Further

5 discussion?

6 Anything from the public?

7 Hearing none. 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: And I vote in

16 favor. Motion carries.

17 Ooh, we're down to the exciting

18 part. Do we have any reports from the supervisors?

19 Anybody have anything they want to -- like Merry

20 Christmas or something?

21 MS. PICKARD: Merry Christmas

22 and Happy Holidays.

23 MR. KERRICK: Hope your son

24 gets his puppy, Pat, and I do mean that.

25 MS. LAMBERTON: I'd like to

1 commend the fire department for a wonderful 85 year
2 celebration. That was well done, the video was --
3 showed everybody's age.

4 MR. HOLAHAN: That brings me --
5 I don't know if -- did you all take a look at the
6 DPW report too?

7 MS. LAMBERTON: Yes, I did.

8 MR. HOLAHAN: Guys, great job.
9 Very good. And then we got the November vehicle
10 expense report we'll read at our leisure and a
11 maintenance report, same.

12 Anything else from the public?

13 Motion to adjourn?

14 MS. LAMBERTON: So moved.

15 MR. ARMSTRONG: I do have one
16 very brief litigation executive session afterward.

17 MR. HOLAHAN: So I cannot
18 adjourn yet?

19 MR. ARMSTRONG: No, you can
20 adjourn into executive session.

21 MR. HOLAHAN: Okay. Good.

22 MR. ARMSTRONG: It's just an
23 update on a pending case, that's all.

24 MS. LAMBERTON: I'll make a
25 motion.

1 MS. PICKARD: Second.

2 MR. HOLAHAN: Got a motion and

3 second.

4 All in favor, aye?

5 BOARD MEMBERS: Aye.

6 (Meeting concluded at 8:25 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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